

Review of Part 11 of the Standing Orders

MC/24/51

Date of meeting	13-15 April 2024
Contact name and details	David Orford, Complaints and Standards Consultant
Action required	To note
Resolution	51/1. The Council receives the report and commends it to the Conference.

Summary of content

Subject of aims	To update the Council on the work of the Part 11 Review
Main points	<p>The purpose of this report is to inform the Council on the direction of travel in relation to the final report to the Conference.</p> <p>Feedback from the previous Council discussions has been reflected in the report.</p> <p>The report contains enhanced rationale explaining the reasoning for each recommendation.</p> <p>Council members may wish to note new information in relation to what may not be classed as a complaint (Appendix C) and suspension (recommendation 13).</p>
Background context and relevant documents (with function)	<p>Notice of Motion 2019/202</p> <p>MC/23/44 Part 11 Review</p> <p>MC/24/18 Part 11 Review Update and Recommendations</p>
Consultations	<p>The Law and Polity Committee</p> <p>The Complaints and Discipline Subcommittee</p> <p>The Methodist Council, January 2024</p> <p>The Part 11 Review Task Group</p> <p>The Safeguarding Conference</p>

Review of Part 11 of the Standing Orders

MC/24/51

Part 1: The Review

1. Timeline Summary

Over many years the Conference has amended and changed Part 11 (Complaints and Discipline) of Standing Orders better to serve the mission of the Methodist Church.

Those amendments have covered several structural, legal, and cultural areas.

In 2019, the Conference considered and adopted the following motion.

Notice of Motion 2019/202: Reviewing Part 11 of Standing Orders: In the light of the significant changes, both in UK society and for the Methodist Church of Great Britain since our Standing Orders regarding complaints and discipline were drawn up, the Conference directs the Methodist Council to set the terms of reference for and facilitate the work of a thorough review of Part 11 of our Standing Orders.

This review should include and address how processes of Safeguarding, Complaints and Discipline, and Connexional Team Grievances, can best relate to each other.

The Conference seeks a set of processes that are able to be enacted in timescales that are fair for all concerned and that are appropriate to the capacity, resources and size of the Methodist Church of Great Britain as it is today.

The detailed terms of reference for the review are at Appendix A.

In 2020 the Church received comment from the Independent Inquiry into Child Sexual Abuse (IICSA) that highlighted the requirement to examine Church processes in the light of the Inquiry findings.

Progress on the review of Part 11 following the 2019 Conference was slow. The Conference Officer for Legal and Constitutional Practice moved on and her replacement was appointed in the midst of the Covid-19 pandemic. A stakeholder event was held in January 2021, which helped to clarify and provide focus on the specific issues that needed to be addressed. Once these had been identified, the project progressed through work-streams, each of which had the task of looking at a particular aspect of the Review.

A report was drafted by the Interim General Counsel in October 2021 detailing the work undertaken by the workstreams and offering suggestions for improvements to the Part 11 process. The report highlighted some notable positives.

The report noted firstly that progress in improving the process has already been made. The *Place for Hope* mediation pilot had aided early resolution of complaints at local level before they escalate disproportionately and there had been improved communication and co-ordination between those handling safeguarding matters and those handling complaints and discipline matters.

The report also argued that the process largely works well but needed refinement.

Opinions were divided between those who considered that Part 11 should simply be replaced, and those who thought that Part 11 worked quite well in practice but needed some refinement. The report concluded that the current Part 11 process should be retained but made to work better.

The report outlined a number of areas to which attention needed to be given if the processes were to work better including.

- The need for a clear distinction between what is a “complaint” and what might be classed as a “grievance”, and for clarification of the different processes for dealing with them.
- The need for the early (or earlier) resolution of complaints and for an initial ‘triage system’ to assess each complaint and how best it can be resolved (e.g. be referring to mediation or local reconciliation rather than initiating the formal complaints process), with the aim of avoiding unnecessary escalation,

- The need to review roles (eg, the appropriateness of the Local Complaints Officer (LCO) role being held by Circuit Superintendents and District Chairs)
- The possibility of ways to streamline the current process to reduce delays and perceived complexity (eg by reducing the number of levels within the disciplinary process and/or fast tracking some cases straight to the disciplinary stage).
- The need to consider IICSA's recommendations, particularly the desire for transparency in the investigation of complaints.
- The possibility of entering into agreements with other denominations to determine each other's complaints or establishing an "Ecumenical Ombudsman" to maintain impartiality and objectivity when assessing complaints.
- The need to review the types of sanction that can be imposed and how they can be enforced.
- The need to review the terminology used in the process (which is perceived to be legalistic and not user-friendly).
- The need for detailed work to align the Part 11 process with the Church's Justice, Dignity and Solidarity (JDS) strategy as it was adopted at the 2021 Conference.
- The importance of ensuring care for survivors of abuse.
- The need for regular, obligatory training for all involved in managing the process.
- Noting that the current process relies heavily on volunteers (and recognising delays caused by volunteers' lack of availability), the need to review the resources available to manage the process.
- The need to consider enabling complaints panels to meet online rather than in person by default (as meetings can be convened more quickly if held online) and consider other ways in which technology can be used to support the overall process, integrating practices that were adopted out of necessity during lockdown.

In 2021 the Conference also adopted the Strategy for Justice, Dignity, and Solidarity which further impacted on the review of the Complaints and Discipline processes.

Further hiatus was caused by the Covid 19 pandemic, and consideration of the final IICSA report which was not published until 2022.

The 2022 Conference adopted the Commitments and Expectations under the Covenant Relationship between the Church and its Ministers. The language of "expectation" carries with it the possibility of implications for the Church's disciplinary processes if and when it is alleged that those expectations have not been met and raises the question of how, therefore, the Commitments and Expectations should be treated under Part 11.

At its meeting in April 2023, the Council received paper MC/23/44 relating to the review of the Church's complaints and discipline process and passed the following resolutions:

44/2 The Council directs that an interim report is made to the 2023 Conference, and that a final report is made to the 2024 Conference.

44/3. The Council directs the Secretary of the Conference to appoint a Task Group to assist the external consultant and to recommend the final report to the Conference, comprised as follows.

- *The Conference Officer for Legal and Constitutional Practice, or their representative.*
- *Up to two representatives of the Law and Polity Committee and/or the Complaints and Discipline Sub-Committee.*
- *A representative of the Justice, Dignity and Solidarity Committee.*
- *A presbyter or deacon with appropriate pastoral experience.*
- *A representative of the Safeguarding Committee.*
- *Up to two other persons with, relevant expertise.*

An interim report was made to the 2023 Conference, at Section H of the Council's report.

