

UKPHR's Policy for handling **comments, complaints and compliments** (Triple C) about its staff, volunteers and Board members¹ and whistleblowing

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Review every *3 years*
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Introduction

UKPHR imposes on all its staff, volunteers and Board members high standards of integrity, honesty and ethical conduct.

In all its operations, UKPHR aims for quality outcomes of service delivery, willingness to learn and continuous improvement.

UKPHR's approach is one of devolved management and responsibility. Managers take responsibility for performance and it is managers who will operate this Triple C policy.

Our aim is to value all communications we receive from third parties, to respond positively to them and to take action commensurate with the seriousness of the matter raised.

We view comments, complaints and compliments as valuable sources of intelligence, enabling us to review and refine our services with the intention of improving those services wherever possible.

In the case of complaints, we specifically commit to learn the lessons of what goes wrong and implement changes so that we do not repeat the same mistakes over and over.

We commit to report in our Annual Report on our performance in relation to Triple C.

Procedure

We want it to be easy for all third parties to provide us with comments, complaints and compliments. We have clear explanations and pathways on our website, we have a simple form which anyone may request for recording comments, complaints and compliments.

We do ask for something in writing (including email) for monitoring purposes and we will make a note of a conversation if a third party declines to give a comment, complaint or compliment in writing or is unable personally to do so. But we do not want our procedures to be overly bureaucratic, time consuming and a diversion from what really matters – dealing promptly with the comment, complaint or compliment.

¹ excludes complaints about the professional registration processes, including applications, assessments, verification, registration, renewal of registration, cancellation of registration, revalidation and fitness to practise

We therefore make these commitments:

- We will publish our Triple C policy and, where appropriate, draw specific attention to it
- We will make it easy to give us a written comment, complaint or compliment
- We will within 3 working days acknowledge receipt of comments, complaints and compliments given to us in accordance with this policy
- We will deal with comments, complaints and compliments promptly and report back to the originator what we have done in response
- If dealing with a comment, complaint or compliment is a lengthy process we will send regular progress reports.

Specifically in respect of complaints:

When a complaint is received by UKPHR it will be dealt with in the first instance by the appropriate manager. If there is no obvious choice of manager, the Chief Executive will nominate a manager or deal with the complaint personally.

The complainant will receive, in addition to acknowledgement that the complaint has been received, the contact details of a person to contact at any time until the complaint has been fully dealt with.

If investigation by UKPHR is required before the complaint can be dealt with, the manager must appoint someone to investigate the complaint or must investigate personally. A manager who is also an investigator may not also be the named contact for a complainant.

It is difficult to pre-determine how long it will take to deal with a complaint because it will depend on variable factors like complexity and availability of witnesses.

UKPHR will, however, commit to resolve complaints within 28 working days or, if an extension beyond this time is needed, to report to the complainant within 28 working days explaining the stage reached, why it has not been possible to complete all stages within this time and estimating how much longer it will take.

UKPHR will report the conclusion of its dealing with the complaint in writing and will additionally offer further feedback, if the complainant wishes it, in such form and at such time as the complainant may reasonably request.

If a complainant is unhappy with the outcome and wishes to take the complaint further, the Chief Executive is designated to deal with the complaint (or the Chair of the Board if the Chief Executive has previously dealt with the complaint) and UKPHR will make this clear in its communication of the outcome and any subsequent contact with the complainant.

If the Chief Executive is the subject of the complaint, there are special rules for dealing with the complaint.

Record-keeping

Managers are responsible for keeping a record of all comments, complaints and compliments that are received in accordance with this policy. Electronic records are sufficient for this purpose provided that they are regularly backed up and they are not deleted within a minimum period of three years.

Copies of all such comments, complaints and compliments will be sent electronically to the Chief Executive for monitoring purposes.

Managers must inform a person who is the subject of a complaint that the complaint has been received and it is good practice also to ensure that any named staff, volunteers and Board members are notified of comments and compliments that refer to them.

