

Diocese of Chester Complaints Policy and Procedure

Date policy began	October 2025
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Relevant to	Church House Staff ✓ Clergy ✓ Parishes ✓
Version number	Version 2
Date of last change	n/a
Next review date	October 2028
Approved by	Central Services Committee, Nov 2025

Introduction

The Chester Diocesan Board of Finance (DBF) is the legal entity acting on behalf of the Diocese of Chester and oversees the complaints process. The DBF aims to provide a fair and professional service in all it does. It is recognised that sometimes people will have problems or concerns they wish to raise. This policy and procedure have been developed as a fair, quick and consistent mechanism for dealing with such problems or concerns, and to enable the DBF to learn and improve the service it offers.

Our aims are:

- To provide a fair complaints procedure which is clear and easy to use
- To be open about how we will deal with complaints and to publicise the existence of this policy so that people know how to make a complaint
- To ensure everyone within the DBF, including staff and committee members, know what to do if a complaint is received
- To ensure that all complaints are investigated fairly and in a timely way
- To resolve complaints and repair relationships wherever possible
- To gather information to help us improve what we do and how we do it
- To acknowledge mistakes we have made, sincerely apologise for them, and try to prevent them from happening again in the future

What counts as a complaint?

A complaint is a written or verbal expression of dissatisfaction about an action, or lack of action, by a person or committee acting on behalf of the Diocese of Chester, or about the policies, practices or procedures of the diocese. A complaint may include an allegation that a person has behaved in an unacceptable way.

Complaints must be made by the person(s) directly affected by the issue, not by a third party.

It is not diocesan policy to investigate anonymous complaints.

Complaints should be made within three months of the matter complained of, unless the Diocesan Board of Finance (DBF) considers it fair and proportionate to extend that period.

What complaints are not dealt with under this policy?

This policy is not intended to cover safeguarding concerns. If you are concerned that you or someone you know may be the subject of abuse, or you have a concern regarding any other safeguarding issue, you must contact the Diocesan Safeguarding Team:

safeguarding@chester.anglican.org

This policy does not cover:

- Complaints relating to Diocesan Church Schools or Diocesan Academies Trusts – the individual school's or trust's complaints process should be followed.
- Complaints relating to a member of clergy – the Clergy Discipline Measure (shortly to be superseded by the Clergy Conduct Measure) should be followed. However, where the complaint relates to an ordained employee's work for the DBF this policy is likely to be more appropriate than the CDM. Care should be taken in choosing the correct procedure when bringing a complaint against an ordained employee. A complaint under this policy could be delayed if a complaint is also brought on the same matter under the CDM.
- Complaints from DBF staff – the DBF's grievance procedure should be followed.

Where a specific statutory procedure applies to a complaint, the DBF will follow that procedure. This policy deals with all other complaints, including complaints by clergy with Permission to Officiate, clergy families, parish officers, licensed lay ministers, committee members and other volunteers, and members of the public.

Who has overall responsibility?

Overall responsibility for this policy and its implementation lies with the Diocesan Secretary & CEO (DS/CEO), who is accountable to the Bishop's Council in its capacity as the Directors of the DBF. Day to day oversight of the process is delegated to the Director of HR as the DS/CEO's representative.

Formal procedure for complaints against diocesan employees

Stage 1

A complaint should be submitted to the Director of HR. In the case of a complaint against the Director of HR, it should be submitted to the DS/CEO. In the case of a complaint against the DS/CEO, to the Chair of the Diocesan Board of Finance. In all cases, the complaint should be submitted making clear that it is intended to be a formal complaint and including the complainant's name and contact details.

Written complaints should be sent to the Director of HR, Church House, 5500 Daresbury Park, Daresbury, Warrington WA4 4GE or to the DS/CEO at the same address if the complaint is against the Director of HR.

Emailed complaints should be sent to liz.geddes@chester.anglican.org, Director of HR or to jane.pleace@chester.anglican.org, DS/CEO as appropriate.

To contact the Chair of the Board of Finance, all correspondence should be sent to Church House, 5500 Daresbury Park, Daresbury, Warrington WA4 4GE and clearly marked "FAO Chair of the DBF – Confidential", or emailed to dbfchair@chester.anglican.org.

Any complaints which are plainly intended to be formal complaints received by any other diocesan personnel shall be forwarded to the Director of HR, who will arrange for it to be recorded in the complaints log.

