

# Struthers

MEMORIAL CHURCH

# COMPLAINTS POLICY AND PROCEDURE

**Version Control**

<b>Version</b>	<b>Approval Date</b>	<b>Review Date</b>	<b>Author/Owner</b>
1.00	February 2025	February 2027	SMC Board of Directors

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## **Introduction**

This policy seeks to set out Struthers Memorial Church's ('SMC') approach to dealing with concerns and complaints. This policy distinguishes between 'concerns' and 'complaints'. Concerns and complaints will be dealt with in a respectful, open and transparent nature, in line with our code of conduct. SMC values constructive feedback and where improvements can be made this is welcomed.

SMC encourages resolution as soon as possible after a concern/complaint arises acknowledging the benefit this brings to both complainant and the person(s) against whom the concern/complaint is made. Whilst SMC will endeavour to resolve all issues, there can be limitations in the ability to achieve resolution with the ongoing passage of time.

SMC follow the principles and guidance given in the New Testament, and outlined in Matthew chapter 18:15-16 (NLT) which reads:

*'If another believer sins against you, go privately and point out the offense. If the other person listens and confesses it, you have won that person back. But if you are unsuccessful, take one or two others with you and go back again, so that everything you say may be confirmed by two or three witnesses.'*

## **Concerns**

If an individual has a general concern they should speak to the relevant person and hopefully remove any misunderstanding or address any issues, ideally face to face or alternatively in writing. Concerns should be dealt with informally. Individuals who have concerns may involve the church minister or a local resolution team member should they feel this would be helpful in seeking resolution.

Where there are concerns, people should adopt the concerns pathway provided in Appendix 1. It may be that local branches have slight alterations to the pathway, and the Minister of the branch church will be able to advise on this.

## **Complaints**

A complaint is an expression of dissatisfaction, whether justified or not, about any aspect of church life. This can be about a person, or persons, an activity, or a group or about a service provided by SMC.

## The Resolution Team

Complaints will be dealt with by the Resolution Team. The Resolution Team will comprise Resolution Team co-ordinators and Resolution Team members who will facilitate meetings in the Early Resolution process and deal with complaints under Stage One of the complaints process. The individuals making up the Resolution Team will be drawn from across the SMC group of churches and work closely with the Board of Directors.

## Pastoral Support

Pastoral support will be offered to the complainant and the person(s) against whom the complaint is made. The Resolution Team co-ordinators will discuss the provision of pastoral support with the complainant and the subject of the complaint. If pastoral support is requested by either party, a short summary of the complaint will be shared with their minister (or another minister within the church where there is a conflict of interest).

## Who can bring a complaint?

Complaints may come from anyone on their own behalf, whether they are a regular attender of one of the SMC group of churches or not. It may include, for example, a person who is dissatisfied with the way they have been treated by someone acting on behalf of SMC, is dissatisfied with a practical matter, or has a complaint relating to SMC policies or to decisions taken by the volunteers, employees, ministers or directors of SMC.

SMC will not usually accept anonymous complaints. This is because a matter cannot be properly investigated if discussion with the complainant is not possible. However, SMC recognises that making a complaint can be a difficult and anxious step for an individual and support will be offered throughout the process.

Sometimes individuals may be unable (or have difficulty making) a complaint on their own: in this situation, complaints will be accepted from third parties, as long as the individual affected has given consent to the sharing of their personal data under the requirements of the relevant UK data protection legislation and in line with our own data protection policies and procedures. This means that the complainant must give clear written authority directly to SMC for the third party to be fully informed about the complaint. The purpose of this is to enable the third party to fully support the complainant to make and progress their complaint. A third party cannot bring a complaint without the participation of the complainant, except where the complainant is under the age of 18 or is over the age of 18 and lacks capacity.

SMC has separate whistleblowing and safeguarding policies. Where a complaint which may be of a safeguarding nature is received, this will be dealt with under the safeguarding

policy. Whistleblowing concerns will similarly be dealt with under the whistleblowing policy.

