

COMPLAINTS & DISCIPLINE PROCEDURES : A guide for those involved

The Methodist Church recognises that now and again incidents of inappropriate behaviour occur within its membership and it has procedures in place for dealing with complaints.

This introduction is for those who wish to complain or who may face a complaint. It is also for those who may be asked to deal with a complaint locally and informally.

The aim of the procedure is not to trivialise serious complaints or to allow trivial matters to be treated as a crisis. The emphasis is to resolve problems locally while retaining powers of discipline for serious matters. The aim is to protect those who believe they have a legitimate grievance whilst allowing the basic pastoral and conciliatory character of the Church to be maintained.

Has there always been conflict in the Church?

Matthew 18:15-20: “If another member of the church sins against you, go and point out that fault when the two of you are alone. If the member listens to you, you have regained that one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the member refuses to listen to them, tell it to the church; and if the offender refuses to listen even to the church, let such a one be to you as a Gentile and a tax collector. Truly I tell you, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven. Again, truly I tell you, if two of you agree on earth about anything you ask, it will be done for you by my Father in heaven. For where two or three are gathered in my name, I am there among them.” (NRSV).

What are the Complaints and Discipline procedures for? Through these procedures, members of the Methodist Church are accountable to the Church in matters of faith and

behaviour. The Church seeks to enable healing and reconciliation to take place. Each of us needs to accept responsibility for our own acts and omissions.

Are the procedures for everyone? A complaint may be made by anyone. The Methodist Church is committed to equality and diversity in all aspects of its life. Race, gender, age, disability or sexuality are no barriers when people seek fairness, openness, honesty and justice in their dealings with those who are part of the Methodist Church.

What is a complaint?

A statement objecting to the words, acts or omissions of a member or office holder of the Methodist Church and requesting that action should be taken.

The complaint can be made orally or preferably in writing to any member or officer of the Church, who must then take action upon it. The person who is told such information is described as the “recipient”.

What does a recipient do with the information?

The recipient should ask the question “Who should I now tell about this information and how soon? Can I help to easily resolve the matter or should I report it to my minister or to the local complaints officer (normally the Superintendent Minister) who may explore whether reconciliation could be achieved?”

More serious complaints will be handled through formal procedures by people outside the local situation who have appropriate skills, training and experience. These will be complaints, for example, of serious or persistent misconduct, of racial, child or sexual abuse or abuse of a disabled person, of criminal offences or convictions or cautions.

What happens next?

The more serious complaints, and any complaints which cannot be resolved informally, are dealt

with formally. The local complaints officer will record the complaint in writing. The person complained against, called the respondent, will normally be seen and a statement will be taken. Either party may be accompanied at such meetings and both are offered support from those who know the system. The local complaints officer will usually defer any action whilst a police investigation or employment disciplinary inquiry is proceeding.

The local complaints officer will try to achieve resolution but, if the matter is too serious or if resolution is not practicable, (s)he must then decide what to do and, where appropriate, pass the complaint on to the next stage in the procedure for investigation. Where a complaint appears to be unrelated to the respondent's standing in the Methodist Church and is essentially a private matter between the parties, the complaint may not be referred any further. This decision is taken on the nature of the complaint, not whether it is to be believed or not. The local complaints officer will inform the parties of the decision and, if the complainant is not satisfied, there are rights to pursue the matter.

Investigating a complaint - the Connexional Complaints Panel.

The Methodist Conference has appointed a panel of lay and ordained members of the Church who have among them expertise in the sort of issues which comprise many complaints.

From this panel a team of three will be selected, who will study the papers received from the local complaints officer and decide upon the best course of action within the standing orders of the Church. They will encourage all those they see to prepare written statements and to send in advance any supporting papers. At any meeting the complainant and respondent are entitled to be represented or accompanied.

When they have gathered all necessary information, the team members will consider their options, including reconciliation. Reconciliation may involve no more than an admission of fault or an acceptance by both parties that they have genuine and honest

differences or that they have interpreted facts differently. Where reconciliation is not achieved the team will have to consider what action to take.

If the facts do not merit treating the matter as a serious complaint (see below), the team may take a number of other steps, including ruling on points in dispute between the parties, issuing advice to one or both parties or giving directions about how the parties should conduct their relationship in the church context.

If the complaint affects the life of the local church or circuit the team may direct that its decision be announced in the church or circuit.

What happens to serious complaints?

If there is evidence that the respondent has committed a serious breach of the discipline of the Church, has seriously disregarded a resolution of the Conference or the usage of the Church or has or might have seriously impaired the mission or witness of the Church by his/her acts or omissions, the team may refer the matter to a Connexional Advocate who will prepare and conduct proceedings before a connexional discipline committee.

The Disciplinary Hearing - The Connexional Discipline Committee

A Connexional Discipline Panel is appointed by the Conference and consists of lay and ordained persons with a wide knowledge of Methodism. Five persons from it will be selected to sit on the committee. The chair is always a person with relevant legal experience, and the committee will always include a past President or Vice-President of the Conference. A convener is appointed for each case to make the necessary administrative arrangements, contact parties and witnesses and write a report of the proceedings. The respondent will also be offered a Connexional Advocate to present his/her case. The respondent may instead bring his/her own representative but is likely to have to meet the cost.

At the hearing the Connexional Advocate presenting the charge will call evidence. The

respondent (through his/her representative if any) can cross examine the witnesses and the committee members may ask questions. The respondent's case will be heard similarly and after each side has summed up his/her case, the committee will proceed to reach a decision which will then be announced.

If the charge is established, the committee can take a wide range of steps. The most serious is to order that a minister (whether a presbyter or a deacon) or probationer shall cease to be in full connexion i.e. dismissed. Office holders may be deprived of their office and members may be deprived of their membership. The committee can instead impose a lesser penalty such as a reprimand or can decide that the fact that the charge has been established is sufficient penalty in the circumstances.

Appeals

There are provisions for appeals from the decisions of complaints teams and discipline committees and there are detailed rules for time limits and notices.

Time limits

The period while a complaint is being considered is a difficult one for the parties, so there are time limits for the various stages. It is the duty of all involved to give precedence to the investigation, determination and resolution of complaints.

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The complaints and discipline procedures are contained in Part 11 of the Constitutional Practice and Discipline of the Methodist Church (CPD), which should be referred to by those involved. There is a copy on the church's website www.methodist.org.uk. The diagram illustrates the main stages in the procedures.

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