

KDDA UK COMPLAINT, GRIEVANCE and DISCIPLINARY POLICY



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Revision History:

Version	Status	Date	Consultee	Comments	Action from Comment
	First draft	08/04/17	<i>Mr A.Y. Sodengbe, Mr S. Foyoh, Mr A. Bah, Mrs S. Kongomanyie</i>	<i>Presented at trustees' meeting</i>	<i>4-man trustees' committee to review and adjust to charity's needs [no feedback received]</i>
	Second draft	06/09/17	<i>All trustees sent by email on 6th September 2017</i>	<i>To be presented at 9th September 2017 trustees meeting</i>	<i>All trustees to review before teleconference on the 9th September and to discuss and amend during the 9th September 2017 trustees' teleconference meeting</i>
	Third draft	24/09/2017	E-mail All trustee and 41 members and individuals to review		All to review with tracking changes and mark up
	Fourth draft	12/03/2018	Emailed to Mr and Mrs Robinson	To tidy up and check for the flow of the process	
	Fifth draft	12/04/2018	Emailed 44 members all trustees and individual to review	Informal action added and emphasised and vote of non-confidence	One to one resolution must be used first before any formal procedures. How many misconducts or how many times should a member be in breach of his/her obligations before the threshold for dismissal is reached
	Sixth draft	18/04/2018	Emailed 73 including non KDDAUK members & all trustees and individual to review	Title changed to complaint, grievance and disciplinary policy	Disciplinary stages and steps clearly identified. Policy divided into 3 parts
	Final	28/04/18	Membership	Present final version for adoption	Policy adopted by majority vote, but Clause 5.12 was requested to be amended and same amended 29/04/18

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1. ASSOCIATION DETAILS

- 1.1. Charity Name:** Kono District Development Association
United Kingdom (KDDA UK)
- 1.2. Address**
- 1.3. E-mail :** info@kdda.co.uk
- 1.4. Website :** www.kdda.co.uk
- 1.5. Legal status:** Charity No: 1160673
- 1.6. Our Mission:** “Sustainable development programmes in Kono District and UK and togetherness within the Kono Descendants’ communities”

Summary:

Kono District Development Association United Kingdom (KDDA UK) ("The Charity Organisation") recognises that from time to time members / trustees / employees or non-members may wish to seek redress for grievances relating to their voluntary work/employment. The Disciplinary Procedure is designed to provide a fair, consistent and equitable framework for dealing with disciplinary problems. It also designed to help and encourage all trustees/ Volunteers /Members /employees to achieve and maintain the required standards as stipulated in the 2015 KDDA UK constitution and bylaws. In this respect, it is the Charity's policy to encourage regular communication between beneficiaries /members and their trustees or head of department to ensure that issues and problems arising during the course of their voluntary duties /employment can be aired, dealt with fairly and, where possible, resolved quickly at the lowest possible level. In order to achieve this, head of trustees' department should always be approachable and willing to find time to listen and discuss members'/ trustees'/ volunteers' /staff concerns.

This policy and its accompanying procedures are designed to comply with the ACAS Code of Practice and Charity of England and Wales' best practice and current legislation.

AIMS:

The main purpose of the Complaint, disciplinary and Grievance Procedure is congruent with the 2015 KDDA UK constitution and bylaws, and it encourages improvement in an employee / trustee /volunteer / member whose conduct or performance is unsatisfactory. KDDA UK aims at dealing with conflicts at an early stage to save time, money and stress later, for both the organisation and employees/ trustees/volunteers/ contractors and will stop the situation developing into a full-blown dispute.

This policy has been developed and agreed to by trustees and members in a general meeting in order to ensure that:

1. all members /volunteers /staff are treated consistently and fairly.
2. All members / volunteers /employees /contractors and given fair opportunity to voice their concerns without fear of repercussions
3. encourage trustees/volunteers/employees to achieve and maintain standards of behaviour
4. provide a fair and consistent method of dealing with alleged failures
5. remind head of departments and trustees / volunteers / supervisors how disciplinary matters should be handled
6. minimise disagreements about disciplinary matters reduce the need for dismissals and unfair treatment within the organisation.

Purpose:

This policy contains 3 parts and each part setting a framework for complaints, grievance and disciplinary policy and procedures that are fair and consistent for all. The policy provides a framework within which a non-member or a KDDA UK member / employee / trustee may bring a complaint / grievance arising from their contract / employment with the Charity and is aimed at resolving their concerns, where possible - informally or formally. It is designed to ensure that grievances are treated objectively, sensitively, consistently and fairly, and that an effective conclusion will be reached in a timely manner. Trustees / members / volunteers / employees should be reassured that the Charity will not take any action against concerns raised in an honest and transparent manner, and that are genuine and not vexatious.

Concerns in relation to alleged bullying and harassment must be dealt with under the Charity's Harassment and Bullying Policy and Procedure. Grievances connected with whistleblowing must be dealt with under the Charity's whistleblowing procedure. Where an alternative policy is invoked, the head of department or the chairperson of the charity should advise the member / trustee / employee of this and explain that the grievance process is not being applied.

In the course of a disciplinary process, an employee might raise a grievance that is related to the case. If this happens, consideration will be given to suspend the disciplinary procedure for a short period while the grievance is dealt with. Depending on the nature of the grievance, the head of department may need to consider bringing in another head of department or trustee to deal with the disciplinary process.

Why have one?

Dealing with a grievance promptly and fairly is vital for organisations aiming to reduce the risk of employment tribunal claims. Most disciplinary problems can be solved by informal discussions or counselling. However, if this fails to resolve the problem you will need a more formal approach.

Definitions:

A **Grievance** is defined as a complaint by an employee / member / trustee / member of the public about an action which the Charity or their Head of department, or an agent of the Charity has taken, or is contemplating taking, in relation to them. A formal concern or grievance must be made in writing.

ACAS – Advisory, Conciliation and Arbitration Service is a non-departmental public body of Government which provides impartial advice on all aspects of workplace relations and employment law.

Vexatious – a vexatious grievance is one which is raised regardless of its merits, purely to cause annoyance, harass, subdue the individual being complained about, or cause malice within the organisation. It may take the form of a frivolous grievance or may be making repetitive and unwarranted, meritless grievances.

Frivolous – a frivolous grievance is one which has neither sense nor seriousness and the individual raising the grievance does so knowingly that the grievance is without merit or substance.

Malicious – a complaint raised purely to cause harm to another person, e.g. to harass them or subdue them. Such a grievance would be vicious in motivation or purpose and an abuse of the Grievance Procedure and its true purpose.

Mediation - whereby a neutral third party intervenes in a workplace conflict or dispute to assist the parties in reaching a satisfactory outcome.

Investigating Officer: Is an individual or Officer of the Charity identified and responsible for handling and investigating an individual complaint. The Investigating Officer will be supported by two other members appointed from both trustees and or general membership where possible.

DUTIES:

Chairperson of the Charity: The has Chairperson has overall responsibility for the Kono District Development Association United Kingdom (KDDA UK) Complaints Procedure. This includes ensuring that there is appropriate policy and procedural guidance in place that is available to all trustees and members. The Chairperson or person acting on their behalf will sign all responses to formal complaints.

The Chairperson has overall accountability for the Kono District Development Association United Kingdom (KDDA UK) Complaints procedure and will provide leadership and ensure that KDDA UK develops a positive culture towards investigating and learning from complaints and is committed to the charity's service and operational improvements.

Secretary of the Charity: The Secretary is the lead for Members'/public experience and has accountability for the Members'/public experience function including monitoring and reporting operational developments/improvements, positive Members' experiences or lack thereof to the Trustees. The Secretary take leads with all communication as directed by the Chairperson in consultation with the Trustees

1. MINOR DISAGREEMENTS:

Minor disagreements among KDDA UK members and / or Trustees / Volunteers / members / employees can usually be resolved at regular member and Trustee / Volunteer meetings or informally by discussion.

- 1.1** For all minor disagreements /conflicts / grievances, the trustee / volunteer / employee / contractor/member of the public should be encouraged to have a one to one discussion with the other party(ies) involved in the disagreement / conflict / grievance with the view to resolve the issue informally and cordially on a one to one basis between the various parties.
- 1.2** Head of departments of the charity should encourage trustees / employees /volunteers / members to talk to people directly and informally about a problem.

- 1.3** Head of department of the charity responsibility to be an intermediary between trustees/volunteers/employees/members in their department to help resolve issues in advance at the initial stage of the conflict/disagreement
- 1.4** Discussions should be in private, out of the hearing of other Trustees / volunteers / members / employees. It should be a two-way discussion, aimed at pointing out any minor shortcomings in conduct or performance and encouraging improvement. Criticisms should be constructive, and the emphasis should be on finding ways in which the trustee/volunteer/employee can remedy any shortcomings.
- 1.5** The trustee / volunteer /member /employee should be told that if there is no improvement, between the parties involved in the dispute/conflict the second stage might be Mediation. If mediation does not work for both parties, then the third stage should be the Formal Disciplinary Procedure proved by the majority of trustees in a trustees meeting.
- 1.6** If all informal internal procedures have been exhausted, complaint should be supported to make a formal complaint (following KDDA UK compliant procedures)

2. Mediation

Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person, helping two or more individuals or groups reach a solution that's acceptable to everyone. The mediator(s) can talk to both sides separately or together in accordance with Clause (33) of the 2015 KDDA UK constitution.

Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.

The overriding aim of the charity's mediation is to restore and maintain professional and productive work relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

If the charity's mediation process fails, then the matter must be brought to the attention of the chairperson of the chairperson. At this point, the Chairman will summon the two parties and the head of the department to find mutual ways of solution. If the chairperson of the charity cannot resolve the matter, the next stage should be to summon the trustees to an emergency meeting - who will hear them and vote to finalise the matter.

A more serious situation arises when a dispute cannot be resolved, or when the Trustees / employees / members / volunteers are dissatisfied with the conduct or activities of a trustee /volunteer / member /employee. In these situations, the following Disciplinary Procedure will come into force.

PART ONE

3 COMPLAINTS:

3.1 Aims

Kono District Development Association United Kingdom (KDDA UK) aims to be fair, non-adversarial, open, transparent, sensitive and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of our employees/trustees/volunteers/members, our partners, stakeholders, beneficiaries, donors, contractors and their representatives above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

3.2 Purpose and Outcome

The purpose and outcome of this policy is to ensure that:

- 3.2.1** complaints are investigated thoroughly and fairly.
- 3.2.2** anyone making a complaint receives a prompt and fair response.
- 3.2.3** matters are put right wherever possible
- 3.2.4** there is learning from complaints and improved practice/services, our operations and relationships with our employees /trustees /volunteers /members, our partners, stakeholders, beneficiaries, donors, contractors and their representatives.

3.3 COMPLAINT PROCEDURES:

3.3.1 What is a complaint?

A complaint can be any expression of dissatisfaction. Organisations tend to focus on formal complaints: letters or emails that clearly state the complaint. However, many complaints are initially made informally, like a person phoning to say that a minor matter has not been dealt with within a stated timescale.

Employees/Trustees/Volunteers/members should be aware of when they should handle a complaint, and when it should be dealt with by a more senior member of staff or a third party. They should also be made aware of the importance of resolving complaints where it is appropriate for them to do so, rather than passing on the complaint.

3.3.2 Who should handle a complaint?

This will depend on how the complaint is made, to whom it is made and what is about.

All employees/trustees /volunteers/members should understand the complaints process and their role in it. Not every complaint needs to be dealt with through a formal process: if a trustee / volunteer /employee / member receives a complaint about a failure to return a

phone call, for example, this may be resolved by the recipient promptly calling back and apologizing.

However, if the complaint is in the form of a formal letter or email or text messages to any trustee /employee /volunteer/member responsible for handling complaints, then a response in accordance with the formal complaint-handling procedure from any head of the department or chairperson or the duly delegated secretary of the charity is probably more appropriate.

3.4 Formal complaint procedures

- 3.4.1** A complaint must be made in writing to the chairperson or the appropriate head of department of the charity what the complaint is about or via the secretary if the complaint is against the chairperson including full details of the complaint, complainant's full postal and email contact details;
- 3.4.2** Written notification of the complaint must be received not later than one month after the occurrence of the incident that sparked the complaint;
- 3.4.3** The chairperson or the secretary or any designated person by the trustees will respond to complaint by email or post within 10 working days
- 3.4.4** the organisation must provide any further requested information within 15 working days of request to do so;
- 3.4.5** The organisation must confirm satisfaction, or explain dissatisfaction, with the outcome of the complaint within 15 working days of request to do so
- 3.4.6** If the complainant is not satisfied, the matter will be referred to the KDDA UK trustees board to take it to the general membership meeting to set up a committee to take the final decision

3.5 How should I respond to a complaint?

- 3.5.1** Review the complaint as quickly as possible, make sure you fully understand the complaint and clarify the problem with the member / volunteer / trustee /employee/person
- 3.5.2** Most Members expect the response to their complaint to mirror the form the complaint was made in. If a complaint was made via email, the response should normally be via WhatsApp, email, unless the complainant has requested otherwise.
- 3.5.3** Start by asking the complainant to make their supervisor/head of department to be of aware of this issue and try and solve the problem informally with them if you feel this is appropriate.
- 3.5.4** It may be useful to restate your understanding of the complaint at the start of response. The response should be easy to understand and set out not only your decision, but how you came to your decision.
- 3.5.5** However, where the complaint relates to a matter that may involve negligence on the trustees / employees /volunteers /charity part, trustees should consider whether an apology could be an admission of liability.

- 3.5.6** Any admission of liability may have implications for the charity's professional indemnity insurance, so trustees / employees /volunteer may want to discuss any actions they plan to take with the charity's insurer.
- 3.5.7** Trustees/Employees/volunteers should bear in mind their duties to notify KDDA UK's insurer about the complaint and the proposals for its remedy. Trustees/employees should not make an admission of liability for a complaint involving negligence on their part without the agreement of the insurer.

PART TWO

4 GRIEVANCE

4.1 EQUALITY STATEMENT:

The Kono District Development Association United Kingdom (KDDA UK) aims to design and implement operations, policies and measures that meet the diverse needs of our clients, population and workforce, ensuring that none are placed at a disadvantage over others. KDDA UK, the Charity Organisation takes into account the Equality Act (2010) including the Human Rights Act 1998 and promotes equal opportunities for all.

4.2 AIM:

- 4.2.1** The public / member / volunteers / trustees /employees of KDDA UK, the Charity Organisation have the right to seek redress through their departmental Officer of the Charity for any arising grievance. This Policy and Procedure has been designed to ensure that every employee/volunteer/member /trustee who raises a grievance can obtain a response to the issue and an explanation as to the circumstances prevailing at the time.
- 4.2.2** Wherever possible KDDAUK the Charity Organisation encourages and expects that grievances will be raised and resolved informally and as locally as possible.
- 4.2.3** If an employee has difficulty at any stage of the grievance procedure because of a disability, they should approach the Officer of the Charity dealing with the grievance for assistance.

4.3 DUTIES

- 4.3.1** Chairperson: The Chief Executive is accountable for ensuring the proper application of the policy through appropriate management arrangements.
- 4.3.2** Trustees of the Charity: All Trustees/Officers of the Charity have a corporate responsibility to provide a safe working environment and safeguard the public. Officers of the Charity are responsible for exercising the KDDA UK duty of care and shall ensure adequate arrangements are in place via their designated deputies for implementing this policy.

- 4.3.3** Officers of the Charity / Department Heads/ Supervisors are responsible for ensuring that other managerial/supervisory staff are aware of their own responsibility within their managed areas.
- 4.3.4** All Officers of the Charity / Department Heads/Supervisors have a responsibility to implement this policy and to bring it to the attention of staff in their work area. In order to establish and maintain a safe and effective operational environment, they must:
- 4.3.4.1 treat a grievance seriously and deal with it promptly and confidentially, giving the Individual raising the grievance full support during the whole process
- 4.3.4.2 consult with other Trustees, the Chair and Secretary at any time for advice and support.

4.4 GRIEVANCE PROCEDURES:

In the Charity, anyone including trustees may occasionally have problems or concerns about their work, working conditions or relationships with colleagues. Individuals should be encouraged to discuss day-to-day issues informally with the KDDA UK head of department and /or Committee Chairperson. This ensures concerns are heard and responded to as soon as possible. It is the aim of the organisation that grievances are best dealt with at an early stage, informally with the complainant.

The organisation encourages open expression of opinions and recognises the importance of individual's feelings and the organisation will listen to what people have to say. At the initial stage one to one private discussion must be given priority to resolve the problems and concerns.

Where this has been unsuccessful, or circumstances make this route inappropriate for the individual, matters should be raised formally through the grievance procedure. It is the KDDA UK's policy to ensure that trustees / volunteers /members / employees with a grievance relating to their employment can use a formal procedure, which can help to resolve their grievance as quickly and as fairly as possible.

The Grievance Procedure allows the KDDA UK to deal with grievances fairly, consistently and speedily.

4.5 KDDA UK GRIEVANCE PROCEDURE STEPS

KDDA UK Grievance Procedure should include the following Steps:

4.5.1 STEP ONE: Informal Discussion

- 4.5.1.1 If an employee /member /trustee/volunteer has a grievance about any issue they should discuss it **informally** with an immediate supervisor. We hope that the majority of concerns will be resolved this way.
- 4.5.1.2 If the Trustee /volunteer /member/employee feels that the matter ***has not been resolved through informal discussions***, they should put their grievance in writing to an immediate supervisor or the Charity secretary if the supervisor is involved or implicated in the grievance/dispute.

- 4.5.1.3 When a grievance is not resolved through informal discussions, a grievance shall then be raised in writing using the KDDA (UK) approved letter format (appendix 2) by the employee directly concerned, or by a representative acting on his/her behalf and must be referred to the department head/Officer of the Charity
- 4.5.1.4 If the grievance is against the decision of the immediate department head/supervisor or Officer of the Charity, the employee/member should approach that person's superior or another Trustee of the KDDA (UK) in the in accordance with grievance and disciplinary flow chart

4.5.2 STEP TWO: Statement of Grievance

- 4.5.2.1 If the matter is not resolved at **Step One** to the trustee's/ volunteer's / member's / employee's satisfaction, they should again, raise the matter, in writing to the Charity's secretary or the chairperson of the charity if the secretary is involved with the grievance or vice versa.

