



Presentation

of Synodal Forum I

“Power and separation of powers in the Church
- Joint participation and involvement in the mission”

for the First Reading

at the Second Synodal Assembly (30 September - 2 October 2021)

for the action text

“Guarantee of legal recourse” (draft file)

The Synodal Assembly is requested to resolve as follows:

The current complaint codes of the German dioceses are vary widely - both with regard to the prescribed procedures, as well as to the staffing of the arbitration/complaints bodies. A framework regulation for complaints management and for guaranteeing legal recourse defines binding criteria on how the complaint codes of the dioceses are to be adapted and standardised. The framework regulation aims to open up a transparent, easily-accessible complaints mechanism for each individual among the faithful. Such a code is to minimise the potential for power to be abused, and to promote a legal culture. Low-threshold complaints mechanisms have also proven themselves to be an effective tool in preventing sexual violence.

Each diocese has a three-tier complaints management system meeting the following minimum standards:

1. A “*complaints unit*”, which is not subject to instructions, receives complaints of all kinds, and forwards them to the competent office within the Church. It must be set up in terms of service law in such a way that - as far as this is legally permissible - it has access to all information related to the content of the complaint. Furthermore, it must be vested with the authority to demand satisfactory answers to the incoming complaints from all offices of the Church which forwards to the complainant. The goal of the work of the complaints unit is to find amicable solutions. If an amicable solution cannot be reached, the com-

plaints unit will forward the matter to the diocesan arbitration board if the complainant so wishes.

2. The *diocesan arbitration board* can be called upon to address conflicts that cannot be resolved via the complaints unit. It initiates a formal, regulated procedure for conflict management and conflict resolution which primarily aims to resolve disputes amicably. In doing so, it seeks agreements, makes well-founded recommendations and, if no agreement can be reached, makes an arbitration ruling. If an arbitration ruling is made, it is binding on all the parties involved.

The *members* of the arbitration board

- are independent in their activity, and are bound only by the law and their consciences. They are obliged to exercise their offices impartially and to maintain secrecy.
 - are professionally qualified to exercise their offices.
 - are elected by the competent bodies from different professional groups and categories so that they can deal appropriately with complaints from the different fields of activity of the diocese. The members are appointed for a period of time and in agreement between the diocesan bishop and the diocesan pastoral council.
3. Rulings of the arbitration board may be appealed to the Church's administrative courts. The administrative courts' rulings are final.

The members of these three institutions are independent, and are not bound by instructions. They are given access to all the information necessary for their work, and receive an appropriate allowance.

The German Bishops' Conference and the Synodal council of German Catholics establish a framework regulation on the competences of the complaints units and arbitration boards, the procedures for the election of arbitrators, and the rules of procedure.