After the Conference an open recruitment process was held to find a consultant to take forward the final stages of the Review. More than 20 applications were received from which five candidates were interviewed. The role was offered to, and accepted by, Mr David Orford in late August 2023.

Mr Orford (the consultant) is an ex-senior police officer with many years' experience of complaints and discipline processes in many organisations. He is now a private consultant working in the UK and abroad.

2. Consultation Methodology

The timescales for the consultation and Task Group phase prior to this paper for Conference were as follows.

- August 2023
 - Consultant appointed.
- September 2023
 - Document review of work conducted to date and benchmarking exercise with comparable organisations.
- October 2023
 - Interviews with key stakeholders and groups within the Methodist Church.
 - Analysis of research.
 - Production of initial draft recommendations.
- November 2023
 - First task group meeting to consider draft recommendations.
 - Further interviews with internal and external stakeholders.
- December 2023
 - Review and analysis of task group feedback and actions.
 - Process mapping and flowchart production.
 - Drafting of Methodist Council report.
- January 2024
 - Second task group meeting. Confirmation of further recommendations to the Council.
 - Methodist Council meeting and consideration of recommendations.
- February 2024
 - Review and analysis of feedback from the Council and requested actions.
 - Further meetings and evidence gathering with internal and external stakeholders.
- March 2024
 - Third task group meeting and approval of final recommendations to Conference.
 - Draft Conference report for consideration by the Council.

3. Benchmarking Results

The work undertaken to date by many in the Church provided an excellent foundation for this initial phase of the Part 11 review. Those findings have been summarised earlier and are available in previous reports.

The consultant further examined the Complaints and Discipline processes within the following organisations using publicly available information, and some limited interviews.

- The Church of England
- The Catholic Church
- The Baptist Church
- The United Reformed Church
- The Board of Deputies of British Jews
- The Muslim Council of Britain
- The Salvation Army

Benchmarking was carried out to a foundation level examining common building blocks for an effective complaints and discipline process.

- Access to information
- Complaint reporting pathways
- Support to complainants
- Whistleblowing
- Anonymous and third party reporting
- Appeal pathways
- Process transparency

As only publicly available information was accessible, the consultant was not able to benchmark against the following areas

- Recording practices
- Resolution approaches
- Investigation methods
- Appeal processes
- Oversight and scrutiny governance

However, it was possible to deduce certain information from published documents such as hearing transcripts, or media reporting. This information was considered as part of the workstream.

Overall, no organisation was found to have a fully comprehensive, open and transparent suite of complaint policies and procedures.

In general safeguarding complaint processes were much easier to find in comparison to complaints relating to the conduct of an individual. In some organisations safeguarding complaints were the only obvious complaint route.

Some organisations restricted the complaint process to complaints only made against persons in more prominent positions, combined with a significantly reduced pathways for other complaints.

A number of organisations had limited appeal pathways, with no national oversight and scrutiny.

Very few organisations appeared to provide a pathway for the reporting of anonymous information, or third-party reporting. Most, however, did have whistleblowing policies.

No organisation was found to have a comprehensive approach which could be used as a complete benchmark for excellence.

As such, the current policies and procedures of the Methodist Church were not found by the Consultant to be disproportionate in relation to comparable organisations. In fact, in many areas the Consultant found the Methodist Church was seen to be setting an excellent example, although often at the expense of timeliness or proportionality.

4. Task Group Findings

The Task Group held its first meeting on 3 November 2023 and discussed a report from the Consultant which identified potential improvements in the following areas:

- Initial contact and recording of complaints.
- Confidential/Anonymous/Third party reporting
- Resolution approaches
- Investigations
- Case management
- Information sharing
- Management of risk, including complaint triaging, and assurance
- Records management, and monitoring
- Awareness, training, and professional development

- Governance, oversight, and proportionality

Following the Task Group workshop and further meetings with key stakeholders, the initial recommendations were consolidated within the following areas:

- Policy and Guidance
- Records Management
- Process Improvement
- Governance, management, and oversight
- Safeguarding alignment
- Learning and Development

The Task Group met again on 12 January 2024 to consider the Consultant's updated recommendations, and these were submitted to the Council on 30 January 2024. The Council considered and supported all recommendations in principle and made recommendations to assist with clarification and communication.

The Task Group met again on 18 March 2023.

Following final revisions, this document will be presented to the Conference.

Part 2: Recommendations

1. The future proposed Complaints and Discipline structure

The new proposed structure is intended to achieve the following for the Church:

- Increased focus on early reconciliation and resolution.
- Improved timeliness for dealing with complaints.
- Greater consistency of outcomes across the Connexion.
- Increased visibility and transparency.
- Improved co-ordination with Safeguarding.
- Improved risk management.

A key feature of the Methodist Church's approach to complaints is the desire to see Methodist values at the core of processes. As society has become more adversarial during disputes with organisations, achieving reconciliation in any complaint process has become more challenging. This was recognised by many participants in the review, from all perspectives.

It was an aspiration of previous workstreams to attempt to resolve complaints at an earlier stage in their life cycle.

It is a foundation of the amended structure is to re-invigorate both early resolution and reconciliation for the benefit of all involved in a complaint.

In essence, the current complaints and discipline process works at three tiers:

- (i) resolution of complaints at local level;
- (ii) referral of unresolved complaints to Connexional level;
- (iii) referral of serious complaints to disciplinary charges and hearings

A flow chart of the current process is at Appendix B.

Feedback from many involved in the current processes is that they have areas of overlap that are both formal and informal that can cause confusion.

For example, complainants can be engaging with safeguarding staff who quite rightly have a focus on gathering information to assist with risk assessments, whilst those working within Part 11 are considering reconciliation opportunities.

Equally the Safeguarding Committee has a formal remit to act as a Local Complaints Officers within Part 11 Complaints and Discipline processes.

