



Volunteer Centre
Oxfordshire



Oxfordshire Community and Voluntary Action

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Problem solving procedures

While the involvement of volunteers is by and large a positive experience for everyone involved, it is important to bear in mind that sometimes things can go wrong within a volunteer programme, and you may find that a volunteer has a complaint about another volunteer, a member of staff or the organisation itself. Similarly, you may find that a volunteer's performance has declined, or that someone else has complained about a volunteer's work, attitude or conduct.

Concerns have been raised that having a problem solving procedure may contribute to the creation of a contract with volunteers, giving them access to some or all employment rights. This is a theoretical risk, but it is a low one, all other things being equal. It certainly makes sense to distinguish between the grievance and disciplinary procedures provided for paid staff and procedures for volunteers. This risk has to be weighed up against the difficulties that could arise from not having clear procedures in place. It certainly makes sense to distinguish between the grievance and disciplinary procedures that apply to paid staff when creating problem solving procedures for volunteers.

Why have a problem solving procedure?

Having a problem solving procedure helps to create consistency, and demonstrates your organisation's commitment to volunteering good practice. While employees have grievance and disciplinary policies, volunteers are not covered by employment or equal opportunities legislation. In fact, volunteers only have the same legal rights as the general public (eg Health and Safety and Data Protection), so such a policy helps to ensure that volunteers are treated fairly and are not discriminated against.

A problem solving procedure will ensure that you know how to deal with problems if they arise. It can help you to find the most appropriate solution to the problem, without necessarily resorting to dismissal. Such a policy is also useful for building a case for dismissal, where this is appropriate, so that this decision can be explained to members of the organisation as well as outsiders. It is good practice to avoid using the same grievance and disciplinary policy for both staff and volunteers, so the term 'problem solving procedures' helps to keep the two separate. The policy you write for volunteers needs to be written in clear language that is easy to understand.

All complaints should be resolved openly, fairly and quickly to:

- protect your volunteers
- minimise any disruption to your staff, service users and other volunteers
- demonstrate that your organisation respects its volunteers
- protect the reputation of your organisation

The information that follows is for guidance only, and each organisation will need to write its own problem solving procedure to suit its individual situation.

If a volunteer makes a complaint

This part of the problem solving procedure gives the volunteer the right to complain if they have been unfairly treated.

Stage 1 - Oral complaint

Initial complaints, whether against a member of staff, the organisation or another volunteer, should be discussed with the volunteer. If the complaint is about the volunteer manager, then the matter should be referred to another manager. During this meeting the volunteer can be accompanied by a nominated person of their choice.

If the issue cannot be resolved at this stage then the volunteer should proceed to stage 2.

Stage 2 - In writing

If the volunteer is not satisfied with the outcome of the oral complaint, they should make a formal complaint in writing to a more senior member of staff. This person should be named in the organisation's problem solving procedures, and there should also be a set timeframe within which the volunteer can make the formal complaint. The organisation must also respond within an agreed time.

Stage 3 - Right to appeal

If the volunteer is not satisfied with the outcome, then they can appeal to a member of the management committee, usually the Chair. In some organisations a sub-committee can be formed specifically to deal with complaints. The volunteer can have a nominated person present at this meeting. The Chair or sub-committee will need to respond within a specified time, and their decision is final. Unfortunately, volunteers have no legal rights unless they can prove that they are in fact employees, or that the organisation has been negligent in its duty of care towards the volunteer.

If someone complains about a volunteer

This part of the problem solving procedure gives the volunteer the right to be told why they are being disciplined, the right to state their case and the chance to appeal.

Stage 1 – Oral discussion

Sometimes minor issues can arise during the course of volunteering, such as a volunteer not fitting into the team as well as was expected, not meeting the required standards when undertaking tasks or being unreliable.

Such issues are usually detected during regular supervision, and may be quite easy to resolve without resorting to formal procedures. This checklist suggests how some issues can be dealt with:

- A well thought out induction pack, volunteer policy and role description should provide the volunteer with a good foundation on which to undertake their volunteering. However, you may need to remind the volunteer of the policies, ground rules etc within your organisation.
- Check if the volunteer has training needs. Everyone learns at a different pace and in a different way. Do you need to adapt your training materials, or change the way in which you deliver training?
- Does the volunteer need extra support or supervision?
- Is the volunteer feeling unfulfilled in their current role? Have their needs changed, or would they like to use different skills to help the organisation? If so, you could modify their role

description, ask them if they would like to work in another department or develop a completely new role for them.

