



SG08: Policy and procedures on Complaints, Grievances, Whistleblowing and Disciplinary Action

Concerns and complaints are things which anyone connected with the charity is in some way unhappy about. They can be about anything connected with the charity.

Grievances are concerns, problems or complaints about the management raised by a staff member, contractor or volunteer. Anybody may at some time have problems or concerns with their working conditions or relationships with colleagues that they wish to raise.

Disciplinary action is action taken by the charity if it feels that a member of staff, contractor or volunteer is not properly carrying out his or her job, or is behaving appropriately.

Whistleblowing is reporting serious wrongdoing to a higher authority. This will usually be something you've seen at work - though not always. The wrongdoing you disclose must be in the public interest: this means it must affect others, for instance the general public.

Please note that concerns about abuse or neglect of the children and young adults we look after comes under our Safeguarding Policy. That policy takes precedence over this policy; we will always follow the Safeguarding Policy first.

Complaints and concerns procedure

When children, young people, parents or volunteers are unhappy it is vital to have an agreed procedure to deal with the issues calmly and fairly.

When complaints or concerns are dealt with in a positive way, the sound practices of a healthy organisation will continue to evolve and improve.

- Any complaint will be taken seriously.
- If in doubt, the charity will seek outside professional advice.
- Complaints and concerns should be raised within six months.

Stage 1: Informal complaint

Most complaints and concerns can be resolved informally. Initially you might want to speak informally with the person with whom you have concerns. If you prefer, or find this unsatisfactory, contact the Executive Director (Paul Coupar-Hennessy, pcoupar@linacreinstitute.org, 07961 844 756). He will:

- Take note of the nature and detail of your complaint
- Inform you of our complaints policy and provide you with a copy
- Discuss with you the outcome you would like and how you would wish the complaint to be resolved
- Explain to you what will happen next and by when
- If possible, try to resolve your complaint to your satisfaction
- Record your complaint and explain our policy of logging complaints in the register (SG09: Complaints and Grievances Register)

If the complaint or concern is about the Executive Director, please raise it with him or her initially. If you feel uncomfortable with this, please raise it with the Chairman of Trustees in writing at the Charity's postal address on the website.

Stage 2: Formal Complaint

If it is not possible to resolve the complaint at the Informal stage or the nature of the complaint is serious then the concern will become a Formal Complaint.

- Formal Complaints should be made in writing to the Executive Director: Paul Coupar-Hennessy, Linacre Institute to the current postal address on the website. Please head any letter, 'Formal Complaint'.

- If the complaint is about the Executive Director, write to the Chair at the same address.
- Please explain clearly and factually the nature of the complaint, giving dates.
- Complainants will receive a written acknowledgement of their complaint within 7 working days including details of how it is being dealt with
- The Executive Director or Chair will carry out any necessary investigations to establish the facts of the case. Further advice on investigations can be found here:
<http://www.acas.org.uk/index.aspx?articleid=1439>.
- Within 30 working days the complainant will receive resolution or details of what has happened so far
- If there are delays to resolving the issues the complainant will be kept as fully informed as possible.

Stage 3: Appeal

To appeal against the outcome of a Formal Complaint, write to our Chairman at the address on the website. He or she will handle the appeal. If the Chairman handled your Formal Complaint, your case will be handed to another Trustee.

- The person handling your appeal will write and inform you that they will be reviewing your appeal.
- They will investigate the facts of the case. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the Formal Complaint.
- They will write to you with the outcome of their investigation and will detail:
 - A description of the process taken to investigate your complaint
 - The conclusions drawn from the investigation, and whether they agree with the finding from the original investigation and why
 - Any actions that have been taken to resolve your complaint
 - Your right to complain about the way your complaint has been handled (see below).

Stage 4: Complaining about handling of your complaint

If you remain unsatisfied, you can ask another Trustee not yet involved in the case to review your complaint and act as an arbitrator.

- This decision is final and can only take into account the handling, not the substance of the complaint. A copy of the review will be sent to you (the complainant), the Chairman and the Executive Director.
- Whatever the outcome, the reply will set out the process for taking the complaint further i.e. if you (the complainant) do not feel that the issue has been resolved satisfactorily, you may ask for advice from the Charity Commission. See <http://www.charitycommission.gov.uk/how-to-complain/complain-about-a-charity/>

Grievance procedure

Grievances are concerns, problems or complaints about the management raised by a staff member, contractor or volunteer.

When grievances are dealt with in a positive way, the sound practices of a healthy organisation will continue to evolve and improve.

Issues that may cause grievances include:

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices/organisational changes
- discrimination

Any grievance will be taken seriously.

