

# SHARP



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SEDFORD HISTORICAL AND  
ARCHAEOLOGICAL RESEARCH PROJECT

## **Complaints and Resolution Procedure**

## 1. Scope and Purpose

- 1.1 SHARP is committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve our service is by listening and responding to the views of our clients and stakeholders, and in particular by responding positively to complaints, and by putting mistakes right.
- 1.2 However, only issues and complaints raised at first hand, and often relating to the current season, can be easily addressed through SHARP's Acceptable Behaviour Policy. Therefore, we rely on prompt reporting, at the time or normally within 8 weeks of the issue arising.
- 1.3 Legacy complaints, i.e. issues or incidents from previous seasons, may be investigated if the committee agrees it is necessary, but given past experience these are more difficult to resolve, and therefore may not be given priority over current incidents.

## 2. Policy Statement

- 2.1 SHARP has a duty of care towards everyone associated with the Charity. It aims to maintain a working environment where everyone is treated with trust, dignity and respect; and where each person's contribution is valued.

## 3. Policy Overview

- 3.1 This policy identifies the approaches to be taken to ensure issues raised can be resolved quickly and in a fair and consistent manner.
- 3.2 **SHARPs Acceptable Behaviour policy** sets out everyone's responsibilities to ensure appropriate standards of behaviour whilst engaged in activities relating to SHARP.

## 4. Some definitions of general terms used within this policy

- 4.1 The term 'Trustees' within this policy includes all current SHARP Committee members within the current constitution
- 4.2 The term 'employees' within this policy applies to those working for SHARP under contracts of employment, or under any other contractual arrangement, including self-employed and sub-contracted staff.
- 4.3 The term 'suspension' within this policy includes the cessation of active work in connection with SHARP and/or the removal of the individual from the site.

## Making a complaint

### 5. Complaint

**5.1** The formal complaints procedure is intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

## **6. Responsibilities**

**6.1** SHARP responsibility will be to:

- acknowledge the formal complaint in writing;
- respond within a stated period of time;
- deal reasonably and sensitively with the complaint; and
- take action where appropriate.

**6.2** A complainant's responsibility is to:

- bring their complaint, in writing, to SHARP's attention normally within 8 weeks of the issue arising;
- raise concerns promptly and directly with a member of staff in SHARP
- explain the problem as clearly and as fully as possible, including any action taken to date;
- allow SHARP a reasonable time to deal with the matter
- recognise that some circumstances may be beyond SHARP's control.

## **7. Confidentiality**

**7.1** Confidentiality will be maintained as far as possible, consistent with the need to investigate facts and take action to prevent further instances of inappropriate behaviour.

# **Complaints Procedure**

## **8. Procedure**

**8.1** Written records must be made by SHARP at each stage of the procedure.

**8.2** If the complaint is not related to the behaviour policy, such as related to a booking or site facilities.

### **8.3 Stage 1**

**8.3.1** In the first instance, team member(s) must establish the seriousness of the complaint.

**8.3.2** Acknowledgement of the complaint should be made.

**8.3.3** An informal resolution, if acceptable and appropriate, will be made.

### **8.4 Stage 2**

**8.4.1** If the complaint cannot be resolved informally, the complainant should be advised that a formal complaint can be made to the SHARP committee.

- i. A formal complaint can be made in writing.
- ii. In all cases, this will be passed to the committee.

- iii. SHARP must acknowledge the complaint in writing within one week of receiving it.
- iv. Committee will assign a working group to investigate the complaint. Any conclusions reached should be discussed with the committee.
- v. The person making the complaint will receive a response based on the investigation within eight weeks of the complaint being received. If this is not possible then a letter must be sent explaining why.

**8.5** If the complaint is related to individuals and the acceptable behaviour policy, then the following procedure takes precedence.

## What happens when expected standards of behaviour are not met

### 9. Support

**9.1** Anyone engaged in work connected with SHARP who believes they have experienced harassment/sexual harassment, bullying/cyberbullying, victimisation or other forms of inappropriate behaviour can seek support from a trusted colleague or a Trustee of SHARP. Support may be anything from talking through what has been experienced or observed, to asking for support in challenging the person/people responsible.

