

Safeguarding Complaints Procedure

The Safeguarding Committee has produced 'Guidelines for Managing Safeguarding Complaints' which outline a series of principles to facilitate congregations in the development of an effective safeguarding complaints procedure. The guidelines also clearly state when it is not appropriate to use the complaints procedure. These have already been circulated to all Ministers and Coordinators but are available to download for all appropriate persons on Kirk Sessions. The Safeguarding Service has also produced a template which congregations may find a useful reference when developing their own complaints procedure.

Introduction

It is good practice for Kirk Sessions to have a complaints procedure but in an increasingly litigious society, congregations may be nervous about handling complaints. It is recommended that all Kirk Sessions have a complaints system in place to help them resolve, or where possible, avoid potential problems. The complaints system should be made known to all those who need to know. This paper offers a series of principles on which congregations can base their complaints system. It does not prescribe a system as there will be variations depending on the size and complexity of the individual congregation. It is important to ensure that the needs of children and vulnerable adults who are alleged to be at risk of harm or abuse or who have been abused or harmed are protected through the Child and Adult Protection systems developed by the Safeguarding Service and agreed by the General Assembly. It is not appropriate for any Complaints system to be used to explore allegations of abuse or risk.

Complaints are likely to be about the process followed or any discontent with the actions taken in the safeguarding process but should not be used to examine the incident leading to the allegation.

Principles of an Effective Safeguarding Complaints System

Every effort should be made to provide the best possible standards of care and concern for all who are part of the Church family. However, occasionally there will be misunderstandings and other instances which might give rise to a complaint. Some of these complaints may appear trivial and others will clearly be of a more serious nature. Although a very small proportion of complaints may be motivated by malice, it should be borne in mind that almost all who take the time to complain feel genuinely wronged or aggrieved, even where their concern might be more of a perception than a reality. All complaints need to be addressed fairly and impartially. An effective complaints procedure will facilitate people making their concerns known with a view to helping to prevent problems unnecessarily becoming full blown disputes. The existence of a safeguarding complaints procedure does not mean that issues cannot be resolved informally wherever possible.

An effective complaints procedure will promote conciliation rather than confrontation and therefore be of benefit to the whole Church. The following six principles facilitate an effective complaints procedure.

The system should be welcoming

Good complaints procedures actively help people when they make their complaints and comments. It should be made clear to the individual to whom they should complain to e.g.: the Minister, the person responsible for organising the group/event or the Safeguarding Coordinator.

For various reasons, people are often reluctant to complain. Through effective communication, the existence of a complaints system should be known about by all who engage in the life of a congregation. A good complaints system will be easily accessible. It should encourage people to bring along a relative or friend to any meetings which may be arranged in connection with the complaint.

While all complainants have the right to be heard, understood and respected, it should be pointed out that all involved have the same rights. The Safeguarding Service can offer guidance where complainants' actions are considered to be unacceptable, for example involving violent, aggressive or abusive behaviour.

Complaints procedures should be simple to understand and use

Complaints should be dealt with using a clearly set out procedure which is easy to understand. Procedures should, where possible, be consistent across all parts of the church.

Complaints procedure should be prompt

Complaints should be dealt with as quickly as possible. Complainants should be kept informed of progress made in dealing with their complaint. They should be given an explanation if deadlines are not met, particularly when a decision is pending, to allow for full exploration of the issues raised.

Complaints procedure should ensure a full and fair investigation

All complaints should be thoroughly and objectively investigated. It is important that the complaint is investigated by someone independent and not by anyone involved in the issue giving rise to the complaint. The complaints system should aim to ensure that individuals who complain are not made to feel their concerns are unjustified.

The complaints procedure should respect people's rights to confidentiality

Complaints and any action which follows should be dealt with in a confidential manner, limited to those directly involved. Complaints which are received should be kept on record in a secure place and access should be limited to those directly involved. If there is any question about a child's safety or a possible situation which requires the involvement of the police or local social work office, then this must be dealt with through the Safeguarding procedures agreed by the General Assembly, not the Complaints process. Reference should be made to guidance contained in Safeguarding Handbook 2. The Church's Safeguarding Service is also available for advice and guidance.

The complaints procedure should address all the points at issue, and provide an effective response and appropriate redress

Redress, appropriate to the nature of the complaint, should be considered on an individual basis. Sometimes the very acknowledgment of an issue brings relief to parents and confidence to a child. Satisfaction for a complainant may come from any of the following:

- Knowing that changes have been made and that matters will be different in the future
- Knowing that the church is now alert to a possible problem
- Feeling that their concerns have been considered seriously
- An outcome which may be different from the one they sought but which they perceive to be well-considered and fair to all concerned
- A considered letter
- An apology

All records should be retained as should any indication of satisfaction or dissatisfaction by the complainant about the handling of the complaint.

Kirk Sessions may wish to consider maintaining a register of complaints and decide a timescale for retention.

There may be a small minority of persistent or aggressive complainants who will never be satisfied, whatever the Church does. The Church may even discover on investigation that the complaint was without foundation or motivated by malice. Nevertheless, it is wise to treat all complaints seriously and to follow the procedures.

All Complaints Procedures should identify a recording system which will include the following information

1. Date complaint received (written/verbal and to whom?).
2. Name and status of complainant.
3. Nature of complaint (brief description).
4. Complaint explored by.
5. Outcome of investigation and how/when communicated to complainant.
6. Any verbal/written response to outcome received by complainant.
7. Any action for future consideration arising out of the complaint?.
8. Parts 5 – 7 completed by
(signed).
(date).

The Safeguarding Complaints guidelines and a template form can be downloaded from the resources section of the Safeguarding Service website.