4.5.3 STEP THREE: Grievance Meeting

- 4.5.3.1 Within 21 working days the supervisor/head of department will respond, in writing, to the statement, inviting the employee to attend a meeting where the alleged grievance can be discussed. This meeting should be scheduled to take place as soon as possible and normally 5 working days' notice of this meeting will be provided to the employee and they will be informed of their right to be accompanied.
- 4.5.3.2 Employees/members/trustees/volunteers must take all reasonable steps to attend the meeting, but if for any unforeseen reason the employee, or the employer, can't attend, the meeting must be rearranged.
- 4.5.3.3 The Charity's head of department will set up a management committee panel and arrange a meeting with the member /trustee /volunteer / employee (within 5 days of receipt of the letter) to discuss the grievance and gather any evidence or statements relevant to the complaint.
- 4.5.3.4 The committee panel of **three to five members maximum** will nominate a chairperson and a note taker for the hearing meetings (This is meeting **should not** be a disciplinary meeting)
- 4.5.3.5 The committee chairperson, in agreement with the committee members will, send out letter to the accused and complainant with the term of reference of the dispute.
- 4.5.3.6 The Trustee/Volunteer/member/employee has the right to be accompanied at the meeting by a work colleague or Trade Union Representative. Trustees /Volunteers/ Employees may be overawed or feel intimidated at the meetings, and the accompanying person can help the individual to make all the necessary points.
- 4.5.3.7 The accompanying person can address the meeting, but not answer questions on behalf of the Trustee /Volunteer / member / employee.

- 4.5.3.8 Records will be kept of the meeting, by the committee chairperson.
- 4.5.3.9 All committee members must ensure that confidentiality is maintained throughout and after the investigation
- 4.5.3.10 All committee member must ensure the information gathered remains the property of the charity and are safely secure under the Data Protection Act 1998 and General Data Protection Regulation (2018)
- 4.5.3.11 The parties involved in the dispute will be given a non-electronic version of the notes taken in the meeting to make any amendments to the notes and sign that they agreed with the notes taken in the meetings. They will then return the corrected minutes to the committee chairperson for rectification.
- 4.5.3.12 The trustee/volunteer/member/employee will be notified in writing of the decision within five working days after the receipt of the corrected notes from the meeting, where Practical.
- 4.5.3.13 The Trustee/Volunteer/member/employee may appeal against the decision within a limited period (5 days).
- 4.5.3.14 The Trustee/Volunteer/ Member/employee has the right to be accompanied at the meeting by a member / trustee /work colleague or Trade Union Representative. The accompanying person can address the meeting, but not answer questions on behalf of the trustee / volunteer / member / employee.
- 4.5.3.15 The Trustee/volunteer/employee will be notified in writing of the decision within five working days of the meeting.
- 4.5.3.16 Any decisions taken at this stage are final.

4.5.4 STEP FOUR: APPEAL

- 4.5.4.1 If the matter is not resolved to the member's/trustee's /employee's/volunteer's satisfaction they must set out their grounds of appeal in writing within 5 days working days of receipt of the decision letter.
- 4.5.4.2 Within 21 working days of receiving an appeal letter, the member / trustee / volunteer / employee should receive a written invitation to attend an appeal meeting. The appeal meeting should be taken by a more senior manager not involved in the original meeting.
- 4.5.4.3 After the appeal meeting with committee member must inform the employee / volunteer /trustee /member in writing of their decision within 14 working days of the meeting. Their decision is final.

4.6 Collective Grievances.

Grievances raised on behalf of two or more trustees /employees / volunteers by a representative of a recognised trade union or other appropriate workplace representative. These grievances should be handled in accordance with the organisation's collective grievance process stated below:

4.6.4 Stage 1 (informal)

A collective grievance should, in the first instance, be raised with the immediate head of department who should discuss the issue and make appropriate arrangements to investigate. As a general rule, a response will be made within 5 working days. If the grievance involves the line head of department it should be raised with the charity's secretary or the chairperson of the charity

4.6.5 Stage 2 (formal)

If the grievance is not resolved to the satisfaction of the trustee/volunteer/employee concerned and they wish to take it further, then they must put their issue in writing to charity's secretary or the chairperson. The written submission must cover the following points:

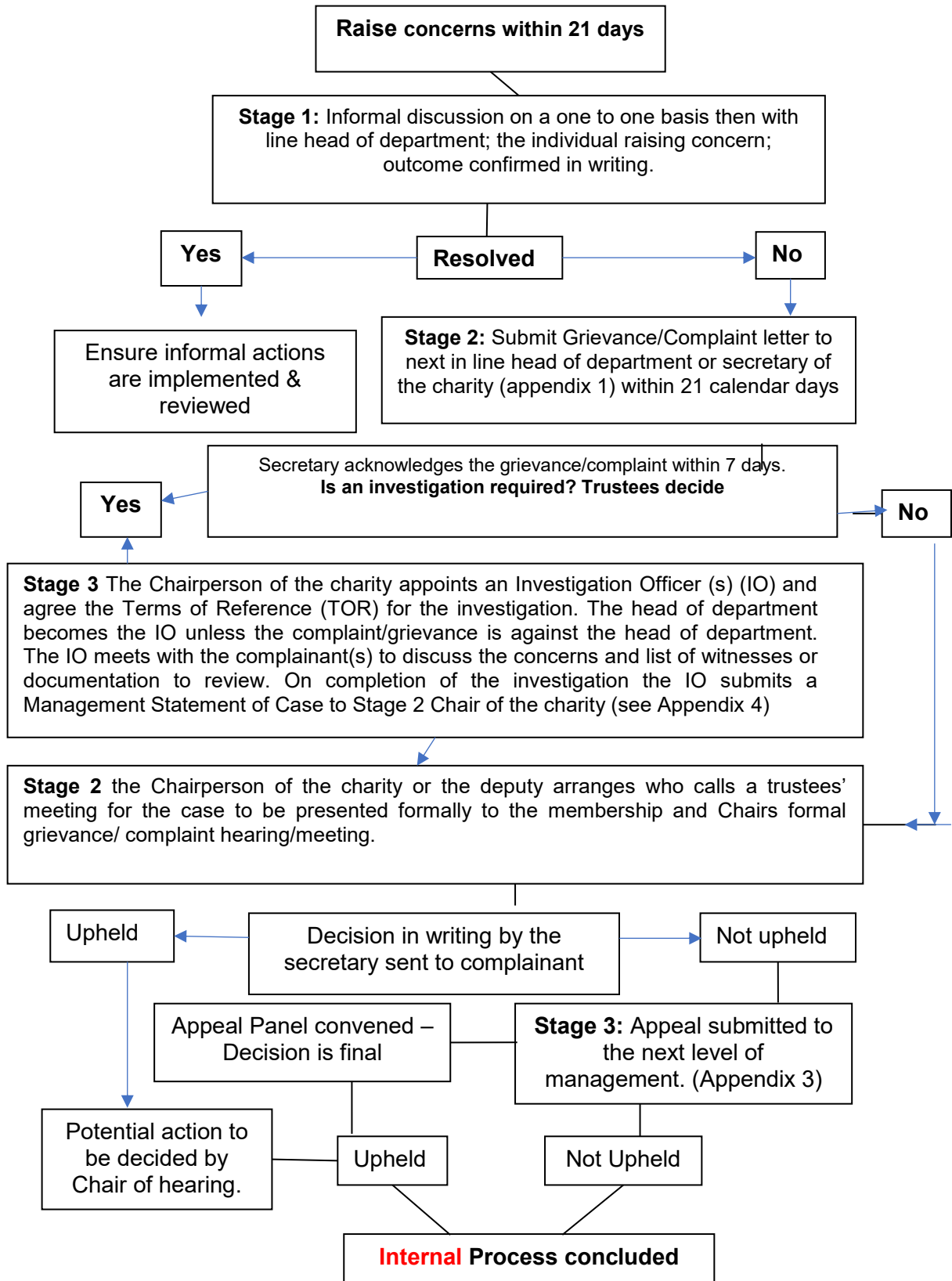
4.6.5.1 The specific cause of the grievance;

4.6.5.2 The specific trustee / employee / volunteer involved in the grievance (not necessarily by name but in enough detail, i.e. job titles, locations etc. for it to be quite clear who is affected and who is not).

