



The Methodist Church

Confidentiality and Part 11 – guidelines for Local Complaints Officers

These Guidelines should be read in conjunction with the confidentiality guidelines contained in [‘With Integrity and Skill,’](#) a Report to the Conference in 2008. They can be found in full in Book VII of CPD.

1. Part 11 is based on principles of fairness and justice and the intention to explore reconciliation between parties. In cases when reconciliation between the parties proves not to be possible, complaints may be taken forward through a variety of stages set out in Part 11. Complainants may well have discussed their issues informally with a number of people prior to making a complaint but, once the Part 11 process has been initiated, both complainant and respondent, as well as anyone else involved in the process must comply with the rules in Part 11. One rule which applies to all those involved in the process is the obligation to observe at all times ‘the confidentiality of the proceedings’ (SO 1104(6) and (7)).

2. When you receive a complaint as LCO therefore, you will need to deal with it ‘confidentially’. What does this mean in practice? Confidentiality is a common word but one which is difficult to define. Although it may sometimes be used in common parlance as a synonym for privacy or even secrecy, confidentiality as a concept, is distinct from both but also related to both. Confidentiality is context specific, it is not absolute and it can be overturned by other pressing issues depending on the precise situation. Confidentiality is not the same as secrecy and confidential information can be shared with appropriate recipients provided these are within the relevant ‘circle of confidentiality.’ For the purposes of Part 11 this may include the relevant Connexional Team Member, the Connexional Complaints Officer and the District Reconciliation Group for instance.

3. Your first duty as LCO may be to attempt to resolve the complaint informally (SO 1120). If this is successful then that is the end of the matter and no record of the details of the complaint is to be kept (SO1120(9)). You must share no more than is necessary to comply with your duties as an LCO and, in particular, the confidentiality of the proceedings requires that no information received leading to the resolution of the complaint is divulged to anyone not involved with the process.

4. If informal resolution is not possible, the process moves on to the first formal stage (SO 1121). At this stage the LCO will need to obtain a formal statement from the complainant which must be shared with the respondent. At this stage the ‘circle of confidentiality’ will be wider and involve the district Reconciliation Group. SO 1121 does not require the LCO to carry out an investigation of the complaint, but any information obtained from either the complainant or the respondent during the process is protected by the confidentiality of the proceedings. There are legitimate exceptions to the rule that information can only be shared where the individual concerned has given permission and neither side can impose an individual obligation of confidence on any particular information and direct that it cannot be shared with the other party. Neither can confidentiality be used as a reason for withholding relevant factual information.

5. If the complaint is not resolved at the first formal stage then the LCO can either refer the complaint to the connexional Complaints Panel or decline to refer it. In either case appropriate records should be kept as set out in SO 1121.

6. Many communications about complaints are likely to be made by email and it is important to ensure that these are dealt with appropriately. No method of communication is 100% secure – this is equally true of postal and telephone messages. But with care and a few elementary precautions, email is a perfectly sensible and efficient way to communicate. In particular:

- i. If using reply all make sure that all recipients are in the circle of confidentiality.
- ii. Beware of forwarding/replying in such a way that the whole conversation is revealed.
- iii. Make sure that you use the correct email ids for your intended recipients
- iv. Make sure that you use an email which is unique to you (i.e. no shared ids such as xfamily@y.com). Even if, in practice, such an email id is not actually used or is rarely used by others, the perception and the reality is that others who are not in the circle of confidentiality will be able to access the information.
- v. Where manual records are made these should be kept securely and in compliance with the relevant SOs and associated guidelines on destruction, forwarding to the Secretary of the Conference etc.

7. The obligation to observe the confidentiality of the proceedings does not end as soon as the Part 11 process has been concluded and those involved should continue to treat any information which formed part of the process as confidential for a reasonable time afterwards.

These Guidelines on Confidentiality were produced by the Connexional Complaints Officer Professor Diane Rowland in the context of the Church's Complaints and Discipline Proceedings for Complainants & Respondents, Local Complaints Officers, and Connexional Complaints Team Members and accepted by Conference 2020.