

# Humanist Ceremonies™ Network Complaints Policy

## Complaints Policy

The policy, and accompanying procedure document, aims to ensure service users can be assured of a good service, or a speedy resolution if the service of a celebrant falls below reasonable expectations. This is achieved through the promotion and protection of the professionalism, high quality and integrity of the Humanist Ceremonies™ network, in terms of both the network as a whole and its individual celebrant members.

This policy and procedure relate to complaints made about a Humanist Ceremonies™ network celebrant<sup>1</sup>. A complaint may come from anywhere, a client, family member, professional third party, or internally. A complaint relevant to this policy would have to demonstrate (by the investigation, not the complainer) that the celebrant had in some way **breached the Celebrant Handbook Code of Conduct or the Standards of Practice (hereafter referred to as 'the Code of Conduct')**.

Complaints made against Humanist Ceremonies™ network trainers, in their capacity as a trainer, are covered by the [Humanist Ceremonies™ Trainer Complaints Policy](#).

Humanist Ceremonies™ network celebrants are self-employed individuals trained and accredited by Humanists UK and eligible to practise under the Humanists Ceremonies™ trademark. Accreditation requires Humanist Ceremonies™ celebrants and its trainees to commit to all rights and responsibilities in Humanists UK Celebrants Handbook, including the Code of Conduct, Standards of Practice, and this Complaints Policy and Procedure.

It does this by:

- Encouraging resolution between the celebrant and the complainer in the first instance.
- Aiming to successfully resolve complaints in a timely way.
- Demonstrating a commitment to providing the best possible service.
- Trying to repair situations when they go wrong and reducing the risk of recurrence by learning from them.
- Handling and using complaint information sensitively and in confidence<sup>2</sup>, shared with only those who need to know and follow any relevant data protection (GDPR) requirements.
- Acting within procedures that are published, understandable and easy to use.
- Acting in line with the Code of Conduct and Standards of Practice required of all Humanist Ceremonies™ celebrants.

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<sup>1</sup> Therefore, it does not cover non-celebrant related complaints about staff, trustees, or volunteers, each of whom have complaints processes as part of their respective handbooks. It also does not cover a complaint made about our service systemically, for which there is a service complaint process.

<sup>2</sup> Confidentiality for Humanist Ceremonies celebrants is outlined in the Celebrants Code of Conduct.

It is a requirement of Humanists UK Celebrants that each has their own complaints and clients services policy and procedure which is consistent with the network's over-arching one. A template is provided by Humanist Ceremonies UK.

Should it come to the attention of Humanists UK that a celebrant is acting against the Code of Conduct, or in a way that would cause us reputational harm **but without a named complainer**, an investigation should still be conducted, following these procedures, and treated as an internal complaint<sup>3</sup>.

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<sup>3</sup> An exception to this might be negative comments or 'trolling' from individuals on social media platforms or anonymous criticism where it would be difficult or impossible for us to gather appropriate evidence.

# Humanist Ceremonies™ Network Complaints Procedure

## Responsible persons

All complaints will be overseen by the Ceremonies Development and Training Manager (CDTM). Additionally, a Duty Officer will be appointed to support the CDTM in assessing and analysing evidence, if needed. Should the investigation reach the panel stage, two duty officers will be called to form a panel, chaired by the Director of Ceremonies. A flowchart of how we follow the procedure, outlined below, can be seen in [this document](#).

A complaint, whether it is an external service complaint, (a client, member of the public, or other professional at a ceremony) or an internal complaint from within the network (i.e. from another celebrant, trainee, or Humanists UK staff member) will be administered under this procedure.

## Stage one

When a complaint or concern comes into Humanists UK it will be passed to the CDTM<sup>4</sup>.

External complaints are encouraged to be resolved informally if possible, and the CDTM will communicate with the celebrant in question to find out if such an attempt has been made. Celebrants should initially try to resolve any complaint with the complainer. Such discussions, if the celebrant agrees they are at fault<sup>5</sup>, may result in an apology and/or a full or partial refund of the celebrant's fee to the client.

If these discussions fail to resolve the issue, or where such discussions would be inappropriate, a complaint should be directed to the formal complaints procedure.

Internal Complaints may be generated where we recognise that the collaborative nature of the Humanist Ceremonies™ network can sometimes make it difficult to report perceived unacceptable behaviour or the poor performance of another celebrant that breaks the Code of Conduct. The CDTM will convene a one-to-one conversation between themselves or the relevant Celebrant Network Support Coordinator and the celebrant.

If this informal intervention for either external or internal complaints does not resolve the issue, or where such discussions would be inappropriate, then the CDTM will escalate it to the next stage.

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<sup>4</sup> If, in their role as a celebrant, the complaint involves the CDTM, or in other exceptional circumstances, the Director of Ceremonies will investigate

<sup>5</sup> However, if the breach was of a very serious nature, an investigation may still be required, even if the complainer is satisfied by the outcome.

