

UK Council on Deafness

Grievance and Disciplinary Policy

Purpose and scope for all involved in the furtherance of UKCoD

This procedure is designed to help and encourage all employees and volunteers to achieve and maintain standards of conduct, attendance and work performance. It is used in conjunction with the Code of Conduct (a copy is on the website and distributed to all staff, trustees and SIG members) and with other policies: they apply to all involved in the management and specialisms of the United Kingdom Council on Deafness (UKCoD). The aim is to ensure consistent and fair treatment for all in the organisation.

The Grievance Procedure for trustees and SIG members

Informal action will be considered, where appropriate, to resolve any problems. No action will be taken against a trustee or SIG member, or other stakeholders involved in UKCoD until a case has been fully investigated.

Formal action - the volunteer will be advised of the nature of the complaint against them and they will be given the opportunity to state their case before any decision is made.

All involved will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a formal meeting. At all stages of the procedure the volunteer will have the right to be accompanied by a fellow trustee or advocate.

No person will be suspended or asked to leave for a first breach of conduct or policy except in the case of serious harm to the charity and its members.

The Procedure for trustees and SIG members

First stage of an internal investigation will normally be to set out the complaint or serious harm allegation and to identify if there is validity in the accusation. As outlined in the Code of Conduct and Ethics it is important to engage and support the person against whom a complaint is being made and to ensure that there is no bias or unfair behaviour by all involved. If there is no validity in the charge or any serious harm to the charity there must be an acceptance of this without prejudice and without backlash.

If there is validity the improvement that is required, the timescale, and any help that may be given will be set out in writing and outline the nature of the serious harm and the changes required.

There will be a warning to inform the volunteer that a final written warning may be considered if there is no sustained satisfactory improvement or change.

Second stage of investigation - if the volunteer's conduct does not meet acceptable standards or if the offence is sufficiently serious during the duration of a prior warning, a final written warning may

be given to the trustee or SIG member. This will give details of the complaint, the improvement required and the timescale.

It will also warn that failure to improve may lead to external scrutiny under the Charities Act 2011: Chapter 25, Part 9 (178) Disqualification of Charity Trustees; Charities (Protection and Social Investment Act 2016: Chapter 4, Sect 9, (9).

Appeal

The aggrieved trustee or SIG member should be given opportunities to make the case clearly, with plenty of notice and support if required, i.e., an advocate or fellow trustee. All involved in the inquiry must look at all evidence with impartiality.

Decisions can only be taken by the board of trustees, and the volunteers will be provided in writing with reasons. A copy of the investigation and outcomes will be kept by the staff.

If there are still concerns about the aggrieved party the final stage is to move on to Serious Incidence Reporting.

Serious incident for UKCoD

Serious incident or harm applies to all volunteers involved in the furtherance of UKCoD's work for the deaf community. A serious incident is an adverse event, whether actual or alleged, which results in or risks significant harm to the charity's beneficiaries, staff, volunteers or others who come into contact with the charity through its work. Some examples are:

- loss of the charity's money or assets;
- damage to UKCoD's property;
- harm to UKCoD's work or reputation;
- protecting people and safeguarding incidents – incidents that have resulted in or risk significant harm to beneficiaries and other people who come into contact with the charity through its work;
- financial crimes – fraud, theft, cyber-crime and money laundering;
- large donations from an unknown or unverifiable source, or suspicious financial activity using the charity's funds;
- other significant financial loss;
- links to terrorism or extremism, including 'proscribed' (or banned) organisations, individuals subject to an asset freeze, or kidnapping of staff;
- other significant incidents, such as – insolvency, forced withdrawal of banking services without an alternative, significant data breaches/losses or incidents involving partners that materially affect the charity.

Reporting serious harm

The responsibility for reporting serious incidents rests with the charity's trustees, or is delegated to an employee.

However, all trustees bear ultimate responsibility for ensuring their charity makes a report and does so in a timely manner.

If a decision is made not to make a report about something serious that has happened and the Commission later becomes involved, we will need to be able to explain the decision not to report it at the time.

There are a number of ways to report serious harm:

- A) Police - if there is a risk or danger to individuals or any crime has been committed;
- B) Safeguarding panel – if there is a safeguarding incident (see UKCoD policy);
- C) Charity Commission.

Charity Commission reporting

The Commission needs to ensure trustees comply with their duties:

By reporting a serious incident, we show that a risk to the charity has been identified and that the trustees are taking appropriate action to deal with it. This is very important because protecting the charity's assets, reputation and people who come into contact with it through its work are essential trustee responsibilities.

An incident is less likely to damage a charity's reputation if trustees can show that they handled it well. If the media contact the Commission about an incident and it has been properly reported, they should be able to say that the trustees handled the situation responsibly and this will help protect the charity's reputation.

For detailed guidance on trustee duties, see:

<https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3>

The Commission may need to provide regulatory advice or guidance or use its statutory powers. Timely reporting allows the Commission to identify problems in charities at an early stage and, where appropriate, to provide regulatory advice and guidance to trustees. Any regulatory advice and guidance provided will normally be limited to ensuring the trustees meet their legal duties. In the most serious cases the Commission may need to use its statutory powers in order to protect the charity and put it back on track.

The Commission can assess the risk to other charities: serious incident reporting helps the Commission to measure the volume and impact of incidents within charities, to identify trends and to understand the risks facing the sector as a whole. This insight helps the Commission to warn charities about risks and give trustees the information and tools they need to succeed.

When to report

UKCoD should report an actual or alleged incident promptly. This means as soon as is reasonably possible after it happens, or immediately after the charity becomes aware of it.

Whistleblowing – speaking out if suspect wrongdoing

The serious incident reporting framework is for trustees and employees to report malpractice: for example criminal offences, malpractice/misconduct or health and safety breaches.

We should follow the charity's whistleblowing policy.

If UKCoD fails to deal with concerns appropriately or serious wrongdoing is still suspected it can be reported to the Commission – including anonymously if wished.

In reporting concerns to the Commission, whistleblowers may be protected under the Public Interest Disclosure Act 1998.

See UKCoD's Whistleblowing policy.

<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

Agreed by the UKCoD Board on the Board meeting held on 24.02.2021;

Approved and minuted.