

Record Keeping Guidance for purposes of SO 1104(4A), 1121(7)(b) and (c)

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Status of Paper	Final
Action Required	Note
Resolution	<p>66/1. The Council receives the report.</p> <p>66/2. The Council approves the Guidance contained in this report.</p> <p>66/3. The Council authorises the Chair of the Council and the Secretary of the Council to approve any necessary amendments that need to be made to the guidance following scrutiny by the Law and Polity Committee.</p>

Summary of Content

Subject and Aims	The Council is asked to approve guidance for the purposes of SO 1104(4A), 1121(7)(b) and (c).
Main Points	<p>Amendments to Standing Orders were adopted by the Conference in 2018 that sought to ensure there were retention periods for the information held by teams and committees fulfilling responsibilities under Part 11, Section 03 and 04.</p> <p>The Standing Orders required guidance to be approved by the Council on the records to be retained.</p>
Background Context and Relevant Documents	Committee on Methodist Law and Polity Report to the 2017 Conference (49), Section J [DR 6/19]

Summary of Impact

Legal	The Standing Orders were amended to ensure compliance with data protection legislation.
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Record Keeping Guidance for purposes of SO 1104(4A), 1121(7)(b) and (c)

Record Keeping

1. The Methodist Council is required to approve guidance for the purposes of SO 1104(4A), 1121(7)(b) and (c). The guidance is required for the purposes of clarifying what record must be retained by the Secretary of the Conference where SO 1104(1) applies and the records to be retained by a Local Complaints Officer where SO 1121(7)(b) and (c) apply.

The Guidance

Record for the purposes of SO 1104(4A)

2. Under SO 1104(4A) the Council is required to adopt guidance as to the extent of the record for the purposes of SO 1104(1).
3. It will always be necessary for the record to include the report of the relevant complaints team or committee. Any such report shall always include within it the Standing Order under which the Team or Committee are acting, the reasoning for coming to the conclusion or decision that they have and the Standing Order under which it has made this conclusion or decision. Any evidence that the Team or Committee have received (that it considers needs to be retained) should be referred to and annexed to the report.
4. When any record is being retained under SO 1104(1) the parties to the proceedings shall be advised as to the relevant retention period set out in the Standing Order and be informed as to where the record shall be held.

Records for purposes of Standing Order 1104((1)(iA) and (iB)

5. The record where a Complaints Team decides to summarily dismiss under SO 1123(7) or dismiss a complaint under SO 1124(10) shall be the report of the Complaints Team and any statements of the complainant and respondent.
6. The record where an alternative procedure is to be followed under SO 1123(6) shall be the report of the Complaints Team and any statements of the complainant and respondent.
7. The above records shall be kept for two years from the date of the Complaints Team's report.
8. The Secretary of the Conference may decide to exercise her/his discretion under SO 1104(1A) to retain the record for longer than two years where the alternative procedures under SO 1123(6) have not reached a conclusion.

Records under Standing Order 1104(1)(iC), (iD), (iE), (iii) and (iv)

9. For the purpose of the above sub-clause of Standing Order 1104, the record to be kept shall be:
 - Report of the Complaints Team or Committee. This report shall include the Standing Order under which the Team or Committee has been appointed and the steps they have taken to

seek reconciliation/explored the matters to be considered. The report shall also include a summary of any evidence provided by either the parties or witnesses and the Team or Committee's reasoning for reaching its decision or conclusion along with the Standing Order under which it has reached this conclusion or decision.

- Any application made as part of the procedure (not applicable to complaints)
- Statement of grounds for appeal (where applicable)
- Any statements of the complainant and respondent or such other parties to the proceedings.

Records under Standing Order 1104(1)(ii) – Presidential Inquiry

10. The record held shall be the report as detailed in SO 111(2A) and such other documentation as the Presidential Inquiry considers to be necessary in the particular circumstances of the Inquiry.

Retention of Records

11. Standing Order 1104(1A) provides that the Secretary of the Conference has authority to retain a record for a longer period than that otherwise specified if s/he believes it to be in the best interests of the Church
12. Before any record is to be destroyed under SO 1104, consideration shall be given by the relevant Connexional Team member as to whether it is appropriate to keep a note of the nature of the complaint, the name of the complainant and respondent and the conclusion. The note shall be purely factual and, in particular, shall note whether or not there were any safeguarding concerns identified. No such note shall be retained when a complaint has been summarily dismissed under SO 1123(7).
13. The complainant and respondent shall be informed that a note shall be kept and a copy provided to them, if it is possible to contact the parties.
14. When a respondent to any complaint has died no note as above shall be retained unless the complaint relates to safeguarding concerns.

