



Complaints and Grievances from Employees

This chapter outlines Childhood First's policy with respect to grievances and complaints which may be made by employees and the procedures which should be followed.

Informal Process

In the event that an employee is unhappy about any aspect of their conditions of work, including the ways in which they are affected by the behaviour of others, then the matter should be directed in the first instance, where possible and appropriate, towards the source of the complaint.

If an employee is unhappy about any aspect of their conditions of work which are to do with their formal conditions of service (pay, hours of work, holiday entitlement, clarity about role, responsibilities, lines of accountability etc), or to do with the action/behaviour of the employer or Director, then such complaint should be directed in the first instance to the Director. It will, at this stage, be the aim of both the employee and the Director to resolve the issue informally to the satisfaction of both parties, where this is possible and/or appropriate.

If the complaint is about the Director or the employee feels unable for any other reason to approach the Director, they may at this stage approach the Deputy Chief Executive Director, the Human Resources Manager or any other senior officer of Childhood First.

Where discussion at source has not led to a resolution of the concern or conflict, and in instances where the line manager's/Director's support and assistance has not yet been sought, then the employee should seek such support and assistance, in endeavouring to resolve the issue in an informal way.

It will be expected that any complaint/ grievance made in an informal way to the Director shall be able to be acted upon and resolved (if possible) to the satisfaction of the complainant within seven days, after which the employee shall be entitled to request that the complaint be addressed formally.

Formal Process

In cases where the Informal Process has not resulted in a satisfactory resolution to the complaint/ grievance within the time specified, then the employee should put their grievance in writing to the Director or other senior officer of Childhood First, and ask that this is taken up formally. The written statement must clearly state that it is a formal grievance, set out clearly the nature of the grievance and indicate the outcome sought. (See Section 1: Informal Process).

In some circumstances, it may be necessary to carry out an investigation of any allegations made. The confidentiality of the grievance process will be respected and,

if any evidence is gathered, copies will be given to the employee in advance of the formal hearing. Also see Confidentiality Procedures.

A formal hearing will be convened as soon as reasonably possible to address the complaint. This will be convened by the Director, or where it is necessary, the QA Director with the Director, unless there are very specific reasons why this should not be so). Such a meeting may also be delegated to another officer of Childhood First. Following the hearing the employee will be notified within 7 days of the outcome and advised of the right to Appeal.

Level of Basic Pay

Childhood First is committed to ensuring that:

- its salaries remain competitive in the labour market, through conducting an annual pay review, paying individuals in line with normal industry practice and standards, and benchmarking salaries against other employers;
- it recognises individual performance and rewards employees financially for this through merit pay;
- individuals are not discriminated against because of gender, marital or civil partnership status, race, religion or belief, sexual orientation, age, disability, gender reassignment, pregnancy and maternity, or because they work part time or on a fixed-term contract; and
- workers are paid at the level of at least the national minimum wage.

Appeal

The employee has the right to appeal within 7 days. The appeal should be made in writing to the Human Resources Manager.

An appeal hearing will be convened as soon as reasonably possible. This will be conducted by a Senior Director, Deputy Chief Executive, the Chief Executive, HR Manager or a member of the Trustee Board as appropriate.

Following the appeal hearing the employee will be notified within 7 days of the outcome. The decision reached at the appeal hearing will be final.

The Right to be Accompanied

The employee is entitled to be accompanied at the hearing and at any appeal hearing by a fellow worker or a trade union official. This representative has a right to address the hearing, if the employee wishes, and to confer with the employee, but not to answer questions on the employee's behalf.

The choice of companion is a matter for the employee, but Childhood First reserves the right to refuse to accept a companion whose presence might undermine the grievance process.

Where the chosen representative cannot attend on the date proposed, the employee may offer an alternative time and date so long as this is reasonable and falls within 7 days of the date originally proposed.

Complaints Relating to Third Parties

Where an employee has a complaint or concern about the actions or behaviours of a person or agency not in the employment of Childhood First, (e.g. a parent, a social worker, a visitor, a contractor) then the aim shall be that any misunderstanding, concern or conflict should in the first instance be resolved informally as Section 1: Informal Process and with the persons concerned directly, unless the concern/complaint is of a nature where other required procedural action may take precedence.

In all cases where a complaint is to do with a third party, an employee should inform and seek the assistance and advice of their line manager or Director at an early stage in any issue of concern or conflict.

If it is not possible or appropriate to resolve the complaint informally, the Director should consider how the matter is to be pursued in a more formal manner, writing to the party concerned where this is appropriate, or taking recourse to the formal procedures of the agency/ organisation where these are available.

Reference to and application of this policy and procedure does not in any way prejudice either the employee's or Childhood First's legal rights, responsibilities, obligations, or remedies.

Data Protection

The Charity processes personal data collected during informal complaints and the formal grievance procedure in accordance with its data protection policy. In particular, data collected as part of informal complaints and the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

Key Legislation

- Employment Rights Act 1996
- Employment Relations Act 1999
- Data Protection Act 2018
- General Data Protection Regulation (2016/679 EU)
- ACAS code of practice on disciplinary and grievance procedures, and related guidance

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