4.7 Overlapping Grievance and Disciplinary cases:

1. Where a trustee / employee / Volunteer raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

4.8 GRIEVANCE AND DISCIPLINARY PROCEDURE Flow chart:



PART THREE

5 Disciplinary Procedures

The Disciplinary procedure is designed to ensure issues relating to an employees'/ trustee's /member's/volunteer's conduct are resolved at the lowest possible level. The KDDA UK's Disciplinary Policy, in conjunction with the charity's constitution, is based on the following principles:

- 5.1 Fair and consistent treatment for all members /trustees / volunteers /employees.
- 5.2 The Charity's chairperson or any trustee of the charity could call an emergency meeting/telephone conference to resolve issues or disputes that cannot wait till the next meeting which is scheduled more than 72hrs from the date of the incident.
- 5.3 A full and fair hearing in a reasonable timescale. At every stage the trustee/volunteer/member/employee will be given reasonable notice (at least 48 hours) that a disciplinary hearing is due to take place to give him/her the opportunity to prepare his/her case.
- 5.4 It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases, this will require the holding of an investigatory meeting with the member/volunteer/trustee/ employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the organisation for use at any disciplinary hearing.
- 5.5 In misconduct cases, where practicable, different people should carry out the investigation and disciplinary hearing. Any person who has been investigated before for misconduct by the organisation is not allowed to conduct a disciplinary hearing or be part a disciplinary committee.
- 5.6 A letter setting out the issue and establish the facts of each case
- 5.7 No trustee / volunteer / member / employee will be subject to discrimination on the grounds of sex, race, disability, age, sexual orientation, religion or belief at any time.
- 5.8 That the full appropriate procedure is adhered to in all cases, and dismissal should not follow the first misconduct offence (except in cases of gross misconduct).
- 5.9 The trustee /volunteer /member /employee will be offered the opportunity to be accompanied at all stages of the procedure by a colleague or union representative if they so wish.
- 5.10 Trustee/volunteer/member /employees may be overawed or feel intimidated at disciplinary hearings, and the accompanying person can help the individual to make all the necessary points.
- 5.11 The accompanying person can address the meeting, but not answer questions on behalf of the trustee / volunteer / member / employee. The disciplinary meeting may be delayed by up to 5 days if the trustee's / volunteer's / member's / employee's chosen companion is unable to attend on the original date.

- 5.12 The disciplinary panel will consist of the KDDA UK Chairperson (unless otherwise stated by the trustees or unless the complaint/grievance is against the head of department/chairperson) or deputy and two other nominated Committee members from the charity's membership, who should ensure that confidentiality is maintained within the panel.
- 5.13 The Trustee/volunteer/member/employee will be notified of his/her right to have copies of all witness statements before the meeting to state their case before decisions are reached and to challenge evidence against them.
- 5.14 All information regarding investigation and disciplinary hearings will be kept confidential and only made available to those directly involved.
- 5.15 The trustee/volunteer/employee must be informed of their right to appeal against the decision if they are not happy with the outcome of the hearing/decision. A clearly defined Appeal process is in place for all disciplinary matters (see section 12 of this document).
- 5.16 KDDA UK ensures that all trustees / volunteers /members / employees are aware of the KDDA UK's Disciplinary Procedure.
- 5.17 The nominated disciplinary committee chairperson will generate all KDDA UK letters arising from the disciplinary procedure, and all copies of documents and minutes of the meetings must be made available to the trustee/ volunteer / member/ employee upon request.

Special Cases

- 5.18 Where disciplinary action is being considered against a senior Trustee or an employee/volunteer who is a trade union representative the normal disciplinary procedure should be followed. Depending on the circumstances, however, it is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.
- 5.19 If an employee/trustee/volunteer is charged with, or convicted of a criminal offence, this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the trustee/employee/volunteer's suitability to do the job and their relationship with members, other trustees, work colleagues and beneficiaries.

6 Disciplinary Procedure Steps

KDDA UK disciplinary procedure should include the following steps:

- 6.1 The pre-disciplinary procedure informal counselling should be carried out to ensure the employee knows the standards expected and should be carried out by a supervisor/manager.
- 6.2 The employee/trustee/member/volunteer should be:

- 6.2.1 Told what needs improvement (e.g. timekeeping, attendance, conduct, work standards)
- 6.2.2 Given the opportunity to explain
- 6.2.3 Given an action plan to bring about the required improvement
- 6.2.4 Given a written note, signed by both supervisor/manager and employee / volunteer /trustee, of the agreed action to be taken.
- 6.3 If this informal counselling/discussion does not bring about the required improvement the formal disciplinary procedure will be invoked (go to disciplinary stages)
- 6.4 **Checklist before the Formal Disciplinary Procedure as Follows:**
 - 6.4.1 all head of departments and supervisor of the charity should have agreed procedures to deal with grievances and disciplinary matters
 - 6.4.2 all head of department/supervisors should be aware of, and apply, these procedures in 5.2 (above)
 - 6.4.3 employee/volunteer/trustee/member representatives should be able to assist employees/volunteers/members/trustees in difficulty
 - 6.4.4 any issues arising should be deal with fairly with an opportunity for the employee / volunteer /member /trustee to make representations on his/her behalf
 - 6.4.5 a range of sanctions should be provided for and considered
 - 6.4.6 warnings should be removed from the employee's / member's / trustee's / volunteer's record after a certain period of time

7 Disciplinary Procedure Stages

7.1 Stage 1- Verbal warning:

- 7.1.1 The disciplinary panel who will explain the nature of the complaint will interview the Trustee /volunteer /member /employee. The trustee /volunteer /member / employee will be offered the opportunity to state his/her case. After careful consideration by the KDDA UK Trustees or committee and if the warning is considered appropriate, the Trustee/volunteer/member/employee will be told in writing (within 5 working days):
 - 7.1.1.1 The result of the hearing, including a clear statement of the breach of discipline.
 - 7.1.1.2 What action should be taken to correct the conduct?

- 7.1.1.3 That he/she will be given reasonable time to rectify matters.
- 7.1.1.4 What training needs have been identified, with time scales for implementation?
- 7.1.1.5 What mitigating circumstances have been taken into account in reaching the decision?
- 7.1.1.6 That if he/she fails to improve then further disciplinary action will be taken.
- 7.1.1.7 They will be informed that the verbal warning will be valid for 6 months.
- 7.1.1.8 That a record of the warning will be kept on the individuals file until the relevant expiry date, at which point it will be removed and will cease to be considered in any future incidents.
- 7.1.1.9 That he/she may appeal against the decision within a limited period (5 days).
- 7.1.1.10 Generally, an employee/volunteer /trustee/volunteer should receive a verbal warning for a first transgression.
- 7.1.1.11 Even though the charity is “only” giving a verbal warning, it is still part of a formal disciplinary process and the principles of natural justice, fair procedures, and equity/fairness would apply at all times. This would involve a meeting with the employee at which the employee could bring a colleague or other representative. There is no right to bring a legal representative, unless the employer agrees.

7.2 Stage 2- First Written Warning:

- 7.2.1 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.
- 7.2.2 Before issuing it, the employee should be invited to another meeting, told of the transgression, and given the opportunity to respond.

7.3 Stage 3- Second Written Warning

- 7.3.1 If the required improvement is not forthcoming within the 3-month period after the 1st written warning, then a 2nd written warning may be issued. This is entirely a matter for the employer and it is common for charity to only issue a 1st and final written warning.
- 7.3.2 This warning is done in a similar fashion to the other 2 warnings referred to above, but you would consider giving a 6-month monitoring period to allow improvement.

7.4 Stage 4- Final Written Warning

- 7.4.1 If the required improvement is not happening, then a final written warning would be issued with a 12-month monitoring period.
- 7.4.2 The letter confirming this warning will advise that if there is no improvement or if the bad behaviour/performance/conduct is repeated then dismissal will occur.

- 7.4.3 This warning letter will be the final one prior to dismissal so it is important that it is well drafted as it will be scrutinised closely by the employee and probably his legal advisor.
- 7.4.4 This letter should only refer to the matters which have been the subject of the disciplinary procedure to date, no other matters which have never been put to the employee.
- 7.4.5 Where there is a reoccurrence of the same misconduct or an additional episode of misconduct during the verbal warning period, or a first breach of discipline of a more serious nature, the trustee/volunteer/member/employee may receive a formal written warning. As previously, the trustee / volunteer/ member/ employee will be offered the opportunity to state his/her case.
- 7.4.6 The Disciplinary panel (Committee) will conduct the disciplinary hearing. After careful consideration and if the warning is considered appropriate, the Trustee / volunteer / member / employee will be told in writing (within 5 working days):
- 7.4.6.1 The result of the hearing, including a clear statement of the breach of discipline.
- 7.4.6.2 What action should be taken to correct the conduct?
- 7.4.6.3 That he/she will be given reasonable time to rectify matters.
- 7.4.6.4 What training needs have been identified, with time scales for implementation?
- 7.4.6.5 What mitigating circumstances have been taken into account in reaching the decision?
- 7.4.6.6 Warn that failure to improve will result in further disciplinary action, which could result in a final written warning and, if unheeded, ultimately lead to dismissal.
- 7.4.6.7 They will be informed that the first written warning will be valid for 6 months.
- 7.4.6.8 That a record of the warning will be kept on the individuals file until the relevant expiry date, at which point it will be removed and will cease to be considered in any future incidents.
- 7.4.6.9 That he/she may appeal against the decision within a limited period (5 days).
- 7.4.7 The written warning will then be issued and last for another 3 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.