Stage 1: Informal

- Employees, volunteers or staff should let the Executive Director (Paul Coupar-Hennessy, pcoupar@linacreinstitute.org, 07961 844 756) know the nature of the grievance and issues promptly and certainly within six months.
- If the grievance is about the Executive Director, please raise it with him or her initially. If you feel uncomfortable with this, please raise it with the Chair of Trustees in writing at the postal address found on the website.
- The person named above will try to resolve any grievance informally in the first instance.
 - Take note of the nature and detail of your complaint
 - Inform you of our grievances policy and provide you with a copy
 - Discuss with you the outcome you would like and how you would wish the complaint to be resolved
 - Explain to you what will happen next and by when
 - If possible, try to resolve your grievance to your satisfaction
 - Record your complaint and explain our policy of logging complaints in the register (SG09: Complaints and Grievances Register)
 - Inform the Executive Director of the Grievance.

Stage 2: Formal Grievance

- Formal Grievances should be made in writing to the Executive Director at the postal address on the website. Please head any letter, 'Formal Grievance.'

- If the grievance is with the Executive Director, write to the Chair at the postal address on the website.
- Please explain clearly and factually the nature of the grievance, giving dates.
- Complainants will receive a written acknowledgement of their grievance within 7 working days including details of how it is being dealt with
- The Executive Director or Chairman will carry out any necessary investigations to establish the facts of the case. Further advice on investigations can be found here: <http://www.acas.org.uk/index.aspx?articleid=1439>.
- The person who dealt with the Informal Grievance will arrange a formal meeting as quickly as possible, and will carry out any necessary investigations to establish the facts of the case. Further advice for the Employer can be found here: <http://www.acas.org.uk/index.aspx?articleid=1439>.
- Employees, volunteers and contractors can be accompanied at any formal meeting and have the right to appeal against any formal decision made.
- Within 30 working days the complainant will receive resolution or details of what has happened so far
- If there are delays to resolving the issues the complainant will be kept as fully informed as possible.

Stage 3: Appeal

To appeal against the outcome of a Formal Grievance, write to our Chair at the postal address on the website. He or she will handle the appeal. If the Chairman handled your Formal Grievance, your case will be handed to another Trustee.

- The person handling your appeal will write and inform you that they will be reviewing your appeal.
- They will investigate the facts of the case. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the Formal Grievance.
- They will write to you with the outcome of their investigation and will detail:
 - A description of the process taken to investigate your grievance

- The conclusions drawn from the investigation, and whether they agree with the finding from the original investigation and why
- Any actions that have been taken to resolve your grievance
- Your right to complain about the way your grievance has been handled (see below).

Stage 4: Complaining about handling of your grievance

If you remain unsatisfied, you can ask another Trustee not yet involved in the case to review your grievance and act as an arbitrator.

- This decision is final and can only take into account the handling, not the substance of the grievance. A copy of the review will be sent to you (the complainant), the Chairman and the Executive Director.
- Whatever the outcome, the reply will set out the process for taking the grievance further i.e. if you (the complainant) do not feel that the issue has been resolved satisfactorily, you may ask for advice from the Charity Commission. See <http://www.charitycommission.gov.uk/how-to-complain/complain-about-a-charity/>

Whistleblowing procedure

You're a whistleblower if you're someone associated with the charity (staff, volunteer, student, parent, teacher) and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for instance the general public.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle' to raise the alarm.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, eg fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the charity is breaking the law
- you believe someone is covering up wrongdoing

Complaints that don't count as whistleblowing

Personal grievances (eg bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest. Report these under the complaints or grievance procedure.

If the concern is specific and about our day-to-day operations, contact the Executive Director

If the concern is about the Executive Director, contact the Chairman

If the concern is about:

- a criminal offence
- the breach of a legal obligation
- a miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- deliberate concealment of information tending to show any of the above five matters

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contact the Charity Commission on: whistleblowing@charitycommission.gsi.gov.uk

The charity Public Concern at Work provides free confidential advice to employees who have concerns about wrongdoing in the workplace. Contact the charity on 020 7404 6609.

Disciplinary-action procedure

Disciplinary action is taken by the Executive Director if a member of staff, contractor or volunteer is not properly carrying out his or her job or behaving appropriately.

Pre-disciplinary procedure: Informal approach

Informal counselling will be offered to ensure the person involved knows the standards expected and to help him or her meet them.

The person will be:

- Told what needs improvement (eg timekeeping, attendance, conduct, work standards)
- Given the opportunity to explain

If the Executive Director feels it necessary, the employee, contractor or volunteer will be:

- Given an action plan to bring about the required improvement
- Given a written note, signed by both supervisor/manager and employee, of the agreed action to be taken.

Formal disciplinary action

If this informal counselling does not bring about the required improvement the formal disciplinary procedure will be invoked.

We will follow fair procedures and have in mind natural justice.

