



COMPLAINTS AND GRIEVANCE PROCEDURES

1. Introduction

- 1.1 This policy is designed to cater for occasions when a service user, volunteer or staff member wishes to make a complaint about another. It aims to provide a fair, transparent, effective and easily understood procedure for dealing with a complaint or grievance. It should be read together with the charity's policies on Equality and Diversity, Employment and Safeguarding Vulnerable Adults.
- 1.2 The procedures are based on these principles:
- The charity will not act defensively but investigate the matter quickly and fully.
 - All parties must be given a fair hearing.
 - Confidentiality must be protected at all times; that of the person making the complaint and the person complained about.
 - The person conducting the investigation must not be involved in any way with the incident reported and must be capable of being wholly impartial.
 - The person making the complaint is entitled to independent support or advocacy and to representation in all parts of the process.
- 1.3 Anyone wishing to make a complaint or express a grievance may talk initially to the Chief Officer, other staff member, volunteer or Trustee. However they may, instead, wish to put their concern in writing to the Chief Officer or Chair.

2. Harassment

- 2.1 South Lakeland Mind will take especially seriously any situation in which any staff member, volunteer or service user believes they have suffered from any form of harassment by a colleague, manager, volunteer, trustee or service user, whether this is directly or indirectly connected to the organisation.
- 2.2 The terms Harassment and Bullying *are used interchangeably by most people, and many definitions include bullying as a form of harassment". Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.' 'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'
- 2.3 The legal definition is if the behaviour *'has the purpose or effect of violating the complainant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'*. It is not the *intention* of the perpetrator that is key in deciding if harassment or bullying has occurred but *whether the behaviour is unacceptable by reasonable normal standards and is unwelcome to the person or people subjected to it or witnessing it.*

* These definitions are taken from the Equality & Human Rights Commission and ACAS websites

- 2.4 Examples include: insulting, ridiculing or demeaning someone; spreading malicious rumours; making unfounded threats or comments about someone's job security; exclusion or victimization; unwelcome sexual advances – e.g. touching, standing too close, display of offensive pictures; overbearing supervision or other misuse of power or position; deliberately blocking someone's opportunities for promotion or training.
- 2.5 Bullying and harassment may not only take place face to face but may also occur in written communications, electronic (e)mail, phone, texts, social media, etc. Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.
- 2.6 Harassment on grounds of sex, race, religion, disability, sexual orientation or age may amount to unlawful discrimination and may in some circumstances be a criminal offence e.g. under the provisions of the Protection from Harassment Act 1997.
- 2.7 Reasonable and proper management instructions, administered in a fair and proper way, or reasonable and proper review of a member of staff's or a student's work and/or performance will *not* constitute harassment. Behaviour will *not* amount to harassment if the conduct complained of could not reasonably be perceived as offensive.
- 2.8 The employee or volunteer with concerns may seek to resolve matters informally by seeking mediation. Alternatively they may ask another member of staff or Trustee to do this on their behalf on the understanding that his or her role can only be one of support and assistance at this stage. They should be advised to make written record of the informal action taken and of the outcome. If this informal approach is not felt appropriate or is not successful the complainant may ask (preferably in writing) the Chief Officer, Chair or other Trustee for the Complaints and Grievance Procedure (see below) to be initiated.
- 2.9 Employees or volunteers cannot invoke the harassment procedure while they are subject to any related disciplinary action. However if they feel that the disciplinary action is, directly or indirectly, an act of harassment in itself, this may be expressed as part of their case.

3. Procedures

- 3.1 In the event of any complaint or grievance being made, the following procedure should be followed. At each stage everyone involved with the case will be kept informed.
- Stage One:**
- An informal discussion with all parties concerned, either together and/or individually, in order to resolve the matter. This stage may be by-passed if the complainant wishes a formal procedure (Stage Two onwards) to be implemented.
- Stage Two:**
- Formal registration of the complaint or grievance, preferably in writing: if the issue involves a member of staff, volunteer or service user, it should be addressed to the Chief Officer. If it concerns the Chief Officer it should be addressed to the Chair of the Trustees or, if it involves the Chair, another Trustee.
 - The Chief Officer, other member of staff or a Trustee will then be assigned as Investigating Officer (IO) to investigate the matter. The IO will seek to meet both or all parties involved and others who may be able to provide information. All parties should be informed that they may if they wish be accompanied by a friend or colleague.
 - The IO should, preferably within 10 working days, prepare a written report for the Chair or other Trustee who will convene, preferably within a further 10 working days, a panel of at least three Trustees (including ex-officio, the Chair unless he/she is personally involved in the case). The IO may attend the panel in order to clarify any issues but may not take part in any discussion or decision.

- The panel will consider the report and any recommendations and decide on what if any action should be taken. All parties should then be informed of the panel's decisions.
- Stage Three:**
- If the complainant or any other party is unhappy with the sub-committee's decisions, they may appeal to the full Board of Trustees and ask for the matter to be reconsidered. They may submit any fresh information.
 - The sub-committee will then reconvene to reconsider the issue and may invite the parties concerned to discuss their concerns with them.
 - The panel will then report to the Trustees who will confirm or amend the original decisions and initiate any action.

This policy is intended as a statement of intent and does not constitute a binding contractual or personal agreement. But it will be monitored and revised in the light of service user, staff or volunteer experience or comments and any operational changes and legislative or other external considerations. Interpretation and any matters not specifically covered by the policy will be decided by the Chief Officer and / or Trustees.

Policy Approved by Board of Trustees: 5th November 2009.

Revision(s) approved: 14th August 2014

Review Date: March 2015

If at any time it seems appropriate to review the policy sooner than the review date, such as through a change in the law, then this should be done without delay.