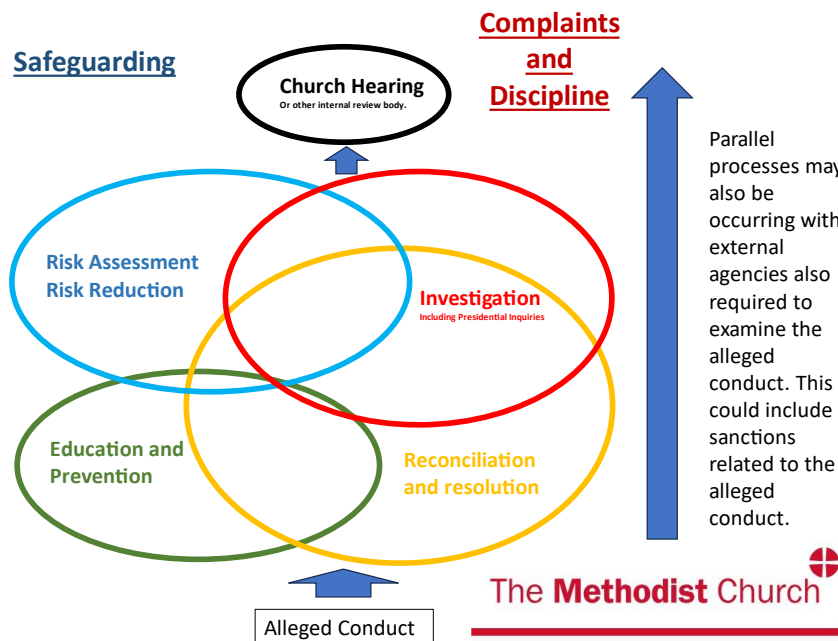
It is not intended that Part 11 will require significant amendments that will alter the tone and tenor of the processes. (This also aligns with previous Conference decisions.)

It is also intended to retain the current three-tier model, but with improved support and resources. This was also a request of the 2019 Conference.

The graphics below illustrates the current processes, and how the amended processes are intended to bring greater clarity and consistency to Part 11 for all those involved.

Current Position

A series of processes with formal and informal overlaps that can lead to challenges for complainants, respondents and staff attempting to navigate to an appropriate outcome.



Parallel processes may also be occurring with external agencies also required to examine the alleged conduct. This could include sanctions related to the alleged conduct.

Future Position

Tier 3 - HEARING

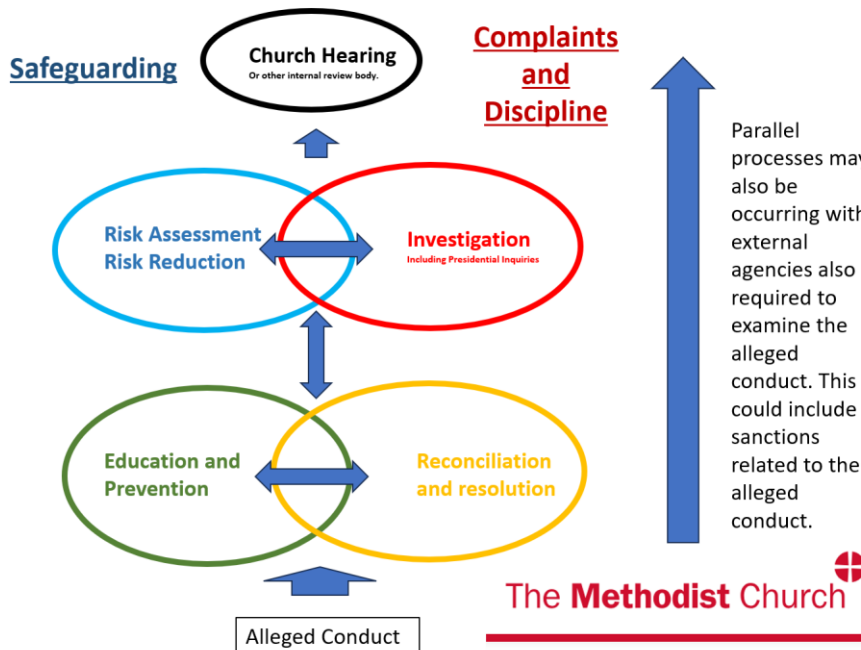
An objective examination and testing of the evidence, with the capability to administer a sanction or outcome related to the alleged conduct if proven to the required standard.

Tier 2 - INVESTIGATION

The collection and assessment of evidence and a recommendation as to further actions required. Such actions may be temporary to ensure an effective and efficient investigation and to protect individuals pending a final recommendation. Formal risk assessments will generally be undertaken at this tier. All information obtained may be used to assist other internal processes. Options at this tier tend to be no further action required, tier 1 resolution, advice, warning, or formal hearing/review.

Tier 1 – EARLY RESOLUTION

The proportionate examination and assessment of alleged conduct and resolution at an early stage including reconciliation where applicable. Limited requirement for investigation and only to the extent required to conduct an initial risk assessment.



Parallel processes may also be occurring with external agencies also required to examine the alleged conduct. This could include sanctions related to the alleged conduct.

The amended structure and processes are intended to adjust the formal and informal overlaps between safeguarding and complaints that currently exist.

Where overlaps are required, they will be formalised, and where they cause confusion, they will be re-configured.

This diagram for the future structure above can be summarised as follows:

- (i) **Tier One:** as currently, the focus is on reconciliation and resolution, involving proportionate examination and assessment of alleged conduct and resolution at an early stage. This will include reconciliation where applicable. There will be little need for any significant investigation at tier one, only to the extent required to conduct an initial risk assessment.

- However, complaints will be handled by Local Resolution Officers, not Local Complaints Officers. The rationale for this is outlined later in this report.
- (ii) **Tier Two:** the focus is on investigation, involving the collection and assessment of evidence relating to a complaint and a recommendation as to further actions required. Such actions may be temporary to ensure an effective and efficient investigation and to protect individuals pending a final recommendation. Formal safeguarding risk assessments will generally be undertaken at tier two. All information obtained as part of a safeguarding investigation may be used to assist a complaint investigation (or other internal process if appropriate) and vice versa. Options at tier two may be:
- no further action required, case closed.
 - refer back to tier one for resolution, reconciliation, or advice.
 - provide feedback, which might be cautionary in nature, to assist with personal reflection, but otherwise no further action required.
 - refer up to tier three for formal hearing/review/panel (as required).
- (iii) **Tier Three:** as currently, this relates to disciplinary charges for serious matters, involving an objective examination and testing of the evidence, with the capability to administer a sanction or outcome related to the alleged conduct if proven to the required standard.

The arrows on the graphic indicate formal information flow and options. For example, it is possible for a complaint to be assessed initially as quite serious, and then following prompt investigation for it to be reviewed and referred for reconciliation.

