

## LYELL McEWIN REGIONAL VOLUNTEERS INC

### POLICY & PROCEDURES DOCUMENT

#### POLICY TITLE:

**DEALING WITH UNSATISFACTORY CONDUCT**

POLICY NUMBER:           6.2

#### POLICY STATEMENT:

*As a customer focused organisation striving for best practice in the management of its volunteer resources, the Volunteer Association is committed to maintaining appropriate standards of conduct.*

#### EXPECTED OUTCOMES:

- **Members of the Association shall have an equitable and standard method of appeal in cases where unsatisfactory conduct is identified and action taken.**
- **Members' opinions and arguments are heard in an impartial and fair manner**
- **Problem solving & disciplinary procedures will be standardised across all Association areas**

#### PROCEDURES (To implement Policy):

##### 1. Identification Of Issues

Issues, problems or incidents should be raised in the first instance to the Area Manager or Team Leader of the area involved.

Some issues are not always easy to outline or identify. Any action by a staff member or volunteer which leaves you with feelings of discomfort is worthy of an approach either directly to the person involved or to an Area Manager.

Issues and problems shall be broken down into three broad categories;

Category One - *Minor Issues* - Would include problems such as unsuitable / unclean clothing, appearance or hygiene, continued lateness or absenteeism, general idleness, gossiping, an unwillingness to cooperate and follow directions or minor disputes between volunteers and / or staff.

Category Two - *Serious Issues* - This grouping would include such incidents as verbal abuse, serious arguments, repeated failure to respond to advice about category one issues, suspected theft or abuse of Association equipment or stock, repeated speeding fines or failure to follow the directions of supervisors &/or guidelines.

Category Three - *Legal Issues* - This group includes incidents which have a legal overtone or connotation - that is, the incident could be referred to the Police Department or other Government bodies for formal investigation. Category three incidents include issues such as proven theft of Association assets, sexual harassment of another person, confidentiality breaches and physical assault.

## **2. One Warning System**

The Association adheres to a practice of a 'one warning system' when dealing with Category one and two issues as outlined above. That is, following the procedures outlined below, *only one* formal warning will be issued to volunteers identified as breaching guidelines. Any subsequent repeat of the incident (or similar) shall result in immediate termination of the volunteer's service.

## **3. Volunteer Association Paid Staff**

Paid staff of the Association shall be accorded the same 'spirit of fairness' outlined within these guidelines. It should be noted however that paid employees are generally employed under a three warning system as per standard Human Resource Management practices and in situations where paid staff had disputes with the Association, legal advice would be sought.

## **4. Processes for dealing with issues**

### **4.1 Category One Issues**

Upon identification of a problem which fits within the Category One criteria, the Area Manager, Team Leader or Director of Volunteers (DoV) should be made aware of the problem as soon as possible.

4.1.1 The Area Manager, Team Leader, DoV or in their absence the Executive Officer will make an informal approach to the person against whom the complaint has been lodged and;

- a) explain the nature of the problem which has arisen
- b) ask if there are any reasons for the problem which has occurred
- c) seek & discuss any identified solutions to the problem (eg training)
- d) explain that the conduct is not acceptable & that it should not occur again

4.1.2 The approach to discuss an issue, should be made in a location & at a time when confidentiality and privacy can be maintained

4.1.3 In cases where two or more parties are involved in an incident / issue, they should be consulted (preferably together where appropriate) in the above manner.

4.1.4 To assist with a review of the issue it is recommended that supervisors make a brief diary note to record that a discussion took place.

### **In cases where the incident is repeated**

4.1.5 It is anticipated that the above process will solve many minor incidents at an early stage, however some incidents will not be remedied by this process. Where a problem recurs the Area Manager, DoV or EO in their absence shall make an assessment and take into consideration issues such as:

- Length of time since the initial approach to the volunteer was made
- Did the person correctly understand the content and nature of the initial approach
- Any other extenuating circumstances (eg. Situations beyond a persons control)

4.1.6 The Area Manager's assessment may either finalise the matter or recommend proceeding to a category two procedure.

#### **4.2 Category Two Issues**

Issues which arise and which are deemed to fit within the category two criteria as described above, should be dealt with in the following way;