SMC recognises that there can be various differences of opinion regarding doctrine and interpretation of scripture. SMC would not normally regard these differences of opinion as cause for complaint and would encourage healthy discussion in local congregations as to the doctrine and interpretation of scripture.

### How to bring a complaint

Complaints can be submitted via email to [resolutionteam@struthers-church.org](mailto:resolutionteam@struthers-church.org) or in writing Struthers Memorial Church, 33 West Stewart Street, Greenock, PA15 1SH.

A complaints form is provided as an appendix to this policy (see Appendix 2) which can be used to submit a complaint. Please provide as much information as possible to enable the Resolution Team co-ordinator to process the complaint.

Information within the form which will assist SMC in investigating and finding a resolution to complaints are set out below:

- The incidents or actions which form part of the complaint;
- When the incidents or actions took place and who was involved and/or present;
- Details of what has been done to try and resolve the complaint;
- What the complainant considers would resolve their complaint;
- Name and contact details of who else the complainant has reported the matter to;
- Any additional relevant information;
- Confirmation that the complainant is aware that the details of the complaint and the supporting documentation may be provided to the person(s) who is the subject of the complaint;
- The complainant's preferred method of contact and contact details

### Formal acknowledgement

A formal acknowledgment of receipt of the complaint will be issued to the complainant within seven days.

### Resolving Complaints

The Resolution Team co-ordinators will establish whether the complainant wishes to commence at Early Resolution or Stage One (Formal Investigation). SMC Resolution Team Co-Ordinators retain the right to proceed straight to Stage 1: formal investigation should they deem this the most appropriate route to resolving the complaint. Please see Appendix 3 for flowchart of the overall process.

## Early Resolution

In many cases where a complaint involves disagreement between individuals, complaints can be resolved by talking, sharing, and achieving a shared understanding of the issues. Where the individuals involved agree that Early Resolution is possible this can be supported through informal discussion, and arrangements for both parties to meet together with a member of the Resolution Team will be made. Care will be taken to ensure that the environment is conducive to constructive discussion.

A Resolution Team co-ordinator will identify a Resolution Team member who will be the point of contact for the complaint and will make the arrangements for the meeting.

The person(s) who is the subject of the complaint or who is responsible for any decision which is the subject of the complaint, will be provided with a copy of the complaint in advance of the meeting.

The face to face meeting will be facilitated by a Resolution Team member. The Resolution Team member will act as a neutral third party to facilitate all parties to hear and explore the issues raised in the complaint in a calm and non-threatening way.

The complainant and the person(s) against whom the complaint is made may bring along another person to support them should they wish. Persons involved in providing support are bound by the same confidentiality as all others involved in the process and should not share details out with those involved.

Once the discussions are complete, the possible outcomes are:

- **Upheld:** agreement has been reached and any follow up actions clearly agreed, including timeframes for the actions and how completion will be communicated to the complainant
- **Partially upheld:** Some of the issues have been resolved or some aspects have been agreed but others could not be resolved
- **Not upheld:** agreement could not be reached

## Stage One: Formal Investigation

If the complainant feels that their complaint has not been satisfactorily resolved during Early Resolution they may choose to progress to Stage One: Formal Investigation. If the complainant believes the Early Resolution process to be inappropriate, they may raise a formal complaint under Stage One. Where the complaint has progressed through Early Resolution, the unresolved aspects of the complaint will be notified to the Resolution Team co-ordinators.

The Resolution Team co-ordinators will appoint two Resolution Team members to consider and notify the complainant of the outcome. To ensure impartiality, Resolution Team members dealing with Stage One must have had no prior involvement in the case. A complaint at Stage One may involve investigating the complaint, considering any practical matters or documentation and speaking with relevant witnesses. If the complaint relates to a specific person, they should be informed of the nature of the complaint, interviewed and given an opportunity to respond.

