

# Part 11 Review update and recommendations

MC/24/18

Date of meeting	29-30 January 2024
Contact name and details	Mrs Joanne Anderton, Conference Officer for Legal and Constitutional Practice <a href="mailto:lcp@methodistchurch.org.uk">lcp@methodistchurch.org.uk</a>
Action required	For discussion and approval
Resolutions	18/1. The Council receives the report. 18/2. The Council endorses the recommendations in this report and directs the Part 11 Review Task Group to continue its work to enable the recommendations to be presented to the 2024 Conference.

## Summary of content

Subject of aims	To update the Council on progress with the review of the Church's complaints and discipline process (known as the Part 11 Review) and to seek the Council's approval to various recommendations to improve the process.
Main points	<ul style="list-style-type: none"> <li>• This report proposes a series of recommendations to improve the Church's complaints and discipline process.</li> <li>• The Council is asked to endorse the recommendations and to direct the Part 11 Review Task Group to continue its work to enable the recommendations to be presented to the 2024 Conference.</li> </ul>
Background context and relevant documents (with function)	<ul style="list-style-type: none"> <li>• MC/23/44 (April 2023): <a href="https://www.methodist.org.uk/media/28740/mc23-44-part-11-review-jma-jrh.pdf">https://www.methodist.org.uk/media/28740/mc23-44-part-11-review-jma-jrh.pdf</a></li> <li>• The Council's Report to the 2023 Conference, Part 1, Section H: <a href="https://www.methodist.org.uk/media/29362/conf-23-pc-3-methodist-council-part-1.pdf">https://www.methodist.org.uk/media/29362/conf-23-pc-3-methodist-council-part-1.pdf</a></li> <li>• MC/23/76 (October 2023): <a href="https://www.methodist.org.uk/media/30745/counc_mc23-76-part-11-review-update-jma-jrh-jb_oct_2023.pdf">https://www.methodist.org.uk/media/30745/counc_mc23-76-part-11-review-update-jma-jrh-jb_oct_2023.pdf</a></li> </ul>
Consultations	<ul style="list-style-type: none"> <li>• the Part 11 Review Task Group;</li> <li>• the Connexional Complaints Worker;</li> <li>• the President, Secretary and Assistant Secretary of the Conference;</li> <li>• senior/relevant members of the Connexional Team;</li> <li>• the Chairs of the Safeguarding and Audit and Risk Assurance Committees;</li> <li>• representatives from around the Connexion including District Chairs, Safeguarding Officers, Local Complaints Officers and members of Complaints and Discipline panels;</li> <li>• the Belonging Together Ministers' Group;</li> <li>• benchmarking with comparable organisations.</li> </ul>

## Summary of impact

Standing Orders	SO 013 (suspension), SO 040 (competence), SO 232-237 (safeguarding) and Part 11 of Standing Orders will be reviewed as part of the Review. Consequential amendments to other provisions in CPD may also be required.
Risk	<ul style="list-style-type: none"> <li>• Reputational risk if the Review is not completed in an effective manner;</li> <li>• Risk of complaints and adverse publicity about the Church's processes not being handled properly;</li> <li>• Risk of harm to individuals affected by poor handling of complaints;</li> <li>• Risk of loss of members due to failure to address complaints appropriately;</li> <li>• Financial and reputational risk arising from legal or regulatory action if complaints are not handled properly.</li> </ul>