- Is the volunteer suffering from burnout or unable to cope with the demands of the role anymore? They may need a break from volunteering, or may prefer to volunteer in another organisation for a while, as part of a volunteer swap. The volunteer may feel ready to retire from volunteering altogether. If your volunteer does decide to leave, thank them for their contribution. This demonstrates that they are valued by your organisation, and enables them to leave with honour.

Remember, always aim to find the best solution for the volunteer.

The first step is to discuss the complaint with the volunteer. There could be external factors influencing their ability to carry out tasks, their behaviour or their attitude. Identify goals that will help the volunteer to fulfil their role, and offer extra support, supervision and training where necessary. Set a deadline for reviewing the situation. If there is insufficient improvement, then you may need to adopt a more formal approach, such as issuing a written warning.

If the complaint was raised by someone else, keep them informed of the measures you are taking to rectify the situation. You may prefer complaints to be put in writing.

Stage 2 – Written warning

If the issue hasn't been resolved by the oral discussion or the review, then the volunteer manager can issue the volunteer with a written warning outlining the reason for the complaint. The volunteer has the right to state their case, which could be to the volunteer manager or a senior member of staff, and be accompanied by a person of their choice. Depending on the nature of the complaint, further objectives could be set, and help offered to the volunteer. However, if the organisation decides to dismiss the volunteer, then the volunteer has the right to appeal. The decision to dismiss a volunteer should be a last resort.

Stage 3 - Opportunity to appeal

If a volunteer has been asked to leave then they should appeal in writing to a member of the management committee, usually the Chair. Sometimes a sub-committee can be formed specifically to hear appeals. The volunteer should be invited to have a nominated person present at this meeting. The Chair or sub-committee must respond within a time specified in the organisation's problem solving procedure, and their decision is final.

Conducting the 'volunteer exit' meeting

If you do decide to dismiss the volunteer, there are a few good practice tips to bear in mind:

- Make sure that the meeting takes place in a confidential setting.
- Be quick and direct. Do not back down. At this stage, the decision to dismiss a volunteer has already been made.
- Do not attempt to counsel the volunteer, as this will send confusing signals to them.
- Expect the volunteer to express their emotions, but keep your emotions in check.
- Follow up the meeting with a letter to re-iterate the decision to dismiss the volunteer, as well as outlining the reasons why. Include any information relating to their departure.
- Inform staff, clients and other volunteers of the outcome, but do not give reasons for the dismissal.
- If the volunteer had responsibilities for certain clients, make sure that the clients are informed of the new volunteer who will be assigned to them.

Exceptions

There are some occasions on which volunteers can be suspended immediately while an investigation is carried out. These include, but are not limited to, acts that constitute gross misconduct, eg theft, assault, act of violence, malicious damage, deliberate falsification of documents, harassment or being under the influence of drugs or alcohol. The decision to suspend a volunteer needs to be confirmed to the volunteer in writing. In some cases, legal proceedings may need to be concluded before the next step.

Some points to remember

- All complaints must be treated confidentially, and should only be discussed amongst those who are directly involved in trying to resolve the issue.
 - You may include a policy on recording complaints and warnings on file. If you do, how long will they be kept on record for?
 - Ensure that you allow enough time for all meetings, and that they are conducted in a private place.
 - Keep complainants informed at every step of the procedure.
 - Set realistic timeframes for people to make complaints, and for your organisation to respond.
 - If the person making the complaint is a service user, reassure them that their complaint will not affect their right to use your services. Service user volunteers should also still be able to use your services, unless they are suspended while an investigation into an act of gross misconduct is carried out.
 - Volunteers have the right to be accompanied by a colleague, friend or union representative in any meetings that form part of the problem solving process.
 - If your organisation has a Human Resources department, you may want to consider their role in your problem solving procedure.
 - If you're unsure as to what your problem solving procedure should be, why not consult your volunteers by getting them involved in designing the policy.
- Finally, as with all policies, review your problem solving procedures regularly to ensure that they are working effectively.

Resources

Righting Wrongs, Volunteering magazine, issue no. 76, March 2002.

- When things aren't Black and White, Volunteering magazine, issue no. 26, April 1997.
- Speaking Up! Grievance Procedure. December 1998.
- Draft Disciplinary Procedure for volunteers. Arthritis Care.
- Essential Volunteer Management, 2nd Edition. S. McCurley and R. Lynch. Directory of Social Change. 1998.
- What to do when it doesn't work out – Grievance & disciplinary procedures. Camden Volunteer Bureau.

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For more information, please contact

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