

1.19 What about issues of fairness and natural justice?⁶⁷

(1) All those engaged in the complaints and discipline procedures should at all times have regard to the general principle that anyone against whom a complaint or charge⁶⁸ is being pursued has the right:

- (a) to have adequate opportunity of responding to that complaint, meeting any charge and dealing with the evidence against them;
- (b) to be treated fairly by any complaints team⁶⁹ dealing with the complaint; and
- (c) to receive a fair hearing from any church court⁷⁰ which is to decide whether any charge is established.

If the respondent is under the age of 18 or is a person with a disability, that fact must always be borne in mind in applying the above principles (see 1.11 and 1.12 above).

(2) These principles may loosely be referred to as rules of ‘natural justice’. Standing Orders seek to ensure that natural justice is at the heart of the procedures on complaints and discipline.

Even when Standing Orders do not state explicitly that the principles of natural justice apply it is nonetheless to be inferred that they do. The rules of natural justice apply equally to respondents and complainants.

Footnote⁶⁷

SO 1102(1). The question has been raised about whether the Methodist Church’s procedures for dealing with complaints and discipline are subject to and compliant with the European Convention on Human Rights and Fundamental Freedoms. The Convention was incorporated into English Law on 2nd October 2000 when the Human Rights Act 1998 came into force. It now seems clear that Convention rights do not apply to the Church’s procedures for dealing with complaints and discipline (see the decision of the House of Lords in *Parochial Church Council of the Parish of Aston Cantlow and Wilmcote with Billesley, Warwickshire v Wallbank and another* [2003] UKHL 37). However, it would be good practice to take full account of those rights when dealing with a complaint or charge.