

# **FREE CHURCH OF ENGLAND CENTRAL TRUST**

## **COMPLAINTS POLICY**

Adopted at a meeting of the Executive Council on 4<sup>th</sup> October 2022

### **1. Introduction**

- 1.1 This is The Free Church of England Central Trust's ("FCECT") policy for identifying, managing, monitoring and resolving complaints about the FCECT.
- 1.2 In this policy, references to:
- (a) "Chair" means the chair of the Executive Council from time to time;
  - (b) "Council Member" means a member of the Executive Council of the FCECT;
  - (c) "FCE" means the Free Church of England otherwise known as the Reformed Episcopal Church;
  - (d) "Executive Council" has the same meaning as defined in the Memorandum and Articles of Association of the FCECT; and
  - (e) "Secretary" means the person appointed to be the company secretary of the FCECT.
- 1.3 The FCECT's Memorandum and Articles of Association ("Governing Documents") do not set out specific procedures in relation to complaints, however, this policy should be read in conjunction with the Governing Documents, and relevant provisions in the Governing Document take precedence over this policy.

### **2. The purpose of this policy**

- 2.1 The primary purpose of this policy is to provide a process for dealing with complaints relating to the behaviour of, or activities and decisions taken by the FCECT, the Executive Council, its members, officers, staff, or volunteers.
- 2.2 The FCECT aims to provide its beneficiaries and the general public with the best possible service. To that end, the Executive Council (as the charity trustees of the FCECT) positively welcome suggestions in relation to how they can improve any aspect of the FCECT's service.
- 2.3 Wherever possible, a person who wishes to raise an issue with the FCECT should exercise the principles of the FCE in seeking to reconcile differences. To this end, should a problem arise, the Executive Council hopes that informal communication with the relevant person will be sufficient for the issue to be addressed and resolved.

2.4 However, the Executive Council recognises that from time to time there may be occasions when those in contact with the FCECT feel that the quality or level of service provided falls short of what they could reasonably expect. The Executive Council also wants to know about these occasions so that they can address the problem and try to avoid it being repeated.

### **3. Definition of complaint**

3.1 A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of the FCECT.

### **4. How to make a formal complaint and how the FCECT will deal with it**

#### **Stage One**

4.1 A complainant should submit their complaint in writing to the Secretary using the FCECT's complaints form (see Appendix). On receipt, the Secretary will:

- (a) acknowledge the complaint within 7 days of receipt and tell the complainant who will review it (this may be a staff member or a Council Member);
- (b) the person reviewing the complaint will begin the review within 14 days, contacting the complainant for further information if needed; finding out what happened, when it happened, and who was involved, and if necessary, interviewing people involved;
- (c) inform any person who is the subject of the complaint about the nature of the complaint and give them an opportunity to respond unless this would seriously prejudice the review;
- (d) recommend what remedial action, if any, should be taken, giving reasons; and
- (e) write to the complainant informing them of the outcome of the review ideally within two months of receipt of the complaint.

#### **Stage Two**

4.2 If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed by the Executive Council. The request for a review by the Executive Council should be acknowledged within 7 working days of receiving it. The acknowledgement should say when the complainant can expect a full reply.

4.3 At this stage, the complaint will be passed to the Executive Council. The Executive Council may investigate the facts of the case themselves or delegate a suitably senior person to do so (save that the complaint should not be investigated by any Council Member involved at Stage One). This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage One. If the complaint relates to a specific person, they should be informed and given a further opportunity to respond.

4.4 Ideally complainants should receive a definitive reply within a month. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given. Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

## **5. Appeal a decision about a complaint**

- 5.1 If the complainant is unhappy about how the Executive Council has dealt with their complaint or about the outcome of the complaint, they should in the first instance write to the Secretary stating that they want to appeal and the grounds for their appeal.
- 5.2 The Secretary will consult with the Executive Council to determine if an independent person can review the appeal, and if so, how long it will take for that person to review it. If the Executive Council is unable to allocate someone to review the appeal, the Secretary will inform the complainant, and advise them instead to consider contacting the Charity Commission.
- 5.3 An appeal should not include new evidence, unless the complainant could not with reasonable diligence have provided that evidence during Stage One.