### 10. Informal Resolution

**10.1** Many problems relating to inappropriate behaviour of a less serious nature can be raised and settled during the course of everyday working relationships. Normally, this is often quicker and more conducive to constructive longer-term working relationships than following a formal procedure.

**10.2** Informal resolution aims to draw attention to and stop inappropriate behaviour that is

“clumsy” and is most likely unintentional. Specifically, it aims to:

- stop the inappropriate behaviour
- find a resolution through dialogue with the person responsible
- raise awareness and understanding of what is and is not acceptable behaviour
- ensure positive working relationships can resume.

**10.3** Two options are open to complainants who decide on informal resolution. In both cases, complainants are advised to make and keep notes of the incidents causing offence, including dates, events, place etc., and any other people present. This can help to identify multiple and escalating offensive behaviours where a single incident may not appear important. To ensure the inappropriate behaviour stops, however, it is also vital that the person is made aware of and challenged about their behaviour.

**Option 1** - tell the person responsible

- i. With a supportive colleague, explain clearly to the person responsible that their behaviour was offensive. Be specific about which behaviour offended you including the place/s and time/s.
- ii. Explain the impact the behaviour has on you and ask them to stop it
- iii. Try and reach agreement that the behaviour will not be repeated
- iv. Agree how you will behave towards each other at work in future
- v. Agree to respect confidentiality
- vi. If the instigator finds it difficult to understand what is an acceptable standard of behaviour and no agreement is reached, the issue should be raised with a Trustee of SHARP who has not been party to the initial discussion.

**Option 2** - ask someone else to tell the person responsible

- i. Ask a supportive colleague to act on your behalf (referred to as supporter). The supporter should aim to do so as soon as possible.
- ii. The supporter should aim to help the person responsible understand that their behaviour caused offence, and gain a commitment to not repeating it
- iii. The supporter should arrange a follow-up meeting between the complainant, the person responsible and supporter:
  - o The aim of the meeting is for the person responsible to apologise to the complainant, where appropriate, and agree to stop the behaviour
  - o The meeting should also aim to restore a positive working relationship
  - o There should also be an agreement to respect confidentiality
- iv. If the instigator finds it difficult to understand what is an acceptable standard of behaviour and no agreement is reached, the issue should be raised with a Supervisor or Trustee of SHARP who has not been party to the initial discussion.

**11. Responsibility of Supervisors and Trustees of SHARP notified of a problem relating to inappropriate behaviour**

**11.1** There may be occasions when the complainant does not wish to follow even the informal procedure, but simply wishes to 'let off steam'. If approached about the issue, the supervisor or Trustee of SHARP should clarify this by asking the complainant whether or not they wish the matter to be treated informally.

**11.2** SHARP, however, has a duty of care to everyone undertaking work on its behalf; therefore if the matter is one which the supervisor or Trustee of SHARP cannot ignore (e.g. possible bullying/cyberbullying, harassment/sexual harassment, victimisation or gross misconduct, etc.) they must make it clear to the complainant that, due to the serious nature of the allegations, it cannot be guaranteed that no further action will be taken. In such instances, or if in any doubt, Supervisors should always report the allegations, in confidence, to a Trustee of SHARP as a matter of urgency.

## 12. Formal Resolution

### 12.1 Formal Resolution should be used when:

- i. Informal Resolution fails to achieve a satisfactory outcome and the inappropriate behaviour continues, or the complainant considers they have a grievance that cannot be resolved using informal resolution; or
- ii. The alleged harassment/sexual harassment, bullying/cyberbullying, victimisation, gross misconduct or other inappropriate behaviour is of such a serious nature that SHARP would be failing in its duty of care not to conduct an investigation and take appropriate action to prevent its reoccurrence.

### 12.2 The aim of using the Formal Resolution should be to:

- i. determine, by investigating the facts and gathering evidence, whether inappropriate behaviour of a serious nature has taken place; including harassment/sexual harassment, bullying/cyberbullying, victimisation, gross misconduct, or any other serious breaches of acceptable standards of behaviour
- ii. identify the most appropriate way of resolving the situation to ensure that the inappropriate behaviour stops immediately.