A manager receiving a comment, complaint or compliment will (in addition to taking the steps already referred to) always consider what implication the comment, complaint or compliment has for service delivery, learning and continuous improvement.

Where steps can be taken to improve service delivery as a result of consideration of the comment, complaint or compliment received, the manager dealing with the matter has authority to make the necessary change. If there are implications for areas of service delivery outside the manager's area of authority, these implications will first be discussed with relevant managers.

The actions taken in response to comments, complaints and compliments will be reported within the proceedings of team and committee meetings as appropriate.

It is the responsibility of the individual manager to ensure that relevant staff, volunteers and Board members know about application of the Triple C policy as it affects them.

If there are media implications of any aspect of implementing this Triple C policy, managers should always involve colleagues from the communications group.

For more information about this policy, contact:

David Kidney
Chief Executive
Ext 5841

Whistleblowing Policy

Introduction

Whistleblowing is relevant to all organisations. Every business and public body faces the risk of things going wrong internally. Where such a risk arises, usually the first people to realise or suspect the wrongdoing will be those who work in or with the organisation.

The Public Interest Disclosure Act 1998 (PIDA) encourages staff to disclose information in the interests of the wider public by offering employment protection.

UKPHR has a positive commitment and open approach to whistleblowing. Our policy is in line with PIDA. We encourage members of staff to raise concerns with us first.

Everyone at some point in their career may be concerned about issues they see or hear during the course of their work. Usually these concerns are easily resolved and we have a number of other procedures to deal with them (see below). However, this whistleblowing policy is intended to apply where there is no other relevant procedure or there is genuine concern about using a particular procedure at either the outset or the end of the process.

This policy also extends to concern about conduct likely to harm UKPHR's reputation.

This policy exists to enable staff to raise genuine concerns at an early stage and in the right way. UKPHR would rather staff raise matters when they first cause concern, rather than wait for proof.

This policy applies to all permanent employees and secondees, external consultants, contractors and agency personnel while at UKPHR. It is not incorporated by reference into any individual staff member's contract of employment.

What is covered by the whistleblowing policy?

Whistleblowing is the process of disclosing information relating to malpractice or mistreatment which staff may have come across during the course of their work, which they feel would put the interests of the public at risk. This includes:

- Criminal offence
- Miscarriage of justice
- Failure to comply with a legal duty
- Danger to the health or safety of any individual
- Damage to the environment
- Deliberate covering up of information tending to show any of the above.

Anyone making a disclosure must reasonably believe that the information disclosed tends to show one or more of the offences or breaches in this list ('a relevant failure'). The belief need not be correct - it might be discovered subsequently to have been in fact wrong - but PIDA protects so long as it was a reasonable belief in the circumstances at the time of disclosure.

It does not cover private grievances, including complaints about individual employment matters that may be referred to an employment tribunal.

Which other procedure can be used?

There are existing employment policies designed to resolve many of these kinds of concerns:

- Grievance policy
- Equal Opportunities policy
- Disciplinary policy
- Health and Safety policy

These policies and procedures aim to encourage anyone with a genuine concern to raise it with someone who has no direct involvement with the issue. Not all these policies and procedures provide the same level of legal protection as PIDA provides, but UKPHR gives this commitment: it will not take action against anyone who in good faith raises a complaint under these policies and procedures solely by reason of making the complaint.

The relevant policy and procedure should be used unless there is a genuine concern, at either the outset or the end of the procedure, that following the relevant process is inappropriate. In such circumstances, the whistleblowing policy may be used instead.

The whistleblowing procedure is not an appeal mechanism for other procedures unless, exceptionally, that process is compromised.

Examples of situations in which employees might blow the whistle and the procedure to use are shown in the **Appendix**.

Can the identity of the whistleblower be withheld?

If we do not know the complainant's identity, it will be much more difficult for us to:

- Look into the matter
- Protect the whistleblower's position
- Give feedback

While we will consider all disclosures, including anonymous ones, we very much hope that the assurances we give in this policy will encourage members of staff to disclose their identity to those here who need to know it.

