

Review of Part 11 (Complaints and Discipline)

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Status of Paper	Interim report
Resolutions	20/1. The Council receives the report 20/2. The Council directs the Secretary of the Conference to work with others to finalise the report for the Conference of 2023.

Summary of Content

Subject and Aims	To update the Council on progress on the 2019 Conference direction to review Part 11 of the Standing Orders.
Main Points	This report: <ul style="list-style-type: none"> - acknowledges the significant progress that has already been made in the two years since the Notice of Motion was agreed by the Conference; - notes the work that is outstanding and possible future developments that need to be considered; and - proposes that the final report with draft changes to the Standing Orders be made to the 2023 Conference.
Background Context and Relevant Documents	Notice of Motion to the Conference in 2019 - (NoM 2019/202) MC/19/66 Reviewing the Complaints and Discipline Procedure MC/21/14 Part 11 review update MC/21/14 Part 11 review supplementary report
Consultations	Key stakeholders, Chairs and Superintendents.

Introduction

1. In 2019, the Conference committed to undertaking a review of Part 11 of the Standing Orders further to having adopted Notice of Motion 2019/202:

Notice of Motion 2019/202: Reviewing Part 11 of Standing Orders: In the light of the significant changes, both in UK society and for the Methodist Church of Great Britain since our Standing Orders regarding complaints and discipline were drawn up, the Conference directs the Methodist Council to set the terms of reference for, and facilitate the work of a thorough review of Part 11 of our Standing Orders. This review should include and address how processes of Safeguarding, Complaints and Discipline, and Connexional Team Grievances, can best relate to each other.

The Conference seeks a set of processes that are able to be enacted in timescales that are fair for all concerned and that are appropriate to the capacity, resources and size of the Methodist Church of Great Britain as it is today.

2. The Church's subsequent participation in the Independent Inquiry into Child Sexual Abuse (IICSA) in 2020 also highlighted a need to re-examine the working of our complaints and discipline processes, which was partly criticised in evidence given to the Inquiry and reproduced within that Committee's interim report.

3. The Council agreed a set of terms of reference for this work at its meeting in October 2019. However, the hiatus between the departure of one Conference Officer for Legal and Constitutional Practice and the arrival of her successor and the disruption caused by COVID-19 from March 2020 onwards delayed the start of intense work on this. Progress picked-up pace in the late Autumn of 2020 with Richard Hood (formerly Interim General Counsel & Company Secretary) remaining engaged in the work of the Church to help project manage this work, on a part-time basis, and to ensure that we had capacity to make good progress and maintain impetus.
4. After initial consultation in December 2020 to obtain input from a wide cross-section of people across the Church, a stakeholder event was held in January 2021, which helped to clarify and provide focus on the specific issues that needed to be addressed. Once these had been identified, the project progressed through work-streams, which had the task of looking at a particular aspect of the Review.
5. The work within these work-streams concluded in August 2021 and their findings were brought together and considered in totality by the work-stream leads. Following a meeting in early September to consider remaining areas for discussion, a draft report was prepared.
6. This report was considered by the Complaints and Discipline Subcommittee of the Law and Polity Committee in November 2021 which referred it to a small group to consider what work was still needed. The recommendations before the Council are made by that small group in consultation with the Secretary of the Conference.

Next Steps

7. It had originally been hoped that the Council would be able to consider a draft of the report at its January 2022 meeting prior to its presentation to the 2022 Conference. However, there are three reasons why it is now considered better for the process to be given another year, viz:
 - Not all the workstreams have been able to report and it is hoped that there might still be material that can be incorporated into the final document.
 - The final report of the Independent Inquiry into Child Sexual Abuse (IICSA) is expected in summer 2022. Criticism of the Methodist Church in the September 2021 report on religious organisations and settings was focused on the ways in which discipline matters had been handled. It might be that IICSA makes further recommendations about how the complaints of victims/survivors are addressed in Church processes.
 - The 2021 Conference adopted the Strategy for Justice, Dignity and Solidarity. There is still work to be done on the integration of the recommendations in that strategy into a proposed revision of Part 11.
8. None of these is likely to necessitate huge revision to the current draft report. It is therefore suggested that the Secretary of the Conference be directed to bring this work to conclusion in consultation with the Complaints and Discipline Subcommittee and others as appropriate.

*****RESOLUTIONS**

20/1. The Council receives the report.

20/2. The Council directs the Secretary of the Conference to work with others to finalise the report for the Conference of 2023.

Appendix

Proposed Terms of Reference for the Review of the Complaints and Discipline procedure

- To clarify the purpose of the complaints and discipline process;
- 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;
- To make recommendation as to whether there is a need to narrow the definition of complaint as currently set out in SO 1101;
- 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. To make recommendations as to any change or clarification that is required in Part 11 in respect of role of the local complaints officer;
- 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;
- 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;
- 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);
- 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;
- 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;
- 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;
- 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;
- 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;
- 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.