## 13. Investigation

**13.1** Where an individual is subject to allegations that may make it necessary to invoke the Formal Resolution process, or where they are suspected of having committed gross misconduct, a full investigation will be carried out prior to any disciplinary hearing. The individual may be suspended from SHARP during this period (see below).

**13.2** All individual facing allegations of inappropriate behaviour are required to contribute to any investigation where requested, whether suspended or not.

**13.3** An Investigating Officer will be appointed by the Safeguarding Officer, Chair and/or Vice Chair of the Board of Trustees (provided they are not themselves directly involved in the allegation of misconduct) to carry out the investigation. The Investigating Officer will not be someone who is responsible for the decision to dismiss or is involved in the appeal procedure, and may be an external party brought in for the purposes of conducting the investigation.

## 14. Suspension

**14.1** In cases where there is reasonable ground for suspecting that an individual is subject to an allegation of gross misconduct, or where it is considered necessary to enable an investigation to be undertaken, the individual facing allegations of serious instances of inappropriate behaviour will be suspended from SHARP activities while the case is investigated (in the case of an employee, they may be suspended with pay).

**14.2** A decision to suspend may be made by the Trustee of SHARP who was informed of the allegation by the complainant or their supporter (or themselves witnessed the

inappropriate behaviour), in consultation with the Safeguarding Officer and or/Chair (or Vice Chair) of the Board of Trustees (provided they are not themselves directly involved in any allegation of misconduct).

**14.3** The terms of suspension will be conveyed to the individual facing allegations of inappropriate behaviour as soon as possible, verbally and followed up in writing. During any time of suspension, the individual is required to surrender any property belonging to SHARP together with their keys to premises owned, or otherwise used by SHARP, and to comply with any conditions of suspension. On completion of the investigation, a disciplinary hearing will be held as soon as is practicable.

**14.4** The suspended individual will remain so during the period of the disciplinary hearing, which may include additional periods of investigation subject to the decisions of the disciplinary panel.

**14.5** A decision to suspend an individual, pending investigation and the outcome of the disciplinary hearing is not a disciplinary sanction and will not be counted as such nor held on file as such.

**14.6** The individual facing allegations of serious inappropriate behaviour will not be warned in advance of a decision to suspend.

## **15. The Disciplinary Hearing**

**15.1** The individual facing allegations of serious inappropriate behaviour will be informed of the date of the disciplinary hearing in writing, and no less than 5 days' notice will be given. They will be informed of the nature of the disciplinary hearing, the names of the panel and any witnesses that may be called. In cases involving possible gross misconduct, the individual concerned will be informed of this and told that the likely sanction is dismissal from SHARP.

**15.2** Those individuals facing allegations of serious inappropriate behaviour have the right to be accompanied [or represented] by a mutually agreed person of their choice at all disciplinary meetings.

**15.3** Disciplinary hearings will be conducted by SHARP, as outlined below:

- i. At the meeting, the disciplinary panel will outline the complaint against the individual and go through the evidence that has been gathered.
- ii. The individual accused of serious inappropriate behaviour will be allowed to set out their case and answer any allegations that have been made. They will also be allowed to ask questions, present evidence, call witnesses and raise points about any information provided by witnesses.
- iii. In cases of harassment/sexual harassment or personal abuse/assault, the disciplinary panel must make appropriate arrangements to protect the personal safety of any witnesses.

- iv. If either the individual facing the allegations or their companion is not available to attend the meeting on the proposed date, the meeting may be postponed to a mutually convenient time proposed by the employee, which must be no more than 5 working days after the day originally proposed by SHARP.
- v. If either side for good reason fails to attend an agreed meeting, the meeting may be rearranged once. Any subsequent agreed hearing may proceed without the person facing the allegations if they are unable to attend.

**15.4** Following the meeting the disciplinary panel will decide whether disciplinary action is justified or not. Where it is decided that no action is justified the individuals concerned will be informed. Where it is decided that disciplinary action is justified the panel will decide what form this should take. Before making any decision, account should be taken of the individual's disciplinary and general record, actions taken in any previous similar case, the explanations given for their behaviour, and whether the intended disciplinary action is reasonable in the circumstances.