7.5 Stage 5- Dismissal or Action short of dismissal

- 7.5.1 In cases of persistent misconduct, which have been subject to the full disciplinary procedure, or gross misconduct, the final decision may be dismissal in accordance with the newest approved KDDA UK constitution and bylaws.

- 7.5.2 If there is no improvement after the final written warning, then dismissal is the likely outcome. A meeting should be called, and the employee / Volunteer / member /trustee and his representative invited.
- 7.5.3 The decision to dismiss will be discussed initially by all trustees and then in the charity general meeting and will only be taken after full consideration of alternatives to dismissal such as demotion or downgrading. The KDDA UK selected investigation committee will conduct all investigations and the disciplinary hearing.
- 7.5.4 There will be no dismissal without a disciplinary hearing; this must be approved by a majority of the trustees.
- 7.5.5 There will be no dismissal of a trustee /head of department of the charity without a vote of no - confidence motion initially by majority of trustees in a trustees' meeting.
- 7.5.6 There will be no dismissal without the approval by majority of the charity's members in good standing by voting in a general meeting of its membership as stated in KDDA UK constitution and bylaws.
- 7.5.7 Dismissing trustees/employees/volunteer should be the last resort and the charity should carry out necessary investigations without unreasonable delay to establish the facts.
- 7.5.8 The charity investigation committee should use a fair and consistent procedure when dismissing a trustee/employee.
- 7.5.9 It's always best to try to resolve any issues informally first - often a quiet word is all it takes to sort out problems.
- 7.5.10 Trustees/employees/member/volunteer have the right not to be unfairly dismissed.
- 7.5.11 The trustee/volunteer /member/ employee will be advised of their right of appeal against the decision of the disciplinary hearing within five working days from receipt of written confirmation of the decision. (See Appeals procedure in section 12 of this document).
- 7.5.12 The employer should remind the employee /Volunteer /member/trustee 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.
- 7.5.13 The employee should 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.

8 THE INVESTIGATING OFFICER(S)

- a) Section 49 (C) of the constitution gives members of **good standing** present in the meeting to elect a three-person disciplinary subcommittee made up of members in good standing to investigate the matter and present their decision within 14 days

to the Trustees. The trustees in good standing of charity (excluding those to be investigated) will vote to appoint the chief/lead investigating officer (IO)

- b) The decision to require the appointment of an Investigation Officer must be made by at least of four trustees of the charity

8.1 APPOINTMENT OF INVESTIGATION OFFICERS

- 8.1.1 Investigation Officer (IO) appointed under section 49 of the constitution of this charity will be given directions by the chairperson of the charity in consultation with trustees, setting out the nature of the inquiries required, and the terms of reference discussed with the trustees.
- 8.1.2 Criteria for Appointment of Investigation Officers under a section 49 (C) appointment are set out below is a non-exhaustive list of factors which the Trustees may take into account when deciding whether to appoint an IO:
 - 8.1.2.1 That any member /trustee /employee /volunteer who is currently been disciplined or been investigated or previous disciplined for misconduct or has any safeguarding concerns against him/her **must** not be part of the investigating or disciplinary committee or an investigating officer.
 - 8.1.2.2 The scale and nature of the inquiry suggest it is appropriate to use of committee's resources.
 - 8.1.2.3 The nature of the inquiry is such that committee members' expertise is considered essential.
 - 8.1.2.4 The Trustees would take into account in considering whether the requirement should be made to appoint an IO from another organisation or public member.
 - 8.1.2.5 Where there are grounds to suspect that an individual involved in the original investigation has committed a disciplinary offence such as perjury and/or perverting the course of justice.
 - 8.1.2.6 Where there is concern that the appointment of an IO from the membership, which conducted the original investigation, would not be seen as impartial.
 - 8.1.2.7 Where the response from the committee members conducting the original investigation is such that there are grounds for concern that any inquiries made by an IO from that committee may not be satisfactorily
 - 8.1.2.8 There are grounds to suspect that a committee member, or other person involved in an official capacity in the investigation of offences or the examination of offenders, has committed an offence such as perjury and/or perverting the course of justice

7.1 Responsibility of The Investigating Officers will be:

- 7.1.1** Planning and conducting the investigation to establish the facts of the case
- 7.1.2** Obtaining relevant professional advice in relation to specific aspects of the case where the Investigating Officer does not possess the necessary professional knowledge.
- 7.1.3** Ensuring that confidentiality is maintained throughout and after the investigation
- 7.1.4** Ensuring the information gathered remains the property of the charity and are safely secure under the Data Protection Act 1998 and General Data Protection Regulation (2018)
- 7.1.5** Identifying any risks to the public/members/charity
- 7.1.6** Identifying and gathering relevant documents that provide facts concerning the alleged incident.
- 7.1.7** Ensuring relevant and comprehensive statements are taken that provide facts concerning the alleged incident.
- 7.1.8** Producing the investigation report and ensuring that this is given to the Commissioning Trustee/or the Chairperson of the charity in accordance with the brief provided.
- 7.1.9** Ensuring Policy is adhered to and followed in a fair, timely and equitable manner.
- 7.1.10** Treating everyone Professionally with courtesy and, regarding those from whom statements are required, ensure they are made to feel as comfortable as possible.
- 7.1.11** It is **NOT** the responsibility of the Investigating Officer(s) to determine what action should be taken following the investigation, as this is the remit of the Commissioning Trustees or the Chairperson of the charity.

7.2 Investigation Process/Requirements

7.2.1 Underpinning Principles:

Principles of good practice should be applied to every investigation, ensuring that all investigations:

- 7.2.1.1** Provide a logical and legal rationale for any subsequent action that may be taken.
- 7.2.1.2** Are carried out without unreasonable delay
- 7.2.1.3** Are conducted in a fair and transparent manner.
- 7.2.1.4** Identify any breaches of safeguards to the public's and or charity's interest
- 7.2.1.5** Are conducted using techniques that are sensitive to the individual situation and staff involved

- 7.2.1.6 Are undertaken in a logical and rigorous manner
- 7.2.1.7 Seek to explore and not pre-judge
- 7.2.1.8 Seek to establish facts.
- 7.2.1.9 Be based on a process that is respectful to everybody involved
- 7.2.1.10 Be a learning process where appropriate feedback is given and harnessed for the good of the service
- 7.2.1.11 Be recorded in full and comply with the principles of the Data Protection Act
- 7.2.1.12 Provide a debriefing/closure for all whether or not a formal hearing ensues.

7.3 Confidentiality

- 7.3.1** During the course of an investigation, questions of confidentiality and sharing information with interviewees, for example, may arise. Three principles are useful in determining whether information should be released concerning a volunteer /member /trustee /employee, Member or allegation, etc. in conjunction with using the six data protection principles contained in the GDPR (2018)
 - 7.3.1.1 Does the individual need to know (i.e. to be able to fully cooperate with the investigation)?
 - 7.3.1.2 Will it enable important facts to be gathered which could not have been otherwise.
 - 7.3.1.3 An individual, who has an allegation made against them, has the right to have a written copy of these allegations.
- 7.3.2** Investigation officers must abide by The General Data Protection Regulation (GDPR) (2018), **and ePrivacy Regulation**
- 7.3.3** Boundaries for the release and disclosure of information and the level of sensitivity of the investigation should be discussed between the Commissioning Lead person/chairperson of the charity and the Investigating Officer, and advice sought where necessary from the HR Business Partner team and, if appropriate, the Information Governance Team. Where appropriate the principals of the Whistle blowing Policy need to be adhered to.
- 7.3.4** Employees, Trustees, members, departmental heads, Investigating Officers and representatives must ensure confidentiality throughout the procedure and thereafter when the resolution has been reached. Failure to do this could result in disciplinary action being taken against the person responsible for the information breach

8 DISCIPLINARY MEETING:

- 8.1** Where possible, a note-taker- who is not involved in the case- will act as scribe for the meeting.
- 8.2** If there are any witnesses, they should not be present throughout the meeting. They should be called in, one by one, to give their evidence and asked to leave once they have done so.
- 8.3** The Head department (or Chairperson of the Board of Trustees as appropriate) will open the meeting with an explanation of its purpose and will read aloud the allegations.
- 8.4** The trustee /volunteer /member / employee and her/his representative can ask questions including of any witnesses called.
- 8.5** The Chair of the meeting (could not necessarily be the chairperson of the charity), will then ask the trustee /volunteer/member/employee if s/he wishes to take the opportunity to respond to the allegations or concerns or if there are any mitigating circumstances to be considered.
- 8.6** The Chairperson /lead of the disciplinary meeting may question the trustee / volunteer / member /employee and any witnesses called.
- 8.7** Any member / trustee /employee /volunteer who currently or previously has been disciplined for misconduct as per charity's constitution or has any safeguarding concerns raised against them must not be part of the disciplinary committee.
- 8.8** The Chairperson of the disciplinary meeting will summarise the main points of the discussion and ask the trustee/volunteer/employee if they have anything further to say.
- 8.9** The Chairperson will then consider the details heard in private. S/he must decide whether the case against the trustee /volunteer /member/employee has been established on the balance of probabilities, i.e. whether misconduct is confirmed, or the trustee's /volunteer's / member's /employee's performance is found to be unsatisfactory. If this is the case, when they are considering appropriate disciplinary action, s/he should also consider any special, mitigating circumstances, the trustee's / volunteer's /member's / employee's previous disciplinary or performance record, how the Organisation has dealt with similar cases in the past and whether the proposed action is reasonable in view of all the circumstances.
- 8.10** The Chairperson of the disciplinary meeting shall give the trustee /volunteer /member /employee written confirmation of the decision normally within five working days of the meeting. This will include notifying the trustee /volunteer /member /employee of her/his right of appeal and the procedure to be followed.

