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Complaints Procedure

This policy applies to all staff, including senior managers, paid staff, volunteers and sessional workers, agency staff, students or anyone working on behalf of Broad Horizons.

**The purpose of this procedure:**

Broad Horizons is responsible for the quality of service to its clients and their employees.

Allegations and complaints will be investigated and action taken on breach of Broad Horizons policies and or procedures and other service issues.

This procedure provides clear direction to staff and volunteers at Broad Horizons if a complaint is made.

Information on allegations and complaints and the outcome of investigations will be held on record for 6 years. These records are confidential to Broad Horizons and for use only with the consent of the affiliate or on direction of a Court However, in the event of a finding of a serious breach of professional Code of Ethics and Practice, in line with the description of serious allegations of professional misconduct, as laid out in British Association for Therapeutic and Psychotherapy Complaints Procedure, information may be passed to the relevant professional organisation for further investigation and action.

Nothing in this procedure can take away the right of a therapeutic client to make a complaint directly to a professional body.

Complaints may be made by internal or external personnel.

**Complaints from Client or Customer**

* A member of the Broad Horizons management team will be notified immediately
* The management team will investigate initially
* Depending on the circumstances of the case Broad Horizons will contact the affiliate to discuss the allegations and next procedural step within 48 hours of receipt
* The client or customer will be contacted within 48 hours of receipt to inform that an investigation is taking place and update as appropriate
* The client may be offered a different therapist or worker with no loss of sessions if appropriate

**Complaint from a Broad Horizons Staff member**

Any concern about a staff member or affiliate's conduct or competence will be passed to a member of management immediately.

If further action is needed a member of management will liaise with the staff member

**Disciplinary Procedure**

For brevity and convenience employees are referred to in the masculine. This is intended to include all genders and individuals identifying as non-binary.

1. **Purpose and Scope**

The disciplinary procedure provides for disciplinary sanctions to be given for failure to meet the Company’s standards of job performance, conduct (whether during working hours or not) and attendance, or for breach of any terms and conditions of employment.

The disciplinary procedure has three main objectives:

* To protect in an equitable way the safety and interests of all employees.
* To protect the legitimate interests of the Company.
* To promote good relationships at all levels by ensuring that where action is carried out, it is done promptly, consistently and comprehensibly.

The Company's aim is to encourage improvement in individual conduct. This procedure sets out the action which will be taken when disciplinary rules are breached. Where it is necessary to take disciplinary action to protect either the interests of the Company or its employees, the procedure followed will relate to the nature of the offence committed.

In the employee’s first year of employment, the Company reserves the right to apply a short form of the disciplinary process. The Company’s disciplinary procedure will not apply during the probationary period.

1. **Principles**

The procedure is designed to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.

At every stage employees will have the opportunity to state their case and, in formal disciplinary hearings, be accompanied by a fellow employee or accredited trade union representative if they wish. The companion can help the employee prepare his case, help him present his case, ask questions and sum up on behalf of the employee. He may not answer the questions on behalf of the employee.

Disciplinary penalties will be proportionate to the offence committed. It is open to the Company to issue a first sanction at the final warning or dismissal stage where the disciplining officer has reasonable belief that the nature of the offence requires it. An employee has the right to appeal against any disciplinary penalty.

Wherever possible, the investigation will be carried out by one person and the disciplinary hearing will be chaired by a second person. However, because the Company is small, in cases of less serious conduct or capability, the Company reserves the right for the investigating officer to chair the meeting.

1. **The Procedure**

3.1 Informal Discussions/Counselling

Other than in a matter of serious misconduct, where an employee’s standard of conduct or performance etc is considered lacking, or a breach of conduct is believed to have occurred, the matter will normally be brought to the worker’s attention in a private and informal way.

In most cases this informal discussion should resolve any difficulties identified. If the employee fails to improve, or sustain improvement, the formal procedure will commence.

3.2 The Formal Procedure

Investigation/Suspension

No action will be taken before a proper investigation has been undertaken by the Company. If appropriate, the Company may suspend you while the investigation takes place. If you are suspended, your contract of employment will continue together with all your rights under your contract including the payment of salary. The decision to suspend you will be notified to you by your manager and confirmed in writing.

The suspension will be for as short a time as is reasonably possible in the circumstances. The employee must remain available to answer the Company’s questions at all time during a period of suspension.

If an employee becomes ill during a period of suspension SSP will be paid.

Suspension is the act of last resort and will only be used where the Company has reasonable belief that not suspending the employee will create a risk to the Company, the employee him~~/herself~~, or another employee.

Notification

If conduct or performance fails to meet acceptable standards, the individual will be given 48 hours’ notice in writing of a disciplinary meeting in the form of a letter in which he will be advised of the details of the alleged breach of discipline.

Where appropriate the letter will enclose supporting documents e.g. copies of paperwork, details of performance, etc. All staff have the right to be accompanied by a fellow worker or an accredited trade union representative.

