

**“I have a complaint about misconduct by a member of the clergy – what can I do?”**

A high standard of integrity and service is expected of our Clergy. Mostly that standard is met, but occasionally individual Clergy can fall short of what is expected. When this occurs there are different ways to respond:-

1. When it is a minor incident or behaviour, you are encouraged to share your disappointment with the Clergy person concerned and resolve it together.
2. When that is insufficient, a word with the Area Dean or the Archdeacon (contact details available by calling Diocesan Office on 02079399400) will lead to someone on the bishop's staff speaking to the member of the clergy concerned, so that the matter is dealt with and rectified informally.
3. Only when the problem is more serious and may amount to misconduct which warrants disciplinary action, will the provisions of the Clergy Discipline Measure be required. The Measure provides a procedure for handling such complaints of misconduct.

It is this form of complaint alone to which the rest of this leaflet relates. All other concerns should be addressed in the way described at 1 or 2 above.

**But at whatever level you are concerned, please be assured that your complaint will be taken seriously.**

**A. HOW DO YOU MAKE A FORMAL COMPLAINT?**

It must be in writing to the Diocesan Bishop. The letter must contain:-

- your personal details (name, address, telephone number, e-mail, etc.),
- a clear statement of what your complaint is,
- details about the complaint (when, where, what happened, etc.),
- the evidence you provide to justify the complaint (this may be statements, letters, etc.), - a declaration that what you state is the truth.

Please note: A form is available for you to use if you would find this helpful. It leads you through the necessary information in an easy way. You may obtain a copy from the diocesan office (02079399400) or Church of England website:

<http://churchofengland.org/about-us/structure/churchlawlegis/clergydiscipline/cdrules.aspx>

If you have difficulty with forms or written material, the diocesan office can provide a person to assist you.

**B. WHO CAN COMPLAIN?**

A formal complaint can only be made by someone with a 'proper interest'. Those who have a 'proper interest' are:-

- any person (church member or not) who has witnessed the behaviour which has led to the complaint,
- a Churchwarden in the relevant parish,
- a person who is appointed by the Parochial Church Council of the relevant parish to make the complaint,
- the Archdeacon.

Please note: It is the responsibility of the person complaining to justify the complaint, and to provide the evidence in support of the complaint.

### **C. WHAT HAPPENS WHEN A COMPLAINT IS MADE?**

At each stage of the process you will be advised of what is happening.

Once the Bishop receives your written complaint, he will pass it to his Registrar (a legally qualified officer). The Registrar will examine your complaint and the evidence you provide, and then advise the Bishop as to whether:-

- you have a proper right to make a complaint (see Section B),
- your complaint would be a disciplinary matter if found to be true.

The Registrar will contact you if the information you submit is not clear.

On receiving the Registrar's report, the Bishop will decide whether to deal with your complaint formally or to dismiss it.

If the Bishop's decision is to deal with your complaint formally, he will invite the clergy person concerned to put in a written answer to the complaint. The Bishop will then follow one of five courses of action, including conciliation and formal investigation which would both require your co-operation. You will be advised of how he intends to proceed. If, following a formal investigation, the complaint goes to a tribunal hearing you may be required to attend and give evidence.

If the Bishop decides to dismiss your complaint you may appeal against that decision. The Bishop will not proceed if any one or more of the following is the case:-

- you have no 'proper interest' (see Section B above),
- your complaint, even if valid, is not a disciplinary matter, - there is no adequate evidence to support the complaint,
- your complaint is considered to be trivial or mischievous.

Please note: The decision can only be made on the evidence provided in writing. So you must give all your evidence straightaway.