The following information should be recorded:

- Name and contact details of complainant
- Date on which the complaint was made
- The nature of the complaint

The complaint will be acknowledged usually within five working days and a copy of this complaint procedure will be supplied. The acknowledgement will set out the time within which a substantive response will be made, which should not ordinarily be longer than a calendar month.

The Director of HR, in consultation with colleagues as necessary, will decide who is the best person to respond (known in the process as 'the investigating person'). This may be done in consultation with the appropriate member of the Bishop's Staff Team. In the case of a complaint about an employee's actions, the appropriate person to respond will

ordinarily be that employee's line manager. In the case of a complaint about a particular area of work, the appropriate person will ordinarily be the relevant team leader.

The person responding to the complaint will ensure that all appropriate enquiries are made to establish the substance of the complaint and any attempts already made to resolve the matter informally. Those enquiries may include further discussions or meetings with the complainant to fully understand the issue, seek clarity and be clear on what would constitute a resolution for them.

The complainant may be accompanied at any meeting by a friend or other supporter if they wish. Similarly, any person who is the subject of a complaint may be accompanied by a work colleague or Trades Union representative at any meeting with the person responding to the complaint, to discuss the facts of the complaint and their response to it.

The investigating person will arrange any appropriate mediation between the parties and any appropriate subsequent actions, which may include an apology and/or commencing disciplinary proceedings under the guidance of the Director of HR.

The investigating person will inform the complainant, the subject of the complaint (if any), relevant members of the senior leadership team, the Director of HR and the DS/CEO of the action taken to investigate the complaint, the conclusions from the investigation, any action taken as a result of the complaint, and, if the complaint is not upheld, the reasons why.

This should be done in writing by the date stated in the initial acknowledgement. If that is not possible, the complainant should be advised of the reason for the delay and the revised date by which they can expect a response.

The response to the complaint may include one or more of the following:

- An explanation of events
- A recognition that the situation could have been handled differently or better
- An explanation of the steps that have been taken to try to ensure that it will not happen again
- An undertaking to review policies in light of the complaint
- An explanation, with reasons, that there was insufficient evidence to reach a conclusion, with the result that the complaint has not been upheld
- An explanation, with reasons, that the evidence did not substantiate the complaint, with the result that the complaint has not been upheld
- An acknowledgement that the complaint was substantiated in part, with a brief description of the remedial and preventative action being taken and reasons why the remainder of the complaint was not substantiated
- An acknowledgement that the complaint was substantiated in full, with a brief description of the remedial and preventative action being taken

- It should not include any details of any disciplinary or other action, procedures or outcomes against a member of staff. If necessary, the response should state that following investigation, further confidential procedures are being followed
- The person responding to the complaint should ensure that full records of the investigation are kept together with the records of the initial complaint

The response should include:

- A copy of the original complaint letter, email or written note
- Details of how the complaint was investigated, identifying any documents or classes of documents read
- Written records of any interviews undertaken
- Results and conclusions of investigations
- Any action taken

The records should be passed to the Director of HR at the conclusion of the investigation, who will record the outcome and any response from the complainant in the complaints log and file the records securely.

Stage 2

It is hoped that an acceptable resolution can be found, and the complaint concluded to the complainant's satisfaction at Stage 1. If that is not the case, the complainant should inform the Director of HR that they wish to initiate Stage 2 in writing within three working weeks (i.e. 15 working days) of the sending of the Stage 1 response. This will involve consideration at a higher level, the detail of which will vary according to the subject of the complaint.

The Director of HR will ordinarily acknowledge receipt of the Stage 2 complaint within one working week (i.e. five working days). The complainant will be told who will deal with the complaint, and the time within which a substantive response will be made, which should not ordinarily be longer than one month.

The Director of HR will arrange for a panel to deal with the complaint. No person dealing with the complaint at this Stage will have had any previous involvement in the case, beyond being consulted on who should respond to the complaint at Stage 1.

The investigating panel will review all documentation from the previous investigation at Stage 1 and the actions taken so far. The panel chair (or delegated representative) may meet with the complainant and their supporter, to discuss the situation from their perspective and why resolution could not be reached. The person may also meet with the subject of the complaint (if any) and their work colleague or Trades union representative, the person who responded to the complaint at Stage 1, and any other relevant person. All conversations will be recorded where possible and, in any event, a written record will be shared with those present for accuracy and transparency.

The investigating panel may discuss the matter with any or all of the Director of HR, the DS/CEO, Diocesan Registrar, appropriate members of the Bishop's Staff Team, and relevant team leader in order to consider what, within the framework of diocesan policies and the law, could be a way forward to resolve the issue at hand and to formulate a response to the complainant and any necessary action, which may include an apology and/or commencing disciplinary proceedings in accordance with the DBF's disciplinary policy.