SMC will endeavour to ensure complainants receive a written response within 28 days. If this is not possible because for example, an investigation has not been fully completed, an update will be sent with an indication of when a full reply will be given. The reply to the complainant should include:

- the conclusions from the investigation
- relevant action taken to investigate the complaint, and
- any relevant action taken as a result of the complaint. It may not always be appropriate to disclose full detail of an action that is taken, however, the person will be informed that action has been taken.

It should be recognised that in some instances complainants may not be satisfied with either the process or the outcome. Every effort will be taken to prevent this.

## **Stage Two: Appeal Process**

If the complainant is still dissatisfied with the process or outcome of the investigation at Stage 1, they can appeal the decision via email to [resolutionteam@struthers-church.org](mailto:resolutionteam@struthers-church.org) or in writing to Struthers Memorial Church, 33 West Stewart Street, Greenock, PA15 1SH within fourteen days of receipt of the outcome.

The complainant's appeal must clearly state the reasons for the appeal and provide evidence as to why they disagree with the outcome of the investigation. The appeal is not a reinvestigation of the original complaint, but a request for reconsideration of the conclusion, or review of the process undertaken to ensure it was in accordance with SMC policy.

The Chair of the Board of Directors will be notified of the appeal. Where the appeal raises a conflict of interest for the Chair, another individual will be appointed from the Board of Directors. Thereafter, the Chair (or other Director appointed by the Chair), supported as required by other nominated individuals, should:

- Establish the scope and process of the appeal.
- Review the process and findings of the Stage 1 complaint to establish whether any further investigation is required.
- Following a fact-finding exercise a final decision will be made on the Stage 1 process and findings.
- The outcome of the appeal will be reported to the Board of Directors.
- The complainant will be notified of the outcome.

The decision taken at this stage is final.

## **External Stage**

The complainant can raise a complaint with the Office of the Scottish Charities Regulator (OSCR) where they feel there is a legal issue. OSCR's involvement in looking at complaints is limited to issues that pose a serious risk of significant harm to a charity's beneficiaries, assets, services or reputation. Information about the kind of complaints that OSCR may wish to be involved in can be found at: [OSCR | Raise a concern](#)

## **Vexatious Complaints**

If SMC concludes that a complaint is vexatious (i.e. unreasonable or repeated once the above processes have been exhausted) they are under no obligation to investigate further.

## **Variation of the Complaints Procedure**

The Board of Directors may vary the procedure for good reason. This may be necessary to avoid a conflict of interest.