4.2.1 The Area Manager or DoV should be immediately advised of any potential problem.

4.2.2 The Area Manager or DoV shall, within 48 hours, ascertain and document clearly *all* of the facts from *all* parties involved in the incident

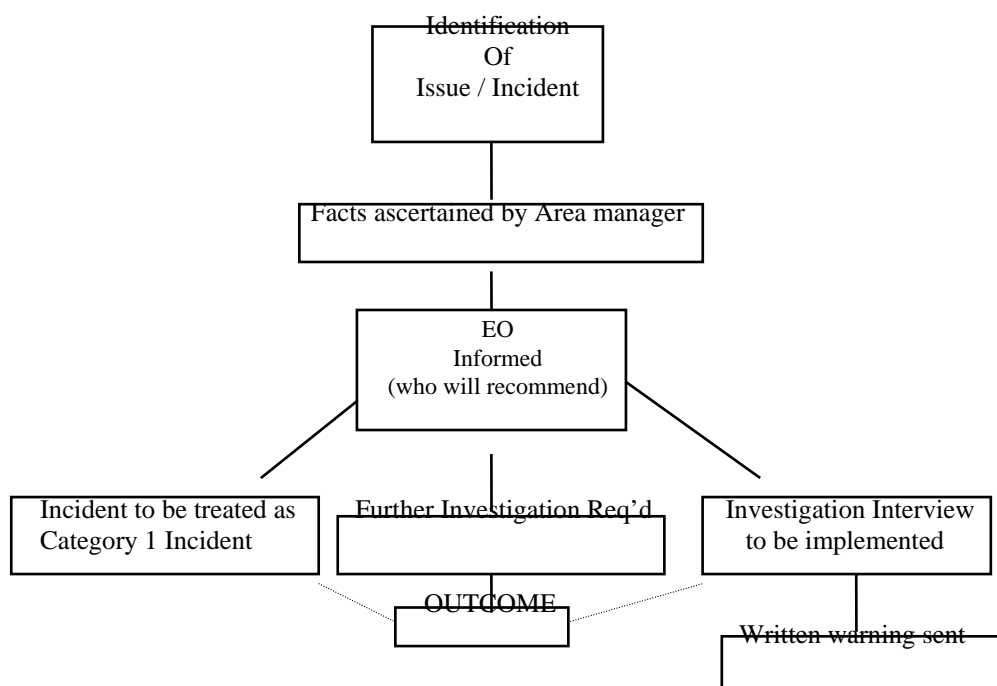
4.2.3 The Area Manager or DoV should then inform and consult with the EO (or President in their absence) about the incident as soon as possible.

4.2.4 The Executive Officer, in consulting with the Area Manager or DoV shall determine the most appropriate avenue of dealing with the incident. One of three outcomes shall be the result;

- a) It may be decided that the incident is *not* a category two issue and a recommendation that it be dealt with as a category one incident may be made.
- b) The EO may request or implement further investigation of the incident
- c) The EO may arrange for a formal 'investigation / warning interview' to take place between the person(s) involved in the incident.
- d) Mediation may be recommended and arranged for the parties involved in the incident

**See point 5 for procedures for Investigation / Warning Interviews**

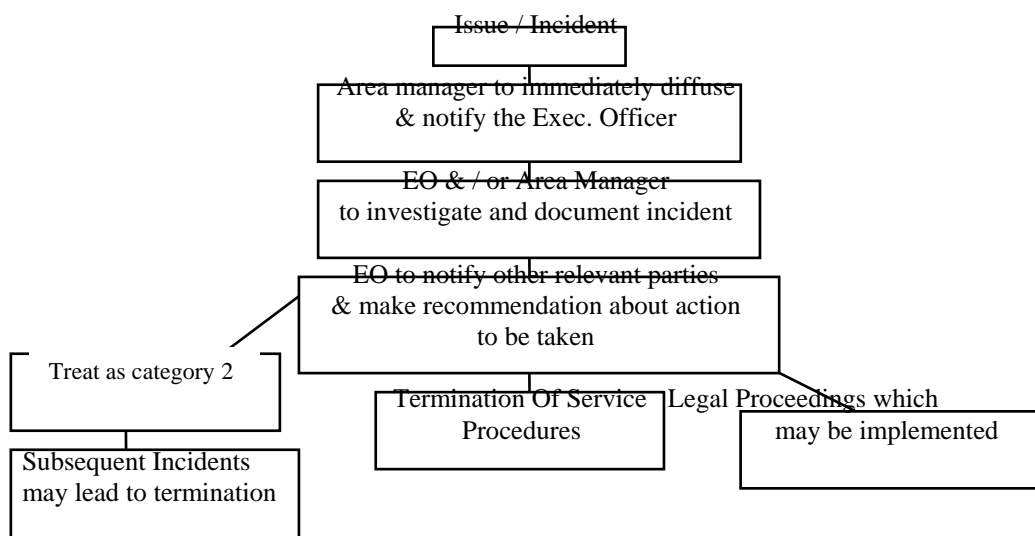
Flow chart illustrating procedures for resolving Category Two type incidents