Currently, it is custom and practice for safeguarding investigations to take primacy and for complaint processes to be suspended until their conclusion. This brings a degree of simplicity to the processes, but can add significant time to achieve a conclusion, including added stress for all those involved.

The graphic illustrates that the new safeguarding and complaints processes can work in parallel and may also be in conjunction with processes outside of the Church, eg, police investigations or local authority interventions.

At times the processes may overlap regarding information sharing, or co-ordination of strategy. To improve alignment with current safeguarding processes full cognisance of the potential outcomes at each stage must be taken, and these discussed within the church within a formal structure.

Whilst improvements have been made in a number of these areas since the workstream commenced in 2019, it is hoped that the recommendations below will add more structure and formalise good practice.

2. Recommendations to the Conference with rationale.

Each recommendation is summarised below, with a rationale explaining the background and reason why the recommendation is being made to Conference.

Some recommendations are seeking definitive guidance, and others may be seeking approval for a principle, or agreement of a direction of travel.

It is also acknowledged that some recommendations may have budgetary implications. These discussions have commenced across the Connexional Team and more information will be available to the Conference.

2a. Policy and Guidance Recommendations

Recommendation One - *The current definition of a “complaint” in Standing Order 1101(i) should be improved. The Law and Polity Committee should be asked to advise on the merits of adding “conduct” (or “behaviour”) to the definition. Part 11 should be amended to clarify what Part 11 may not be used for, or to indicate alternative procedures for certain complaints (See Appendix C).*

The definition of a complaint is the foundation of the Part 11 process. Benchmarking with other organisations showed a number of different approaches. Some organisations define a complaint in a very specific way, often related to a defined code of conduct for members of that organisation.

Others take a wide view of what constitutes a complaint, to ensure that many issues are captured, but then provide clarification as to what is not a complaint.

The Methodist Church takes a different approach with a definition that captures many issues, but with no subsequent clarification as to what is not a complaint.

This creates a risk that the process may not be used for the role it was originally intended for and may also create an unrealistic expectation in the minds of complainants. It also risks complainants utilising multiple processes, with a consequent impact on them, respondents, and the Church.

As the Church does not have a code of conduct that is drafted in way that would be widely recognised as such, the absence of any clarification at this stage of the complaint process is a risk.

The consultant has advised that the initial recommendations were based on an assumption that the definition of a complaint would not be altered as reflected in previous Conference considerations.

However, it is not the case that the recommendations are linked specifically to the requirement to redefine a "complaint".

It would however be advisable for the definition of complaint to be clarified before any recommendations on improvements in information management and record keeping are implemented, as these will use the definition to determine system processes and recording requirements.

Appendix C contains illustrative examples of options to consider in relation as to what the Conference may wish to exclude from the Part 11 process. A definitive list will be presented to the Conference for consideration.

Recommendation Two - *Guidance should be drafted to assist the identification of alternative resolution approaches where reconciliation may not be appropriate. The guidance to include pathways for support that may be available to any member with specific needs or vulnerabilities.*

To maximise opportunities for early resolution of complaints, there may be occasions where reconciliation is not possible, however there is no justification to proceed to a more formal investigation as indicated at tier two.

Examples may be a lack of evidence, or a lack of desire to take the matter further. There may be opportunities for the harm caused by a respondent to be acknowledged in a non-judgemental way that assists with healing and recovery but where true reconciliation is not possible.

It is therefore recommended that additional guidance is provided for tier one to assist with exploring other approaches which could potentially be used for an early resolution.

For all tiers, there may be occasions where either a complainant or a respondent may require support in order to take part in the processes. In principle, and in line with the mission and goals of the Methodist Church, such support should be facilitated wherever possible. Examples are the use of services from Place for Hope to assist with mediation, or the Discrimination and Abuse Response Service which has been trialled to assist members suffering from such issues.

It is not possible to be prescriptive about the entirety of support services that might be engaged by support members, but ongoing revised guidance should assist members to access such services as they are available.

This guidance would also assist members who are dealing with complaints at tier one, and how to access support to ensure an appropriate early resolution.

Recommendation Three – *The title and role of "Local Complaints Officer" should be changed to "Local Resolution Officer" with other appropriate amendments to the Standing Orders and Guidance where required.*

As mentioned earlier, with the advent of a more adversarial approach to complaining against organisations in society, there is a risk in calling the initial contact individual a "Complaints" officer. This is already steering a complainant down an adversarial pathway when the desire is to maintain the focus on resolution and reconciliation wherever possible.

The research and benchmarking also found that certain members of the Church felt there was conflict with their role under Part 11 as a Local Complaints Officer and their desire to be pastoral in their approach.

By amending the title to Local Resolution Officer for the initial contact officer, the Church will be communicating a proportionate expectation to both complainant and respondent at the first stage.

It is further recommended that there is no requirement in role for Circuit Superintendents to act as Local Resolution Officers although they should not be precluded from taking on the role if they wish. The aim should be the identification of the correct person with the best skills and approach to assist with the resolution of complaints at tier one.

It would be for a District to appoint their own Local Resolution Officers through the most appropriate means. This could be through the District Policy Committee or the District Resolution Group.

To assist with increasing the potential for early resolution, it is further recommended that where a complaint is made by a member or any other person, and solely in relation to the conduct of another member (not being an office holder), this complaint will only be dealt with at tier one.

As the discipline options against a member are extremely limited it is disproportionate within the Part 11 process to take such complaints beyond an attempt at reconciliation and resolution.

Within this context it is recommended that parties in such complaints only have an avenue of appeal to their District Chair.

2b. Records Management Recommendations.

Recommendation Four - *All complaints should be categorised and recorded at connexional level to assist with oversight, scrutiny, and improvement.*

Currently, complaints that come to the attention of the Connexional Complaints Worker are recorded. These are complaints where the complainant has elected their right to refer a matter to the Connexional Complaints Team or the matter has been referred by the Local Complaints Officer (LCO).

Where a complaint is either resolved locally, or the complainant or LCO does not use their right to refer, then there is no commensurate Connexional awareness of the issue.

This is a risk for the Church in relation to identifying issues for improvement or patterns which may necessitate further examination. For example, a District may not have any recorded complaints because nobody has complained or it may have an excellent approach to resolving issues prior to a complaint being generated. In both situations the Connexional Complaint Worker would receive no notification of complaints from the District.

This may be good practice within the District that could benefit the whole Church, but the pattern may not be identified with no Connexional awareness looking at the whole picture.