# Part 11 Review update and recommendations

MC/24/18

## Introduction

- 1 At its meeting in October 2023, the Council received report [MC/23/76](#) which provided an update on the review of the Church's complaints and discipline process under Part 11 of Standing Orders (**the Review**) and noted the appointments of an external Complaints and Standards Consultant, Mr David Orford, and a representative Task Group (**the Task Group**) to take forward the final stages of the Review.
- 2 The full background to the reasons for, and progress with, the Review is set out in previous reports, notably:
  - MC/23/44 (April 2023): <https://www.methodist.org.uk/media/28740/mc23-44-part-11-review-jma-jrh.pdf>
  - The Council's Report to the 2023 Conference, Part 1, Section H: <https://www.methodist.org.uk/media/29362/conf-23-pc-3-methodist-council-part-1.pdf>
- 3 During September and October 2023 the Complaints and Standards Consultant carried out various activities in order to report to the Task Group, including:
  - A full document review of work undertaken to date
  - A benchmarking exercise with comparable organisations
  - One-to-one interviews (online and in person) with various stakeholders
  - Past case reviews
  - A process analysis of the current Part 11 process including scenario testing
- 4 The Task Group held its first meeting on 3 November 2023 and discussed a report from the Complaints and Standard Consultant which identified potential improvements in the following areas:
  - Initial contact and recording of complaints
  - Confidential/Anonymous/Third party reporting
  - Resolution approaches
  - Investigations
  - Case management
  - Information sharing
  - Management of risk, including complaint triaging, and assurance
  - Records management, and monitoring
  - Awareness, training, and professional development
  - Governance, oversight, and proportionality
- 5 Following the Task Group's discussion and further meetings with key stakeholders, the initial recommendations were amended and distilled down to the following areas:
  - Policy and Guidance
  - Records Management
  - Process Improvement
  - Governance, management and oversight
  - Safeguarding alignment
  - Learning and Development
- 6 The Task Group met again on 12 January 2024 to consider the Complaints and Standards Consultant's updated recommendations. The Task Group now recommends these to the Council and asks the Council to agree that the Task Group's work should continue to enable these recommendations to be presented to the 2024 Conference for approval.
- 7 The detailed recommendations are set out in paragraphs 16-32 below.
- 8 A further report will be brought to the Council meeting in April 2024.

## Current framework

9 The current complaints and discipline process works at three levels:

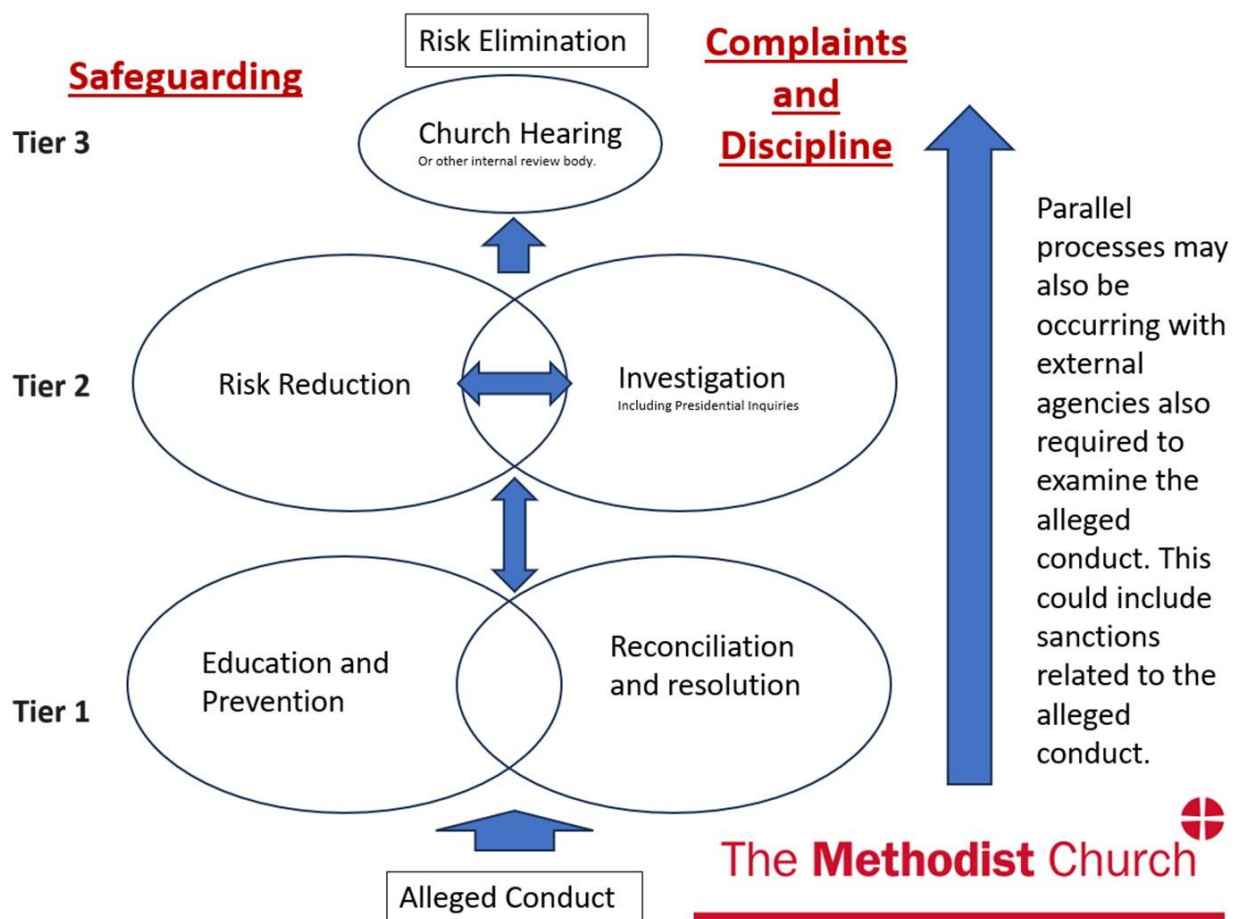
- (i) resolution of complaints at local level;
- (ii) referral of unresolved complaints to connexional level;
- (iii) referral of serious complaints to disciplinary charges and hearings