## **16. Composition of Disciplinary Panels**

**16.1** The Disciplinary panel will comprise two Trustees of SHARP, selected by the Safeguarding Officer and/or Chair (or Vice-Chair). One of the selected Trustees will be asked to chair the disciplinary hearing. The Safeguarding Officer, Chair and Vice-Chair should not be involved at an early stage in any disciplinary hearing in case they are needed as part of the appeal process. (See below for the composition of the Appeal Panel).

**16.2** No person may be a member of the disciplinary panel if they are directly involved in any allegation of misconduct or implicated in the investigation, or otherwise a significant witness in the case or otherwise likely to be called as a witness at the hearing.

**16.3** The format for the hearing will be as follows:

- i. The person or body responsible for initiating the disciplinary action and any Investigating Officer will present their reasons for the disciplinary action and may call witnesses or present other evidence to the panel as appropriate.
- ii. The individual facing allegations of serious inappropriate behaviour may present their case to the panel, calling witnesses and presenting other evidence as appropriate to the case.
- iii. In cases of harassment/sexual harassment or personal abuse/assault, the disciplinary panel must make appropriate arrangements to protect the personal safety of any witnesses.
- iv. The disciplinary panel may adjourn to consider evidence or undertake further investigation, as appropriate.
- v. Once all evidence has been presented from both sides the disciplinary panel will consider the evidence and determine whether disciplinary sanctions will be imposed and the level of sanction, as identified below.

**16.4** The individual whose behaviour is the subject of the hearing will be informed of the results of the disciplinary hearing and the reasons for the decision by two Trustees from the



Disciplinary Panel as soon as possible. This will be confirmed in writing. A record of the discussion between the individual and Trustees from the Disciplinary Panel will also be made.

## **17. Disciplinary Sanctions**

**17.1** There will be three possible sanctions available to the Disciplinary Panel that may be imposed as a result of a disciplinary hearing; each designed to cover varying degrees of seriousness of the case, and also to give a proper sequence for persistent cases.

**17.2** The disciplinary panel may impose any level of sanction, as it deems necessary, depending on the severity of the case.

## **18. First Warning**

**18.1.1** Where the case is of sufficient seriousness or, in the case of capability concerns, where the individual is not showing the required improvement in work performance, a first warning will be given. Notes of the warning will be placed on their record, to be kept for twelve months, and a copy given to them.

**18.1.2** The individual will be advised that the warning constitutes the first formal sanction of the disciplinary process. The nature of the offence and the likely consequences of further offences or a failure to improve within the specified timescale will be explained to them. The individual thus sanctioned will be informed of their right of appeal.

## **19. Final Warning**

**19.1.1** Where the case has already involved the first warning stage and insufficient improvement has been made, or where the case is of sufficient seriousness, a formal, written Final Warning will be given.

**19.1.2** The formal, written Final Warning will include: –

- i. the decision to issue the warning;
- ii. the cause or nature of the offence(s);
- iii. action required of the individual, including details of work performance improvements required in the case of action relating to capability
- iv. the timescale in which improvement is expected;
- v. any assistance which SHARP may make available;
- vi. the right of appeal;
- vii. the length of time the warning will remain on file
- viii. a statement that the consequences of further misconduct or insufficient improvement within the specified timescale will be dismissal.

**19.1.3** Formal, written Final Warnings will remain on file indefinitely.

**19.1.4** The individual thus sanctioned will be informed of their right of appeal.

## 20. Dismissal

- 20.1.1 Where the case has already involved the final warning and insufficient improvement has been made, or where the case is deemed by the disciplinary panel to represent sufficient seriousness, including constituting gross misconduct, the individual may be dismissed.
- 20.1.2 No decision to dismiss will be made without holding a formal disciplinary meeting at which the employee has the opportunity to present their case in line with statutory procedures. These procedures entail:
- Writing to the individual to invite them to a disciplinary meeting, with a mutually acceptable companion/representative if they so wish, stating the nature of the alleged offence and telling them that dismissal may result;
  - Holding the meeting, in line with procedures outlined above;
  - Informing the individual in writing of the outcome of the meeting and of their right to appeal.
- 20.1.3 This procedure will be followed in all cases, including dismissal during training (or an employee's probationary period), dismissal for very serious instances of inappropriate behaviour, gross misconduct, dismissal for incapacity, repeated misconduct or breach of contract.
- 20.1.4 Removal of a Trustee will follow the additional requirements of SHARP's formal constitution. Any removal of a Trustee for inappropriate behaviour must also be reported to the Charity Commission, including the reasons for their removal, since it may affect the Commission's view of their suitability of the individual to hold similar positions within other Charities.