It is also a risk in relation to certain individuals. Over time a complaint pattern may arise in relation to their conduct as they move across different roles and locations.

This is often seen as a lesson learned from inquiries where patterns of behaviour were missed by organisations where each individual complaint appeared minor or was dismissed. But when the whole pattern was examined there was a picture that warranted further examination.

Finally, a standardised recording approach across the Church would assist with any audit and scrutiny function, along with statutory compliance requirements in relation to information management.

It would also assist in terms of transparency should the Church wish to communicate internally or externally in relation to the complaint picture as a whole, or for certain sub-groups.

The solution to these issues is to ensure that all complaints are recorded and retained centrally in the Conference Office.

Recommendation Five - *The Church should adopt a records management system for storing all complaints data in line with the Church's overall records' management strategy*

Currently any complaint referred to connexional level is recorded in the personal directories of the Connexional Complaints Worker using standard office management tools (Microsoft Office).

This is a risk for the Church in terms of GDPR and information management compliance. It also does not assist in relation to managing cases and ensuring appropriate disclosure for hearings if required.

Other more bespoke systems are widely used within customer service organisations or the legal profession, and it is believed that a proportionate system to match the requirements of the Church can be obtained.

2c. Process Improvement Recommendations.

Recommendation Six - *The Church should adopt an appropriate case management system for recording complaints, including a formal process for review, oversight and scrutiny.*

In concert with recommendation five, it is recommended that any system obtained by the Church to record complaints, should facilitate their early resolution or investigation as required. With all information held appropriately to ensure oversight and scrutiny and assist with joint decision making such as with the Safeguarding Team which also has a case management system.

Recommendation Seven - *The Church should adopt a holistic anonymous reporting system to capture concerns from all individuals who wish to raise them.*

In many organisations there may be individuals who wish to raise concerns, but do not want to give their personal details. This is slightly different from whistleblowing, where the confidentiality of personal details is paramount, although there are parallels between the two approaches.

During many external inquiries the lack of such a system was reported as a barrier to some individuals who would have informed an organisation of their concerns relating to the conduct of individuals but did not wish to be a whistleblower.

Questions were raised by members during the consultation on the necessity for this recommendation, as a whistleblowing policy does exist within the church, and it could give pathway for malicious accusations.

Assurances were given that any issue passed to the Church through this pathway would still receive a triage examination and proportionate action. It is highly unlikely that any investigation would commence solely on the basis of an anonymous report. However, it has been the experience of other organisations that an anonymous report can add weighting to other information or corroboration which could assist decision making.

In relation to managing risks to the reputation of the Church, it is recommended that they adopt an anonymous reporting system. It is much better to know about a potential issue and decide not to take action, than to not know about it and be ignorant any risk.

Any such system would have to ensure absolute confidentiality for the person raising the concern and assure them that they cannot be identified.

It would also assist the Church by demonstrating that the Church has provided the widest possible routes for a complaint to be raised should an issue achieve publicity and awareness at a later time.

Recommendation Eight - *The Church should adopt a simplified three tier model for addressing complaints which better aligns with safeguarding practices.*

Under the current model, District Safeguarding Officers are conducting limited investigations into issues relating to the alleged conduct of individuals. This requirement is to assist the overall risk assessment processes of the Church and make proportionate and informed decisions.

It was found during the benchmarking and stakeholder interviews that there was reasonable clarity and understanding of what DSOs and others were trying to achieve within safeguarding processes.

At this tier within the Complaints and Discipline processes the examination of issues is carried out by a Connexional Complaints Panel.

As can be seen on the current flowchart at Appendix B, the panel has the option to explore reconciliation, dismiss the complaint, or carry out a full investigation. However, the current weighting and expectation of the panel remains that they seek reconciliation wherever possible.

This wide variation in role can lead to a wide variation in operating practices as different panel chairs adopt different approaches.

Feedback to the consultant was that this can be the case, which can cause confusion for complainants and respondents, especially if they are also dealing with processes within safeguarding which are potentially being more intrusive in their questioning.

It is therefore recommended that it is made clear that any examination of an issue at tier two within the complaint's framework is more of an investigative examination.

This does not preclude an issue being referred for reconciliation if the opportunity arises. However, experience would indicate that reconciliation at this stage is more challenging as positions tend to be more entrenched.

By increasing the transparency and alignment between complaints and safeguarding processes at this tier, the opportunity is given to share information and evidence obtained, as this has been gathered for an investigative reason at tier two in both processes with greater transparency provided to complainants and respondents.

This may minimise the number of times a complainant or respondent is required to give information for Church purposes. It may also assist with formal risk assessment purposes as more of a holistic picture can be obtained with the shared information.

Within the proposed framework it is also recommended that the Church increase the number of options available to assist with the investigation of complaints should these be required.

There was strong support for the retention of a Complaints Panel formed of trained volunteer members. However, such an approach may not be proportionate in certain cases either due to the timeliness required, or the severity of the allegations.

As such it is recommended that wider discretion is allowed within the Church to include other options to assist with an appropriate response to an allegation. These are outlined with the process flowchart, and are as follows:

- Investigation by a Complaint Panel Chair
- Investigation by a Complaint Panel of two persons and a Chair
- Investigation by a Methodist Church specialist case worker (if required)
- Investigation by an external person, or organisation.

It remains the case within the amended processes that a Complaints Panel may be convened if that is the appropriate response.

Recommendation Nine - *The Church should ensure that these recommendations are adequately resourced to ensure that capability matches anticipated future demand.*

A number of the recommendations are designed to ensure that complaints are dealt with at an appropriate level. These are designed to reduce the risk of the complaint escalating to a higher level, and to maximise the opportunities for reconciliation and resolution.

However, it is acknowledged that the current approach of utilising a part time Connexional Complaints to Worker and an all volunteer cohort of Local Complaints Officers and Complaints Panels has reached the limit of its capability.

2d. Governance, Management and Oversight Recommendations

Recommendation Ten - *The Church should introduce a post of “Connexional Complaints Support Manager” to replace the current post of Connexional Complaints Worker. The Standing Orders should be amended to give the post appropriate decision-making powers relating to the management of complaints.*

The current post of Connexional Complaints Worker is not fully defined within Part 11, and their role greatly assists with the effective management of complaint processes.

It was clear from the research that the Complaints Worker has a deep understanding of Church issues and has gathered significant expertise whilst in role. However, their role remains an advisory role within the current processes and this does not assist the proportionate and expeditious management of complaint cases where they are unable to intervene formally and bring their experience to focus where required.