The Hearing

The manager, who may be accompanied by the Company’s human resources advisor, will conduct the disciplinary hearing.

Throughout the hearing, minutes will be taken for the record. At the hearing the following will occur:

a) The employee will be advised of his rights.

b) The employee will be advised of all known facts relevant to the case.

c) The employee will be given every opportunity to put forward his case and views. His companion will be invited to make representations on his behalf.

There will be an adjournment to consider the facts.

d) At the end of the hearing, the employee will be advised of the decision of the manager.

e) If a disciplinary penalty is awarded, the manager will advise the employee of his right of appeal.

**4 Sanctions**

Stage 1 - First Warning

If conduct or performance is unsatisfactory, the employee will be given a first warning which will be recorded. The warning will be disregarded after six months satisfactory service.

Totting Up

Repetition of this, or any other matter of misconduct, during the life of the warning will result in an escalation to the next stage of the disciplinary process.

This applies at every level of the disciplinary procedure.

Stage 2 - Final Warning

If conduct or performance is still unsatisfactory, a final warning will be given making it clear that any recurrence of the offence or other misconduct will result in dismissal. The final warning will remain live for twelve months. If there is no repetition or other offence, it will be disregarded after that time.

In exceptional circumstances, if the Company considers it appropriate to do so, the Company reserves the right to extend the warning or to impose a longer final warning to a maximum of 24 months.

Note that these periods are not necessarily the same as the period over which performance improvements are to be made and which will be specified in warning letters.

Individuals will not normally be eligible for any pay review falling during a period of a live warning.

Stage 3 – Dismissal

If there is no satisfactory improvement or if further misconduct occurs, the employee will be dismissed.

Examples of unsatisfactory performance or conduct:

* Unsatisfactory job performance
* Persistent lateness
* Minor negligence
* Unauthorised absence from work
* Unacceptable level of sickness absence
* Unauthorised use of personal mobile phones during working hours

Examples of gross misconduct:

* Dishonesty, theft or fraud
* Damage to the Company’s property
* Incapacity for work due to being under the influence of alcohol or illegal drugs
* Physical assault, violent, abusive or intimidating conduct
* Gross insubordination
* Gross indecency
* Repeated failure to follow a reasonable instruction
* Failure to comply with relevant statutory or regulatory requirements
* Sexual, racial or other harassment
* Unauthorised use or disclosure of confidential information
* Falsification of Company records
* Working for a competitor without permission
* Actions that may seriously offend a client/customer and/or a work colleague
* Reckless or serious misuse of a Company vehicle
* Rudeness to customers
* Accepting a gift which could be construed as a bribe
* Breach of health and safety rules which endanger the health and safety of others in the opinion of the Company.
* Refusing to allow a search to be carried out in accordance with Company rules
* Failure to disclose correct information on your application form
* Conviction for any serious criminal offence while an employee of the Company
* Downloading of or sending of inappropriate material in contravention of the Company's email and internet policy
* Loading or downloading unauthorised software, or any other action likely to allow a virus on to the system. Unauthorised use of CD-Roms.
* Behaviour whether inside or outside work which may bring the Company into disrepute.
* Publishing material in any form in which the Company is identified or capable of being identified and comments are made about the Company or any of its employees which in the reasonable opinion of the Company are detrimental.
* Make inappropriate comments in a public forum that breaches confidentiality, Broad Horizons Data Protection obligations and/or undermines the reputation of Broad Horizons. This includes but is not exclusive to comments/details of Broad Horizons clients, policies, initiatives, strategies, finances, products etc. that has not been made public. This includes comments/details appearing in a blog or other internet or web based communication (e.g. facebook, myspace, youtube, bebo).

Note that if, after investigation, it is confirmed that an employee has committed an offence of gross misconduct (the list is not exhaustive), the normal consequences will be summary dismissal without notice:

Format of Warnings

To avoid any inconsistency or uncertainty, all written warnings will conform to a standard, showing clearly:

* The nature of the offence
* The seriousness of the offence
* Which stage of procedure is operating
* Remedial action required and the review period
* The penalty for non-compliance
* Details of any previous unexpired warning
* Duration of the warning
* The right of appeal and to whom it should be made (if appropriate to the stage of disciplinary procedure)
* Details of the next stage of procedure

**5 Hearing in the Absence of an Employee**

While the Company will make every effort to ensure that an employee is able to attend a disciplinary hearing, the Company reserves the right to hear a case in his absence if, after two attempts to reschedule, he has failed to attend the hearing.

**6 Levels of Disciplinary Action**

There are several potential levels, these are:

* First Warning
* Final Warning
* Dismissal
* Summary Dismissal

**7 Appeals**

An employee who wishes to appeal against any disciplinary decision must do so within five working days of the receipt of the letter to the other Manager who will either hear the appeal or arrange for an independent third party nominated by the Company to hear the appeal. The named person will hear the appeal and decide the case as impartially as possible.

Where new evidence comes to light during the appeal which was not available at the original hearing, the matter will be referred back to the original Manager.