## 21. Appeal

- 21.1 The right to appeal shall apply to all outcomes of a disciplinary hearing and shall be exercised by the individual facing sanction writing to the Chair of the Committee of Trustees within 14 days of notification of the decision, setting out clearly the grounds of the appeal.
- 21.2 Any appeal will be held as soon as practicable following receipt of the appeal letter. The appeal hearing may take place before or after disciplinary action or dismissal has taken effect.
- 21.3 Individuals wishing to appeal have the right to be accompanied [or represented] by a person of their choice at all appeal hearings (see below).
- 21.4 Appeals will be heard by SHARP, as outlined in the grid below.
- 21.5 The format for the appeal will be as follows:
- The Trustee(s) responsible for initiating the disciplinary action and any Investigating Officer will present their reasons for the decision to the appeal body.

- The individual facing sanction for inappropriate behaviour may present their case to the appeal body.
- Both sides may call witnesses to support their case.
- In cases of harassment/sexual harassment or personal abuse/assault, the appeal body must make appropriate arrangements to protect the personal safety of any witnesses.

**21.6** The appeal body can make the following decisions:

- To uphold the first decision against which the appeal is made
- To uphold the appeal
- To vary the sanction imposed by the disciplinary panel (e.g. to change a first warning to a formal, written Final Warning, etc.)
- In the case of dismissal, to uphold the appeal not to dismiss but to vary the sanction imposed

**21.7** The individual will be informed of the results of the appeal and the reasons for the decision as soon as possible by the two Trustees from the Appeals Panel, and this will be confirmed in writing. A record of the discussion between the individual and Trustees from the Appeals Panel will also be made.

**21.8** No person directly involved in any allegation of gross misconduct, a significant witness or anyone who has been involved in previous disciplinary hearings (excluding earlier appeals panels) will take part as a member of any appeal body. Decisions of appeal bodies are final and there is no further appeal.

## 22. Responsibility Grid - Appeals

**22.1** The person or bodies responsible for initiation and appeal at each stage are as follows:

Stage	Actioned By	Appeal
First Warning	Trustee chairing the disciplinary hearing	2 Trustees not involved in Informal Resolution or the disciplinary hearing
Final Warning	As above	2 Trustees not involved in Informal Resolution or any previous disciplinary hearing
Dismissal	Safeguarding Officer, Chair or Vice-Chair of Trustees, in consultation with the Trustee chairing the disciplinary hearing	As above

## 23. Right to be accompanied – employees of SHARP

**23.1** All employees are entitled by law to be accompanied by a trade union representative or work colleague of their choice during any disciplinary hearing. Over and

above this, SHARP will accept any mutually agreed person of the employee's choice as a companion or as a representative.

- 23.2** There is no duty on a fellow worker to accept a request to accompany a work colleague and no pressure should be brought to bear on a person if they do not wish to act as a companion. A worker who has been requested to accompany a colleague and has agreed to do so will be permitted to take a reasonable amount of paid time off to fulfil this responsibility. SHARP will also allow a reasonable amount of time off for the accompanying person to confer with the worker before and after the hearing.

## **24. Involvement of relevant authorities**

- 24.1** In exceptional circumstances, where the incidence of bullying/cyberbullying, harassment/sexual harassment, victimisation, gross misconduct or any other instances of inappropriate behaviour are deemed to be extremely serious, the Safeguarding Officer, Chair or Vice-Chair of the Committee of Trustees of SHARP may decide to inform the police and other relevant authorities.

**25. Flowchart for implementation of SHARP's Acceptable Behaviour Policy**

Initial complaint made to trustee, supervisor or team member or trusted person, written or verbal