As a manager, there would be an expectation from the Church that they were required to assist with the timely management of complaints, the identification of issues to improve learning and prevent further occurrences, and providing support to both complainant and respondents during the process.

Previous reports to the Conference have sought to find a way better to triage complaints, and it is recommended that this role would be required to provide that function on behalf of the Church.

Because there would be increased visibility of complaints at connexional level through improved recording, the Connexional Complaints Support manager would be the hub of a complaints triage process that would direct complaints along the correct pathway at the earliest stage. This would ensure that complaints are proportionately examined, and should an issue not be a complaint under Part 11 it could be referred to the correct pathway as early as possible.

Oversight of the Complaint Support Manager's decisions should be enshrined in normal line management duties, with a further right of appeal to the President in certain circumstances.

It is further recommended that the role includes a requirement to ensure that all diverse groups within the Church receive ongoing feedback in relation to trends, lessons learned and outcomes from complaints to enhance transparency, understanding and confidence in the processes.

Recommendation Eleven - *The Church should ensure that there is an independent review capability to ensure confidence in the system for all parties.*

Currently the Church has obtained external assistance to review certain practices and investigations when required. Such assistance often takes time to acquire and commission. It is therefore recommended that the Church considers formalising its external review requirements to allow the Church to adequately demonstrate better confidence in its systems to complainants, respondents and external interested parties.

Recommendation Twelve – *The Standing Orders should be amended to align the rights of appeal for complaints to ensure proportionality, including altering the rights of appeal for certain complaints at appropriate levels.*

The research and benchmarking carried out by the Consultant showed that there are significant routes of appeal for any person who makes a complaint to the Methodist Church. On the one hand this demonstrates a real desire to achieve a fair resolution for the complainant, but, on the other hand, it can significantly add to the process and support requirements to resource the appeal processes.

It is therefore recommended that the Church adopt a more proportionate approach to appeals that balances the needs of complainants, respondents and the Church.

The main recommended changes to the appeal levels are as follows.

- A member or other person complaining about the conduct of another member will have access to an appeal that will be determined at District level and not Connexional level. Appeals to connexional level will be reserved to complaints related to a member who also holds a formal position or office within the Church. This is a proportionate approach and reflects the risks to Church reputation that office holders carry, in comparison to the conduct of members as individuals.

- A member may appeal to the President should they feel that their complaint was inappropriately managed at tier two. This includes the decision not to record a complaint under Part 11. The President's role is to examine the appropriateness of the process undertaken and may re-direct as required. It is not to determine the validity of a complaint and pass judgement.
- There are no recommended changes to appeals following a discipline hearing.

Recommendation Thirteen - *The act of "Suspension" should be amended to describe more adequately the temporary duties to be carried out by members who are respondents to a complaint. Suspension should only be used in circumstances where the respondent is required to temporarily cease and desist from any and all activities associated with the Church and may not in any capacity exercise their role.*

Advice from the consultant was that there is a significant perception challenge when utilising the term "suspension". For many organisations the act of suspending an individual is to temporarily remove the rights, privileges or powers associated with their duties.

However, in the Church this is often not the case, and the act of suspension is to temporarily put conditions on the duties of the respondent. When the individual is then observed carrying out certain other activities whilst "suspended", this can cause confusion for complainants.

It is also very impactful for respondents to be suspended as there is often a parallel requirement to treat information in confidence and so a wide understanding of the rationale is not always possible. This can lead to undue stress and cause significant personal challenges for respondents.

It is therefore recommended that the Church amend its rules to allow a more proportionate description of the activity restrictions placed on individuals who are temporarily under investigation.

If suspension is retained as an option, then this is recommended to refer to a full temporary revocation of the right to conduct any activities undertaken in their normal role.

If there is only a partial restriction placed on their duties then alternative terminology to suspension should be utilised. The Church may wish to approve this recommendation in principle (the levels) and remit further work to other groups to determine the final terms to be used to describe each level.

For example,

Level 1 – No restrictions on duties

Level 2 – Voluntary restrictions on duties (agrees to only carry out certain duties)

Level 3 – Restricted duties (directed to only carry out certain duties)

Level 4 – Suspension (directed to cease all activity in their role, and may have other conditions imposed)

Any breach of the conditions will automatically trigger a review of the conditions and may also constitute a separate Complaints and Discipline investigation.

2e. Safeguarding Alignment Recommendations

Recommendation Fourteen – *The Church should formalise the risk and information sharing conversations that take place between complaints and safeguarding staff. It is recommended that this is undertaken through regular strategy meetings.*

There are excellent relationships within the Church, and information is currently shared on a case by case basis. This does however raise a risk that information sharing relies on personal relationships. New staff may take time to build those relationships and equally there are risks if staff are absent on leave or other reasons.

Formalising information sharing in a proportionate structure will reduce these risks, whilst also affording the Church an enhanced audit trail to assist with decision making, scrutiny and transparency.

It is proposed that this is initially trailed as a twice monthly auditable strategy meeting at connexional level between those senior members tasked with oversight and management of their respective safeguarding and complaint cases, along with the attendance of the Church Communications team to ensure appropriate advice where there is a risk of reputational harm.

Recommendation Fifteen – *The Standing Orders should be amended to remove the requirement for the Safeguarding Committee to act as a Local Complaint Officers.*

Under Standing Order 1102(10), the Safeguarding Committee has the power to undertake the role of a Local Complaint Officer.

The Safeguarding Committee, on a referral to it of any matter under clause (9) above or in the fulfilment of its functions under Standing Order 232, and without prejudice to those functions, may investigate any such matter as if it were a local complaints officer with all the powers and responsibilities of such an officer but following its own procedures as set out in Standing Orders

Should the Conference adopt the recommendation for Local Complaints Officers to be changed to Local Resolution Officers then it is considered that this section of Standing Orders would no longer be required.

There is also a risk that conflating the role may give rise to confusion for complainants and respondents who interact with both processes at the same time.

Recommendation Sixteen – *The Church recognises that through shared decision making processes there may be occasions where complaints and safeguarding processes take place in parallel.*

Research within the Church and an examination of previous cases has shown that, in general, complaint cases are paused until the parallel safeguarding processes have fully concluded. This appears to be common practice rather than an evidence based decision following a risk assessment.

Automatic suspension of activity without a review or rationale can often lead to an increased risk and create new issues, especially for those who raise concerns or those subject of investigations.