On conclusion of the investigation, the investigating panel will inform the complainant, the subject of the complaint (if any), and the Director of HR, of the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint. This should be done in writing by the date stated in the initial acknowledgement. If that is not possible, the complainant should be advised of the reason for the delay and the revised date by which they can expect a response.

The response to the complaint may include one or more of the following:

- An explanation of events
- A recognition that the situation could have been handled differently or better
- An explanation of the steps that have been taken to try to ensure that it will not happen again
- An undertaking to review policies in light of the complaint
- An explanation, with reasons, that there was insufficient evidence to reach a conclusion, with the result that the complaint has not been upheld
- An explanation, with reasons, that the evidence did not substantiate the complaint, with the result that the complaint has not been upheld
- An acknowledgement that the complaint was substantiated in part, with a brief description of the remedial and preventative action being taken and reasons why the remainder of the complaint was not substantiated
- An acknowledgement that the complaint was substantiated in full, with a brief description of the remedial and preventative action being taken

It should not include any details of any disciplinary or other action, procedures or outcomes against a member of staff. If necessary, the response should state that following investigation, further confidential procedures are being followed.

The investigating panel should ensure that full records of the investigation are kept, together with the records of the initial complaint.

These should include:

- A copy of the original complaint letter, email or written note
- Details of how the complaint was investigated during stage two, identifying any documents or classes of documents read
- Written records of any interviews undertaken

- Results and conclusions of investigations
- Any action taken

The records should be passed to the Director of HR at the conclusion of the investigation.

The Director of HR will record the outcome in the complaints log, file the records securely, and will consider what learning points should be addressed.

The Stage two decision will be final.

Delayed and unreasonable complaints

If the complaint relates to an incident or event which occurred more than three months before the complaint is made (or, where the complaint relates to a series of incidents or events, if more than three months have elapsed from the date of the latest incident or complaint), the person receiving the complaint may notify the complainant that it will not be investigated for that reason. The notification should be given usually within 10 working days of the complaint being received. The person who received the complaint will arrange for this to be recorded in the complaints log.

If the person receiving the complaint or the person investigating the complaint considers that the complaint is vexatious, frivolous, a repeat of a previous complaint or otherwise unreasonable, they may notify the complainant and, if relevant, the person who received the complaint, that the complaint will not be investigated or the investigation will be terminated for that reason.

Further details of complaints that will be considered unreasonable are at Appendix 1.

The notification should be given usually within 10 working days of the last instance of unreasonable behaviour, and wherever possible will be discussed informally with the complainant first. The person who received the complaint will arrange for this to be recorded in the complaints log.

If the complainant is dissatisfied with the decision not to investigate the complaint, they may write to or email the DS/CEO asking for the decision to be reviewed. If the decision was made by the DS/CEO, the complainant should write to or email the Chair of the DBF.

The DS/CEO or Chair of the DBF will be provided with all documentation relating to the complaint, including the letter notifying the decision not to investigate, and will review the decision made. They should write to the complainant and the decision-maker usually within 10 working days of receipt of the request for a review. If they conclude that the complaint should be investigated, they will nominate a person to respond to the complaint, who should not be the person who decided not to investigate it. The Director of HR will record the conclusion in the complaints log.

If unreasonable behaviour continues, the DS/CEO may write to the complainant to explain that their behaviour is unreasonable and ask them to change it. For complainants

who excessively contact the diocese, causing significant levels of disruption, the DBF may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed.

External complaint mechanism

The complainant can complain to the Charity Commission at any stage. The Commission's involvement in looking at complaints is limited to issues that pose a serious risk of significant harm to a charity's beneficiaries, assets, services or reputation.

Further information about the kind of complaints the Commission can involve itself in can be found on their website:

<https://www.gov.uk/government/publications/complaints-about-charities/complaints-about-charities>

Confidentiality

All complaint information will be handled sensitively and shared only with those who need to know. Maintaining confidentiality is essential and security of data relating to individuals will be protected in accordance with the general data protection regulations and the diocesan data protection policies. No confidential information relating to complaints will be disclosed to any third party unless the DBF has the individual's consent or some other lawful authority.

The records will be held securely by the Director of HR and requests to inspect should be addressed to them. They will seek the advice of the DS/CEO where necessary.

Review and Monitoring

This policy and procedure will be reviewed every three years from implementation.

