

# Process for Managing Concerns about a Volunteer

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## 1. Statement

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Volunteers give their time and effort freely, and taking action to address poor performance or behaviour is one of the most difficult tasks faced by those staff supporting volunteers. The Association wants volunteering to be a positive and rewarding experience; however, unfortunately it is sometimes necessary to take action to avoid volunteer performance or behaviour that is inappropriate for people affected by MND, other volunteers or for the Association.

The Association puts people affected by MND at the heart of everything we do. The Association expects a high standard of conduct and integrity from its volunteers. Conduct which calls the Association into disrepute or impairs its efficient running is taken seriously.

The principle of this process is that concerns about volunteer behaviour and competence be addressed supportively and sensitively, but swiftly, fairly and objectively.

In most cases concerns about volunteers should be addressed and resolved amicably in this fashion without the need for formal escalation. It is recognised that in addressing concerns, relationships between the volunteer and an employee or other volunteers may be occasionally damaged, leading to allegations and counter-allegations. In such cases directors may, at their discretion, consider appropriate sources of mediation and arbitration to resolve differences outside of the formal processes. Where an informal resolution is not possible or is inappropriate, the formal concerns processes must be followed.

## 2. Scope of these procedures

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It is recognised that some concerns arise within a committee or between local volunteers. In these situations, it is often appropriate that proactive efforts are made amongst the volunteers concerned or through the branch chair or group leader to address the concerns prior to the reliance on these procedures and employee involvement.

However, volunteers are always encouraged to seek advice and assistance from their Area Support Coordinator, who may also assist in mediation.

These procedures are designed to guide those involved in managing concerns about a volunteer or about multiple volunteers. The concerns may be raised by a member of staff, or a fellow volunteer, a person affected by MND, a health and social care professional or a member of the public.

These procedures are designed for use in handling concerns about volunteers carrying out all roles except for trustees and members of board subcommittees, for whom there is a separate procedure.

If the issue also involves a complaint about an employee, the Head of HR must be informed.

### 3. Procedures

Any volunteer subject to these procedures and any complainant should be given a copy of the procedures at the earliest opportunity

A procedure is helpful for the proper and successful functioning of the Association and exists to ensure that all individuals are treated fairly and sensitively.

Some examples of the types of issues which may lead to formal action being taken according to the procedure are detailed in the table below. The table is intended as a guide to the appropriate action in each scenario. However, the Head of Volunteering and directors have discretion in deciding the appropriate action for each situation; considering severity, scope and scale of the concerns involved.

<b>Normally start at Stage One</b>	<b>Normally straight to Stage Two</b>	<b>Gross Misconduct – straight to Stage Two</b>	<b>Likely termination after investigation</b>
Failure to abide by the Association's values	Refusal or repeated failures to follow Association policy and practice despite advice,	Safeguarding concerns	Gross misconduct
Unsatisfactory performance of the duties of the role	Breach of safety procedures or policy / endangering safety/health of self or others	Bullying or harassment, in person, digitally, directly or indirectly	All reasonable development opportunities have failed to change behaviour or performance
Minor unintentional breach of confidentiality or data protection	Discriminatory behaviour	Activities that put the health of people with MND at risk	The volunteer refuses to amend behaviour or take action to address performance
Improper use of Association facilities	Serious breach of data protection or confidentiality	Actions likely to bring the Association into disrepute (including on social media)	The volunteer's persistent action compromises their own safety or the safety of others
Failing to attend appointments with people affected by MND	Refusal to or repeated failures to follow Association policy and practice despite instruction and support to the	Financial irregularities or fraud	Continued wilful actions contrary to Association values and policies.

	contrary		
	Missing appointment with people with MND (repeatedly or wilfully)	Criminal activity	
		Threatening behaviour, verbal abuse or using physical violence	
		Wilful or serious breach of confidentiality or data protection	
		Gross negligence	

### 3.1 STAGE ONE – INFORMAL MEETING

Stage one may be instigated by a member of the regional staff team or any manager. The Head of Volunteering must be informed at the outset.