It is recognised that complaint cases may be paused for reasonable grounds, however this should be an auditable, evidence-based decision.

Where it is appropriate both processes should be allowed to run in parallel to reduce the harm to all those involved and assist with earlier outcomes and healing.

2f. Learning and Development Recommendations

Recommendation Seventeen – *The Church should maximise the use of its current Learning Network to assist with developing the best skills in all members who may be required to undertake roles within the Complaints and Discipline process.*

As an organisation that is geographically diverse, raising the knowledge, understanding and skills of members is a challenge. Traditional methods of training and development may not always be appropriate. With the use of the Learning Network, the Church could maintain and enhance the knowledge of those who have to undertake different roles within the Complaints and Discipline processes.

This could further enhance lessons learned from Complaints if they are also used as part of continual development and the production of learning packages.

Recommendation Eighteen – *The Church increases the involvement of its Communications function within the Complaints and Discipline processes in order to provide advice, guidance and assistance with internal and external communications.*

There is an old adage that bad news does not get better with time. Involving the Communications team at an earlier stage in complaints cases gives the Church a better chance to assist with managing reputational risk. It is recommended that a member of the Communications team takes part in the regular case strategy meetings with Safeguarding and Complaints staff.

It is further recommended that the Communications team assist with regular campaigns to raise awareness of the new and updated complaints processes, the methods to raise an issue, and the support that may be offered to members.

3.Proposal

If all recommendations are accepted, **Appendix D** contains a process map showing how the amended processes would be expected to work in practice.

The Conference will be requested to consider the proposed recommendations and support their implementation through the appropriate Church mechanisms.

Notice of Motion 2019/202 stated, "*The Conference seeks a set of processes that are able to be enacted in timescales that are fair for all concerned and that are appropriate to the capacity, resources and size of the Methodist Church of Great Britain as it is today.*"

It is the recommendation of the Complaints and Discipline Task Group and the Methodist Council that these recommendations will support the motion above.

*****RESOLUTION**

51/1. The Council receives the report and commends it to the Conference.

Appendix A

Review Terms of Reference

- 1 To clarify the purpose of the complaints and discipline process;
- 2 To clarify what the complaints and discipline process is not to be utilised for and what it cannot be expected to achieve as an outcome;
- 3 To make recommendation as to whether there is a need to narrow the definition of complaint as currently set out in SO 1101;
- 4 To consider whether there is a need to clarify or alter the scope of the role of the local complaints officer and who fulfils this role for the purposes of SO 1121.
- 5 To make recommendations as to any change or clarification that is required in Part 11 in respect of role of the local complaints officer;
- 6 To review the ability of complainants to refer a complaint that a local complaints officer refuses to refer to the Connexional Complaints Panel and make recommendations as to whether the right of a complainant to refer themselves in such a situation should continue, and to consider whether there should be alternative means by which the decision of a local complaints officer can be reconsidered and if so, how such alternative means would work;
- 7 To make recommendations as to how the consideration of complaints can be undertaken in a more efficient and effective way which ensures uniformity as to the process followed and that the consideration of the complaint and drawing of conclusions takes into account the nature, context and background to the complaint;
- 8 To make recommendations as to any amendments required to the courses of action open to a complaints team either at the initial stages (SO 1123) or after full consideration (SO 1124);
- 9 To make any recommendations as to whom a complaint should be capable of being made against with a particular view to clarifying whether or not officeholders who are not members of the Church should be subject to Part 11;
- 10 To clarify the alternative dispute resolutions that can be utilised as part of the complaints process and to make recommendations as to how and when alternative methods of dispute resolution are best utilised and those circumstances where such methods are not appropriate;
- 11 To make recommendations as to the implication that not being willing to participate in alternative method of dispute resolution, when deemed appropriate, would have on the conclusion of a complaint;
- 12 To consider whether there is a need to expand the right to appeal against the conclusions of a complaints team and, if such an expansion is considered appropriate, to make recommendations to address this;
- 13 To consider the reasons for delays occurring within the Part 11 process and make recommendations that seek to reduce these delays and in particular to consider whether there are “types” of complaints or complaints in certain circumstances that should be dealt with in a reduced time period, and to make recommendations as to how this might be achieved;
- 14 To make recommendations as to the further work that needs to be undertaken more effectively to link the complaints and discipline, safeguarding, competence, and stationing procedures as well as the Connexional Team grievance procedure.

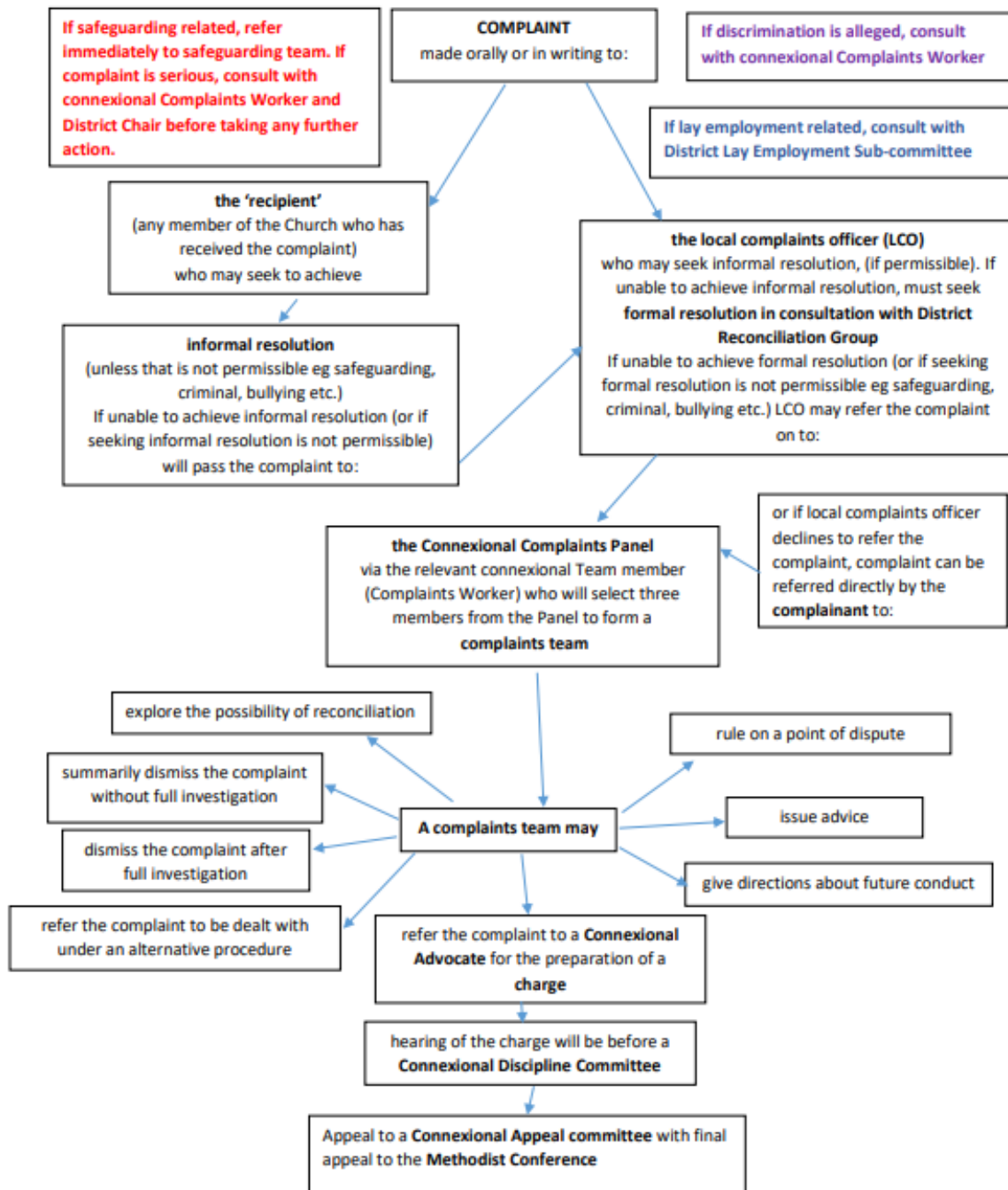
Appendix A2 – Additional matters outside Terms of Reference

