

East Midland Baptist Association

EMBA Complaints Policy and Procedure



1. Introduction

The primary purpose of the EMBA complaints procedure is to provide a clear process for dealing with complaints relating to the behaviour of, or activities and decisions taken by its employees, trustees, committees or boards, including those who are appointed on a voluntary basis to serve on working groups or committees.

Any complaints about BUGB accredited Ministers or church workers are handled alongside the Baptist Union of Great Britain (BUGB) Ministerial Recognition processes, which are available on the BUGB website. That procedure is available at:

https://www.baptist.org.uk/Articles/520969/Complaint_against_Accredited.aspx.

You can find out if someone is a BUGB accredited Minister or church worker by looking them up on the directory of nationally accredited Ministers at

<https://www.baptist.org.uk/Articles/504943/Ministries.aspx>.

We should be mindful that all people make mistakes and that a formal complaint should be a last resort. The EMBA's desire is that wherever there are concerns relating to actions taken by the Association those concerns should, where possible, be dealt with informally in the hope of avoiding the need for a formal complaint. We believe that this follows scriptural principles. However, we recognise that in some cases there will be no alternative but to resort to a formal complaint. This formal procedure should only be instigated when attempts to resolve the issue informally have failed or where, due to the nature of the complaint, it is not appropriate to address it in an informal manner.

If your complaint relates to a member church of the EMBA, [PLEASE CLICK HERE](#)

2. Who can bring a complaint?

There is no restriction on who can bring a complaint. However, in some cases we may receive a number of inter-related complaints or a number of people may make the same complaint. In those circumstances we may decide to consolidate the investigation into the complaints or to deal with the earliest complaint first. The approach will depend on the nature of the complaints and the timing of receipt of the complaints.

3. What types of complaint will be considered?

The EMBA will consider complaints about:

- 3.1 The application of EMBA policies and procedures or decisions made by the EMBA which directly relate to the complainant (unrelated to the conduct of an accredited Baptist minister or church worker).

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3.2 The conduct of staff employed by EMBA.

3.3 The conduct of trustees and others who are appointed to serve on a voluntary basis on boards, committees and working groups of the EMBA.

4. What types of complaint will not be considered?

4.1 Safeguarding concerns

Any safeguarding concern should be reported to your church's Designated Person for Safeguarding (DPS) following the church's safeguarding policy and procedure.

If your safeguarding concern relates to a minister in pastoral charge of an EMBA church or a member of the EMBA Regional Team please contact the EMBA Safeguarding Lead. If your complaint is about the EMBA Safeguarding Lead, please contact the Regional Team Leader.

4.2 Complaints about the application of the EMBA's procedures or decisions made by the EMBA which do not directly relate to the complainant.

4.3 A complaint about the conduct or service of a **BUGB accredited** Minister or church worker. For such complaints, contact can be made direct to BUGB via their [website](#), or by contacting an EMBA Regional Minister.

4.4 Where a church has chosen to appoint a **non-BUGB accredited minister**, the Baptist Union and the Regional Association (EMBA) have no direct jurisdiction over their conduct and behaviour. In the case of a non-BUGB accredited minister, you may want to contact your local Regional Minister for advice, but as an Association our usual policy is that unless there are clear safeguarding or legal implications, all complaints concerning an unaccredited minister remain the responsibility of the local church.

4.5 Grievances relating to employment decisions (this is a matter for the employer's grievance procedure).

4.6 Complaints raised which do not comply with the requirements of this procedure will not be dealt with and the complainant will be sent a copy of the complaints procedure.

5. How do you make a complaint?

5.1 Complaints regarding application of procedures or decisions made

Anyone wishing to make a formal complaint of this nature should request a complaints form (C1) from the EMBA office. A complaint must be made using this form and must set out the following:

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- The actions you are complaining about;
- When they took place;
- Why you think the actions are wrong;
- Details of what you have done to try and resolve your concerns;
- What you consider would resolve your concerns;
- Details of who else you have reported the matter to;
- Any additional information;
- Confirmation that you are happy for detail of your complaint and the supporting documentation to be provided to those who have made the decisions in question.
- Any supporting documentation that exists should be submitted with the form.

Your complaint will not be dealt with unless you provide all of the information set out in the form provided (anonymous complaints will not be accepted).

The completed complaint form should be sent to the Regional Team Leader who will arrange for an investigation to take place. Where your complaint relates to actions of the Regional Team Leader, it should be sent to the Moderator of Directors who will arrange for an investigation to take place.

5.2 Complaints regarding EMBA staff, trustees and other volunteers serving on EMBA committees and working groups

Anyone wishing to make a formal complaint of this nature should request a complaints form (C2) from the EMBA office. A complaint must be made using this form and must set out the following:

- The name of the person you are complaining about;
- The events you are complaining about;
- Details of when the events took place;
- Details of where the events took place;
- Details of any witnesses to the issues of concern;
- Details of what you have done to try and resolve your concerns;
- What you consider would resolve your concerns;
- Details of who else you have reported the matter to;
- Any additional information
- Confirmation that you are happy for detail of your complaint and the supporting documentation to be provided to the person complained about should it be necessary to do so.
- Any supporting documentation that exists should be submitted with the form.

Your complaint will not be dealt with unless you provide all of the information set out in the form provided (anonymous complaints will not be accepted).

The completed complaint form should be sent to the Regional Team Leader who will arrange for an investigation to take place. Where your complaint relates to actions of the

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Regional Team Leader, it should be sent to the Moderator of Directors who will arrange for an investigation to take place.