## Stage two

### Investigation

Any formal written complaint, or concerns sufficient to generate an internal complaint, is received and forwarded to CDTM immediately. The CDTM may request further evidence from the complainer, and from others if third party information is likely to have a bearing on the investigation (such as staff at the venue, or other family members). The complaint and any supporting documentation will be sent to the celebrant as soon as possible after receiving the complaint and the celebrant will be invited to respond to the CDTM within 10 working days<sup>6</sup>. The CDTM will consult with the Duty Officer throughout the investigation.

Within two days of the receipt of the celebrant's response, (if any) the CDTM will then apply the two-stage realistic prospect test:

1. Is there a realistic prospect of being able to establish the facts alleged against the celebrant?
2. If the alleged facts were established, are they so significant to indicate that the celebrant's fitness to practise has been, is, or may be compromised to a degree that justifies a review/investigation into the service that was offered, and a review of their accreditation in accordance with the Humanists UK Code of Conduct<sup>7</sup>

Under second test the CDTM will consider allegations under the following categorisation:

- Category 1: Minor mistakes or misunderstandings, which can be satisfactorily explained to the complainer's satisfaction.
- Category 2: Breaches of the Code of Conduct or failures to meet an adequate standard of practice, which have caused distress to clients, family members, or others, or which have compromised other celebrants and which can be attributed to inaction or neglect on the part of the celebrant.
- Category 3: Major breach or failure. This can be either a single, serious mistake or a series of failings or mistakes over a period of time, which add up to a serious loss of confidence in the celebrant's ability to fulfil the requirements of the role.

If the **first test is not met**, the CDTM will contact the complainer that day to say this, along with a list of ways in which Humanists UK upholds the general commitment to quality, where these commitments can be found, and how to appeal should new evidence come to light. The CDTM will record a note on the celebrant file to this effect and communicate with the celebrant this has happened.

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<sup>6</sup> At no stage during this investigation stage should the investigator and duty officer make any conclusions.

<sup>7</sup> The CDTM and Duty Officer should consider the second part of the realistic prospect test in relation to the code of conduct. They should consider the maintenance of the reputation of Humanists UK, and the upholding of proper standards of conduct and behaviour of its celebrants

If the first test is met, but the **second test is not**, the CDTM will decide if, on the balance of probability with the evidence at hand, it is likely the celebrant was in breach of the Code of Conduct.

If not, this will be communicated to both the complainer and the celebrant, and how to appeal should new evidence come to light. The CDTM will record a note on the celebrant file to this effect and communicate with the celebrant this has happened.

If the CDTM finds it is probable, they will decide what outcomes for the celebrant might be appropriate, which might include: for category 1, a decision to take no further action; for category 2, issuing the celebrant advice about their future practice and/or conduct; or recommending a specific piece of CPD. The CDTM will contact the complainer and celebrant that day to say this<sup>8</sup>, and will record a note on the celebrant file to this effect and communicate with the celebrant this has happened.

If **both tests** are met, the complaint is referred to a formal hearing (see below).

If a decision is taken to recommend a Hearing, the CDTM will summarise the complaint and identify the potential breaches of the Code of Conduct to be addressed at the hearing and will communicate this to the celebrant and complainer that day.

## **Formal Hearing**

The CDTM will write to the celebrant inviting them to a Formal Hearing, including a summary of the nature of the complaint, any evidence that will be presented at the hearing, and details of the potential breaches of the code of conduct. The celebrant may choose not to attend<sup>9</sup> and simply send in a statement, in which case the panel might ask any questions it would have of the celebrant by email and ask for a response before the day of the hearing. If the celebrant resigns before the hearing, the panel should still meet and adjudicate and a record of the outcome placed on the celebrants file should the celebrant wish to rejoin the network at a later date.

The Panel will comprise the Director of Ceremonies (designated the Chair) and two Duty Officers, all of whom will have seen the evidence presented before the hearing, and will confirm that they have read and understood the evidence. Also in attendance will be a minute taker and the CDTM who will present the case. The celebrant is entitled to bring an additional person to act as their witness to the hearing.

The proceedings of the hearing will be:

1. A statement from the CDTM summarising the complaint
2. A statement from the celebrant.

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<sup>8</sup> This would be an internal matter and care must be taken over confidentiality - details of any CPD would not be disclosed to the complainer.

<sup>9</sup> Should an appeal arise, the DoC must be satisfied that all reasonable steps were taken to facilitate the attendance of the celebrant at the Hearing. Evidence of this could include notes on telephone conversations, letters, and email correspondence.

3. Questions the panel will ask the celebrant to establish if there was any additional reasons or mitigating circumstances to consider, and the celebrant's response
4. Adjudication
5. Decision
6. Notification of decision to the celebrant (and complainer, though the CDTM will actually do this after the panel has disbanded)

### **A statement from the CDTM**

The CDTM presents a summary of the investigation and sets out what the complaint is about. Both celebrant and panel may ask questions about the summary statement.

### **A statement from the celebrant**

This may be given in person, or in advance of the panel. It might set out justifications for their actions, a denial of the actions that are alleged, or an acceptance of them and what they will do to ensure it will not repeat.