- all managers and supervisors will be aware of, and apply, these procedures
- employee representatives will be able to assist employees in difficulty
- any issues arising should be dealt with fairly with an opportunity for the employee to make representations on his behalf
- a range of sanctions should be provided for and considered
- warnings will be removed from the employee's record after four years
- the procedure will be fair and rational
- the basis for the disciplinary procedure will be clear, ie the employee knows what he/she has done wrong

- the penalties will be clear
- an internal appeals mechanism will be in place.

To be able to show that fair procedures were followed (in cases other than those of gross misconduct and/or dishonesty), warnings will be issued to the employee setting out the cause of the complaint against him. (In cases of dishonesty, no warning is necessary)

The steps in the disciplinary procedure are graduated: verbal warning, written warning, final written warning, and dismissal. However, in cases of gross or serious misconduct it is permissible to start at stage 4 of the procedure.

Stage 1 - Verbal warning

This would involve a meeting at which the employee could bring a colleague or other representative. There is no right to bring a legal representative, unless the employer agrees.

This may be a trade union representative. Their role will be as a minute taker and witness, not an advocate or spokesperson.

At the meeting the employee will be advised of what the problem is and invited to respond and explain his actions.

There will be no rush to judgement by the employer as the meeting is investigatory.

Following the meeting a confirmatory letter will be given to the employee. This letter confirms that the employee has been given a verbal/oral warning. It will also contain the improvements required of the employee in respect of the behaviour which led to the warning and the timeframe within which the improvement must be made.

This letter will also state that failure to improve will lead to the 2nd stage of the disciplinary procedure and ultimately dismissal.

It will also state that the warning will remain on file for six months, after which it will be removed.

Once this disciplinary procedure has started we will assist the employee to improve conduct or performance, whichever was the source of the problem.

We will record the details of this 3 month monitoring period and retraining.

However, if the employee fails to improve or there is a repeat of the activity that caused the oral warning in the 1st place the employer can then issue a first written warning.

Stage 2 - First Written Warning

The 1st written warning can be issued within the period of time advised for monitoring after the verbal warning, provided there is no improvement in conduct or performance.

Before issuing it the employee should be invited to another meeting, told of the transgression, and given the opportunity to respond.

The written warning will then be issued and last for another 6 months. This warning should also clearly set out the nature of the problem, suggest solutions such as retraining, and advise of the possible sanctions (including dismissal) if no improvement is observed within the 3 months.

The employer should again afford all reasonable assistance to the employee to help him improve conduct and/or performance. However the employer must be mindful of his duty of care to other employees also.

Stage 3 - Final Written Warning

If the required improvement is not happening then a final written warning would be issued with a 12 month monitoring period.

The letter confirming this warning will advise that if there is no improvement, or if the bad behaviour/performance, is repeated then dismissal will occur.

This warning letter will be the final one prior to dismissal so it is important that it is well drafted.

Stage 4 - Dismissal or action short of dismissal

If there is no improvement after the final written warning then dismissal is the likely outcome. A meeting will be called and the employee and his representative invited.

We will remind the employee of the behaviour/conduct that has led to this point, the repeated transgressions/failure to improve performance sufficiently, and that the dismissal is in accordance with the disciplinary procedure.

The employee will be given the opportunity to appeal within 14 days. He should also be given a letter confirming the dismissal and the right to appeal, the time period for appeal, and who to appeal to.

Gross or serious misconduct

Gross or serious misconduct will be normally dealt with under the final stage - stage 4.

There is no legal definition of "gross misconduct" but we take it to include:

Inappropriate relations with students, whether sexual or otherwise

Criminal acts

Theft
Intentional damage to property
Assault
Dereliction of duty
Serious breach of health and safety procedure
Fraudulent behaviour
Falsification of records
Abuse of company policies/procedures
Abuse of trust
Serious sexual harassment, harassment, bullying
Serious breaches of internet/email policy
Serious breaches of data protection policy
Violent behaviour

Serious/gross misconduct will be dealt with as follows:

1. Notify the employee of the allegation without delay

This would involve, firstly, a preliminary gathering of the facts and, secondly, an invite to the employee to attend a meeting to lay the allegation. The employee should be told he can bring a work colleague or union representative to this meeting.

It is important that strict confidentiality is maintained as the employee is innocent until proven otherwise and is entitled to the protection of his/her good name.

2. Investigation

An investigation will be carried out and the employee may be suspended with pay pending the outcome of this investigation.

It should be carried out as quickly as possible by a party/parties with the necessary expertise, agreeable to employer and employee, and in accordance with the terms of reference for the investigation. The terms of reference should set out the timescale of the investigation and the scope of the investigation, that is, deciding whether or not the allegation has been upheld. A written record of all meetings should be kept and confidentiality maintained.

The investigator should be able to interview any employee who may be able to assist the investigation.

The employee against whom the allegation has been made should be given copies of all written notes prior to and during the investigation, eg witness statements, details of the alleged misconduct, notes. He/she should also be allowed representation at any meetings during the investigation process.

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