### 4.3 Category Three Issues

- 4.3.1 Being of a legal nature, category three incidents should be brought to the immediate notice of the Area Manager or DoV, who shall in turn notify the EO (or the President in their absence). The Team Leader or DoV should immediately try and diffuse any situation which may have occurred (eg by asking the person involved to leave the area or premises until as an investigation can be undertaken). ***In situations where an approach to the person involved is not deemed to be in the best interest of personal safety this should not be attempted and if necessary security should be called.***
- 4.3.2 The EO, DoV or Area Manager shall determine and notify other parties who may need to be made aware of the incident (Eg LMH GM, LMH Security Officer, Social Work Dept, FACS, Police Department) In cases where the Area Manager or DoV takes this course of action as it arises, the action taken should be reported to the EO.
- 4.3.3 The Executive Officer, DoV &/or Area Manager should attempt to *immediately* ascertain and clearly document all details about the incident and speak to all relevant parties involved with or who had witnessed the incident
- 4.3.4 Having ascertained *all* of the facts, the EO or DoV in consultation with the Area Manager (& President/Executive where appropriate) shall determine the most appropriate course of action for those involved.
- 4.3.5 The Executive Officer or DoV having investigated all of the relevant facts about the incident shall recommend one of the following courses of action;
- a) That the person involved be immediately dismissed. **(See Point 6 below)**
  - b) That the incident should be treated in accordance with a Category two issue
  - c) That the incident be formally followed up via legal avenues
- 4.3.6 It should be noted that persons identified as breaching guidelines which have legal overtones shall be subject to dismissal without a warning.

### Flow chart illustrating procedures for resolving Category Three type incidents



## **5. Investigation / Warning Interview Procedures**

Upon following the procedures described above for category two incidents, it may be deemed necessary that a formal interview be held to;

- a) Discuss the outcome of investigations which have been conducted.
- b) Discuss possible solutions to overcome the problem
- c) To attempt to reconcile differences between involved parties
- d) To issue an 'official warning' to the person(s) involved
- e) To effect a termination of the relationship should a resolution not be possible

The procedures to be followed are as follows;

5.1 Upon the recommendation of the Executive Officer, the Area Manager, DoV or Executive Officer shall make contact with the person(s) involved in the incident to make a mutually acceptable time for a meeting to take place.

The person(s) should at this point be given the following information;

- 5.1.1 The nature / reason / purpose of the meeting
- 5.1.2 The time and location of the meeting
- 5.1.3 Who will be in attendance at the meeting
- 5.1.4 That they have the right to bring along an advocate or support person should they so wish

5.2 It is recommended that the meeting take place no longer than seven days following the reporting of the incident, and where possible the contact made in point 5.1 should be followed up in writing

5.3 The person conducting the interview would generally be the Executive Officer, but in some cases (eg the absence of the EO) the President of the volunteers, the DoV, the Area Manager or another suitable person may take this role.

5.4 A second person should be involved as part of the interview process. The purpose of involving a second person is to ensure that there is a witness to discussions which take place. The witness should preferably be an Area Manager, the DoV, the President or Vice President. It is recommended that where one of the above are involved (ie in conflict circumstances), that they not attend in the capacity of the witness.

5.5 The person being asked to attend the interview also has the right to ask for an advocate / support person to attend the interview.