9 Failure to Attend Investigation Meeting

- 9.1** All employees of the organisation are expected to attend investigatory meetings as deemed necessary by the investigating officer.
- 9.2** On the rare occasion that an employee finds themselves unable or unwilling to attend an investigation they will need to contact the investigating officer in advance to disclose their reasoning. The investigating officer will determine if the reason given is acceptable and determine the next course of action.
- 9.3** If the individual maintains that they are unfit to attend due to their medical condition, an immediate referral will be made to the Occupational Health team to determine if they are fit to attend. On receipt of the Occupational Health guidance the Investigating Officer will determine how to proceed.
- 9.4** If the reason given for failing to attend is due to the non-availability of a trade union representative or workplace friend/colleague and there have been no earlier adjournments in the process for this reason, on only one occasion will a new meeting be arranged, within a reasonable time - normally 5 working days. Exceptional circumstances will always be considered.
- 9.5** If the reason given is not related to the availability of a representative or fitness to attend the investigation meeting, the Investigating Officer will determine whether they wish to delay the interview for a further week or proceed on the basis of the information available. If they decide to proceed, the individual should be invited to make written representations as an alternative.
- 9.6** If an individual fails to attend without good reason the chairperson of the charity or the head of department should consider action under the disciplinary procedures.
- 9.7** Repeated failure to attend their GP / Occupational Health appointments without notifying the department (shouldn't "department" be replaced with "Charity"?), or without good reason, will be considered under the organisation's disciplinary procedure. Note: under the individual's terms of employment, it is for the organisation to determine which Occupational Health Practitioner the individual sees, not the employee and therefore this cannot be used as a reason for non-attendance
- 9.8** In instances where the investigation meeting has already been adjourned on one occasion, then it should proceed. In these cases the individual should be advised of the decision to proceed, and that they may, if they wish, make written representations.

10 Witnesses

- 10.1** Witnesses are expected to co-operate with the investigating officer and attend any meetings/hearings as required. Reasonable time off should be afforded, to the witness, in discussion with their head of department.
- 10.2** The chair of hearing investigator(s) will assess the relevance of witnesses called to attend at a hearing and reserves the right to deny the presence of a witness if it is not deemed appropriate.

- 10.3** The Individual who is alleged to have committed an act of misconduct or gross misconduct will be able to call witnesses who may support their case in consultation with the hearing chair.
- 10.4** Consideration should be given to provide anonymity to witnesses in line with the Whistleblowing policy.

11 DISCIPLINARY RULES:

11.1 ACTS OF MISCONDUCT:

Listed below are examples of offences, including those stated in the 2015 KDDA UK bylaws clause 48(a)(i), that may render the Trustee / Volunteer / member / employee liable to disciplinary action. (This list is not exhaustive)

- 11.1.1** Standard of work below an acceptable level.
- 11.1.2** Timekeeping or level of attendance falls below an acceptable standard: above 5 non-attendance within a rolling period of 12 months is unacceptable.
- 11.1.3** Unsatisfactory attitude/behaviour.
- 11.1.4** Any trustee / employee / volunteer receiving compensation for executing his/her duties for the charity or discharges any duty in the discharge of which the public are interested.
- 11.1.5** Failure to complete duties/give reports and responsibilities for the charity as per role or within a committee after 4 reminders from the head of department or chairperson of the charity.
- 11.1.6** Failure to comply with KDDA UK Policies and Procedures.
- 11.1.7** Two or more disruptive behaviours on social media/meetings that raises concerns from the general membership / trustees / employee(s) / general public
- 11.1.8** Refusal to attend relevant training courses.
- 11.1.9** Failure to maintain confidentiality within the KDDA UK.
- 11.1.10** Failure to follow the absence reporting procedure.
- 11.1.11** An Employee /trustee /member /volunteer will have misconducted him or herself when he or she has breached a duty in which the public has a significant interest that is associated with a charity function.
- 11.1.12** Trustees/head of departments of the charity failure to attend for two consecutive occasions without prior notification.
- 11.1.13** Unauthorised absence or leaving the Charity workplace without authorisation.
- 11.1.14** Employee's / trustee's / volunteer's / contractor /member repetitive failure to accomplish task/duties in an effective timely manner.
- 11.1.15** Breach of the Charity's Health and Safety policy.

- 11.1.16** Non-Attendance of /trustee/general /staff Meetings with repetitive or similar reasons
- 11.1.17** Wilfully neglecting to perform his or her duty and/or wilfully misconducting him or herself

11.2 ACTS OF GROSS MISCONDUCT:

Gross misconduct is defined as misconduct serious enough to destroy the employment /voluntary contract between the organisation and the trustee / volunteer /member/employee which makes further working relationship and trust impossible. A motion of no confidence is one of only two ways in which an early General Election may be triggered due to gross misconduct. When a trustee's behaviour/activity is classed as gross misconduct, it is possible for a vote of no confidence to trigger by majority of the trustees or members. Gross misconduct is normally restricted to serious offences. The principal reasons for summary dismissal must include those in the 2015 KDDA UK bylaws clause 48(a)(ii) and the list below but are not limited to: (This list is not exhaustive):

- i. criminal offence which affects the individual's ability to carry out his/her job;
- ii. aggressive, threatening or abusive behaviour, fighting, physical or verbal assault by a trustee/volunteer /member/employee on any other person;
- iii. poison-pen letters or social media posting, slander or libel against any member/employee or non-member,
- iv. theft, misappropriation or unlawful destruction of property either the Organisation's, trustees' employees' or others';
- v. where no proper and evidential account is given of the use of the charity's funds, but the member has not been found guilty of embezzlement or diversion of funds and funds are repaid promptly by the member /trustee /employee.
- vi. Failing to give/submit a written financial or activity report of the charity to the trustees/members in a meeting over 3 months' period.
- vii. Failure to report a criminal offence to the charity/ UK authority
- viii. Trustees/employee posting on any social media any indecent images / sexually explicit images
- ix. the giving or receiving of bribes or unauthorised gifts;
- x. serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury;
- xi. supplying security access codes to any unauthorised person;
- xii. unauthorised disclosure of information or misuse of trust of a serious nature;
- xiii. making malicious or unfounded allegations of a serious nature either verbally or in writing or via social media posts;
- xiv. Any serious contravention of the charity's constitution or bylaws or any unlawful act

- xv. deliberate falsification of any documents or claims, including time sheets, overtime or expense forms;
- xvi. misconduct at work or away from work of such a serious nature as to bring into disrepute either the trustee's / volunteer's / member's / employee's position or the organisation;
- xvii. serious discrimination on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation;
- xviii. harassment of a serious nature;
- xix. use of poisoned or abusive language against any person (s) / institution / organisation / member / trustee on the social media or email or letter
- xx. deliberately accessing internet sites containing pornographic, offensive or obscene material;
- xxi. persistent alcohol or drug abuse;
- xxii. serious or persistent IT misuse;
- xxiii. engaging in unauthorised employment during hours when contracted to work for the Organisation or during periods of designated leave - for example annual or sick leave, time off for training, etc.;
- xxiv. failure to disclose unspent criminal conviction(s) or any convictions, whether spent or not, in respect of posts exempt under the terms of the Rehabilitation of Offenders Act 1974;
- xxv. Non-disclosure of any crime /offence committed before and during period working for the KDDA UK
- xxvi. providing false information on a job application form, including false information concerning immigration status
- xxvii. Serious act of insubordination.
- xxviii. Actions or behaviour detrimental to the interests, integrity or reputation of the KDDA UK.
- xxix. Employee /Trustee /volunteer who is guilty of an act or omission that would be punishable by the law of England if committed in England is guilty of any offence or wherever he/she commits it, whether in some other part of the UK or elsewhere in the world.
- xxx. Any other act described as gross misconduct in the KDDA UK constitution or the bylaws.

