

# Making a Formal Complaint

*Advice for Congregations & the Wider Community*

## Introduction

Clergy in the Diocese of Liverpool are expected to maintain high standards of conduct and behaviour. From time to time there may be occasions when an individual clergy person may appear to have fallen below these standards. Sometimes this can lead members of the church community or, indeed, the wider public to make a complaint.

However, deciding whether or not to make a formal complaint can be stressful and difficult and this leaflet provides general guidance and contact information.

## Is the complaint a formal complaint?

Formal complaints may be brought against members of the clergy under the Clergy Discipline Measure 2003 (the Measure).

If you are unhappy about the conduct of a member of the clergy and consider that such conduct is serious and should form part of disciplinary proceedings, then you may be able to make a complaint.

## What are the grounds for a formal complaint?

The misconduct concerned must be serious. It may be a single act of serious misconduct or several acts of misconduct which taken together over a period of time amount to serious misconduct.

There are four grounds for misconduct:

- i) Acts in breach of ecclesiastical law
- ii) Failures to act - in breach of ecclesiastical law



Diocese of  
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- iii) Neglect or inefficiency in the performance of the duties of office.
- iv) Conduct that is unbecoming or inappropriate to the office and work of the clergy

Complaints concerning matters of doctrine, ritual or ceremonial may not be dealt with under the Measure. You should contact your Archdeacon to seek advice regarding the making of such complaints.

## **Are you eligible to complain?**

The Measure states that only certain people may make a formal complaint. To make a complaint you must have a **proper interest**. This generally means either or both of the following:

- i) that the misconduct took place in a particular parish or community (e.g. the cathedral) and you are from that parish or community .
- ii) that you personally observed or experienced the misconduct

These definitions cast the net pretty wide.

If the complaint is against a **priest or deacon** you must be:

- i) A person nominated by the parochial church council of any parish with a proper interest (see above).
- ii) The churchwarden of any such parish.
- iii) A person who was personally involved.

If the complaint is against a member of the **cathedral clergy** you must be:

- i) A person nominated by the council of the cathedral church.
- ii) A person whom the diocesan bishop determines has a proper interest (see above).

If the complaint is against a **bishop** then you must be:

- i) A person nominated by the bishop's council.
- ii) A person who has a proper interest (see above)

Please note that where you are acting as a nominee of a parochial church or cathedral church council that council must have at least two thirds of its lay members present and voting and a bishop's council must have at least two thirds of its members present and voting at a properly convened meeting in order for your nomination to be valid. A properly convened meeting means that the meeting is quorate and that all appropriate notices have been served and time limits met.

If the complaint is against a **chaplain of a prison, hospital, university, school or institution in an extra parochial place** you may only complain if the Bishop has given you authorisation to do so. You should obtain such authorisation direct before making the complaint. However, the starting point remains the same, namely that you are a member of the particular community (prison, hospital, school etc.) and/or that you personally observed or experienced the misconduct.

*For further information on this ring the Bishop of Liverpool's office on 0151 421 0831.*

## **When should the complaint be made?**

As soon as possible after the alleged misconduct occurs as there is a time limit of one year from the date of the misconduct or within one year of the date of the last misconduct in a series of acts or incidents of misconduct.

## **How should the complaint be made?**

The complaint must be in writing and you are recommended to use the relevant Form 1a (priest or deacon), 1b (bishop), 1d (cathedral clergy) or 1e (chaplains). The complaint must contain a signed statement of truth.

All Forms are available to download free of charge from the Church of England website at:-  
[www.cofe.anglican.org/about/churchlawlegis/clergydiscipline](http://www.cofe.anglican.org/about/churchlawlegis/clergydiscipline)

If you are unable to obtain the Forms through the internet please contact the Bishop of Liverpool's office in writing to request the relevant forms enclosing a stamped addressed A4 envelope. Do not put any information about your complaint in the letter other than your name, address and the type of forms you require. A draft letter of request is at the end of this leaflet.

The complaint must be supported by written evidence and all witness statements should be made on Form 3 and submitted at the same time as the complaint with any further evidence such as photographs or literature.

The complaint and supporting evidence is then sent to the Bishop.

Where a nominee or person appointed or authorised by the Bishop makes the complaint, a certified copy of the resolution of the relevant council or letter of appointment or authorisation should accompany the complaint.

## **Guidance in completing the forms**

The Forms contain helpful guidance notes in the margin and these should be read and followed carefully.