The Area Support Coordinator (ASC) or other responsible employee, as appropriate, should arrange to have an informal meeting with the volunteer to explain the concerns, and for the volunteer to give their account of the concern. The informal meeting is designed to enable issues to be addressed positively, swiftly, and objectively.

The volunteer should have reasonable notice of the meeting, but ideally it should be held within 3 weeks. If the volunteer is unwilling to meet in a realistic timeframe, discussions may be held in their absence.

The employee conducting the informal meeting must explicitly explore the behaviour or performance that causes concern and both parties should explore means by which repeats of the concerns can be avoided in the future.

The employee should give the volunteer the opportunity to dispute, correct or inform their understanding of the situation. The employee may feel they need to gather more evidence, but as this is an informal procedure the focus should be on resolution and future expectations rather than investigating past behaviour.

The employee must give the volunteer a full and clear understanding of the changes to / improvement(s) of behaviour and / or performance that are expected of them, including a clear timeframe within which such changes or improvement(s) are expected. These expectations must be reasonable and within the scope of the role and Association policies. Remember the role is voluntary and we, the Association, cannot expect volunteers to take on extra roles and tasks if they are unhappy to do so.

By addressing these issues in a spirit of positive open improvement, all parties should agree to the outcomes. These outcomes could include the employee providing

support, learning or guidance in some instances to assist the volunteer to rectify the concern. Where considered necessary, changes to the volunteer's existing support mechanisms can be made within the remit of the employee dealing with the concern (or in agreement with a director). Dates for review meetings may be set to allow both parties to review actions.

However, where addressing the concern leads to acrimony, the employee should consider whether any mediation / support is appropriate to facilitate working harmony between volunteers or, if appropriate, between volunteers and employees. This mediation may be either internal or external to the Association but must be independent of both parties. A director, the Head of Volunteering or the Head of Region, may authorise external spend on mediation.

A record should be made of any agreement and shared with all relevant parties, and filed for future reference. Key members of the branch may be informed as deemed appropriate by the Head of Volunteering, being mindful of confidentiality parameters.

If after a reasonable time the behaviour has not improved, the employee may seek agreement from the Head of Volunteering to move to the formal stage.

If either party refuses to engage meaningfully in stage one, the Head of Volunteering may at his or her discretion, authorise the progression to stage two. In cases where the person who is the subject of the complaint, fails to approach this stage in line with Association values and the Head of Volunteering feels that it is necessary to move to stage two as a result, the Head of Volunteering should make it clear that such behaviour will be considered as part of the subsequent investigation and may inform the outcome of the formal process.

In some serious cases the Head of Volunteering may at his / her discretion decide that it is necessary to omit stage one and move straight to stage two.

### **3.2 STAGE TWO – FORMAL MEETING**

If the informal approach fails to generate appropriate actions to address the concerns or is unsuccessful within a realistic timeframe and instances continue, it should be reported to the Head of Volunteering, who decides whether it is appropriate to move to Stage Two.

Before agreeing on a formal hearing, an investigation will be conducted. The ASC will normally conduct this investigation, but the Head of Volunteering may appoint other investigators at her / his discretion. The investigation will assist the Head of Volunteering in the first instance to consider whether a formal process is required and to inform decisions in the formal process.

If the decision is made to move to a formal process, the Head of Volunteering (or a director in her / his absence), will decide whether to lead the formal process themselves or appoint someone who will lead the formal process. This person, known as the lead person should have sufficient impartiality, sensitivity, knowledge and skill to lead such formal processes. The lead person should be able to seek guidance as needed, and receive support, from the Head of Volunteering as required. The lead person will consider whether it is appropriate to inform the local branch or group chair / leader and committee; weighing up issues of confidentiality, local rapport, and practical implications for local activity.

