



The Methodist Church

Confidentiality and Part 11 – guidelines for CCT members.

These Guidelines should be read in conjunction with the confidentiality guidelines contained in [‘With Integrity and Skill,’](#) a Report to the Conference in 2008. They can be found in full in Book VII of CPD.

1. Part 11 is based on principles of fairness and justice and the intention to explore reconciliation between parties. In cases when reconciliation between the parties proves not to be possible, complaints may be taken forward through a variety of stages set out in Part 11. Complainants may well have discussed their issues informally with a number of people prior to making a complaint but, once the Part 11 process has been initiated, the complainant (and also the respondent) has the obligation to comply with the rules and procedures set out in Part 11, just as they would expect the other parties in the process to adhere to those rules. One rule which applies to all those involved in the process is the obligation to observe at all times ‘the confidentiality of the proceedings’ (SO 1104(6) and (7)).
2. Confidentiality is a common word but one which is difficult to define. Although it may sometimes be used in common parlance as a synonym for privacy or even secrecy, confidentiality as a concept, is distinct from both but also related to both. Confidentiality is context specific, it is not absolute and it can be overturned by other pressing issues depending on the precise situation. There are, of course, legitimate exceptions to the rule that information can only be shared where the individual concerned has given permission.
3. If a complainant wishes to rely on the procedures in Part 11 then they must be prepared for the fact that any information they provide for the purposes of the complaints proceedings will be shared with the respondent. Similarly, such information provided by the respondent must be shared with the complainant. Neither side can impose an individual obligation of confidence on any particular information and direct that it cannot be shared with the other party and still avail themselves of the provisions in Part 11. Neither can confidentiality be used as a reason for withholding relevant factual information.
4. Once the complaint has been referred by the Local Complaints Officer (LCO) or the complainant, the Lead member of the Connexional Complaints Team (CCT) is in charge of the process and should explain to those involved how the process works, what will happen and what the potential outcomes are.
5. The CCT will consider the information provided by the complainant, respondent and any witnesses. This may be documentary or obtained during the meeting. Such information is necessarily shared with the other members of the team, and may also be shared with others who have a role in the Part 11 process, especially the Relevant Connexional Team Member and Connexional Complaints Officers.
6. The CCT will not divulge the contents or nature of any of its discussions but, depending on the nature of the complaint, it may be in the wider interests of the Church to provide basic information about the progress of the complaint to one or more of the local Church, Circuit and District. In particular, the fact that a complaint has been made may not, of itself, be a matter of confidence but, nevertheless, will be dealt with sensitively.

7. Once the CCT has concluded its meetings and decided what will happen next, others may be informed of the outcomes as a result of recommendations, proposed disciplinary action etc as necessary. They will not be given any details of the information provided to the CCT or its discussions, unless that information is already in the public domain – these remain protected by the ‘confidentiality of the proceedings’. But SO 1124(12) does allow a CCT to direct that public notice be given of any direction, ruling or advice, if the CCT considers this to be appropriate and helpful.

8. Many communications about complaints are likely to be made by email and it is important to ensure that these are dealt with appropriately. No method of communication is 100% secure – this is equally true of postal and telephone messages. But with care and a few elementary precautions, email is a perfectly sensible and efficient way to communicate. In particular:

- i. If using reply all make sure that all recipients are in the circle of confidentiality.
- ii. Beware of forwarding/replying in such a way that the whole conversation is revealed.
- iii. Make sure that you use the correct email ids for your intended recipients
- iv. Make sure that you use an email which is unique to you (i.e. no shared ids such as xfamily@y.com). Even if, in practice, such an email id is not actually used or is rarely used by others, the perception and the reality is that others who are not in the circle of confidentiality will be able to access the information.
- v. Where manual records are made these should be kept securely and in compliance with the relevant SOs and associated guidelines on destruction, forwarding to the Secretary of the Conference etc.

9. Observing the confidentiality of the proceedings is a crucial element of maintaining the integrity, fairness and impartiality of the Part 11 process since once information has been divulged the original status quo cannot be restored. However, there are a range of actions which can be taken if the obligation is breached. These vary in severity depending on the nature of the breach, but include the power to exclude the complainant from the complaints process altogether (SO 1157(2) and (3) and see SO 1157 (5) and (6) for respondents). But it is important to note that it is not a breach of confidentiality to disclose confidential information to someone who is acting as a friend or representative, or to disclose such information to anyone providing pastoral support provided that those involved in this capacity are also aware of the obligation to observe the confidentiality of the proceedings (SO 1157(11) and (12)).

10. The obligation to observe the confidentiality of the proceedings does not end as soon as the Part 11 process has been concluded and those involved should continue to treat any information which formed part of the process as confidential for a reasonable time afterwards. In some cases, it may be in the interests of the wider Church, Circuit and/or District to know how the matter was resolved. But this does not generally mean that specific information which was revealed in the investigation or any discussions will or can be divulged. It is particularly important that witnesses, as well as the complainant and respondent realise that they should not immediately start discussing what went on in the proceedings as soon as they are concluded.

These Guidelines on Confidentiality were produced by the Connexional Complaints Officer Professor Diane Rowland in the context of the Church's Complaints and Discipline Proceedings for Complainants & Respondents, Local Complaints Officers and Connexional Complaints Team Members and accepted by Conference 2020.