### **Questions**

The panel may send questions to the celebrant in advance of the panel, ask the celebrant on the day, or not have questions to ask. Questions must be relevant and reasonable. Answers to the questions will be recorded by the minute taker.

### **Adjudication**

If the celebrant is attending, they will be asked to leave the room at this point. The minute taker will only note decisions made by the panel, not individual opinions.

On the basis of the testimony of the celebrant and their response to questions, the panel will judge if the evidence still meets the civil standard of proof<sup>10</sup>. If this is still the case, the panel will use its judgement and experience to determine whether there has in fact been a breach of the Celebrant Handbook Code of Conduct, and the seriousness of any breach.

### **Decision**

If the panel decides<sup>11</sup> the allegation did not pass the first question with the new evidence, the minute taker will note this as a decision to dismiss.

If the panel decides that there was a breach, but that the severity was actually a category 1 or 2, the minute taker will note this as upheld as category 1 or 2 (as appropriate). The CDTM will then follow the procedure as if the complaint had originally been classed as not passing the second test.

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<sup>10</sup> on the balance of probabilities is it more likely than not that a certain event occurred

<sup>11</sup> Decisions of the panel will be reached by majority vote, however, unanimity should be sought wherever possible

If the panel decides there was a category three breach, the Panel will decide on what form of remedial action is necessary to address the celebrant's practice and/or conduct. At this stage, the panel may take into account any relevant corrective measures taken by the celebrant, CPD activities, and engagement with the Network. The actions the panel might take includes the celebrant:

- undertake CPD, at the cost to the celebrant, in a specific area of weakness
- practise for a period of time under the guidance of a CDTM appointed mentor, at cost to the celebrant
- undergoes an occupational health assessment
- be de-accredited from the network

In the case of the first three actions a timescale by which this will occur will be set, the CDTM will check if the celebrant has done so, and if they have not, the celebrant will be de-accredited.

### **Notification**

The CDTM of the panel will inform the Celebrant of the outcome. If the celebrant attended, then in person following the panel hearing, if the celebrant did not attend, then by email within 2 working days of the hearing. The CDTM will also notify the complainer of the outcome of the complaint decision, but only the actions taken if appropriate.

### **Appeal**

Any grounds for appeal are based on either:

- evidence that the investigation or hearing did not follow due process, or,
- further or additional evidence that would have bearing on the outcome.

The Celebrant may make an appeal to the Director of Ceremonies (DoC) within 10 working days of being informed of the outcome of the hearing. If the DoC believes the appeal has grounds, they will run the same process as the formal hearing, acting as the CDTM.

If not, the DoC will add a note to the celebrant's record indicating an appeal was made but there were not sufficient grounds for appeal.

This appeal is the final stage of the process and will be regarded as the end of the matter.

### **Recording of complaint**

Complaints will be recorded in the celebrants record by the CDTM with an outcome of upheld, partially upheld, or dismissed. The details should include a summary of the complaint and the findings of the panel, if one was held.

The CDTM will analyse the data to look for an overview of complaints trends, performance and forecasting and the resulting analysis used to improve performance and quality of services.

Should the outcome result in the celebrant's loss of accreditation, a simple statement to that effect will be sent by the CDTM to the relevant CNSC, the DoC, and external stakeholders as appropriate<sup>12</sup>.

## **Timescales**

All complaints should aim to be resolved within 35 working days. This is regarded as a target and good practice for Humanist Ceremonies UK. The following represents the maximum working day time for each stage.

### **Stage one**

Day one: complaint received

Day two: CDTM has contacted celebrant to find out if they have attempted resolution, OR escalate to stage two

Day three: CDTM contacts complainer to say the celebrant will be in contact or to ask for further information pending an investigation

### **Stage two**

Day one: complaint received

Day three: CDTM contacts complainer and celebrant to ask for further information pending an investigation

Day 13: Applies the two-step realistic prospect test and informs complainer and celebrant of outcome (either recommendations or progress to panel)

Day 23: A formal hearing panel (if needed) is called and adjudicates on the complaint, records the outcome, and the CDTM informs both complainer and celebrant.

## **Conflict of interest**

It is the responsibility of members of any formal hearing to declare any actual or potential conflict of interest when made aware of a complaint. Such conflicts may be financial or involve personal or professional relationships. Any declaration should be made as soon as possible to the CDTM, or, if the person with the conflict is the CDTM, to the DoC.

Where an interest has been declared, the CDTM will decide whether a member of the Committee has a conflict of interest. In UK law, the legal test for bias derived from case law is: 'whether the fair-minded observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased'. Therefore, it follows that a perception of impaired judgement or undue influence can be equally as detrimental as any of them actually occurring.

If the CDTM decides that there is a conflict of interest, it will not be permissible for the individual to participate in any discussion of the complaint or related Hearing.

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<sup>12</sup> This might include Funeral Directors with whom the celebrant has worked.