The role of the lead person in this process is to ensure (i) the policy is followed, (ii) the process and investigation are impartial and accessible and (iii), stakeholders are appropriately engaged. The lead person is also responsible for making the decisions at the end of the formal process. The role of an investigator is to gather information and evidence in an impartial manner and present these to the lead person for consideration. The lead person and the investigator may, at the discretion of the Head of Volunteering, be the same person.

Usually a meeting will be arranged to discuss the concerns. In rare instances, the lead employee may decide several meetings are required to consider the concerns. Ideally the lead person should arrange for another employee or suitable impartial volunteer to be present, as an independent observer.

The lead person should inform the volunteer of the reason for, and the date and time of the formal meeting and it should be confirmed in writing. The volunteer should be given reasonable opportunity to attend and also to have a friend / fellow volunteer present during the formal meeting. This person's role is to support the volunteer, but they should not answer questions or speak on behalf of the volunteer.

If the volunteer refuses to attend a meeting within a reasonable timeframe, they should be informed that decisions based on current information may be made in their absence. In complex cases, more than one meeting may be needed, with the volunteers and employees involved, so that the facts may be ascertained.

The lead person will present the issue at the formal meeting, along with evidence of the behaviour. The employee will explain his / her concerns and the volunteer will have fair opportunity to give his / her side of the issue.

The lead person will produce a letter stating whether the concern was upheld, and if so, outlining any action to be taken and the consequence of any further repeats of the behaviour or performance involved. A review period will be set as deemed appropriate by the lead person.

This content of this letter will be agreed by the Head of Volunteering before posting by recorded delivery. This will be filed in the volunteer's records, accessible only to the volunteer's manager / key staff contacts and the Head of Volunteering.

At this point, the lead person may again consider whether any mediation or support is required to restore good relations.

If the lead person and Head of Volunteering believe the volunteering should be terminated, then the procedures in 3.3 below must be followed.

The Head of Volunteering must consider what information is appropriate to be shared with the branch chair or group leader and other stakeholders, being mindful of confidentiality.

Dates for review meetings may be set to allow both parties to review performance against agreed actions.

The lead person will endeavour to keep the subject of the complaint updated in a reasonable timeline. This will typically involve the following communication;

1. A statement that the Investigation has commenced
2. A statement that the investigation has concluded.
3. An invite to any formal meeting
4. A note to say that the formal process has concluded
5. A letter explaining the outcome, the next steps and the appeal process as appropriate. (items 4 and 5 may be combined).

The complainant will be informed of process at the beginning of each key stage, and at the outcome stage. The Head of Volunteering will make a judgment call on each case's merits on what information it is appropriate to share with the complainant regarding sanctions taken.

### **3.3 TERMINATION OF VOLUNTEERING**

Termination of the right to volunteer in a role for the Association, is sometimes unfortunately necessary. The Association has on such occasions, the power to revoke a volunteering status in order to safeguard the reputation of the Association or to protect people affected by MND, employees, volunteers, or other clients.

Terminating volunteering may be a considered outcome from Stage Two outlined in section 3.2.

The decision to terminate a volunteer role should not be taken lightly. A volunteer role may not be terminated by another volunteer. Termination of volunteering or volunteer activity in a specific role may only be terminated by the Head of Volunteering or a director. A letter should be sent, by recorded mail, to the volunteer within five days of the formal meeting explaining the reason for revoking the volunteering.

After any appeal process or time allowed for an appeal, if upheld a letter requesting the return of any Association property and any ID card should be sent.

If a volunteer has several roles, the Head of Volunteering or director will decide whether the action requires the termination of all volunteering or the revoking of specific roles. A record of the basis for this decision must be made.

The volunteer's record should be updated accordingly, and the local group leader or branch chair informed where appropriate.

It is important to note that employees do not have the power to terminate membership of the Association. In such cases that the Head of Volunteering or a director feels that a volunteer's membership should be revoked, they must submit a recommendation to this effect to the Board of Trustees via the relevant director. The volunteer must be informed that such a recommendation is being made. Please refer to the *Articles of Association*.