10 A flow chart of the current process appears at **Appendix A**. This is also available on the Methodist Church website: <https://www.methodist.org.uk/media/24183/candd-process-flowchart-1221.pdf>

## Overview of revised process

11 The key point to note is that it is not intended to rewrite the Part 11 process significantly, but to work within an improved version of the current framework.

12 It is intended to retain the current three-tier model referred to in paragraph 9 above, but with improved support and resources in place. The improved three tier model will look like this:



13 This diagram can be summarised as follows:

- (i) **Tier 1:** as currently, the focus is on reconciliation and resolution, involving proportionate examination and assessment of alleged conduct and resolution at an early stage including reconciliation where applicable. There will be little need for any sort of investigation at Tier 1 and only to the extent required to conduct an initial risk assessment. However, complaints will be handled by Local Resolution Officers, not Local Complaints Officers. see paragraph 18 below.
- (ii) **Tier 2:** the focus is on investigation, involving the collection and assessment of evidence relating to a complaint and a recommendation as to further actions required. Such actions

may be temporary to ensure an effective and efficient investigation and to protect individuals pending a final recommendation.

Formal safeguarding risk assessments will generally be undertaken at Tier 2. All information obtained as part of a safeguarding investigation may be used to assist a complaint investigation (or other internal process if appropriate) and vice versa.

Options at Tier 2 tend to be:

- no further action required, case closed;
- refer back to Tier 1 for resolution and advice;
- provide feedback, which might be cautionary in nature, but otherwise no further action required;
- refer up to Tier 3 for formal hearing/review.

- (iii) **Tier 3:** as currently, this relates to disciplinary charges for serious matters, involving an objective examination and testing of the evidence, with the capability to administer a sanction or outcome related to the alleged conduct if proven to the required standard.

## Detailed Recommendations

- 14 The recommendations in paragraphs 16-32 below have been approved by the Task Group, and are now proposed to the Council for endorsement.
- 15 If all recommendations are accepted, **Appendix B** contains a process map showing how the refined process would be expected to work in practice.

### Policy and Guidance recommendations

- 16 The current definition of a “complaint” in Standing Order 1101(i) should not be narrowed. The Law and Polity Committee should be asked to advise on the merits of adding “conduct” (or “behaviour”) to the definition. Part 11 should be amended to clarify what Part 11 may not be used for, or to indicate alternative procedures for certain complaints, for example a complaint about ministerial competence or a complaint about a trustee decision.
- 17 Guidance should be drafted to assist the identification of alternative resolution approaches where reconciliation may not be appropriate.
- 18 Part 11 should be amended to change the title and role of “Local Complaints Officer” to “Local Resolution Officer” with appropriate amendments to other Standing Orders and guidance where required. Circuit Superintendents will not be expected to act as Local Resolution Officers although they should not be precluded from taking on the role if they wish. Local Resolution Officers are likely to be appointed by a District Committee or District Resolution Group and may or may not be employees of the District or the Circuit.

### Record Management recommendations

- 19 All complaints should be categorised and recorded at Connexional level to assist with oversight, scrutiny and improvement.
- 20 The Church should adopt a records management system for storing all complaints data in line with the Church’s overall records’ management strategy.

### Process Improvement recommendations

- 21 The Church should adopt an appropriate case management system for recording complaints, including a formal process for review, oversight and scrutiny.
- 22 The Church should adopt a holistic anonymous reporting system to capture concerns from all individuals who wish to raise them anonymously.
- 23 The Church should adopt a simplified three tier model for addressing complaints which better aligns with safeguarding practices.

- 24 The Church should adequately resource an investigation capability to assist the Connexional Complaints Support Manager (as described in paragraph 25 below) and District Chairs in the discharge of their duties.