11.2.1 A MOTION OF NO CONFIDENCE

- 11.2.1.1 Members of good standing **and** at least a quorum in accordance with the constitution of this charity can conduct a vote of no confidence, against a trustee/head of a department of the charity in a general meeting. The first stage of this motion of confidence must propose the motion and have it voted on by the majority of the members in good standing in a general meeting. A vote of no confidence is used to censure an individual with respect to an aspect of the charity's constitution and its policies.
- 11.2.1.2 A trustee (s) **and** at least a quorum in accordance with the constitution of this charity can conduct a vote of no confidence, against a trustee/head of a department of the charity in a trustees' meeting. The first stage of this motion of confidence must **propose the motion** and have it **voted** on by the majority of the members in good standing in a general meeting. A vote of no confidence is used to censure an individual with respect to an aspect of the charity's constitution and its policies.
- 11.2.1.3 A debate on a motion of no confidence against the individual **MUST** take place and discussed taking the interest of the charity and its beneficiaries as paramount.
- 11.2.1.4 ALL discussions **MUST** be professional and focused on issues and behaviours and not on personalities
- 11.2.1.5 All parties involved must be given equal time and opportunities to express themselves
- 11.2.1.6 The procedure must be fair and consistent
- 11.2.1.7 The secretary or the chairperson of the charity or a trustee member will announce the procedure to be followed for the casting of votes.
- 11.2.1.8 The question to be voted upon will be printed on the ballot paper, or announced with the following options: YES, NO or ABSTAIN.
- 11.2.1.9 Each member in good standing /trustee present must vote and may only vote once
- 11.2.1.10 If the vote of non-confidence is approved by the majority vote, then the trustee(s) / head of the department/the individual must resign or be suspended from their post/position in the charity or go through a disciplinary hearing
- 11.2.1.11 The Chairperson of the charity may permit a discussion of the question of procedure and may limit participation in, and for the duration of, the discussion in such manner as he or she deems fit.

10.6.2 Unfair dismissal

Employees with two years' continuous employment with the charity are protected under the Employment Rights Act 1996 against being unfairly dismissed. The disciplinary committee members must at all times demonstrate not to dismiss a member/employee/trustee without any tangible, reasonable action/reason taken prior or soliciting support from majority of trustees to avoid this in the first place. This is to avoid inconsistencies in practice and any wrongful dismissal that could be classed as "unfair".

Dismissals are classed as 'automatically unfair' if the reason for dismissal is connected with an employee/trustee/volunteer exercising specific rights relating to:

- a. pregnancy: including all reasons relating to maternity
- b. family reasons: including parental leave, paternity leave (birth and adoption), adoption leave or time off for dependants
- c. representation: including acting as an employee representative
- d. trade union membership grounds and union recognition
- e. part-time and fixed-term employees
- f. pay and working hours: including the Working Time Regulations, annual leave and the National Minimum Wage.

11 SUSPENSION:

If the circumstances appear to warrant instant dismissal through an act of gross misconduct, an employee /trustee /volunteer /member may be suspended from duty on full pay while investigations are carried out. These investigations should be carried out within as short a time as possible. Suspension is in no way an assumption of wrongdoing.

Instant dismissal is possible only in cases of extreme misconduct as stated in Clause 20 of the 2015 KDDA UK constitution in any other circumstances, an employee / trustee / volunteer/member should not be dismissed without following statutory disciplinary procedure requirements.

12 APPEALS PROCEDURE:

At each stage of the disciplinary procedure the trustee/ volunteer / member / employee must be told that he/she has the right to appeal against any disciplinary action, and that the appeal must be made in writing to the Committee Chairperson within 5 days of receipt of a Disciplinary letter. Please bear in mind that it is not legally necessary for complainant / employee/trustee/volunteer to explain why they are appealing the decision. The appeal should be heard, if possible, within 7 days of receipt of the appeal. In a community group, two or three Committee members, not, if possible, those involved in the initial Disciplinary Procedures, will serve as an Appeals Committee. The trustee / volunteer /member /employee may take a colleague or union representative to speak for him/her:

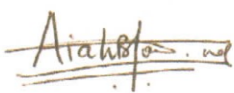
- 11.3** The trustee /volunteer /member /employee will explain why he/she is dissatisfied and may be asked questions.

- 11.4** The Committee Chairperson will be asked to state their point of view and may be asked questions.
- 11.5** Witnesses may be called and may be questioned by the Appeals Committee, the trustee / volunteer / member / employee and Committee Chairperson.
- 11.6** The Committee will consider the matter and make known its decision.
- 11.7** A written record of the appeals process will be kept.
- 11.8** Trustees / employees / volunteers can appeal against the decision if they think:
 - 11.8.1** the decision was wrong
 - 11.8.2** unfair procedures were used
 - 11.8.3** the punishment is too harsh
 - 11.8.4** new evidence has come to light
- 11.9** Your grounds for appeal should be reasonable. Minor breaches of procedures, or your personal feelings, won't usually change the decision that has been reached. The appeals process is similar to the disciplinary procedure:
 - 11.9.1** you write a letter giving reasons for appealing
 - 11.9.2** there's a meeting, usually with a more senior trustee or member of the charity than was at the first meeting
 - 11.9.3** a final decision is made

12 REVIEW

This document may be reviewed at any time at the request of either members, employees or management, but will automatically be reviewed every three years or as required following any amendments to national guidance.

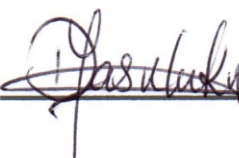
This policy was reviewed at a General meeting of the KDDA UK held on 28th April 2018

Signed: 

Print Name: AIAH BONDOWA TONDONEH

Title: Charity Chairperson for the KDDA UK
on behalf of the KDDA UK

Date: Saturday, 28 April 2018

Witness Signed: 

Print Name: DIAN FASULUKU

Date: Saturday, 28 April 2018

Appendix 1

Draft Letter to Staff Member - Confirming Outcome of Stage 1 Grievance

Private and Confidential

Member of staff's name

Address

Address

Address

Address

(insert date here)

Dear

Stage One – Outcome of Informal Grievance Meeting

Following the meeting that was held with you on [insert date] to discuss your grievance, I am now writing to you to confirm the outcome.

After listening and carefully considering everything that you said, the following conclusions have been reached:

[Explain findings in relation to each allegation made by the member of staff.]

As a result of these findings, I propose to take no further action.

OR

As a result of these findings, I propose to take the following action:

[Summarise action to be taken.]

I hope that this resolves the matter that you have raised. However, if you feel that the matter is not resolved at the informal stage, and you wish to raise your grievance formally, you may do so by completing the enclosed Grievance Form and setting out your formal grievance to [insert who is to receive the grievance form] in writing within 10 working days of receipt of this letter. Should you raise your grievance formally, [insert name and title of Head of department who will hear the grievance] will convene and chair a formal Stage Two Grievance Hearing and they will contact you directly with the details.

I appreciate that this may be a difficult time for you and therefore I would like to make you aware that in addition to any support you may wish to seek from your staff side representatives, there is also an Employee Assistance Helpline for staff that you may wish to access if you feel it would be beneficial. This helpline is confidential and totally anonymous, and their contact number is 0800 082 4102.

If you should have any queries regarding our meeting and/or the Grievance Procedure, please do not hesitate to contact me.

Yours sincerely

[Stage 1 Head of department]
[Job Title]

Enclosure: Grievance Letter

Appendix 2

Grievance letter: Raising a personal grievance

<Date>

Private and confidential

<Insert member/trustee/ employee's full name>

<Insert member's/employee's residential address>

Dear <insert name of relevant person at head of the charity >

I am raising a personal grievance for <insert type of grievance/s>

<Types of personal grievances include - unjustifiable dismissal, unjustifiable action which disadvantages the employee, discrimination, sexual harassment (by someone in authority or by co-workers), racial harassment, duress over membership of a union or other employee organization, employer's failure to comply with obligations relating to continuity of employment for employees affected by restructuring ([Part 6A of the Employment Relations Act 2000](#))>.

I believe I have a personal grievance because ... <insert a brief reason here>

What happened was ... <insert details and dates of meetings etc. in a timeline>

Optional: I would like you to address my grievance by ... <insert what you would like out of this situation>

<You could ask for as an example, reinstatement, attendance at mediation, lost wages, compensation etc.>.

Please respond to this letter by <insert date that reasonably gives the employer time to respond>

<You could also ask the employer to acknowledge getting the letter so that you know your grievance has been properly raised>.

Yours sincerely

<your name>

KDDA UK NOTIFICATION OF APPEAL FORM

You are required to complete this form and submit it within ten (10) working days of receiving written notification of the decision of your Hearing/Meeting. Your written notification will state who the completed appeal form should be sent to. Once you have formally submitted your Appeal, it will be acknowledged in writing.

Late appeals or appeals on any other grounds will only be considered in exceptional circumstances.

You are advised to consult your representative before submitting this completed form.

Full Name:

Job Title:

Contact Number:

Department:

Immediate Line Head of department's Name:

Name of TU Rep/Workplace Colleague:

Contact Number of Representative:

Date original Hearing/Meeting held:

Chair of the Hearing/Meeting:

**Reason for Hearing/Meeting: Disciplinary / Managing Performance (Capability)/
Managing Sickness Absence/Bullying and Harassment/Redundancy***

Sanction imposed/decisions made/outcome:

* delete as appropriate

Your reason for appealing

I wish to formally appeal on the grounds of:
(please tick relevant box)

☐

Information arising that was not available at the time the decision was made

☐

Undue severity or inconsistency of the sanction

☐

The Charity's policy and procedure have not been followed properly

NB If you are claiming information not available at the time you MUST explain why the previously undisclosed information was not presented at the Hearing before the decision you are appealing against was made.