5.6 The focus of the meeting should be on finding a resolution to the problem - rather than the problem itself - so as to ensure that it is not repeated. As such all outcomes of the interview should reflect this aim.

5.7 The Executive Officer or person chairing the interview shall keep concise notes about the meeting, which shall be written into a signed, brief report at the meetings conclusion. This report shall be presented to the witness who was in attendance, and should this person agree that the report is accurate, they shall be asked to sign the report also.

- 5.8 In most circumstances, it will be necessary to issue a 'formal warning' to the person(s) involved in the incident. It should be stated very clearly to the person during the interview that they have been officially warned and that they can expect to receive a letter stating the same, which will be kept on their volunteer file.
- 5.9 Warning letters should clearly outline the following;
- 5.9.1 The date and time of the meeting and the date of the letter
  - 5.9.2 Who was present
  - 5.9.3 The agreed outcomes of the meeting / interview
  - 5.9.4 That the letter is an 'official warning', and that the letter and meeting notes shall be used in case of any subsequent incidents.
  - 5.9.5 That future similar incidents will most likely see a termination of the relationship with the Volunteer Association
- 5.10 A copy of the warning letter and the meeting notes shall be stapled together and filed for future reference by the Executive Officer
- 5.11 In some circumstances, as a result of the interview / meeting process it shall become evident that an ongoing involvement with the Association shall not be possible. In these cases guidelines listed under points 6.8 - 6.10 should be followed.

## **6. Termination Of Service Procedures**

In cases where investigation of category three cases indicates serious breaches of guidelines on the part of a member of the Association, the following procedures should be followed;

- 6.1 Follow instructions as per Point 5.1 above
- 6.2 Follow instructions as per Point 5.2 above
- 6.3 Follow instructions as per Point 5.3 above
- 6.4 Follow instructions as per Point 5.4 above
- 6.5 Follow instructions as per Point 5.5 above
- 6.6 The focus of the meeting should be on terminating the services of the person(s) involved in the incident. As such all outcomes of the interview should reflect this aim.
- 6.7 The Executive Officer or person chairing the interview shall keep concise notes about the meeting, which shall be written into a signed, brief report at the conclusion of the meeting. This report shall be presented to the witness who was in attendance, and should this person agree that the report is accurate, they shall be asked to sign the report also.

- 6.8 It will be necessary as part of the meeting process to formally and clearly advise the person(s) responsible for the incident that their services are no longer required. A letter stating the same shall be sent
- 6.9 Termination letters should clearly state the following;
- 6.9.1 The date and time of the meeting and the date of the letter
  - 6.9.2 Who was present
  - 6.9.3 The outcome of the meeting (ie termination)
  - 6.9.4 The reasons for the decision (including reference to any past incidents / warning letters etc)
  - 6.9.5 That items such as identification badges and other Association property needs to be returned
  - 6.9.6 Where applicable, that the case / incident has been referred to other bodies (eg Police)
- 6.10 A copy of the termination letter and the meeting notes should be stapled together  
and filed by the EO, should they be required for future reference

## **7. Grievance Procedures**

Association members who feel that they have been unfairly dealt with as a result of any disciplinary process have the right of appeal by placing a letter in writing to the Executive Officer who shall consider the case on merit of the case put forward.

## **8. Procedural Fairness**

All of the above procedures should at all times be conducted with a philosophy of 'Procedural Fairness'

Procedural Fairness;

- ◆ Ensures that all parties have an opportunity to voice their opinion and version of an incident, and that these are heard in a fair and impartial manner
- ◆ Allows Supervisors the freedom to use commonsense and discernment when deciding if an incident warrants 'formal' discipline
- ◆ Takes into account *all* of the facts involved in an incident, including any extenuating circumstances
- ◆ Ensures that in cases where there is some doubt about the facts surrounding an incident, that an individual is given the benefit of doubt (even though a caution may be issued)
- ◆ That individuals accused of alleged misconduct have a right to an advocate or support person
- ◆ That all persons have a right of appeal
- ◆ That all parties will be dealt with in accordance with both the Association's Code of Conduct and Code of Ethics

Signed: .....  
President

Dated: 9<sup>th</sup> November 1998

Last review June 2009