#### **Governance, management and oversight recommendations**

- 25 The Church should introduce a post of “Connexional Complaints Support Manager” to replace the current post of Connexional Complaints Worker. Standing Orders should be amended to give the post appropriate decision-making powers to direct and finalise complaints.
- 26 The Church should ensure that there is an independent review capability to ensure confidence in the system for all parties.
- 27 Standing Orders should be amended to align the rights of appeal for complaints to ensure proportionality, including altering the rights of appeal for certain complaints at appropriate levels.
- 28 The act of “Suspension” should be amended to describe more adequately the temporary duties to be carried out by members who are respondents to a complaint. Suspension should only be used in circumstances where the respondent is required temporarily to cease and desist from any and all activities associated with the Church, and may not in *any capacity* exercise their role.

#### **Safeguarding alignment recommendations**

- 29 The Church should adopt a structured approach to information-sharing to ensure effective management of risk.
- 30 Standing Orders should be amended to remove the capability for a Safeguarding Panel to carry out any functions within the complaints process, and also to ensure that any information acquired as part of a safeguarding or complaints investigation may be used in either process.
- 31 Through structured liaison and information sharing, the Church should recognise that complaints and safeguarding processes may at times run in parallel to ensure the most effective and timely conclusion for complainants and respondents.

#### **Learning and development recommendations**

- 32 The Church should maximise the use of its current Learning Network and internal communication approaches to raise awareness of how to complain, how to resolve complaints and lessons learned.

#### **Next Steps**

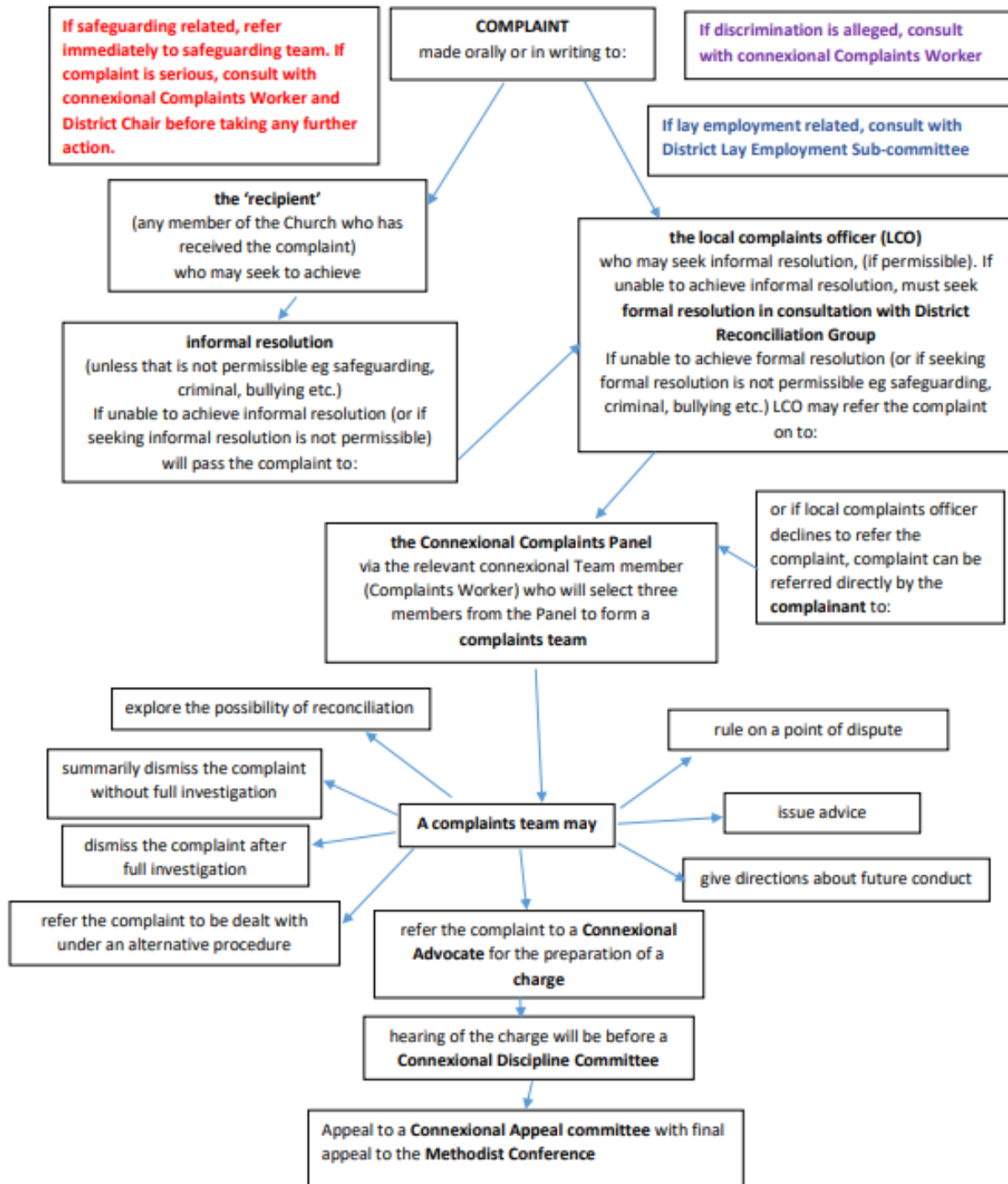
- 33 The Task Group has considered the original Terms of Reference for the Review approved by the Council in 2019 and will continue to work with the Complaints and Standards Consultant to ensure that all items listed in the Terms of Reference are addressed. The Terms of Reference are set out at **Appendix C1**.
- 34 The Task Group is aware that some of the recommendations in this report go further than the scope of the original Terms of Reference, but advises that these recommendations are critical to ensure that the necessary process improvements can be made. A list of matters that fall outside the original scope is set out at **Appendix C2**.
- 35 The Council is asked to consider and endorse the recommendations in this report and assist the Task Group in identifying any questions that still need to be answered.

