

COMPLAINTS AGAINST CLERGY

GUIDANCE, JULY 2021

The People of God cooperate in the building up of the Body of Christ. Generally this cooperation works smoothly but occasionally a complaint arises concerning a member of the clergy ministering in the Diocese of Westminster. This guidance is intended to ensure that such complaints are dealt with respectfully and fairly.

This guidance does not cover:

- Complaints concerning possible harm to children or young people (defined as all those under 18 years of age) or adults at risk of harm or neglect need to be referred to the Diocesan Safeguarding Office: safeguardingoffice@rcdow.org.uk within 24 hours of knowledge of such concerns. This applies to any such complaint whether oral or written, current or historic, anonymous or identified. Where there is immediate danger, all such concerns must be immediately referred directly to the Police or Social Services.
- Complaints concerning the service delivered by the Safeguarding Office. Such complaints need to be referred to the Episcopal Vicar for Safeguarding: seamusoboyle@rcdow.org.uk
- Complaints concerning a cleric's exercise of his responsibilities as a line manager of employed staff. Such complaints need to be referred in the first instance to the Diocesan Human Resources Department: humanresources@rcdow.org.uk who will coordinate the response with the Vicar General.
- Complaints concerning a school or school governance. Such complaints need to be referred directly to the Governing Body or Directors of the school concerned or to the Westminster Education Service: education@rcdow.org.uk
- Complaints concerning the use of personal information. Such complaints need to be referred to the Diocesan Data Protection Officer: dpo@rcdow.org.uk
- Complaints of possible abuse whether physical, sexual, psychological or financial concerning a person who is neither a minor nor an adult at risk/vulnerable adult will be reviewed by both the diocesan Safeguarding Office and the Vicar General who shall jointly determine whether the complaint should be addressed as a Safeguarding concern or as a matter of clergy discipline.

The process. 'The subject' refers to the member of the clergy against whom a complaint has been made.

1. A complaint is an expression of dissatisfaction, whether justified or not. A complaint may be made in writing, via email or verbally in person or via telephone.
2. Complaints can provide an opportunity to learn and improve pastoral practice as well as address specific concerns of the complainant, and may also indicate concerns about the wellbeing of the subject of the complaint.
3. Anonymous complaints can be considered provided there is clear factual information supplied regarding the behaviour concerned including identification of dates and times.
4. Complaints made orally, whether heard by telephone or in person, need to be recorded in writing whether by hand or electronically. The person who receives such a complaint should:
 - Write down the facts of the complaint
 - Take the complainant's name, address, email and telephone number. If the complainant will not identify him/herself s/he should be advised that the complaint may be unable to be progressed
 - Note down the relationship of the complainant to the subject of the complaint
 - Tell the complainant that diocesan guidance on addressing complaints is available on the diocesan website

- Unless it appears there is a barrier which would prevent the complainant from doing so s/he should be requested to send in a written account of the complaint by post or email so that the complaint is recorded in the complainant's own words
 - The notes made on the occasion of receipt of the complaint are to be emailed to the Vicar General with responsibility for clergy who will acknowledge receipt of the complaint to the person who has transmitted it to him
5. Complaints received in writing or by email should ordinarily be forwarded to the Vicar General with responsibility for clergy or, by exception, to the Bishop or priest delegated by the Diocesan Bishop as having particular pastoral oversight for the area concerned.
 6. The Vicar General with responsibility for clergy or, by exception, the Bishop or priest delegated by the Archbishop as having particular pastoral oversight for the area concerned, shall contact the complainant and, if after discussion it appears it would not be possible for the complaint to be resolved informally between the complainant and the subject of the complaint, he will, with the complainant's permission, forward the complaint to the appropriate person to address it.
 7. In keeping with the principle of subsidiarity:
 - complaints about a Deacon, an Assistant Priest or equivalent will ordinarily be addressed by the Parish Priest, or equivalent
 - complaints about a Parish Priest will ordinarily be addressed by the local Dean
 - complaints about a Dean will ordinarily be addressed by the Episcopal Vicar or Auxiliary Bishop responsible for the area
 - complaints about an Episcopal Vicar, Vicar General or Auxiliary Bishop will ordinarily be dealt with by the Archbishop or his delegate
 8. In responding to complaints it must be made clear to the complainant that in the interests of fairness the subject of the complaint will need to be provided with full details of the complaint and, unless exceptional circumstances apply, the identity of the complainant.
 9. Should a complainant be unwilling for his/her identity to be made known to the subject of the complaint further action will often not be possible and a record of the matter shall ordinarily be retained only in the case of a complaint which could amount to serious clerical misconduct.
 10. The person addressing the complaint shall seek to resolve the complaint to the satisfaction of both the complainant and the subject of the complaint. Ordinarily, this will be achieved through a meeting of the complainant, the subject of the complaint and the person addressing the complaint. Prior to the meeting it may be helpful for the person addressing the complaint to understand the complainant's desired outcome. A written record of the conclusions reached during the meeting should ordinarily be made with copies provided to the complainant, the subject of the complaint and the Vicar General with responsibility for clergy.
 11. Should either the complainant or the subject of the complaint feel aggrieved at the conclusions reached s/he may request the matter be given further consideration. Such a request must be made within a week of the issuance of the written conclusions.
 12. The Vicar General with responsibility for clergy or the senior Auxiliary Bishop shall ordinarily consult with a senior priest of the diocese and a lay person knowledgeable of the canonical rights of the Christian Faithful before determining whether the matter merits further consideration.

13. Following this consultation the Vicar General with responsibility for clergy or the senior Auxiliary Bishop shall decide whether the matter should be further considered or deemed closed. If he determines it should be further considered he shall, either personally or through another, seek once more to resolve the matter through a meeting with the complainant and the subject of the complaint with conclusions being recorded in writing and copies provided to the complainant and the subject of the complaint. If he determines the matter should be deemed closed he shall write to the complainant and the subject of the complaint providing reasons why he is satisfied the matter has been adequately addressed.
14. In addressing complaints all those involved are called upon to act with fairness and charity.

Mgr Martin Hayes | Vicar General | Diocese of Westminster

23 July 2021