



Managing complaints

A complaint is defined as any expression of dissatisfaction, whether justified or not, about any aspect of our services, staff, volunteers or processes. The following principles guide us in this:

Transparency

Confidentiality

Fairness

Responsiveness

Continuous Improvement

Complaints Process

Informal Resolution – Many minor issues can be resolved quickly by speaking directly to the employee/volunteer through counselling and training.

Formal complaint - If informal resolution does not lead to improvement in conduct or performance or where the matter is considered too serious to be classed as minor, for example, unauthorised absences, persistent poor timekeeping, sub-standard work performance etc, the discipline procedure will be followed.

The employee/volunteer will be notified in writing of the allegations against him/her, and they will be invited to a disciplinary hearing to discuss the matter. The charity will provide the details of the complaint and the possible consequences to enable the employee/volunteer to answer the case. This will include the provision of written evidence, including witness statements, where appropriate.

Having given the employee/volunteer reasonable time to prepare a case, a formal disciplinary hearing will then take place, conducted by a manager, at which a chance will be given for the person to state their case, accompanied if requested by a friend or trade union representative.

It is prohibited for the employee to record the hearing without the express permission of the charity.

Following the hearing, the charity will decide whether or not to take disciplinary action, if this is the case the employee will be informed in writing.

Stage 1 – Written Warning

The employee/volunteer will be given a formal Written Warning and advised of the reasons why, what they need to improve and the timescale this will be measured over. They will also be informed of the consequences if they fail to comply. The written warning will be recorded and remain on file, however, will be disregarded for future disciplinary purposes once 6 months has passed.

Stage 2 – Final Written Warning

Failure to improve, a repeat of misconduct, a first instance of serious misconduct or serious poor performance will result in a Final Written Warning. This again will set out the nature of the misconduct/poor performance and a warning that dismissal is likely to be the result if the details of the warning are not complied with. The final written warning will be recorded and remain on file but will be disregarded for future disciplinary purposes once 12 months has passed, subject to performance and conduct. The charity does the reserve the right to issue a warning that will remain active for a maximum period of 2 years in the case of serious misconduct.

Stage 3 – Dismissal

Failure to meet the requirements set out in the final written warning will normally lead to dismissal with appropriate notice. Dismissal can be authorised only by a senior manager or director. The employee will be informed of the reasons why, the period of notice involved, the date on which employment will be terminated and how the employee can appeal.

Gross Misconduct

Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed. In such cases the charity reserves the right to dismiss without notice or termination or payment in lieu of notice. Examples of gross misconduct include:

Any breach of criminal law

Any unauthorised possession or removal of charity property, or property belonging to another employee, client, customer or visitor

Using the charities property to carry out work for third parties on a personal basis without permission

Misuse of charity benefits

Offering or giving a bribe or accepting a bribe in connection with employment

Wilfully or neglectfully causing harm or injury to another employee, client or visitor

Deliberately or negligently causing damage to the charity's property or property belonging to another employee or visitor

Serious carelessness or gross negligence that causes loss, damage or injury

Dereliction of duty, including sleeping whilst at work and undertaking unauthorised activities during normal working hours

Wilful refusal to obey a reasonable management instruction

Serious incapacity at work through an excess of alcohol or illegal drugs

Bringing illegal drugs or substances, or weapons on to charity premises

Smoking on charity premises other than in designated areas

Logging on sexually explicit websites, downloading or circulating pornographic or offensive material

Engaging in sexual activity on charity premises

Posting derogatory, offensive, discriminatory or defamatory comments online about the charity, its employees or clients or otherwise conducting themselves online in a way that is detrimental to the charity

A serious breach of health and safety rules

A serious breach of security rules

Discriminating against, harassing, bullying or victimising another employee, client or visitor because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and /or sexual orientation

A serious breach of confidentiality

Working for competitor without permission

Engaging in an unauthorised activity which conflicts with the interests of the charity or its clients

Breaching copyright or any other proprietary interest belonging to the charity

Knowingly breaking a legal requirement in connection with employment

Bringing the charity into serious disrepute, even if done in the employees own time

Unauthorised absence, including failure to return from a period of annual leave or other approved leave of absence

The above is intended as a guide and is not an exhaustive list

Suspension

In the event of serious or gross misconduct, an employee may be suspended while a full investigation is carried out. Such suspension will be on full basic pay. Suspension from employment will only occur where it is considered necessary and appropriate in the circumstances. Suspension will not take place as a matter of routine and will be for as short a period as possible. Suspension does not imply guilt or blame and will not be used as a means of disciplinary sanction

Appeals

An employee may appeal against any disciplinary decision, including dismissal, to a director of the charity within five working days of the decision. Appeals should be made in writing and state the grounds for appeal. The employee will be invited to attend an appeal hearing chaired by a senior manager or director.

At the appeal hearing, the employee will be given the chance to state their case and will have the right to be accompanied by a trade union official or rep or a fellow employee of their choice.

Following the appeal hearing, the employee will be informed in writing of the results of the hearing. The charity's decision on an appeal will be final.

Data protection and Confidentiality

When processing information in connection with any investigation or subsequent stages of a disciplinary procedure the charity will process any personal data in accordance with its data protection policy and any internal privacy notices in force at the relevant time. Inappropriate access or disclosure of this data will constitute a data breach and should be reported immediately to the charity's data protection officer in accordance with the charity's data protection policy. All employees must treat as confidential any information communicated to them in connection with a disciplinary investigation or disciplinary matter. Any data breach or breach of confidentiality may also lead to an investigation and potential sanctions under the charity's disciplinary procedure.