However you may find the following additional advice useful:

- i) Make a draft of your complaint or statement
- ii) Collect all your evidence together.
- iii) Group the evidence into date and time order
- iv) Use your own words. It is your statement and you have to be truthful.
- v) Write in paragraphs in date and time order and number the paragraphs consecutively in the margin
- vi) State which parts of your evidence are from your own personal knowledge and which are from information or via a third party. Remember to provide details of the source of that information or third party.
- vii) Read your draft over and then put it to one side for several hours or longer to give you time to reflect on its content.
- viii) Return to your draft and re read it. Make any alterations if necessary so that it is as accurate as you can make it.

- ix) Complete the final version of the complaint or statement, copying from the draft.
- x) Make sure the evidence is attached to the statements and complaint together with any certified copy resolution or authorisation from the Bishop as appropriate.

If you need help to complete the Forms please contact one of the *Formal Complaints Advisers*. The Formal Complaints Advisers are volunteers specially trained to provide free of charge procedural advice to complainants and they will treat your contact in confidence.

Please note however that the Formal Complaints Advisers are not acting in a legal advisory capacity and will not advise you on the merits or seriousness of your complaint. If you require such advice you should contact the Registrar who will provide contact details of the Registrars in neighbouring dioceses prepared to provide you with legal advice. There will be a charge for this advice.

## **What happens next?**

The Bishop will write to you when he receives your formal complaint and will explain how the complaint will be dealt with. The Measure provides that the complaint may be dismissed, referred to conciliation or upheld and a range of penalties imposed.

## **What happens if I need pastoral care?**

When the Bishop writes to you acknowledging receipt of your formal written complaint he will at the same time provide you with appropriate contact details for the Complainants Pastoral Care Co-ordinator.

It is important to note that the Clergy Discipline Measure imposes practical limits on the roles of senior clergy in the diocese. Therefore it is important that you also look to family and friends for informal support. It is up to you who you tell and where you seek support and counsel. However, bear in mind the confidential nature of the complaint and the clergyperson's right to privacy. Also, bear in mind the obvious point that the more people you tell

the greater the danger of confidences being breached and stories getting rather distorted. This can undermine the case that you wish to make. As a rule keep fewer rather than more people in the loop and ask them to respect the confidentiality of all of this.

## **Financial compensation**

You should be aware that it is not possible to receive any financial payment under the Measure.

## **What happens if I decide that my complaint is not serious?**

Complaints which are not serious should be treated as informal complaints and made to the member of the clergy direct so that he or she may be given the opportunity to address and resolve the complaint. Where this is not possible to your Archdeacon.

## **A note for churchwardens**

As a churchwarden you may well be made aware that a complaint has been made about your incumbent. It can be difficult to know how best to handle this. The best advice is to contact your archdeacon as soon as possible.

Beyond that, you should aim to operate on a strictly need to know basis. The rule of English law is that people are innocent until proven guilty and that there is a fundamental difference between the people who need to know and the people who might wish to know.

If there is a clear risk that the clergyperson is a danger to others (e.g. over child protection matters) then s/he will be suspended and the archdeacon will give you a form of words to use publicly. If not then it's generally a question of keeping the matter private and telling only those who absolutely need to know.

Finally, avoid the risk of digging yourself and others into a hole by clearly taking sides or deciding from the outset whether the complaint should or should not be upheld. It is up to the Bishop, not you, to decide whether the complaint is valid or not. Try to stay helpful, supportive but neutral wherever possible. In practice it is best to remain factual at all times and avoid making any statements about the rightness or otherwise of the case.

## **Contact Details**

### **The Bishop**

Bishop's Lodge  
Woolton Park  
Liverpool L25 6DT

0151 421 0831

### **The Registrar**

Bishop of Liverpool's Registry  
1 The Sanctuary  
Westminster  
London SW1p 3JT

020 7222 5381

### **Archdeacon of Warrington**

The Ven Peter Bradley  
St James' House  
20 St James Road  
Liverpool, L1 7BY

0151 705 2154

### **Archdeacon of Liverpool**

The Ven Ricky Panter  
St James' House  
20 St James Road  
Liverpool, L1 7BY

0151 705 2154

## **Formal Complaints Advisers**

Mr Bob Timmis  
The Vicarage  
73 Lovely Lane  
Warrington WA5 1TY

01925 633556

Mrs Barbara Moore  
21 Dalegarth Avenue  
Liverpool  
L12 OAJ

0151 220 1266

The Rev Canon Alison  
Woodhouse  
16 Fountains Way  
Formby  
Liverpool L37 4HF

01704 830652