



## Complaints and Disciplinary Procedures

*The Parish of Drumcondra, North Strand & St Barnabas* is committed to ensuring the safety and welfare of all members. We also try to ensure that children have a positive and enjoyable experience when participating in *Parish* activities.

This complaints procedure aims to cover any situation which may arise, when children or their parents/guardians are not happy with the way children were treated while they were at an activity run by *the Parish*.

The following are examples of the types of complaints that may arise:

- An alleged breach of the code of behaviour by a volunteer (see Part 4 of Safeguarding Trust);
- Perceived poor attitude of a volunteer;
- A child feeling unhappy about an incident or an event;
- A parent/guardian feeling unhappy about an incident or event involving their child;
- Dissatisfaction in relation to an aspect of the service being provided.

### **What Complaints are accepted?**

- 1) Complaints involving child protection concerns must be dealt with in accordance with reporting procedures as set out in Safeguarding Trust and not through this Complaints procedure.
- 2) The Complaints procedure below should not be used to disagree with a policy set by the *Parish*.

There are basic rules for the acceptance of complaints:

- Complaints must be raised within three months of the Complainant knowing the facts (the *Parish* will not deal with complaints that are older).
- *The Parish* does not generally investigate anonymous complaints.
- Complaints that are broadly or substantively the same as a previous Complaint, which have already been addressed, will not be accepted.
- *The Parish* will refuse any Complaints which are believed to be vexatious or malicious.

### **Who can make a complaint?**

Complaints can be made by:

- Children who are members of children's activities at *the Parish*.
- Their parents/guardians.
- Volunteers in *the Parish*.
- Other advocates on behalf of children.

### **How to make a complaint**

1. If the complaint is in relation to the safety and welfare of children, the complaints should be made to the Parish Safeguarding Trust Panel.
2. Other complaints should be made to the volunteer in charge of the group which the child is a member of, with whom you should raise the concern orally (informal complaint).
3. If the complainant does not want to discuss the matter with the volunteer in charge of the group, if the volunteer cannot answer the complainant's concern, if the complainant is dissatisfied with the initial response of the volunteer to a complaint, or if the complaint is

more serious, the complaint can be made in writing to the Parish Safeguarding Trust Panel (formal complaint).

### ***Information the Complainant needs to provide***

Complaints should be made, in the first instance, orally to the volunteer in charge of the group and provide them with the following information to allow them to investigate the complaint:

- Name of child affected and the group or event they were involved in
- If the complaint is being made by a parent or guardian, the name and address of the parent/guardian
- Exactly what the complainant is dissatisfied with and identification of the person(s) against whom the complaint is made
- The name of the volunteer who dealt with the matter the complainant is dissatisfied with.

Complaints made in writing should be made on the Complaints form (see appendix) and give as much factual details as possible to allow the matter to be investigated.

### ***If I make a Complaint how will my Complaint be dealt with?***

Your complaint will be dealt with fairly and objectively. *The Parish's* policy is to deal with any valid complaints in a positive and pro-active manner and expect resolutions and outcomes to contribute to a process of continuous improvement.

### **Informal complaint**

The leader in charge of the group will likely need to speak to a number of other people about your complaint but will endeavour to be able to provide a response to your informal complaint within ten days. If the leader in charge of the group is unable to respond to your informal complaint substantively within this time frame, they will endeavour to revert to you to update you on the situation.

### **Formal complaint**

It may take time to process a complaint; however, you will be kept informed of the progress of the complaint with an acknowledgement of a formal complaint within seven days and endeavours will be made to provide a response to the complaint within four weeks. However, where it is not possible to respond to the complaint within four weeks, you will be provided with an update within that period and the matter resolved at the earliest possible opportunity.

The volunteer or Panel member may need to speak to you and a number of other people to fully understand your complaint and the circumstances surrounding it.

Ultimately the staff member/volunteer or Panel member will decide about the complaint and will inform you whether your complaint is upheld or not and the actions that will be taken as a result.

### **Actions that may be taken in response to the investigation of a complaint:**

Responses to a complaint might include:

- An apology (either verbal or written) to the complainant and/or the member;
- An explanation provided to the complainant and/or member, e.g. as to why something happened;
- A review of a decision made;
- An assurance that any poor practice identified in the investigation will be addressed at future activities;
- A meeting with the volunteer (who is the subject of the complaint) and the complainant in order to resolve the situation;
- Compulsory attendance by volunteer at specific training event;

- A period of supervision of volunteer by other volunteers;
- In the case of a serious incident the suspension or dismissal of volunteer (in line with disciplinary procedures – see below).

This list is not exhaustive and in the individual circumstances of a specific complaint the response to that complaint may include one or more of the above items or may not include any of them.

***What if I am not satisfied with the outcome of my Complaint?***

If you are not satisfied with the outcome of your complaint or the way in which it was handled, then you may appeal. Any appeal must be made within 21 days of being given the decision and outcomes of your complaint.

Your appeal must be formally lodged in writing to the Safeguarding Trust Panel. In your appeal, you must clearly explain the basis on which you are making the appeal and your preferred outcome to resolve the issue.