Where is independent advice available?

If you feel you need free, confidential and independent advice at any stage of the process, you may contact the independent charity **Public Concern at Work**

Suite 306, 16 Baldwin Gardens, London EC1N 7RJ,
www.pcaw.co.uk
T: 0207 404 6609 E: whistle@pcaw.demon.co.uk

Trade unions may also offer similar advice.

But remember not to disclose any confidential information regarding UKPHR.

Responsibilities

Staff and others working at UKPHR

- To be aware of this policy and procedure
- In making any disclosure to tell us if you have a direct personal interest in the matter

Managers

- To make staff aware of this policy and procedure
- To encourage a positive open working culture for staff and others working at UKPHR to express easily their concerns
- To take concerns seriously
- To guide staff to the most appropriate route
- To refer concerns raised under this whistleblowing procedure to the Chief Executive within five working days

Chief Executive

- To acknowledge receipt of disclosure to the whistleblower
- To indicate to the whistleblower, where possible, how management proposes to investigate the disclosure and the likely timescales
- To keep the whistleblower informed of progress on a regular basis
- To take concerns seriously, to consider them fully and fairly
- To resolve issues as expeditiously as possible
- To communicate the findings to the whistleblower, the individual(s) under investigation and, as appropriate, the Board and any relevant external bodies
- To provide periodic anonymised reports on disclosures raising ethical issues to the Audit Committee
- To keep the policy under review

How should concerns be raised?

Option One: normal route

Tell your immediate manager and confirm it in writing. Please make it clear that you are raising your concern as part of our whistleblowing procedure. At any stage you can be accompanied by a companion who can either be a UKPHR colleague, a friend or a trade union representative.

The procedure for UKPHR's response is set out below.

Option Two

If the concern involves the immediate manager, or for another relevant reason the whistleblower prefers not to tell the immediate manager, the matter may be raised directly with the Chief Executive or directly with the Chair of the Board if the concern involves the Chief Executive.

Option Three

While UKPHR would encourage staff to disclose their concerns internally, it recognises that in some situations pursuing a concern externally might be the appropriate course of action. This might involve Government Ministers, Members of Parliament, prescribed bodies such as the Health and Safety Executive, HM Revenue & Customs, the police or Social Services Adult Protection team.

It must be evident that such contact with a person or organisation externally is in good faith and that it is reasonably believed that the information and any allegation is true.

Where external disclosure is chosen, to be protected by PIDA it must meet at least one of the following criteria:

- Reasonably believed you would be victimised if you raised the matter internally
- Reasonably believed a cover-up was likely
- Already raised the matter internally and no action had been taken.

UKPHR recognises that whistleblowers may wish to seek advice and be represented by trade union officers. We recognise trade unions can help ensure good and safe workplace practices.

What is UKPHR's procedure for responding?

Stage 1

An individual who is concerned about misconduct taking place inside UKPHR that he/she thinks may damage or undermine the interests of the wider public should in the first instance share the details with his/her line manager. This may be done orally or in writing. Any individual who is unable to do this should speak to the Chief Executive (or Chair of the Board if the Chief Executive is a subject of concern).

The whistleblower will be asked whether he or she wishes his/her identity to be disclosed and will be reassured with regard to protection from possible reprisals or victimisation. He or she will also be asked to consider making a written or verbal statement. A report will be prepared for the consideration of the Chief Executive (or Board) including recommendations for action.

The whistleblower will be informed of the outcome of his or her disclosure and the reasons for deciding to take or not to take further action.

Stage 2

Where the decision has been made to take further action, the Chief Executive (or Board) will appoint a senior manager who is not involved in the matter that is subject to the whistleblowing as an investigating officer. The Chief Executive and the investigating officer will agree terms of reference and identify a deadline for the completion of the investigation.

The investigation will be carried out under the strictest confidentiality.

In cases involving allegation of serious wrongdoing, suspension from work may need to be considered immediately.