The number, nature, and outcome of any complaints will be reported to the Diocesan Synod at least once a year to identify any trends which indicate a need to take further action. The number, nature, and outcome of any complaints relating to specific areas of work such as education or safeguarding will also be reported to the relevant committee monitoring that area of work at least once a year to inform practice and potential improvements to policies and procedures.

Appendix 1: Unreasonable Complaints

The DBF is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the diocese.

We do not expect our staff to tolerate unacceptable behaviour and will take action to protect our staff from that behaviour, including that which is abusive, offensive or threatening. The DBF defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the diocese, significantly hinder our consideration of their or other people’s complaints or performance of duties’.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaint procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, immediately or to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite one or more previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the finding of the investigation into their complaint where the DBF’s complaint procedure has been fully and properly implemented and completed
- Seeks an unrealistic outcome
- Makes excessive demands on diocesan time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face to face, by telephone or in writing or electronically:

- Maliciously or aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language

- Knowing it to be false or using falsified information
- By publishing unacceptable information in a variety of media such as in social media, websites and newspapers
- Complainants should limit the number of communications with the DBF while a complaint is being processed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached.

Appendix 2: Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- Co-operates with the diocese in seeking a solution to the complaint
- Expresses the complaint in full as early as possible and no later than three months after the issue
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint
- Asks for assistance as needed
- Treats all those involved in the complaint with respect

The Director of HR

The Director of HR should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, General Data Protection Regulations and Freedom of Information Act 2000
- Liaise with staff members, clergy and committee members to ensure the smooth running of the complaint procedure
- Keep records
- Be aware of issues regarding:
 - Sharing third-party information
 - Additional support which may be needed by complainants when making a complaint, such as interpretation support.

The Director of HR will also act as the contact point for the complainant for any meeting or hearing which takes place and is expected to:

- Set the date, time and venue, ensuring as far as practicable that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance
- Record the proceedings
- Circulate minutes of the meeting or hearing
- Notify all parties of the decision

The Investigating Person

The Investigating person is the person responding to the complaint at Stage 1 or the person dealing with the complaint at Stage 2 of the procedure. This role can be delegated

to an external person where the complaint is about the Diocesan Secretary/CEO. The Investigating person's role can include:

- Providing an open, transparent and fair consideration of the complaint through:
- Sensitive interviewing of the complainant to establish what has happened and who has been involved
- Consideration of records and other relevant information
- Interviewing staff and other people relevant to the complaint
- Effectively liaising with the complainant and the Director of HR as appropriate to clarify what the complainant feels would put things right
- Identifying solutions and recommending courses of action to resolve problems
- Being mindful of the timescales to respond
- Responding to the complainant in plain and clear language
- The person investigating the complaint should make sure that they:
 - Conduct interviews with an open mind and be prepared to persist in the questioning
 - Keep notes of interviews, record them following notification to the complainant, or arrange for an independent note taker to record minutes of the meeting

The Panel Chair

The Panel Chair, supported by the Director of HR, has a key role in ensuring that:

- The meeting is minuted
- The remit of the panel is explained to the complainant
- The issues are addressed
- Key factual findings are made
- Those who are not used to speaking at such a hearing are put at ease
- The proceedings are as welcoming as possible, bearing in mind that many complainants will feel nervous and inhibited
- The hearing is conducted in an informal manner, with respect and courtesy
- The layout of the room sets an appropriate tone, taking care to ensure the setting is informal and not adversarial
- The panel is open-minded and acts independently
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Both the complainant and the relevant DBF member of staff are given the opportunity to state their case without undue interruption and seek clarity
- Written material is seen by everyone in attendance
- Everyone is given an appropriate opportunity to consider and comment on any new issues arising or material produced, including where appropriate adjourning the hearing for a short time, or refusing to allow new issues or material to be considered
- Where the complaint is against the DS/CEO there will be an independent chair sourced from outside the diocese

Panel Member

Panel members will need to be aware that:

- It is important that the panel is independent and impartial, and that it is seen to be so
- Nobody may sit on the panel if they have had a prior involvement in the complaint
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the diocese and its representatives and the complainant
- Where the complaint is against the DS/CEO panel members will be sourced from outside the diocese

It must be recognised that the complainant might not be satisfied with the outcome of the hearing and it may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

HR, the Diocesan Registrar and the DS/CEO

HR, the Diocesan Registrar and the DS/CEO will all be available to give advice and assistance to both staff and external investigating officers and panel members on request.

Appendix 3: Complaints Procedure Flowchart

External complaints procedure Flowchart