The Panel will consider the process undertaken to handle the original complaint and the outcome of the original complaint. You will be kept informed of the progress of your appeal with an acknowledgement of your appeal within seven days and a response within four weeks. Where it is not possible to complete the appeal within four weeks, you will be provided with an update within that period and the matter resolved at the earliest possible opportunity.

The Panel may need to speak to you and a number of other people to fully understand your appeal and the circumstances surrounding the investigation of your complaint.

The Panel will make a decision about the appeal and will inform you whether your appeal is upheld or not and the actions that will be taken as a result.

**Disciplinary procedures volunteer is found in breach of Code of Behaviour**

Each breach of the Code of Behaviour will be assessed in line with the complaint procedure above. If a volunteer is deemed to be in breach of the Code of Behaviour the following procedures should be followed:

***Informal Process Stage:***

At this early stage, the main aim of the procedure is to help the volunteer achieve the required standard of performance or behaviour. It should be the parish's aim to be able to (where possible) resolve issues at this stage and not invoke any formal procedures.

However, depending on the nature of the matter it is up to the panel to decide whether or not to initiate this procedure. It can be in the form of a supervision meeting and the panel will;

- Informally meet with the volunteer to discuss with them the unacceptable behaviour or underperformance.
- Agree on improvement measures and the timeframe for these improvements.
- Offer to support and coach the volunteer in improving their performance.
- Decide on a date to review the progress.
- Inform the volunteer in a clear manner of the next steps in the procedure if agreed standards of improvement are not achieved.
- Maintain a record of the meetings held.

***Formal Process Stage:***

This disciplinary procedure allows for warnings to be given for failure to meet standards of the Code of Behaviour where the matter cannot be dealt with at the informal process stage.

### Disciplinary meetings:

Disciplinary meetings will be held with the volunteer so that the volunteer can respond. The panel will never give a warning or decide on the level of a warning until after this meeting takes place and the volunteer is given a fair hearing under the principles of natural justice. The meeting will always be adjourned, and all aspects considered before a discipline or warning is imposed. A discipline/warning may not be imposed if the volunteer's response is satisfactory.

### Stage One – Verbal Warning:

The Panel will convene a disciplinary meeting. The volunteer will be given the opportunity to state their case. The meeting will be adjourned to decide what course of action will be taken, the volunteer and their representative will be asked to re-join the meeting and they will be informed of the decision. The verbal warning should be given by the Panel (more than one panel member should be present for this). The Panel will inform the volunteer:

1. What the issue/matter is
2. What action or improvement is required from the volunteer
3. Set a date for review meeting
4. What will happen if there is no improvement made by the volunteer

The verbal warning will be issued verbally and in writing and in duplicate, a copy of which the volunteer will be asked to sign. This should be returned to the Panel. This verbal warning remains active for a period of 6 (six) months. All warnings issued can be appealed, please see below for the appeals process.

### Stage Two– Written Warning:

If the matter is not resolved at stage one stage two is initiated. The same process as stage one is applied however the warning is in writing and remains active for a period of 12 (twelve) months.

### Stage Three – Final Written Warning:

If the matter is not resolved at stage two stage three is initiated. The same process as stage two is applied.

### Stage Four – Removal from Volunteer Role:

If there are further breaches of discipline after the third stage or if an incident is so serious that the matter cannot be dealt with at stages 2 or 3, then the panel may decide to remove the volunteer from their role. The process for dismissal is:

1. An appropriate investigation and consideration by the panel
2. A meeting with the panel, the volunteer and their representative in order to dismiss the volunteer
3. Outline the parish position to the volunteer
4. Consideration to be given by the panel to the volunteer and their representative's position.

The dismissal will be issued in writing and will include information on the appeals process.

### Volunteers Rights:

At each stage of the disciplinary procedure, volunteers have the right:

- To be informed of the complaint against them and be given sufficient opportunity to present their case and call witnesses to support their case, as appropriate.
- To be accompanied to disciplinary meetings by a representative (this can be in the form of a colleague or friend)
- To be given an opportunity to present their case before a decision regarding the discipline to be imposed is reached.
- To normally not be removed from role for a first offence, other than gross misconduct.
- To be informed and encouraged to use the right of appeal.

### Appeals Process:

An appeal should be made by the volunteer to the incumbent in writing within two weeks of the disciplinary action been taken.

An appeals panel will be set up to investigate the appeal. This panel will consist of members from the select vestry.

The person hearing the appeal should not have a previous knowledge of the matter.

A meeting will take place within two weeks of the application to appeal the disciplinary decision.

The outcome of the appeals process will be issued to the volunteer in writing within one week.

If a serious allegation of abuse is made against a volunteer, the Parish and Diocesan Panels and Internal Review Group will follow the procedures for dealing with an allegation against a volunteer as contained in Part 7 – *Responding to and reporting child protection or welfare concerns*.

### **Disciplinary procedures if a staff member is found in breach of Code of Behaviour**

Each breach of the Code of Behaviour will be assessed in line with the complaints procedure outline above. If a staff member is deemed to be in breach of the Code of Behaviour the disciplinary procedures in the staff member's contract or staff handbook shall be followed where it is a serious incident which may potentially warrant suspension or dismissal of the staff member.

Adopted by the Select Vestry on 30<sup>th</sup> April 2019