6. How will the complaint be dealt with?

The complaint will be acknowledged in writing or by email within 10 working days. The Regional Team Leader (or the Moderator of Directors where the complaint relates to the Regional Team Leader) may deal with the matter themselves or if felt to be more appropriate will appoint another person/group of people to look into the complaint.

You will be told who will be appointed to investigate and the timescale for commencement of the investigation.

The person/group investigating will seek to:

- Establish what has happened
- When it happened
- Who was involved
- Communicate with the Complainant if there is a need for clarification regarding the complaint or further information is required;
- If following the initial information finding and any discussions with the Complainant the investigation is to proceed, the person/group investigating will inform those who have been complained about of the nature of the complaint made (unless this would prejudice the investigation interview);
- The person/group investigating will seek to interview those involved and those complained about where necessary to understand their account of events;
- Notes will be kept throughout the process and of all interviews undertaken;
- When meeting with the complainant we will seek to ensure that there are always 2 investigators present and ideally one of them would be of the same gender as the complainant.
- Written notes should be agreed by both investigators.

7.1 Complaints regarding application of procedures or decisions made

Once the investigation is concluded the person/group investigating will decide whether the complaint has merit and send the complainant their decision. Where any aspect of the complaints are upheld the person/group investigating should also specify the actions suggested to remedy the situation.

7.2 Complaints regarding EMBA staff conduct

- If the person/group investigating concludes that the evidence suggests that conduct worthy of disciplinary action may have taken place, the issue will be dealt with under the Staff Disciplinary Processes.

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- Where the person complained about is a BUGB accredited minister or church worker they will be dealt with under the ministerial recognition rules. The complainant will be informed that the matter is being dealt with in this way.

7.3 Complaints regarding EMBA trustees and others who are appointed to serve on a voluntary basis on a board, committee or working group of the EMBA

- If the person/group investigating concludes that the evidence suggests that misconduct may have taken place, the issue will be referred to the Moderator of Directors. They will then chair a panel of three trustees, unconnected with the matter under investigation, to consider the evidence and to come to a decision. The panel may choose to invite either the complainant or the person complained about, to address the panel but are not required to do so. Such a decision will be communicated to the complainant and to the individual complained about, within 10 working days of the panel's decision.
- The Moderator will inform the Charities Commission if circumstances require.
- Where the person complained about is a BUGB accredited minister or church worker they will be dealt with under the ministerial recognition rules. The complainant will be informed that the matter is being dealt with in this way.

7. Timescales

- Following receipt of each complaint the person/group investigating will within 1 calendar month give the complainant an estimate of their expected timescale for dealing with the complaint.
- Where, as the investigation proceeds, it is not possible to meet those timescales, an updated timeline for dealing with the complaint will be provided.
- The more complex the complaint the longer the timescale is likely to be. In some cases, it can take several months to properly investigate and respond to a complaint.
- Please be aware that the EMBA may decide that it is under a duty to report the matter to statutory authorities or the Charity Commission. If this is the case, the EMBA will inform you of this.
- If the subject matter of the complaint has also been referred to the Police, it may be that our investigation into the complaint cannot commence or be completed until the Police have completed their investigations and either decided not to proceed or a Court decision has been taken. Our approach in these cases will depend on the particular circumstances of the case.

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8. What if you are unhappy with the outcome of the investigation?

8.1 Complaints regarding application of procedures or decisions made

You will have the right to appeal any decision on a complaint on these issues. Written notice of your intention to appeal should be made within 10 working days of the date the outcome of your complaint was sent to you. The appeal itself should be made within a further 10 working days. The appeal should be in writing and must be sent to the Regional Team Leader who will arrange for your appeal to be considered by someone other than the person/group who took the initial decision.

The appeal must set out:

- Your grounds of appeal; and
- What you consider would resolve your concerns.

8.2 Complaints regarding the conduct of staff, trustees and those in voluntary appointments

- There is no right for Complainants to appeal against the outcome of the investigations into EMBA staff, trustee and volunteer conduct. This is because EMBA believe that individuals in these groups who are under investigation need certainty that if an investigation has concluded it will conclude the matter.
- If new evidence comes to light that has not previously been submitted this should be sent to the person/group investigating who will determine whether further investigation is necessary in light of that evidence.

9. Vexatious Complaints

If the person/group investigating concludes that a complaint has been made vexatiously or in bad faith the EMBA reserves the right to take the following actions:

- In all cases to inform the complainant that this is how the complaints are being seen, the reasons why, and the consequences of this.
- In the case of Baptist Church members who have made complaints – to write to the Deacons/Leaders of the Church indicating that the particular church member has been found to have made a vexatious complaint or has made a complaint in bad faith and that they may wish to consider exercising church discipline in relation to that.
- In the case of a minister who has made a vexatious complaint - this would be treated as an issue of potential conduct unbecoming and would be dealt with under the Baptist Union's Ministerial Recognition Rules.

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- In the case of vexatious complaints from anyone else – further complaints and correspondence from the complainants are likely to be ignored.

10. Contact by complainant

Once a formal complaint has been made, you should avoid any ongoing discussion or correspondence with the person you have complained about relating to your complaints without the consent of the person/group investigating.

11. Confidentiality

The fact of and content of the complaint will be kept confidential save in so far as is necessary in order for the EMBA to properly investigate the complaint and reach a decision relating to it, unless the EMBA personnel are aware that the complainant has not treated the fact or content of their complaints as confidential.

Please note that we expect you to maintain reasonable confidentiality as to the nature and content of your complaint so that the person/group investigating is able to work without obstruction.

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