- 1 To ensure the Church’s JDS strategy is embedded as part of the Review.
- 2 To clarify and improve the Church’s record-keeping process for managing complaints.
- 3 To consider the role of the Connexional Complaints Worker role in the complaints process and redefine this as necessary.
- 4 To consider and recommend what other resources might be required to better serve the process at all levels within the Church.

Appendix B

Current Complaint Flowchart

PART 11 - COMPLAINTS AND DISCIPLINE PROCESS - FLOWCHART FOLLOWING A COMPLAINT



Updated 12/2021

Appendix C

It is recommended that the following are not complaints for the purposes of Part 11 where they relate to allegations or issues raised.

- Complaints about the conduct or behaviour of employees of the Church.
- Complaints about the outcome of Church policies and procedures where there is a route of appeal within that procedure.
- Complaints about the function or outcome of Church policies and procedures where there is no allegation related to an individual members conduct and behaviour.
- Complaints about the decisions or outcomes of panels, committee's or other standing groups.
- Complaints about any group or persons carrying out an official role where an existing external body has statutory oversight, or professional accountability, where the complaint relates to that professional function, and not their membership of the Methodist Church.
- Complaints about the conduct of a member not made within six months of the alleged conduct. Dispensation may be granted by the Complaints Support Manager in exceptional circumstances.

It is the role of the Connexional Complaints Support Manager to determine the appropriate pathway for complaints and refer them to alternative routes if applicable.

The Connexional Complaints Support Manager will always retain the scope to consider any complaint within the Part 11 processes should it be in the best interests of the Church. Members will also have the right of appeal to the President should their complaint be rejected for consideration within Part 11.

Appendix E

Summary Table of Recommendations

	Recommendation
1	<i>The current definition of a “complaint” in Standing Order 1101(i) should be improved. The Law and Polity Committee should be asked to advise on the merits of adding “conduct” (or “behaviour”) to the definition. Part 11 should be amended to clarify what Part 11 may not be used for, or to indicate alternative procedures for certain complaints.</i>
2	<i>Guidance should be drafted to assist the identification of alternative resolution approaches where reconciliation may not be appropriate. The guidance to include pathways for support that may be available to any member with specific needs or vulnerabilities.</i>
3	<i>The title and role of “Local Complaints Officer” should be changed to “Local Resolution Officer” with other appropriate amendments to Standing Orders and guidance where required.</i>
4	<i>All complaints should be categorised and recorded at Connexional level to assist with oversight, scrutiny, and improvement</i>
5	<i>The Church should adopt a records management system for storing all complaints data in line with the Church’s overall records’ management strategy.</i>
6	<i>The Church should adopt an appropriate case management system for recording complaints, including a formal process for review, oversight and scrutiny.</i>
7	<i>The Church should adopt a holistic anonymous reporting system to capture concerns from all individuals who wish to raise them.</i>
8	<i>The Church should adopt a simplified three tier model for addressing complaints which better aligns with safeguarding practices.</i>
9	<i>The Church should ensure that these recommendations are adequately resourced to ensure that capability matches anticipated future demand.</i>
10	<i>The Church should introduce a post of “Connexional Complaints Support Manager” to replace the current post of Connexional Complaints Worker. Standing Orders should be amended to give the post appropriate decision-making powers related to the management of complaints.</i>
11	<i>The Church should ensure that there is an independent review capability to ensure confidence in the system for all parties.</i>
12	<i>Standing Orders should be amended to align the rights of appeal for complaints to ensure proportionality, including altering the rights of appeal for certain complaints at appropriate levels.</i>
13	<i>The act of “Suspension” should be amended to describe more adequately the temporary duties to be carried out by members who are respondents to a complaint. Suspension should only be used in circumstances where the respondent is required temporarily to cease and desist from any and all activities associated with the Church and may not in any capacity exercise their role.</i>
14	<i>The Church should formalise the risk and information sharing conversations that take place between complaints and safeguarding staff. It is recommended that this is undertaken through regular strategy meetings.</i>
15	<i>Standing Orders to be amended and remove the requirement for Safeguarding Committees to act as Local Complaint Officers.</i>
16	<i>The Church recognises that through shared decision-making processes there may be occasions where complaints and safeguarding processes take place in parallel.</i>
17	<i>The Church should maximise the use of its current Learning Network to assist with developing the best skills in all members who may be required to undertake roles within the Complaints and Discipline process.</i>
18	<i>The Church increase the involvement of its Communications function within the Complaints and Discipline processes in order to provide advice, guidance and assistance with internal and external communications.</i>