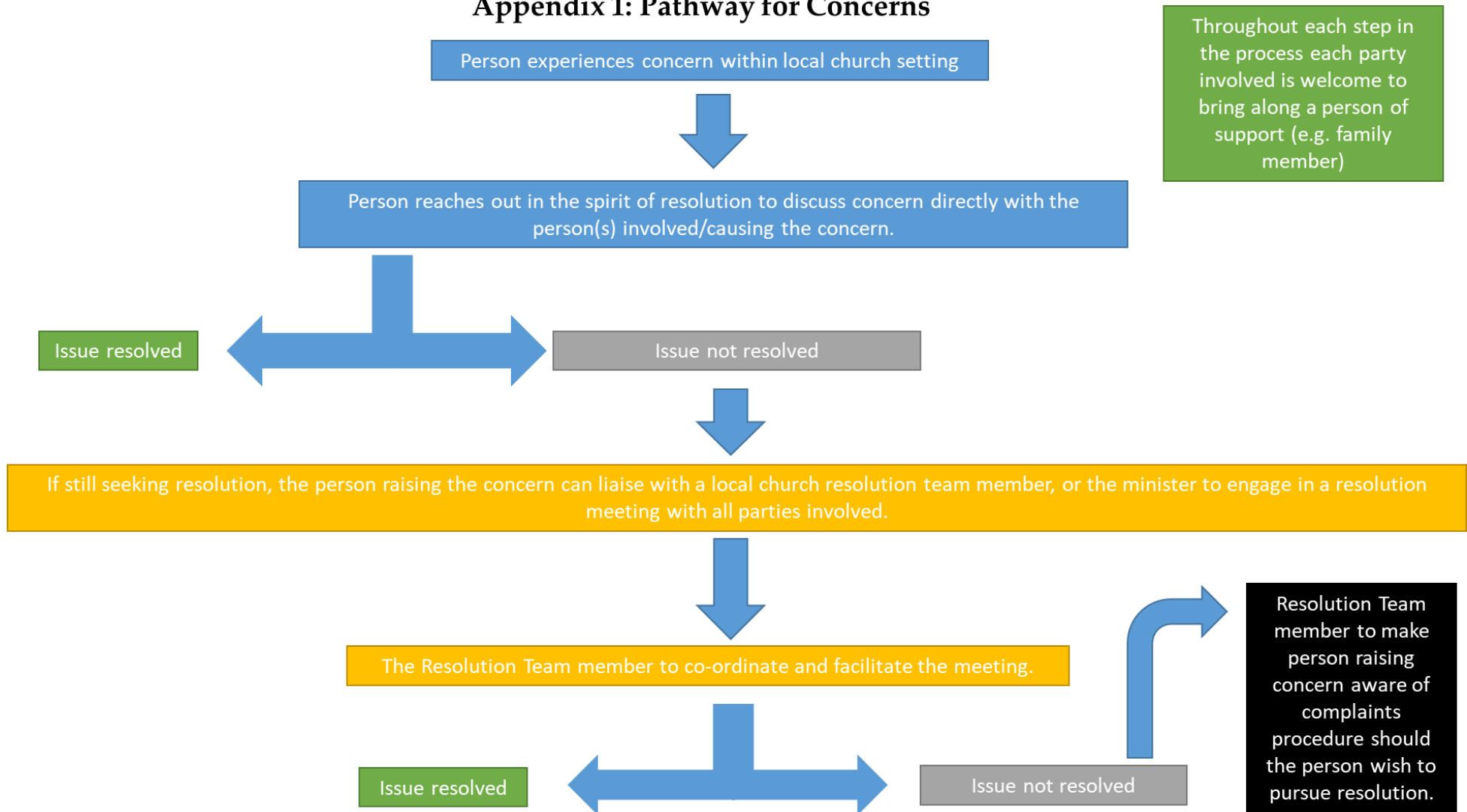
## **Confidentiality**

All complaints information will be stored and handled sensitively and confidentially in line with SMC's Data Protection policies and procedures.

## **Review of the Policy**

This policy is reviewed regularly and updated as required.

## Appendix 1: Pathway for Concerns



## Appendix 2

# Struthers Memorial Church Complaint Form

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### Your details

**Name:**

**Address:**

**Phone:**

**Email:**

If anyone else is involved in raising this complaint or are you raising the complaint on behalf of someone else, please give details

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### About the complaint

**Date(s):**

**Person(s) involved:**

**Complaint about:** (please clearly describe the nature of your complaint)

#### Supporting information:

- *State the matter or name of the person who is the subject of the complaint.*
  - *What happened, when and where.*
  - *Provide the contact details of any witnesses.*
  - *If complaining about a decision, explain what the decision was about, when it was taken, and who made it.*
  - *Explain what impact this decision has had, or you may fear will have, and upon whom.*
  - *Provide any additional information that you believe would be helpful.*
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### Q1. Have you tried to resolve this matter informally? YES/NO

*If YES, please move to Q2.*

*If NO, please explain briefly why you decided not to try to resolve the matter informally, then move to Q3.*

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### Q2. If you tried to resolve this matter informally, what happened?

*State who you dealt with, when and where, what information you provided to them, and what you felt was unsatisfactory about the outcome.*

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### Q3. What actions are you wanting the church to consider and what outcomes are you seeking?

*Whilst the charity trustees cannot promise to do what you ask, it would be helpful to understand what resolution you are seeking.*

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The church will treat your data carefully and in accordance with the church's data protection policy. The church cannot guarantee to keep the fact and details of your complaint confidential if it is necessary and proportionate to share your data to review and resolve your complaint.

**Signature of complainant:**

**Date:**

### Appendix 3: Complaint Resolution Flowchart