## **6. Contacting the FCECT's regulator**

- 6.1 If a complainant is unhappy with how the FCECT deals with their complaint, they may choose to contact the Charity Commission, the regulator of charities, using the following form: <https://www.gov.uk/complain-about-charity/>

## **7. Related, complex or vexatious complaints**

- 7.1 The FCECT may, on occasion, receive related complaints, or several people may make the same complaint. Depending upon the nature of the complaint and when each complaint is received, the Executive Council may decide to consolidate the review or to deal with the earliest complaint first.
- 7.2 The more complex the complaint is, the longer it may take the Executive Council to respond. This is especially likely if the complaint relates to historic matters, documents need to be reviewed or several people need to be interviewed.
- 7.3 If the police investigate the person who is the subject of the complaint in relation to the same or related matters, the Executive Council may not be able to begin or complete the review until the police have completed their investigations.
- 7.4 The Executive Council may decide that it is under a duty to report the matter to statutory authorities or the Charity Commission. If this is the case, the Executive Council will write to the complainant to tell them this.
- 7.5 If the Executive Council concludes that a complaint is vexatious, and the complainant is a member of a FCE church, the Executive Council may recommend that the relevant church or the FCE Convocation exercise church discipline in accordance with the Constitution and Canons of the FCE. If the complainant is not a member of a FCE church, the FCECT may not answer any further complaints you make.

## **8. Confidentiality**

- 8.1 The FCECT will treat the facts and content of any complaint carefully and in line with the FCECT's Data Protection Policy. However, on occasion, the FCECT may need to make a public statement about the subject matter of the complaint (if for instance it comes into the public domain through no

fault of FCECT), report it to statutory authorities or seek professional advice, and consequently the FCECT cannot guarantee to keep any complaint completely confidential.

- 8.2 The complainant should maintain reasonable confidentiality as to the nature and content of their complaint, other than to seek professional advice if required. Once they have submitted their complaint and while the matter is being reviewed, they should avoid communicating with the person(s) complained about (if it relates to any specific person(s)).

## **9. Training**

All newly appointed Council Members must receive training on this policy and on identifying situations that may result in a complaint and ways in which complaints can be managed in practice. In addition, the Executive Council must be familiar with the principles contained in the Charity Commission's guidance on complaints.

## **10. Monitoring, enforcing and reviewing this policy**

- 10.1 Any Council Member who becomes aware of a breach of this policy must report it to the Secretary or Chair as soon as possible.

- 10.2 The Secretary must:

- (a) ensure that records of all complaints about FCECT are kept;
- (b) report to the Executive Council at the next Executive Council Meeting (bearing in mind that the report should not be given in such a way as to prejudice the ability of the Executive Committee or a sub-group of the Executive Committee to investigate at Stage 2) any Stage One complaints that contain information which may result in, or risk, significant:
  - (i) harm to people who come into contact with FCECT through its work
  - (ii) loss of FCECT's money or assets
  - (iii) damage to FCECT's property
  - (iv) harm to FCECT's work or reputation

in order that the Executive Council can consider whether a report needs to be made to statutory authorities or the Charity Commission;

- (c) report all Stage Two complaints to the Executive Council at the next Executive Council Meeting;
  - (d) report all breaches of the policy of which they are aware to the Council Members at the next Executive Council meeting; and
  - (e) ensure that all breaches are noted in the minutes of the relevant Executive Council meeting.
- 10.3 The Executive Council have implemented this policy to identify, monitor, manage and resolve complaints about FCECT. Any failure to comply with the terms of this policy will not, in itself, result in a decision of the Executive Council being invalidated or in any liability to the FCECT's beneficiaries.
- 10.4 This policy shall be reviewed annually, or sooner if required, by the Executive Council.