The purpose of the investigation is to ascertain the facts and establish whether there is a case to answer. Once the investigation has been completed the investigating officer will report his or her recommendations to the Chief Executive (or Board) for further action.

Stage 3

On the strength of the information provided by the investigation, the Chief Executive (or Board) will decide whether further action is necessary. Where it is evident that statutory or legal requirements have been contravened which may result in civil or criminal action, the appropriate authorities will be informed.

Where there is no case to answer, but the whistleblower held a genuine concern and was not acting maliciously, UKPHR will ensure that the whistleblower suffers no reprisals or victimisation. Where it is established that false allegations have been made maliciously, it will be considered appropriate to refer to the disciplinary procedure.

Stage 4

The Chief Executive (or Board) will ensure that the findings of the investigation are communicated to:

- The whistleblower;
- The individual(s) under investigation; and, if appropriate
- The Trustees or other external authorities who may need to consider whether action should be taken on the basis of the findings

What happens if the whistleblower is implicated?

If you blow the whistle and actively co-operate with an investigation in which you may be implicated in any wrongdoing, you are likely to receive a lighter sanction than might otherwise have been the case (unless the misconduct is so serious that no amount of co-operation or other mitigating conduct can justify a decision to take a lesser action).

Confidentiality

In raising a concern about wrongdoing, a whistleblower may assume that only those UKPHR staff investigating it will know his or her identity. We will not reveal a whistleblower's identity outside this group except:

- Where we are under a legal obligation to do so
- Where that information is already in the public domain
- On a strictly confidential basis to a professionally qualified lawyer or accountant for the purposes of obtaining advice
- To the police if a criminal investigation is required

If there are any other circumstances in which we are required to reveal identity outside those identified above, we will discuss this with the whistleblower first. Under no circumstances will he or she find that identity has been revealed outside this list without his or her knowledge.

What investigations will be carried out?

In order to give full consideration to a disclosure it is likely that one or more fact finding meetings will take place. If we need a whistleblower or a person implicated by a disclosure to attend any of these meetings they may be accompanied by a companion including a trade union representative.

A companion may be conferred with during the course of the meeting and he/she may address the meeting but may not answer questions on behalf of the interviewee.

The Chief Executive (or Chair) may be accompanied by any member of UKPHR staff to assist with the investigation. The Chief Executive (or Chair) will conduct a full investigation to establish whether wrongdoing has occurred. The format of the investigation may vary depending upon the circumstances.

If dissatisfied with UKPHR's response

If the whistleblower is dissatisfied with UKPHR's response, UKPHR recognises the lawful right of the individual to take the matter further. Any person affected by UKPHR's handling of a disclosure under this policy is protected by law from being treated unfairly and UKPHR will not stand in the way of an individual seeking independent legal advice at any stage in the process.

Appendix

Situations in which employees might blow the whistle

Example one

You are working in an area which regularly engages outside contractors. You have noticed how the one which has been named UKPHR's preferred supplier does not deliver on time, quality or to budget. Your senior manager, who is very friendly with one of the managers in the contracting firm, does not appear to share your concerns, but is quick to make excuses for them. Senior management seem to have accepted these explanations and don't seem to be concerned. You suspect your senior manager may be receiving inducements. What should you do?

Report the suspicion to the Chief Executive.

Example two

You notice that, following the introduction of new lighting, everyone on your floor is complaining of headaches. You believe that the lighting does not comply with office regulations but despite reporting it to the manager, nothing has happened. What should you do?

Report the matter to the HR Manager under the health and safety policy. Allow a reasonable time for the problem to be resolved and ask about progress. If you have genuine concerns that nothing is being done, contact the Chief Executive.

Example three

You are newly recruited to UKPHR but it is not long before you become aware that false claims for expenses are being made by certain people. What should you do?

Report the incident to your manager. If the concern involves your immediate manager, or senior manager, or for any reason you would prefer them not to be told, you should raise the matter directly with the Chief Executive.