#### **\*\*\*RESOLUTIONS**

- 18/1. **The Council receives the report.**
- 18/2. **The Council endorses the recommendations in this report and directs the Part 11 Review Task Group to continue its work to enable the recommendations to be presented to the 2024 Conference.**

# Appendix A – the current process

## PART 11 - COMPLAINTS AND DISCIPLINE PROCESS - FLOWCHART FOLLOWING A COMPLAINT



Updated 12/2021

## **Appendix B – the proposed process**

***[see separate flowchart to be circulated electronically]***



## **Appendix C1 – Terms of Reference**

- 1 To clarify the purpose of the complaints and discipline process;
- 2 To clarify what the complaints and discipline process is not to be utilised for and what it cannot be expected to achieve as an outcome;
- 3 To make recommendation as to whether there is a need to narrow the definition of complaint as currently set out in SO 1101;
- 4 To consider whether there is a need to clarify or alter the scope of the role of the local complaints officer and who fulfils this role for the purposes of SO 1121.
- 5 To make recommendations as to any change or clarification that is required in Part 11 in respect of role of the local complaints officer;
- 6 To review the ability of complainants to refer a complaint that a local complaints officer refuses to refer to the Connexional Complaints Panel and make recommendations as to whether the right of a complainant to refer themselves in such a situation should continue, and to consider whether there should be alternative means by which the decision of a local complaints officer can be reconsidered and if so, how such alternative means would work;
- 7 To make recommendations as to how the consideration of complaints can be undertaken in a more efficient and effective way which ensures uniformity as to the process followed and that the consideration of the complaint and drawing of conclusions takes into account the nature, context and background to the complaint;
- 8 To make recommendations as to any amendments required to the courses of action open to a complaints team either at the initial stages (SO 1123) or after full consideration (SO 1124);
- 9 To make any recommendations as to whom a complaint should be capable of being made against with a particular view to clarifying whether or not officeholders who are not members of the Church should be subject to Part 11;
- 10 To clarify the alternative dispute resolutions that can be utilised as part of the complaints process and to make recommendations as to how and when alternative methods of dispute resolution are best utilised and those circumstances where such methods are not appropriate;
- 11 To make recommendations as to the implication that not being willing to participate in alternative method of dispute resolution, when deemed appropriate, would have on the conclusion of a complaint;
- 12 To consider whether there is a need to expand the right to appeal against the conclusions of a complaints team and, if such an expansion is considered appropriate, to make recommendations to address this;
- 13 To consider the reasons for delays occurring within the Part 11 process and make recommendations that seek to reduce these delays and in particular to consider whether there are “types” of complaints or complaints in certain circumstances that should be dealt with in a reduced time period, and to make recommendations as to how this might be achieved;
- 14 To make recommendations as to the further work that needs to be undertaken more effectively to link the complaints and discipline, safeguarding, competence, and stationing procedures as well as the Connexional Team grievance procedure.

## **Appendix C2 – Additional matters outside Terms of Reference**

- 1 To ensure the Church’s JDS strategy is embedded as part of the Review.
- 2 To clarify and improve the Church’s record-keeping process for managing complaints.
- 3 To consider the role of the Connexional Complaints Worker role in the complaints process and redefine this as necessary.
- 4 To consider and recommend what other resources might be required to better serve the process at all levels within the Church.