Destruction of documentation and correspondence by a Complaints Team or Committee

15. The record as defined above shall be the only documentation retained regarding a complaint (unless safeguarding concerns ¹mean it is necessary to retain other records). Where any Complaints Team or Committee has been convened to which SO 1104(1) applies, any notes or minutes of meetings or telephone calls shall be destroyed within one month of the expiry of the appeal period, the alternative procedure or disciplinary proceedings have come to an end.
16. All correspondence that the Team or Committee have had between themselves and the parties shall be destroyed within one month of the expiry of the appeal period or upon the conclusion of the alternative procedure or disciplinary proceedings. Where an alternative procedure or disciplinary committee is being followed, all correspondence should be forwarded to the relevant Connexional Team member for him/her to hold until matters has concluded.

¹ Guidance will need to be produced on when records will need to be retained due to safeguarding concerns and what such records must include.

17. Members of the relevant Committee or Complaints Team shall ensure that all documentation, correspondence (including emails) shall be destroyed within 1 month.

Record to be held by Local Complaints Officer under SO 1121

18. SO 1121(7)(a) requires a brief written record to be made by the Local Complaints Officer (LCO) upon a decision under SO 1121(5) whether or not the complaint is being referred. The “brief record” shall be no more than:-

- The steps that the LCO has taken to seek reconciliation
- A note of who was spoken to and a summary of the comments of those spoken to
- Whether or not reconciliation has been achieved and the conclusion of the district Reconciliation Group
- Any formal resolution agreed between the parties.

A copy of the record must be sent to the complainant and respondent unless the respondent is not aware of the complaint.

Declining to refer the Complaint (SO 1121(7)(b))

19. The LCO shall keep a copy of the record as defined above along with a copy of any statements. The brief written record and statements shall be kept for 2 years by the LCO from the date of the decision not to refer the complaint. After 2 years the statements shall be destroyed and the LCO shall formulate a note that summarises the facts of the complaint which shall be limited to:-

- The names of the complainant and respondent
- The nature of the complaint that was made
- Whether or not reconciliation was achieved
- Whether or not the complaint was referred.

The summary shall be kept for a further 3 years and therefore a record of a complaint that has not been referred by the LCO shall only ever be held for 5 years from the date of the decision not to refer.

No correspondence or documentation (including hand written notes) shall be retained after the decision not to refer a complaint has been taken. Any documentation or correspondence not part of the record shall be destroyed within at least a month of the decision being made.

Decision to refer the Complaint (SO1121(7)(c))

20. Standing Order 1121(7)(c) requires that where a Local Complaints Officer (LCO) decides to refer the complaint they will at the same time send the record of the complaint to the relevant Connexional Team member. This record shall include:

- The names of the complainant and respondent
- The nature of the complaint being made
- The steps that the LCO has taken to seek reconciliation and how successful this has been
- Conclusions regarding the possibilities of reconciliation
- The reason for referring the complaint.

This record along with any correspondence, other documentation or notes shall not be retained by the LCO for longer than 90 days after deciding to refer the complaint to the connexional complaint panel.

Where a complaint is formally resolved or withdrawn under SO 1121(3) or (4)

21. The LCO shall keep a record of the complaint made as defined below for two years from the date that the resolution of notice was given of the intention to withdraw:-

- The names of the complainant and respondent
- The nature of the complaint made
- Steps taken by the LCO and District Reconciliation Group to seek reconciliation
- The formal resolution agreed between the parties or when the complaint was withdrawn along with any reason given by the complainant for withdrawing the complaint.

The relevant documents shall be any statements given by the complainant or respondent, or any other relevant document that the LCO considers it appropriate to be retained. Relevant documents shall not however include correspondence or notes taken at meetings by the LCO, these shall be destroyed along with any other documentation relating to the complaint within one month of the resolution or withdrawal.

*****RESOLUTIONS**

66/1. The Council receives the report.

66/2. The Council approves the Guidance contained in this report.

66/3. The Council authorises the Chair of the Council and the Secretary of the Council to approve any necessary amendments that need to be made to the guidance following scrutiny by the Law and Polity Committee.