### **3.4 APPEALS STAGE**

After Stage Two, volunteers subject to a complaint have the right of appeal. To do so, the volunteer should submit their appeal in writing, setting out the grounds for their appeal and submitting any additional information that they feel the appeal panel should consider.

Grounds for appeal would normally be that the actions that the lead person took were disproportionate, the volunteer is not satisfied that the process was fair, or that



substantial evidence was not considered. An appeal can only be lodged if the findings of the process are that the concern is upheld or partially upheld.

The appeal should be addressed to the Director of Engagement, and sent within ten days from the receipt of written communication of the decision. If the Director of Engagement is not available for any reason or if he/she is involved in the investigation, the appeal should be directed to an alternative director.

The director will then arrange for a suitably skilled and impartial individual(s) to review the decision. The reviewer may be a member of staff or a trustee, as appropriate. The director will then inform the volunteer of who is hearing the appeal.

The person holding the appeal will review existing materials concerning the issue, and any written submission from the volunteer. They may, at their discretion, decide to seek further information in writing or in person from those involved in the issue, should they believe they are missing pertinent information required for them to make a judgement.

The person holding the appeal will inform the volunteer of their decision in writing, by recorded mail, usually within 20 working days. The Head of Volunteering and / or the Director of Engagement must review the decision before it is communicated to the volunteer.

Only one appeal is permitted and the decision made following that appeal is final.

### **3.5 GROSS MISCONDUCT**

Allegations of misconduct must always be managed by a director or assistant director, head of region or the Head of Volunteering, but they may delegate the investigation activity to another employee or an external investigator.

The manager will follow the formal stages outlined above in section 3.2

A volunteer would normally be suspended from volunteering pending the formal process in the case alleged of gross misconduct to avoid any repeated risk.

Following the formal hearing, gross misconduct may sometimes be considered as so serious that the decision to terminate the volunteering will be reached without further attempts to address the volunteer's behaviour and actions.

### **3.6 SUSPENSIONS**

The Head of Volunteering, directors, Chief Executive, or investigating trustees may, at their absolute discretion, decide to suspend any volunteer at any stage in this procedure.

### **3.7 REPETITION OF BEHAVIOUR AFTER FORMAL STAGE**

If, subsequent to the formal stage/appeal stage, a volunteer once again displays similar behaviour or actions that contravene the expectations of the Association, the Head of

Volunteering, directors, or investigating trustees may, at their discretion, take further action without repeating the informal and formal stages. This action may, if necessary, include immediate cessation of volunteer role/s. If cessation is decided upon, the volunteer may appeal again, provided there is new evidence or information that was not considered when the decision was made. The appeals procedure will be as in section 3.4 above.

### **3.8 CONFIDENTIALITY**

Details and correspondence surrounding these procedures are to be kept confidential to those who need to know within the organisation. It may be necessary to share some detail with involved staff or volunteers to allow for proper functioning of the Association. If other stakeholders, for example people living with MND supported by the volunteer, are to be told, this must be done in a way that discloses the absolute minimum information to allow handover of support.

In most cases the subject of a complaint has a natural right to access statements made against her / him. However, the Head of Volunteering at his / her discretion may decide to withhold some information if s/he has grounds to fear sharing may lead to intimidation, harassment or bullying.

In some instances it may also be necessary to identify the complainant as part of establishing facts relating to the concern. This will be agreed between the individual conducting the investigation and the Head of Volunteering who will inform the complainant prior to the investigation commencing.

## **4. Record Keeping**

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Employees must keep an audit trail of decisions, agreements, meetings and other actions throughout the formal stages on the volunteer's record.

All such information will remain confidential and be available only to the volunteer and those involved in the stages outlined above. A copy of all evidence, letters, minutes and actions must be sent to the Director of Engagement who will ensure a central record of matters investigated under this procedure is kept securely. The Director of Engagement will periodically review the concerns and the outcomes to ensure the Association learns lessons and remains fair in the use of this procedure.

Information on the administration of these procedures will be kept in accordance with the General Data Protection legislation.

## 5. Process

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