



## Archdiocese of St Andrews & Edinburgh

# COMPLAINTS POLICY

This Policy has been approved by the Trustees of the Archdiocese.

The Archdiocese welcomes all forms of feedback, including concerns and complaints. We encourage members of the public to raise matters informally in the first instance. However, where such discussion does not resolve the matter, or where the complainant does not feel able to raise the matter informally, the formal procedure as detailed below will be followed.

### 1. What constitutes a complaint

1.1 A complaint is an expression of dissatisfaction with a real or perceived problem. A complaint may be made if a person thinks that the Archdiocese has:

- Done something wrong
- Failed to do something it should have done or
- Acted unfairly

1.2 A complaint may be made about the Archdiocese as a whole, about a specific aspect of the Archdiocesan policies, practice, or procedure, or about an individual member of staff, or a volunteer.

### 2. Scope of this Policy

2.1 If a complaint is raised by a member of staff and relates to any aspect of their working relationship with the Archdiocese, it will be dealt with under our Staff Grievance Policy. If a complaint raises safeguarding issues, it will be dealt with under our separate Safeguarding Complaints Policy.

2.2 This Policy **does not** apply and the complaints procedure may not be used for the purposes of:

- Any allegation of misconduct against a cleric of the Archdiocese in the exercise of his ministry.
- Challenging any decision made by an ecclesiastical officeholder regarding the deployment of clergy and/or pastoral matters or ecclesial governance.
- Any criticism, challenge or complaint regarding the conduct, administration or oversight of the Archdiocese and/or the exercise by the Archbishop of his powers of governance.

2.3 The matters identified in paragraph 2.2 shall continue to be regulated and addressed in accordance with the universal law of the Church detailed within the Code of Canon Law (CIC) as supplemented from time to time by motu proprio.

### 3. Stage 1: Raising a formal complaint

3.1 A complaint can be made by writing to the Chief Operating Officer (COO). If the complaint is against the COO, it should be made in writing to the Moderator of the Curia.

3.2 Details of the complaint will be noted, along with the complainant's contact details and the outcome recorded.

3.3 We aim to formally acknowledge complaints within 5 working days, setting out what further steps will be taken. If the matter can be resolved at this stage, the acknowledgement letter will also act as an outcome letter and will confirm whether the complaint has been upheld and what action has been taken in respect of it.

3.4 If the matter cannot be resolved immediately, the acknowledgement will set out what steps will be taken to investigate the complaint and will set out timescales for responding to the complaint. The acknowledgement will confirm who will handle the complaint and how they can be contacted. To ensure that the complaint is reviewed by the most appropriate person, this may not be the person to whom the initial complaint was made. Depending on the level of information provided in the complaint, an investigation may or may not involve inviting the complainant to give further detail in writing or in person.

3.5 In general, we aim to investigate complaints and provide a full response within 20 working days of receipt. However, sometimes this timescale may have to be extended where there is a just cause/reason. If so, we will contact the complainant to explain the reasons for the delay and confirm when we expect to be able to provide a full response.

3.6 When we can fully respond, we will contact the complainant to confirm whether the complaint has been upheld and what action has been taken in respect of the matter.

3.7 Where upon receipt of a communication by way of complaint under this policy, the COO and/or the Vicar General are satisfied that the issue and/or concern has already been the subject of determination or resolution and/or is outside the scope of This Policy, the person raising the concern shall be given written notice of this assessment and the reasons for it.

3.8 For the avoidance of doubt, an assessment made in accordance with paragraph 3.7 **shall not** constitute a Stage 1 Decision and **shall not** be subject to any right of appeal under the terms of this Policy.

3.9. Where a complainant purports to raise a complaint for or on behalf of another, they shall be required to provide a duly authenticated complaint detailing the identity of the aggrieved party, the matters of which complaint is made and confirmation from the aggrieved party as to the accuracy of the complaint and the reasons for it.

3.10. Notwithstanding and without prejudice to paragraph 3.9, the Archdiocese shall remain entitled to decline to enter into or maintain correspondence with any correspondent other than the person aggrieved where it is considered necessary and/or appropriate to do so for the purposes of regulatory or legal compliance. Any such decision shall not be the subject of appeal under this Policy.

#### **4. Stage 2: Appealing a Stage 1 decision**

4.1 Where a complaint has been received and subjected to a merits based evaluation other than an assessment or determination in accordance with paragraphs 3.7 and/or 3.10, the complainant will be provided with a Stage 1 Outcome Letter.

4.2 An outcome letter issued in accordance with paragraph 4.1 shall contain a summary of the conclusions reached and the reasons for them. The detail of the Outcome Letter shall otherwise contain such details as the author considers reasonable and proportionate.

4.3 A Stage 1 Outcome Letter shall inform the complainant of the right of appeal, the timescale for appeal and the person to whom any such appeal shall be addressed.

4.4 Where a complainant wishes to appeal the Stage 1 Outcome, they shall within **7 days** of receipt of the Outcome Letter:

4.4.1 Set out in writing the grounds upon which the appeal is based;

4.4.2 Provide all and any additional documentation relied upon in support of such appeal;  
and

4.4.3 Where the documentation relied upon in support of the appeal was not previously raised by the complainant, provide an explanation for the failure to provide such material at Stage 1 of this procedure.

4.5 Upon any appeal lodged in accordance with paragraph 4.4 of this Policy, it shall be for the complainant to establish that the Stage 1 Outcome was the product of some serious error or procedural irregularity.

4.6 The appeal will take the form of a review and shall be determined by a person of greater seniority to the original complaint handler and will always be someone who has not previously been involved in the complaint or investigation.

4.7 An appeal will be dealt with following the same procedure as with a Stage 1 complaint and will normally be completed within 20 working days

4.8 Upon conclusion of the appeal, the complainant shall be issued with a Stage 2 Appeal Outcome Letter.

4.9 A Stage 2 Appeal Outcome Letter issued in accordance with paragraph 4.8 shall contain a summary of the conclusions reached and the reasons for them. The detail of the Stage 2 Outcome Letter shall otherwise contain such details as the author considers reasonable and proportionate.

4.10 The provision of a Stage 2 Appeal Outcome Letter marks the conclusion of the Archdiocesan complaints process.

## **5. Confidentiality**

5.1 Confidentiality can be an important issue for complainants. Where confidentiality is requested, we will do our best to respect that. However, confidentiality and an effective investigation or resolution of a complaint do not necessarily always go hand in hand. There are also legal reasons which may require the Archdiocese to share information with others, including the Police or Statutory Agencies.

5.2 It may therefore not be possible for us to guarantee anonymity or preserve confidentiality in all cases.

5.3 Complainants will be reassured that they will not suffer adverse treatment as a result of making a complaint. However, where a complaint is found to be deliberately malicious, false or for personal gain, the Archdiocese reserves the right to take appropriate action in respect of such conduct.

## **6. Complainants**

6.1 It is preferable that complaints are made by named complainants.

6.2 In submitting a complaint under this Policy, all complainants will be taken to accept that they have a responsibility to co-operate in the investigation and resolution of any complaint or concern.

6.3 Though every effort will be made to do so, experience has shown that it can be difficult to obtain sufficient detail about incidents or allegations which have been made anonymously.

6.4 Anonymous complaints will be directed to the Chief Operating Officer, in the first instance who will assess the level of detail provided and decide what action, if any, to take in respect of the matter. Where an anonymous complaint is capable of being investigated and / or responded to, it will be treated with the same level of seriousness as a complaint from a named complainant.

6.5 Where, having lodged a complaint, a complainant thereafter declines to co-operate in its investigation or resolution, it shall be open to the Archdiocese to conclude the complaints process without further determination. For the avoidance of doubt, there shall be no obligation

upon the Archdiocese to continue to progress a complaint where, having been given appropriate and reasonable opportunity to do so, the complainant has failed to engage and/or refused to participate and/or declined their co-operation.

6.6 Further, and in accordance with the paragraph 3.7, the Archdiocese shall be and remain entitled to decline to consider any complaint under this policy where in the view of the Vicar General and/or the COO, the adoption or application of this Policy would in the instant case be futile and/or serve no purpose.

## **7. Malicious or vexatious complaints**

7.1 The Archdiocese is committed to addressing complaints falling under this policy in an open and transparent manner.

7.2 In receiving a complaint, the Archdiocese shall proceed upon the assumption that it has been raised in good faith. However, where evidence comes to light which suggests that a complaint or complaints have been raised maliciously or vexatiously, the Archdiocese reserves the right not to follow and/or discontinue consideration of any such complaint under this Policy.

## **8. Data Protection**

8.1 Handling a complaint is likely to involve processing the complainant's personal data.

8.2 The Archdiocese will process all personal data in line with the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR).

8.3 Any personal data obtained as a result of or in relation to a complaint will be processed for the purposes of investigating and responding to the complaint or implementing any measures as a result of the complaint being made, and for no other purpose. Data will be stored securely within the Archdiocesan system. We have put in place appropriate security measures to prevent accidental or unauthorised loss, access, alteration or disclosure of personal data.

8.4 Data will be shared internally only with those people who require to see it for the purposes of investigating the complaint. Where necessary, data may be shared with external advisors and/or Agencies in order for the Archdiocese to receive expert advice or ensure regulatory or statutory compliance. Any such advisor and/or Agency will be considered a Data Processor and/or Data Controller and will be required to adhere to appropriate standards of data security. Data may be transferred to third parties out with the EEA but only where the Archdiocese has a Legitimate Interest to do so (GDPR Article 6: 1(f)).

8.5 Data will be retained only for as long as is necessary. In most cases, this will be for a period of seven years after the complaint has been resolved. Once this period has expired and in the absence of any other legitimate for its retention, the Archdiocese will ensure that the data is securely destroyed.

8.6 A complainant has the right to access personal data and to request its erasure, rectification or transfer. They also have the right to object to processing, automated decision making or to request that processing is restricted. If a complainant has concerns about the way in which data has been processed, they are also entitled to make a complaint to the Office of the Information Commissioner (ICO).

## **9. Revision and Review**

9.1 This Policy is to be read in conjunction with the related policies operated by the Archdiocese.

9.2 The timescales recorded within this Policy are aspirational. The Archdiocese will endeavour to adhere to them. Where such timescales cannot be maintained, the complainant will be notified of the anticipated duration of the Complaint process.

9.3 The Trustees reserve the right to review, amend and/or modify the terms of this Policy from time to time. Where such modifications have been adopted, a revised version of the Policy shall be made available upon the Archdiocesan Website.

9.4 All and any modifications and amendments to the provisions of this Policy shall have immediate force and effect and will apply to all and any complaints processes at the time of promulgation.

*Approved by Trustees, 17 November 2022*