



Archdiocese of St Andrews & Edinburgh

**Complaints Policy
&
Whistleblowing Policy**



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

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

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, a member of the clergy or a volunteer.

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. Stage 1: Raising a formal complaint

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

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.

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.

If a complaint is about the Archbishop, it will be passed to the Senior Suffragan Bishop of the Conference of the Province. If a complaint is about a priest, it will be passed to the Vicar General who, in consultation with the Archbishop, will decide who will deal with it.

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.

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. Stage 2: Appealing a Stage 1 decision

The Stage 1 outcome letter will set out that the complainant may appeal the decision within fifteen days, if they are unhappy with it and will confirm the name of the person to whom an appeal may be addressed. This will usually be 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. An appeal should be made in writing within seven days of receipt of the Stage 1 outcome.

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. The outcome of the appeal completes the Archdiocesan process.

4. Confidentiality

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. It may therefore not be possible for us to guarantee anonymity in all cases. Complainants will be reassured that they will not suffer adverse treatment as a result of making a complaint, unless the complaint is proven to be deliberately malicious, false or for personal gain, in which case there may be consequences. Where any matter requires to be reported to the police, we will be required to share details of the complaint and therefore cannot guarantee confidentiality.

5. Anonymous complaints

It is preferable that complaints are made by named complainants. It can be difficult to obtain sufficient detail about incidents or allegations from an anonymous complainant to fully investigate the matter. 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. Malicious or vexatious complaints

Our starting position in handling a complaint will be to accept 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, we reserve the right not to follow this complaints policy.

7. Data Protection

Handling a complaint is likely to involve processing the complainant's personal data. The Archdiocese will process all personal data in line with the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR).

Any personal data obtained as a result of 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.

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 in order for the Archdiocese to receive expert advice. Any such advisor will be considered a Data Processor and will be required to adhere to high 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)).

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 the Archdiocese will ensure that the data is securely destroyed.

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).

Approved by Trustees, 26 November 2020



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WHISTLEBLOWING POLICY

1. If an employee, volunteer, parishioner or any member of the public has concerns about public interest matters such as serious malpractice, fraud, financial irregularities, corruption, bribery, dishonesty, or creating or ignoring a serious risk to health and safety, they should report the matter at once to their line manager, the Chief Operating Officer, their Parish Priest or the Archbishop. If it concerns a safeguarding issue, it will be referred directly to the Archdiocesan Safeguarding Advisor.
2. No one who reports any concern will suffer any detriment for coming forward, regardless of whether the concern is ultimately substantiated. The exception is if someone has deliberately made false or malicious allegations or made a complaint for personal gain. This will be treated very seriously and for employees could constitute a gross misconduct offence. Victimising staff or deterring them from raising a concern is a disciplinary offence and will be dealt with under the disciplinary procedure.
3. Concerns raised will be rigorously and impartially investigated. Safeguarding concerns will follow the Safeguarding Whistleblowing Policy.

Approved by Trustees, 26 November 2020