Provide details of the grounds of your appeal:

My representative is available on the following dates:

The following documentation is attached with my appeal form:

Medical evidence enclosed YES / NO

Supporting evidence enclosed YES / NO

Other relevant documents enclosed YES / NO

List the documentation:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Charity. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).

I give my consent for this information to be circulated to relevant members of staff on a need-to-know basis for the purpose of investigating my appeal.

Signature: **Date of Submission:**
(Person raising appeal)

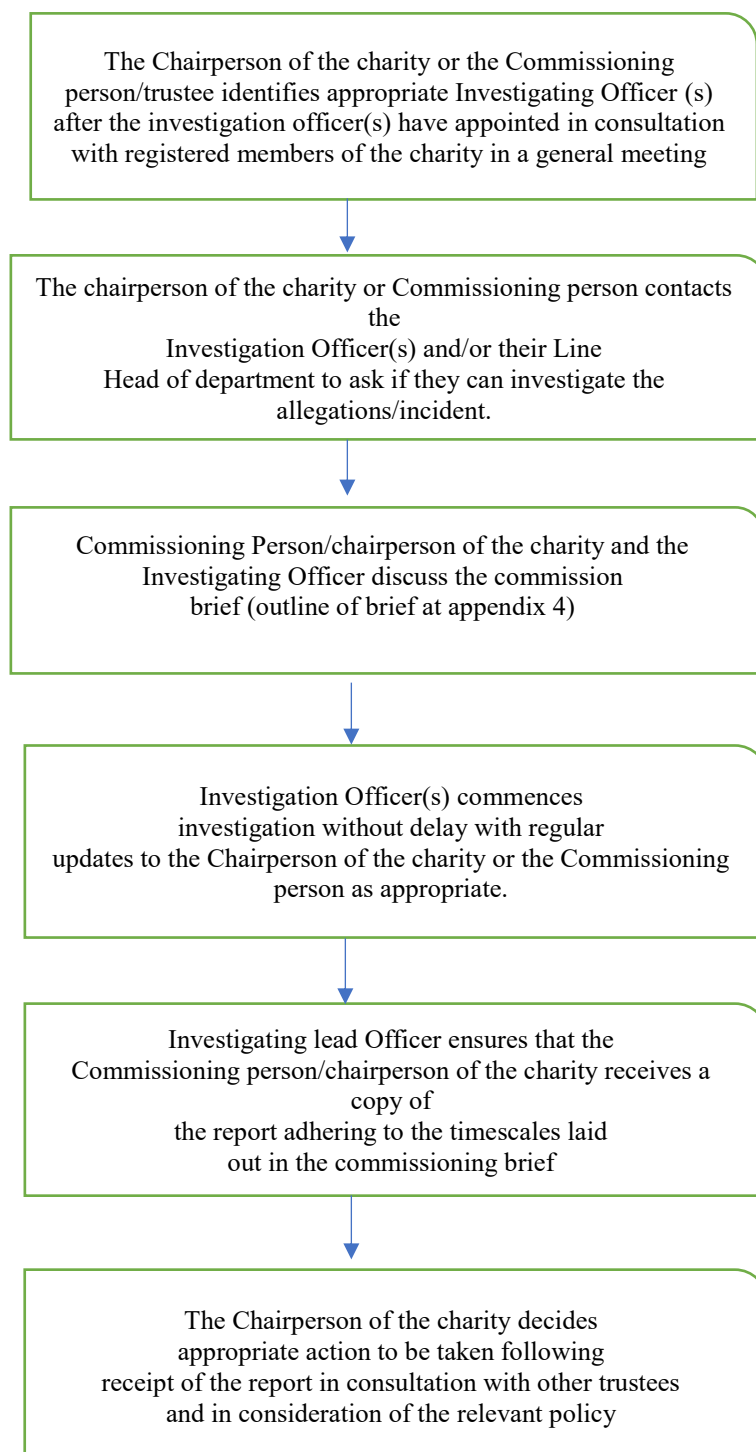
**PLEASE RETAIN A COPY OF THIS FORM AND ALL ITS ATTACHMENTS
FOR YOUR RECORDS**

Chairperson's Signature: **Date of Receipt:**

Appeal Meeting Date: (Head of department to attach outcome/decision letter and notes of meeting)

Appendix 4

Formal Investigation Process (Extended) brief



Investigating Lead Officer may be required to present the investigation report to the trustees initially then at a formal hearing, if applicable.

Appendix 5

COMMISSIONING KDDA UK HEAD OF DEPARTMENT/MANAGER'S INVESTIGATION BRIEF

Please note – this document can be adapted dependant on circumstances

Date/Investigation Commissioned

Date: -

I am commissioning an investigation into an allegation(s)/concerns of

Allegations/Concerns

Details of how the allegation/concerns have been made, who is involved, what happened, when did it happen, attaching any supporting documentation e.g. complaint letter, etc

Additional Information

Details of what information the individual has received e.g. complaint letter, policies etc., whether the individual has been suspended, transferred their workplace etc and the reasons for doing so. Their working hours to include shift pattern. Provide details of any individuals who may be on leave e.g. sickness absence, annual leave, maternity leave etc who may be required to be interviewed as part of the investigation.

(Attach any supporting documentation e.g. rotas, procedures etc)

Remit/terms of reference

You are to investigate the alleged incident/concerns to ascertain whether there is evidence to substantiate the allegations and detail the issues to be investigated

Contacting Staff

The staff/witnesses you need to contact initially as part of the investigation are as follows: -
(list the possible staff or witnesses)

Timescales

You must aim to conclude your investigation and submit your report within specify time and provide regular updates at timely intervals of your progress.

It is important that the investigation is completed in a timely manner to ensure that business continuity is maintained as well as the wellbeing of employees involved.

Support

Trustees to support.

Appendix 6

[Note: **KDDA UK reserves the right for investigators to amend this letter as appropriate to fit individual circumstances**].

Letter inviting individual to an investigation meeting

Hand delivered/ sent recorded delivery

Private and Confidential

[Name]

[Address]

[Date]

Dear [Name]

Investigatory Meeting

I am writing to advise you that you are required to attend a meeting in accordance with the organisation's [***Insert Policy Title***], a copy of which I enclose for your information. Your investigatory meeting will take place at [time and date] at [location]. I shall be conducting the meeting accompanied by [Insert Name] The Chairperson and trustees, to advise on any procedural matters.

At the investigatory meeting I will spend time discussing the following allegations which have been raised [against/by] you:

- [state allegations in summary including dates of occurrences]
- [state any breaches in policy/ contract if applicable]

[For potential misconduct investigations only:]

[It is appropriate to inform you the Organisation takes these allegations very seriously and, whilst no outcome has yet been reached, it is necessary to make you aware that if found to be misconduct or gross misconduct, it could result in a sanction in line with the Organisation's Disciplinary Policy. [For matters of gross misconduct, I must advise you that, if found, it may lead to your dismissal].

You have the right to be accompanied at this meeting by a Staff Side representative or by a workplace friend or colleague. If you wish to be accompanied, you will need to make arrangements for this. Please refer to the Investigation Policy for further detail in relation to staff representatives and companions.

I would also like to advise you of citizens advise bureau Options, who can be contacted on -----
-----, should you require further support during this process,

Yours sincerely

[Name]

[Title]

Appendix 7

Cc. [Insert Name],

Chairperson of the Charity /head department Enc. [Insert Policy Title]

Investigation report [This is a template investigation report that an investigator may adapt to suit the particular circumstances of their investigation]

Introduction	Investigation authorised by: [Name and role]
	Investigator: [Name and role]
	Date investigation began:
	Terms of reference: [include if they were amended and how]
	Background to the investigation: [Brief overview of the matter]

Process of investigation	The investigation process: [Explain how the investigation was authorised]
	Evidence collected: [List all evidence collected]
	Evidence not collected: [List all evidence that could not be collected and why]

	Persons interviewed: [List all people interviewed]
	Persons not interviewed: [List any witnesses that could not be interviewed and why]
	Anonymised statements: [If any, explain why and provide details of any enquiries into witness]

The investigation findings	Summary of written and physical evidence: [name and summarise each document contained, set out how the evidence supported or did not support your findings and why]
	Summary of witness evidence: [name and summarise each witness statement, quote from statement where relevant, set out how the witness statement supported or did not support your findings and why]
	Facts established: [detail what the investigation has established]
	Facts that could not be established: [detail any part of the investigation that was inconclusive]
	Mitigating factors: [detail if there were any mitigating factors uncovered that are relevant to the investigation]
	Other relevant information: [detail any other information that is relevant to the matter]

Conclusion [if required]	Recommendation:
	Formal action/Informal action/No action required Further details on recommendation: [such as the type of action suggested for example, formal disciplinary meeting, and if there are any other recommendations related to the matter. In disciplinary matters, the investigator should not recommend a possible sanction. This should only be considered at a disciplinary hearing]

	Investigator's signature: Date:
Supporting documents	[List all documents collected as part of investigation and included in report]

Notes: