



HR Policies

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Equality & Diversity Policy

RESICARE ALLIANCE

Last Reviewed
25/5/24

Last Amended
25/5/24

Next Planned Review in 12 months, or
sooner as required.

Purpose

1.1 To ensure that all members of staff can work in an environment to the best of their skills and abilities without the threat of discrimination or harassment.

1.2 Resicare Alliance is committed to ensuring that all members of staff and job applicants receive equal treatment, regardless of any protected characteristics such as age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

1.3 This policy applies to all aspects of employment with Resicare Alliance. For the avoidance of doubt, this includes recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

Scope

2.1 The following roles may be affected by this policy: □
All staff

2.2 The following Service Users may be affected by this policy: □
Service Users

2.3 The following stakeholders may be affected by this policy:
□ Family
□ Commissioners

Objectives

3.1 To set out the zero-tolerance approach of Resicare Alliance to the perpetrators of discrimination in the workplace.

3.2 To ensure that Resicare Alliance has an open and transparent approach to all aspects of employment, free from discrimination.

3.3 To ensure that all members of staff are able to thrive in an inclusive environment.

3.4 To create a working environment which enables everyone to work to the best of their skills and abilities without the threat of discrimination or harassment in the workplace.

Policy

4.1 Resicare Alliance takes a zero-tolerance approach to any discrimination, bullying, harassment and/or victimisation which one member of staff may perpetrate against another and/or against any other person, including but not limited to former employees, job applicants, clients, customers, suppliers and visitors.

4.2 Equally, this policy not only applies in the workplace but also outside of it when the member of staff is dealing with customers, suppliers or other work-related contacts, or when wearing a work uniform and on work-related trips or events including social events.

4.3 The following forms of discrimination are prohibited under this policy and are unlawful:

- **Direct Discrimination:** Treating someone less favourably because of a protected characteristic; for example, rejecting a job applicant because of their religious views or because of their sexuality
- **Indirect Discrimination:** A provision, criterion or practice that applies to everyone but adversely affects people with a particular protected characteristic more than others and is not justified. For example, requiring a job to be done full-time rather than part-time may adversely affect women because they generally have

greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified

- ▢ **Bullying:** This is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened. Bullying is dealt with further in our Anti-Bullying Policy and Procedure
- ▢ **Harassment:** This includes sexual harassment and other unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-Bullying Policy and Procedure and our Harassment Policy and Procedure
- ▢ **Victimisation:** Retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment
- ▢ **Disability Discrimination:** This includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability

4.4 Any data collected as part of this policy will be processed in accordance with current data protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure of Resicare Alliance. Resicare Alliance appreciates that certain health data and medical reports will be special category data and Resicare Alliance will process this data accordingly.

4.5 Resicare Alliance complies with the Equality Act 2010 and the United Nations Convention on the Rights of Persons with Disabilities in all its processes regarding employees.

Procedures

Resicare Alliance will provide appropriate training on Equal Opportunities. Resicare Alliance is committed to following the European Human Rights Commission Employment Statutory Code of Practice and has appointed an appropriate senior manager to have responsibility for Equal Opportunities training. **Recruitment and Selection**

Any selection exercises including recruitment, promotion and redundancy selection, amongst others, will be carried out with regard to objective criteria which specifically avoid any issues of discrimination. Similarly, where possible, Resicare Alliance will ensure that such exercises are carried out by more than one person. Any vacancies will be advertised to as wide and diverse an audience as possible. Such advertisements will not discourage any individual or group from applying. Job applicants will not be asked questions which might suggest an intention to discriminate on grounds of a protected characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

Job applicants will not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law, for example, to check that the applicant could perform an intrinsic part of the job, for example, heavy lifting (taking account of any reasonable adjustments), or to see if any adjustments might be needed at interview because of a disability. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms, which must not be used for selection or decision-making purposes.

Disabilities

If a member of staff is disabled or becomes disabled, Resicare Alliance encourages them to tell their manager about their condition so that Resicare Alliance can consider what reasonable adjustments or support may be appropriate.

Part-time and Fixed-term Work

Part-time and fixed-term employees should be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

Disciplinary Procedure

Any member of staff found to be in breach of this policy will be subject to disciplinary action. Serious cases of deliberate discrimination may amount to gross misconduct, resulting in dismissal.

Grievance Procedure

If a member of staff believes that they have suffered discrimination, then they should raise these issues through the Grievances Policy and/or Anti-Bullying and Harassment Policies of Resicare Alliance. A member of staff will not be bullied or victimised for raising issues under this policy. However, if a complaint is made in bad faith and/or is knowingly false, the member of staff may be subject to the Discipline Policy and Procedure of Resicare Alliance.

All staff should understand their responsibility to show consideration to and to not discriminate against disabled colleagues, and this will be reinforced in supervision. Employees are informed and reminded of their

responsibility to notify The Manager of any disability that might not be obvious, in order to enable Resicare Alliance to take necessary steps to enable the employee's rights.

Definitions

Protected Characteristics

- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

Disability

- A physical or mental impairment which has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities. The effect must have lasted for 12 months or be likely to last 12 months. An effect that is likely to recur is treated as continuing for this purpose **Special**

Category Data

- Special Category Data is a category of data which is more sensitive than normal personal data. This includes data which relates to:
 - Race
 - Ethnic origin
 - Politics
 - Religion
 - Trade union membership
 - Genetics
 - Biometrics (where used for ID purposes)
 - Health
 - Sex life; or
 - Sexual orientation

Direct Discrimination

- This means refusing to employ someone because of a disability, when the effects of this could be minimised through reasonable adjustments, for example, using a hearing loop for someone who is deaf

Indirect Discrimination

- This is when unnecessary specifications are attached to a role, such as a height restriction or a requirement to take part in active sports, that are not essential for the role

Harassment

- Care must be taken proactively to prevent anyone intimidating or bullying an employee or volunteer because of their disability

Victimisation

- A person with a disability who has complained about discrimination must not be treated adversely because of this

Bullying

- This is offensive, intimidating, malicious or insulting behaviour that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened

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 Next Planned Review in 12 months, or
sooner as required.

Purpose

1.1 Resicare Alliance is committed to providing a caring, friendly and safe environment for all of its workers, ensuring that they are treated with dignity and respect so they can work in a relaxed and secure atmosphere. Bullying of any kind is unacceptable and, if bullying does occur, all incidents will be dealt with promptly and effectively.

1.2 The bullying or harassment of a Service User is outside the scope of this policy and is a safeguarding concern which must be dealt with firstly by following safeguarding procedures and dovetailing with the Discipline Policy and Procedure at Resicare Alliance.

1.3 To encourage a working environment in which bullying and harassment are always unacceptable, and where individuals have the confidence to complain about bullying and harassment should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly.

1.4 To ensure that all members of staff are treated with dignity and respect regardless of whether they have a protected characteristic under the Equality Act 2010.

Scope

2.1 The following roles may be affected by this policy: □

All staff

2.2 The following Service Users may be affected by this policy: □

Service Users

2.3 The following stakeholders may be affected by this policy:

- Family
- Representatives
- Commissioners

Objectives

3.1 To ensure a working atmosphere free from bullying or harassment of any kind.

3.2 To ensure that staff are aware of the reporting procedure if they have been subjected to bullying and/or harassment.

3.3 To ensure that all members of staff are treated with dignity and respect, regardless of any Protected Characteristics.

3.4 To ensure that all staff members are aware that Resicare Alliance takes all allegations of bullying and/or harassment seriously and will not hesitate to invoke the disciplinary procedure should the allegations be found to be true.

Policy

4.1 Resicare Alliance is committed to having a workplace which is free from harassment and bullying and one that ensures that all employees, contractors and others who come into contact with Resicare Alliance in the course of their work, are treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.

Resicare Alliance will not tolerate bullying or harassment whether it is a one-off act or repeated, and whether it is done purposefully or not. Neither will Resicare Alliance tolerate retaliation against, or victimisation of, any person

involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may, in appropriate circumstances, lead to dismissal.

4.2 Bullying and harassment are considered acts of misconduct. When these are deemed to be sufficiently serious, they will be considered gross misconduct which may lead to the dismissal of the perpetrator. Resicare Alliance will consider each case on its own facts.

4.3 This policy applies to all employees, workers, officers, consultants, contractors, volunteers, casual workers and agency workers. This policy does not apply to harassment and/or bullying by or against third parties such as Service Users' families, suppliers or visitors.

4.4 Bullying, harassment and discrimination are personal grievances and are not covered by whistleblowing law, unless the particular case is in the public interest.

4.5 This policy does not form part of the employee's contract of employment and may be amended at any time.

Procedures

5.1 Initially, the affected member of staff may feel that it is possible to address the issue **informally** with the perpetrator, with a view to resolving matters.

5.2 Sometimes it may be the case that the perpetrator is unaware that their conduct is having such an effect and may be genuinely upset that they have caused offence. The affected member of staff should explain to the perpetrator that their conduct is unwelcome, makes them uncomfortable and ask that they avoid such behaviour in the future. Notes should be taken of any conversation.

5.3 In the event that addressing the issue informally does not resolve it or the employee considers the actions to be too serious to try to resolve it informally, the employee should raise these concerns formally under the Grievances Policy and Procedure at Resicare Alliance.

5.4 Following a **formal complaint**, the member of staff's line manager or another nominated person with appropriate experience and no prior involvement (where possible) will undertake an impartial and objective investigation into the allegations raised. Resicare Alliance will ensure that any necessary steps are taken to manage the relationship between the employee making the accusation and the individual the allegations are made about. Any details of the investigation, including the names of individuals involved, will only be disclosed on a need-to-know basis. Resicare Alliance will maintain the utmost confidentiality where possible. **5.5** Where the manager considers that an offence has occurred, the manager will take prompt action to resolve the issue.

5.6 Once Resicare Alliance has completed its investigation, the employee will be informed of the outcome of the investigation. If the harasser or bully is a fellow employee, Resicare Alliance will look to deal with the potential misconduct or gross misconduct offence under the Discipline Policy and Procedure. However, the outcome of the disciplinary process is a matter for Resicare Alliance to determine. The aggrieved cannot dictate what action is to be taken.

5.7 Resicare Alliance may explore, in certain cases, the feasibility of mediation between the harasser and the aggrieved. This may be accompanied by additional training for the harasser, either internally or externally. All staff are encouraged to consider engaging in mediation where it is offered as a solution, although Resicare Alliance recognises that mediation will not always be appropriate.

5.8 Where the unwanted behaviour has stemmed from a third party, Resicare Alliance will look to clarify the behaviour expected of their representatives or, in very serious cases, ban them from the premises and/or terminate the contract with them. Where the unwanted behaviour has stemmed from a Service User, the member of staff should bring this to the attention of their line manager as soon as possible. Resicare Alliance will investigate this and where the line manager considers an offence has occurred they will then take appropriate action to resolve the issue.

5.9 Whether or not the employee's complaint is upheld, Resicare Alliance will consider how best to manage any ongoing working relationship between the employee and the person concerned.

5.10 Please note that any employee who deliberately provides false information or acts in bad faith as part of the investigation process will be subject to action under the Discipline Policy and Procedure at Resicare Alliance.

5.11 Resicare Alliance may keep information about a complaint by or about an employee on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.

Definitions

Harassment

- Harassment is defined as any unwanted physical, verbal or non-verbal conduct which has the effect of violating another member of staff's dignity or creating a hostile, intimidating, degrading, humiliating or offensive environment for them
- This only needs to be a single incident and does not have to be on the grounds of a Protected Characteristic (specifically race, religion, age, sex, sexual orientation, marriage, gender (including gender reassignment), pregnancy and maternity or disability), for example, unwanted conduct directed at a member of staff because of their weight would amount to harassment

The focus is on the effect that the unwanted treatment has on the member of staff, as opposed to whether the conduct was intentional or not, although intention can be taken into account when deciding how serious the matter is.

Protected Characteristic

- The Equality Act 2010 is concerned with discrimination and harassment in respect of nine protected characteristics
- These characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

Whistleblowing

- You are a whistleblower if you are a worker and you report certain types of wrongdoing. This will usually be something you have seen at work - though not always
- The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public
- As a whistleblower you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. The law is the Public Interest Disclosure Act 1998

Gross Misconduct

- Misconduct that is sufficiently serious to warrant dismissal of an employee without notice

Bullying

- Bullying is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened. Bullying can be:
 - **Emotional** - being unfriendly, excluding and ignoring, tormenting (e.g. hiding or interfering with belongings, threatening gestures, threatening language)
 - **Physical** - pushing, kicking, hitting, punching or any use of violence
 - **Verbal** - name-calling, criticising in public, sarcasm, spreading rumours, teasing
 - **Mobile** - threats by text messaging and calls, misuse of associated technology, i.e. camera and video facilities

Misconduct

- Conduct by an employee which is serious but is not sufficient on its own to warrant dismissal either with or without notice

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25/5/24

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sooner as required.

Purpose

To ensure that Resicare Alliance has an effective system in place to manage complaints, suggestions and compliments.

To ensure that Resicare Alliance complies with any legal requirements, regulations, guidelines and best practice.

Scope

The following roles may be affected by this policy:

- All staff

The following Service Users may be affected by this policy:

- Service Users

The following stakeholders may be affected by this policy:

- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS

Objectives

To improve the quality of the Service User's experience.

To ensure that all complaints and suggestions are promptly addressed, resolved and shared within the agreed timescales to ensure that lessons are learned and that the learning improves service quality and delivery.

Policy

Complaints

- Resicare Alliance understands complaints to be an expression of dissatisfaction requiring a response, communicated verbally, electronically, or in writing. Complaints may be made by any Service User, their family or advocate acting on their behalf, with their consent or in their best interests
- Resicare Alliance takes complaints seriously. We will aim to put things right that have gone wrong and learn lessons to avoid the problem happening again. This policy sets out the framework for how Resicare Alliance will achieve this. The detail of how Resicare Alliance will do this will be found in the associated procedures
- Resicare Alliance will comply with legislation, national guidelines, regulation and best practice when managing complaints and suggestions. A systematic approach will be taken with all aspects of complaints and suggestions
- Complaints made or concerns raised by staff will be addressed via the grievance process if the complaint or concern relates to them individually, or via the Whistleblowing procedure where a protected disclosure is made
- Resicare Alliance understands its statutory obligations in respect of the Duty of Candour and will ensure it follows the agreed policy and procedure

Resicare Alliance will ensure that its complaints and compliments process is fair and transparent and does not discriminate directly or indirectly because of the following:

- Age
- Being or becoming a transsexual/transgender person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation

The complainant will feel free to complain without fear of reprisal and will be treated with courtesy, respect and compassion. Resicare Alliance will ensure that the process for how to make a complaint and the feedback given to the complainant are provided in a way that meets the Accessible Information Standard and are in a format that the Service User can understand.

Seeking Views and Engaging with Service Users

Resicare Alliance will seek out opportunities to obtain feedback from Service Users and stakeholders. Resicare Alliance will act with sensitivity, integrity and professionalism by treating individuals who do complain or make a suggestion with compassion, courtesy and respect. Resicare Alliance will protect the Service User's right to confidentiality. Resicare Alliance will ensure that alternative methods of communication are available so that the complaints and suggestions procedures are accessible for Service Users who experience difficulties with communication or whose first language is not English.

Staff will undertake training on how to manage complaints in line with their roles and responsibilities. Resicare Alliance understands that it can be difficult to separate a complaint from a concern and, therefore, Resicare Alliance will follow this policy when there is any dissatisfaction with the service. A full record will be held of all complaints received regardless of the level of seriousness and means of communication. This approach allows an open and transparent culture around raising concerns in the earliest stage to allow resolution. A record of the complaint will also be held in the Service User's Care file and will be reported in line with contractual or regulatory requirements.

Safeguarding Concerns

Where a complaint or concern is raised that relates to a Service User being harmed or likely to be harmed, Resicare Alliance will follow its Safeguarding Policy and Procedures in addition to the complaints procedures, seeking advice and guidance from the Local Authority Safeguarding Team and escalating concerns in line with procedure. Resicare Alliance will also notify the OFSTED in line with its statutory duty.

Roles and Responsibilities All Staff

It is acknowledged that all staff working within Resicare Alliance may be presented with an individual wishing to raise a concern or complaint at any time. Therefore, staff need to be able to manage this in a sensitive, structured and timely manner. In order to do this, staff will:

- Be trained on induction and as a routine measure to ensure knowledge is embedded and refreshed around the complaints procedure
- Have access to the complaints procedure
- Be provided with the opportunity to reflect and learn from complaints as a means of developing and driving quality care
- Appreciate that any feedback from Service Users or their representatives that is of concern needs immediate resolution, where possible, to their satisfaction. Care Plans will be updated to reflect the planned changes to care and the Registered Manager informed of the feedback. Failing to do this may result in a complaint
- Be clearly advised that, when presented with a complaint, swift escalation to management is necessary and that purposefully withholding or concealing concerns expressed by Service Users or their representatives may lead to disciplinary action

Management Team at Resicare Alliance

- The management team at Resicare Alliance is responsible for ensuring compliance with this policy, regulations, improvement planning and for having arrangements in place to provide relevant reports and information regarding complaints

- The Manager is the main point of contact for the receipt, investigation and management of complaints within Resicare Alliance. However, this may be delegated to a senior member of staff within Resicare Alliance who holds the experience, knowledge and competence to investigate and manage complaints.
- Resicare Alliance will ensure the procedure for raising a complaint is accessible and displayed prominently in Resicare Alliance, on the website of Resicare Alliance and in Service User information and guides. Alternative languages and formats will be available on request

Compliments and Suggestions

Resicare Alliance welcomes compliments and suggestions and recognises their importance in celebrating and recognising the success of its service and opportunities for improvement. We will engage with a wide range of stakeholders in addition to Service Users to support service development and improvement. We will share feedback with our staff.

Procedures

Raising Complaints

A complaint can be received by Resicare Alliance either verbally or in writing and can be made by:

- Service Users
- Someone acting on behalf of a Service User and with their written consent, e.g. an advocate, relative, Member of Parliament
- Someone acting on behalf of a Service User who is unable to represent his or her own interests, provided this does not conflict with the Service User's right to confidentiality or a previously expressed wish of the Service User

Resicare Alliance will ensure that Service Users are given information on how to make a complaint and the process once a complaint has been made, including any agreed timescales.

Time Limits for Submitting a Complaint

Complaints should be submitted within 12 months of the incident or concern arising. The time limit, however, can and should be waived, if:

- It is still practical and possible to investigate the complaint (the records still exist and the individuals concerned are still available to be questioned, etc.) and
- The complainant can demonstrate reasonable cause for delay in making the complaint It is at the discretion of the manager of the service if the time limit can be set aside.

Complaints Procedure:

Step 1

When a complaint is raised to staff, staff will make an effort to resolve it immediately to the satisfaction of the complainant.

Step 2

Staff will apologise for the fact that there was the need to complain in the first instance and explain the complaints process as described in the procedure steps.

Step 3

Staff will report the complaint to the most senior member of staff on duty and the complaint will be logged.

Step 4

Formal acknowledgement of all complaints received (whether verbal or written) will be sent within 3 working days to the complainant. This could be via letter or email. Resicare Alliance will have a local system in place to manage out-of-hours and weekend complaints received. The acknowledgement will include:

- An invitation to meet and discuss the complaint
- Who will be investigating the complaint
- How the investigation will be handled - the response should state what the investigation will be focused on
- A time limit for the investigation to be concluded. This should be 28 days. However, some cases may take longer and the complainant will be made aware of this
- The complaints procedure and contact details of bodies that can be accessed in the event of dissatisfaction with the outcome of the investigation

Step 5

Following a full investigation, a response letter will be sent and this will include the following:

- ▢ A summary of the issue from the complainant's point of view
- ▢ Details of the evidence and sources consulted in order to investigate the issue fully and fairly
- ▢ A presentation of the findings for each issue clearly and concisely described
A conclusion, stating clearly whether the issue is "upheld", "partially upheld" or "not upheld"; unless it is ineligible, in which case the reason for this will be given, e.g. out of time or out of jurisdiction
- ▢ An explanation of the outcome and whether any remedial action or learning points arise from the investigation of that issue
- ▢ An apology where the issue is upheld and shortcomings or failings have been found
- ▢ The complainant's rights if not satisfied with the outcome to refer to The Local Government and Social Care Ombudsman
- ▢ A signature from the responsible individual or sent by email in their name

Step 6

The complaint will be closed once confirmation has been received that there is satisfaction with the outcome. In the event of dissatisfaction, Resicare Alliance will support the complainant to access further support (refer to section 5.6)

The Complaints Log

A record will be held of all complaints raised and contain the following information:

- ▢ Each complaint received
- ▢ Subject matter and outcome
- ▢ Details of any reason for delay where investigations took longer than the agreed response period
- ▢ The date the report of outcome was sent to the complainant

Where complaints relate to a Service User, a copy of the complaint will be held in their care records so that the Service User can reflect on the recommendations.

Where complaints are raised by telephone, the log will include the date and time of the call and this will be followed up with written confirmation of the areas discussed.

Where a complaint indicates the potential abuse of Service Users, safeguarding policies will be followed as per local authority expectation and necessary notifications made to the regulatory body.

Where complaints are to be shared as part of learning, the complaint will be anonymised so there is no identifiable Service User information.

Investigations

All investigations will be managed by using the following approach:

- ▢ Investigating the fact
- ▢ Assessing evidence
- ▢ Review of records
- ▢ Interviewing those involved

Where necessary, advice and support will be sourced via senior managers within the organisation. The complaint must be investigated by a member of staff with the knowledge, experience and seniority to undertake the investigation robustly.

Confidentiality of information will be considered at all times and staff will adhere to the confidentiality policies and relevant codes of practice.

If an investigation of a complaint results in disciplinary action against staff within Resicare Alliance, the complaint will continue to its conclusion. The complainant will be informed that the investigation has led to the disciplinary process, but the details of the outcome or ongoing investigation will remain confidential.

Unresolved Complaints

There are many bodies that can support with, or will need to be informed of, unresolved complaints and it is important to note that, due to the current coronavirus pandemic, helpline opening times and ways of communicating may vary across each organisation:

OFSTED (Children's Service)

OFSTED will not investigate complaints on behalf of individuals but does like to be informed of any concerns regarding a care provider, such as poor care that has been seen or experienced. Information given to the OFSTED will help to prevent others from going through the same experience and can be fed back via:

- Website <https://contact.ofsted.gov.uk/contact-form>
- Email enquiries@ofsted.gov.uk
- Address: OFSTED
Piccadilly Gate,
Store Street
Manchester
M1 2WD
Tel: 0300 123 1231

Professional Bodies

If a complaint involves the serious misconduct of a healthcare professional, their relevant professional body can be informed and this is determined on an individual case basis in discussion with the Registered Manager. For any external bodies managing complaints, Resicare Alliance will work with the external body providing information as requested, within any agreed timescales expected.

Compliments

Receiving compliments is an opportunity to celebrate and recognise success. Resicare Alliance will ensure that:

- All compliments are shared with staff and displayed in a public area to highlight good practice
- Compliments are anonymised or permission is sought before displaying
- Numbers of compliments received are logged as part of a quality assurance programme
- Verbal positive feedback from Service Users and relatives is also deemed a compliment and will be recorded and shared with colleagues
- Compliments form a core agenda item at staff, Service User and relative meetings

Suggestions

Suggestions can be made verbally or in writing and generally are in response to seeking a means of changing practice for the better.

- Suggestions are not complaints, but in some circumstances, if they are not considered or actioned, they could lead to a complaint
- When suggestions are raised in meetings or as part of a conversation, these will be documented and then outcomes of such suggestions recorded to show consideration
- Staff will be encouraged to share their suggestions, or suggestions received by relatives and Service Users, with the Registered Manager
- The Manager at Resicare Alliance will consider implementing a suggestions system to encourage comments from Service Users, staff and visitors

Audit and Evaluation

Resicare Alliance will monitor, review and analyse all information received about the service as a means of continuously reviewing performance, quality and safety. Resicare Alliance will also:

- Share themes and trends with Care Workers working for Resicare Alliance
- Ensure that staff are trained to deal with complaints and understand the procedure for managing complaints

Anonymous Complaints

Anonymous complaints will be investigated in the same way as named complaints. They will be logged and any corrective action necessary will be taken and also logged.

One Complaint, One Response

Where more than one organisation is involved in the Service User's Care, they, or their representative, will be able to complain to any of them and Resicare Alliance will contact the other organisations, carry out a joint investigation and provide a single joint response. Service Users must not have to contact each organisation separately.

If someone complains and Resicare Alliance is not responsible for the care or service complained about, rather than turning the complainant away, Resicare Alliance will share the concerns with the correct organisation(s). It will be necessary to obtain the individual's permission to do this. If the person prefers that their complaint is not shared with another organisation (or organisations), Resicare Alliance will signpost them to the right organisation instead and provide the person with their contact details.

5.2 All efforts will be made by The Manager to resolve all complaints within Resicare Alliance. If a Service User does not wish to raise a complaint directly to management within Resicare Alliance, in the first instance, staff will try and sensitively establish their reasons why and aim to resolve and address any concerns that present. Decisions to raise complaints outside of Resicare Alliance will be fully respected and the Service User will be supported to raise their complaint with the commissioner of the service or to seek the support of an independent advocate or representative. Staff can also refer to section 5.6 for a further list of organisations that can be accessed. Service Users can also be signposted to [Citizens advice guidance](#).

Vexatious Complaints

Occasionally, Resicare Alliance may receive complaints that are vexatious in that they cause considerable disruption to the work at Resicare Alliance, disproportionate cost and time to handle, and impact the wellbeing of staff (because of the way the complaint is made or because of its repetitive nature).

Resicare Alliance will ensure that it meets the requirements of the Equality Act 2010 to make 'reasonable adjustments' for disabled Service Users. In some circumstances, Service Users may have a disability that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where there is an indication that this may be the case, Resicare Alliance will consider the needs and circumstances of the Service User or complainant in the first instance and use this information to inform any decisions that are made.

Where appropriate, Resicare Alliance will consider complaints to be vexatious, but would not label an individual complainant as vexatious. Even if Resicare Alliance decides that an individual's complaint about the service is vexatious, that does not preclude that person from making a formal complaint. Resicare Alliance would still consider any such complaints in line with the usual procedures, as outlined in this policy. To help decide whether a complaint is vexatious Resicare Alliance will consider the full history and context of interactions with the individual making the complaint, and will look at both the nature of the complaint and the manner in which it is made. The particular issues that will inform a decision will include whether:

- The primary purpose and/or effect of the complaint is to disturb, disrupt and or/pressurise Resicare Alliance, its staff or an individual member of staff
- The primary purpose and/or effect of the manner in which the complaint is made is to disturb, disrupt and or/pressurise the Resicare Alliance, its staff or an individual member of staff
- The complaint is otherwise clearly unreasonable

If at any point in the handling of a complaint a member of staff believes it meets the criteria to be deemed vexatious, it must be referred to the Registered Manager with a summary of why it is thought to be vexatious. The Manager will consider the complaint, seek external advice if appropriate, and will either declare the complaint as being vexatious or not. Where a complaint is not deemed to be vexatious it will be returned to the appropriate point in the complaints handling process.

If a complaint is deemed to be vexatious, the Registered Manager will respond directly to the complainant explaining why it is thought to be so and will explain that the complaint will be closed with no further action. The Registered Manager will also consider if the making of a vexatious complaint also requires the application of a restriction on communication following unreasonable behaviour.

The decision to declare a complaint as vexatious will be recorded in the complaints register for future reference. Any declaration that refers to the specific complaint being vexatious and any further complaints from the same individual will still be considered.

Definitions

Compliment

- A compliment is an expression of satisfaction about a service the Service User has received
- Compliments are positive feedback that can be received verbally or in writing and can include expressions of praise, admiration, congratulation and encouragement

Complaint

- A complaint is an expression of dissatisfaction, disappointment or discontent. This could be in response to an act of omission, decision or act
- Complaints can be made in various ways and include:
 - Verbally
 - Electronically
 - Local feedback channels
 - Writing

Self-Funded Care

- Self-funded care is defined as care that is paid for entirely by the person receiving it **Vexatious Complaint**
- A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted

Last Reviewed
25/5/24

 Last Amended
25/5/24

 Next Planned Review in 12 months, or
sooner as required.

Purpose

The purpose of this policy is to:

- Encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
- To provide staff with guidance as to how to raise those concerns
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken

This policy and procedure does not apply if a member of the workforce is aggrieved about their personal position. They must use the Grievances Policy and Procedure.

This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers.

This policy does not form part of any employee's contract of employment and Resicare Alliance may amend it at any time.

Scope

The following roles may be affected by this policy:

- All staff
- Persons working on training courses
- Temporary Agency Staff

The following Service Users may be affected by this policy:

- Service Users

The following stakeholders may be affected by this policy:

- Commissioners
- Local Authority
- Commissioners

Objectives

All staff have a duty to ensure standards of quality care by raising concerns regarding wrongdoing or malpractice. This policy will provide the means of ensuring that staff can confidentially raise genuine concerns of malpractice and/or misconduct through appropriate means at the earliest point without fear of reprisal.

Policy

Resicare Alliance is committed to a high standard of care, to honesty, openness and decency in all its activities. It is recognised that Service User safety must come first at all times and, whilst it can be difficult for staff to raise concerns about the practice of others, including managers, the implications of not raising those concerns are potentially very serious for Resicare Alliance, its employees and most importantly for those receiving its services. Resicare Alliance encourages a free and open culture in its dealings with its employees and all people with whom it engages in business and legal relations. In particular, Resicare Alliance recognises that effective and honest communication is essential if any wrongdoing or malpractice is to be effectively dealt with and the organisation's success ensured.

Resicare Alliance recognises that staff members are likely to be the first to realise that there may be something seriously wrong within the organisation but may feel that speaking up would be disloyal to colleagues or their employer who may, under certain circumstances, face criminal charges. They may also fear harassment or victimisation and fear for a loss of job or a reduction in work hours.

Resicare Alliance will not tolerate the ill treatment, including any bullying or harassment, of anyone raising a concern. It will ensure that any individual who raises a concern, can do so confidentially in line with the Public Interest Disclosure Act 1998 (PIDA).

Resicare Alliance will ensure that any individual who raises a genuine concern under the Whistleblowing Policy and Procedure will not be at risk of termination of their employment or suffer any form of reprisal which includes, but is not limited to, loss or reduction of hours or changes to regular working patterns because of it.

Resicare Alliance will ensure that it follows not only the law on whistleblowing, but also best practice and guidance from regulatory bodies including OFSTED, the Care Quality Commission and the NHS where applicable.

Procedures

All staff have a duty to raise concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour to ensure standards of quality care.

This procedure is intended to provide a safeguard to enable members of staff to raise concerns about one or more of the following that has occurred, is occurring, or is likely to occur. These Qualifying Disclosures (see definition) mean that staff can raise a concern about risk, malpractice or wrongdoing that they think is harming the services, might harm or has harmed in the past any aspect of the services that Resicare Alliance delivers. A few examples of this might include (but are by no means restricted to):

- ▢ Unsafe care
- ▢ Unsafe working conditions
- ▢ Inadequate induction or training for staff
- ▢ Lack of, or poor, response to a reported Service User safety incident
- ▢ Suspicions of fraud (which can also be reported to the local counter-fraud team)
- ▢ Damaging the environment - e.g. disposing of materials or waste incorrectly, for example, flushing medicines or syringes down the toilet or sink
- ▢ A bullying culture (across a team or organisation rather than individual instances of bullying)
- ▢ Incidents of unsafe staffing, falsification of timesheets, Service User visit logs or MARs or clinical or care records
- ▢ Failure to investigate claims of physical or sexual assault
- ▢ Physical, verbal or sexual abuse of any Service User, colleague or other person on the premises of Resicare Alliance
- ▢ Breaching the Data Protection Act

How to Raise a Concern - Step 1

- ▢ If a member of staff has a concern about a risk, malpractice or wrongdoing at work, it is hoped that they feel they will be able to raise it first with their line manager
- ▢ This may be done verbally or in writing
- ▢ It is better to raise a concern as soon as it arises
- ▢ Where possible, unless, for example, where the concern relates to a safeguarding matter, the concerns raised will be treated confidentially
- ▢ The member of staff's line manager will inform them if they cannot keep the concern confidential
- ▢ The Registered Manager has overall responsibility for concerns raised and the member of staff's line manager may need to share the concern with the Registered Manager who will have access to Resicare Alliance.

How to Raise a Concern - Step 2

- If a member of staff does not feel they can raise the concern with their line manager or the concern relates to or involves the line manager (or they have raised it with the line manager and no action has been taken) the member of staff should then escalate their concerns to the Registered Manager **How to Raise a Concern - Step 3**
- If the member of staff does not feel that the Registered Manager or Resicare Alliance will appropriately handle their concerns, the member of staff may report their concerns directly to the regulatory body:
- OFSTED on 0300 123 1231 or through its website
- The regulatory body will not disclose the member of staff's identity without their consent unless there are legal reasons requiring the regulatory body to do so, e.g. where the information is about a child or vulnerable adult who is at risk

Support

Prior to raising a concern, the member of staff may want to get free, independent and confidential advice from the Whistleblowing helpline

Investigation

The Registered Manager, in consultation with Resicare Alliance, shall have discretion over the nature of the investigation into concerns raised, including, where it is considered appropriate, the involvement of others such as auditors. If there is evidence of criminal activity, the Police will be informed.

Registered Manager and Resicare Alliance Responsibility

- Responsibility for dealing with any concerns reported will lie with the Registered Manager who will have access to Resicare Alliance
- If the concerns relate to the Registered Manager, concerns should be escalated to Resicare Alliance
- If the concerns involve both the Manager and Resicare Alliance or an individual is fulfilling both roles, the member of staff can contact the respective regulatory body.

Protected Disclosures and Safeguarding

- Where a safeguarding concern is received by a member of staff and refers to the actions of the Manager or Deputy Manager, then the referral must in the first instance be made to Social Services.

Raising a Concern - Timescales

The individual with whom the concern is raised will acknowledge the concern within locally agreed timescales and in line with best practice.

The investigating officer will be confirmed to the member of staff along with any further information required including contact information and an estimate of the likely timescales involved.

Where possible, the responsible manager will feed back to the member of staff who raised the concern on the outcome of any investigation, although this may not always be possible in full due to the nature of the disclosure. A record of the information provided and details of the proceedings will be kept in line with best practice.

False Allegations

All whistleblowing concerns will be investigated. However, if a member of staff is found to have made allegations maliciously and/or not in good faith, disciplinary action may be taken. A member of staff will never be disciplined for raising a concern, so long as they follow the whistleblowing procedure or make disclosures in accordance with the Public Interest Disclosure Act 1998 (PIDA).

Bullying and Harassment of Whistleblowers

Unless an employer has taken reasonable steps to prevent this type of victimisation by co-workers, it will be deemed liable for the acts of its staff. It is therefore no longer enough to deal with incidents of bullying or harassment as and when they arise, on a case by case basis. The only basis upon which an employer will now be able to defend itself against liability for the actions of its staff will be by proactive steps. In order to demonstrate a "reasonable steps" defence, an employer will need to anticipate conduct such as bullying and harassment. To avoid incidents of bullying or harassment occurring, Resicare Alliance will take the following steps:

- Adhere to the Whistleblowing Policy
- Embed a culture of openness and transparency
- Communicate the policy
- Offer any necessary training to ensure that it is put into effect
- Take action if any worker bullies or harasses a whistleblower

Employment Contracts, Whistleblowing and Confidentiality

Resicare Alliance will seek legal or Human Resource advice when drawing up any settlement agreements or employment contracts to avoid the risk of breaching the PIDA.

Definitions

Anonymously

- Made or done by someone whose name is not known or made public

Whistleblowing

- The disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
 - Criminal activity
 - Failure to comply with any legal (or professional) obligation or regulatory requirements ▫ Miscarriages of justice
 - Danger to health and safety
 - Damage to the environment
 - Bribery
 - Facilitating tax evasion
 - Financial fraud or mismanagement
 - Breach of our internal policies and procedures
 - Conduct likely to damage our reputation or financial wellbeing
 - Unauthorised disclosure of confidential information
 - Negligence
 - The deliberate concealment of any of the above matters

Criminal Justice and Courts Act 2015

- Legislation which lays out the offences involving ill-treatment or wilful neglect by a person providing health or social care

Vicarious Liability

- Vicarious liability refers to a situation where someone is held responsible for the actions or omissions of another person. In a workplace context, an employer can be liable for the acts or omissions of its employees, provided it can be shown that they took place in the course of their employment

Employee/Staff

- PIDA refers to 'workers'. This policy has used the term employee/staff/colleagues to reflect the relevant persons that this policy relates to. The NHS integrated Policy (2016) 'Freedom to Speak Up: Whistleblowing Policy for the NHS' refers to volunteers being included. However, PIDA does not specifically include volunteers as they are not paid employees and therefore cannot be compensated financially for ill treatment or unfair dismissal

Public Interest

- A disclosure made in the interest of the public, i.e. not relating to an individual such as in a grievance case

Grievance or Private Complaint

- A dispute about the employee's own employment position without a public interest aspect

Qualifying Disclosure

- Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:
 - A criminal offence
 - The breach of a legal obligation
 - A miscarriage of justice
 - A danger to the health and safety of any individual
 - Damage to the environment
 - Deliberate attempt to conceal any of the above

Whistleblower

- A member of staff who raises a concern about something they have seen first-hand at work in relation to malpractice or wrongdoing. This could be concerns about inappropriate or unlawful conduct, financial mismanagement, poor practice or behaviour

PIDA

- Public Interest Disclosure Act 1998 - Legislation which provides protection to workers who make disclosures in the public interest

Grievance Policy & Procedure

RESICARE ALLIANCE

Last Reviewed
25/5/24

Last Amended
25/5/24

Next Planned Review in 12 months, or
sooner as required.

Purpose

This policy is a framework to provide a recognised channel through which a grievance can be brought to the attention of management by providing the right for an employee to have their grievance heard, investigated and resolved.

Scope

The following roles may be affected by this policy:

- All staff

The following Service Users may be affected by this policy:

- Service Users

The following stakeholders may be affected by this policy:

- Family
- Representatives
- Commissioners

Objectives

Resicare Alliance recognises that, from time to time, issues may arise which may cause members of staff some distress.

To ensure there are clear informal and formal processes for members of staff to raise grievances.

Policy

Resicare Alliance encourages free communication between employees and their managers. This is to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.

Resicare Alliance has a separate Harassment Policy and Procedure and Anti-Bullying Policy and Procedure that may be useful if an employee has been the victim of bullying or harassment or wishes to report an incident of bullying or harassment involving other people.

Resicare Alliance operates a separate Whistleblowing Policy and Procedure to enable employees to report illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter in question, or where they feel they have been victimized for an act of whistleblowing, they may raise the matter under this grievance procedure.

If an employee has difficulty at any stage of the grievance procedure because of a disability or language barriers, they must discuss the situation with the grievance officer as soon as possible. This policy does not form part of an employee's contract of employment and may be amended at any time.

Any data collected as part of this policy will be processed in accordance with current Data Protection legislation, the Privacy Notice issued to staff and the Data Security and Data Retention Policy and Procedure.

Procedures

Informal Process

Resicare Alliance expects that most grievances can be resolved informally through discussions between the individuals and their manager or, if the grievance relates to the individual's manager, with a more senior manager. Through this process, Resicare Alliance would look to discuss all the issues with the individual, and work towards a satisfactory resolution without the need for a formal process. Where it is not possible to resolve the grievance informally, the formal procedure will be invoked.

Formal Process

If the grievance cannot be resolved informally the individual must detail their grievance in writing, including facts, times, dates, names and any other details. Again, if the grievance relates to the individual's manager, then the grievance must be addressed to a more senior manager.

Investigation

On receipt of the formal complaint and dependent on the content, it may be necessary for Resicare Alliance to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the individual and any witnesses, and/or reviewing relevant documents. The individual who raised the grievance will be expected to co-operate fully with this investigation.

Where considered appropriate, Resicare Alliance may initiate an investigation before holding a grievance meeting. In other cases, Resicare Alliance may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases Resicare Alliance will hold a further grievance meeting with the individual after the investigation and before Resicare Alliance reaches a decision.

In circumstances where a grievance is raised which relates to care and/or treatment of a Service User, Resicare Alliance will follow all appropriate guidance in line with regulatory requirements in addition to following this process. Evidence may be sought from the Service User and their families to assist in any investigation.

Right to be Accompanied

Resicare Alliance will arrange a grievance meeting to be held usually within 7 days of the formal grievance being received. The individual who raised the grievance is entitled to be accompanied to this grievance meeting by a colleague or Trade Union Representative. The individual must, within reasonable time prior to the grievance meeting taking place, notify the manager with conduct of the grievance meeting whom their intended companion is. If the individual or their companion are unable to attend the meeting, the individual must inform the manager who has conduct of the grievance meeting, and a suitable alternative date for the meeting will be arranged.

Acting as a companion is voluntary and colleagues are under no obligation to do so. If colleagues agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion. If the individual's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, they may be asked to choose someone else. At the meeting, the companion may make representations and ask questions, but should not answer questions on the individual's behalf. The individual and the companion may talk privately at any time during the meeting.

Grievance Meeting

The purpose of the grievance meeting is to allow the individual the opportunity to explain their grievance, along with their views on how they would like it to be resolved. The manager may then make a decision, taking into account what has been said and the outcome of any investigation that has taken place. Dependent on the issues raised at the grievance meeting, it may be necessary to adjourn the meeting in order to undertake further investigation. The meeting will be re-convened once these investigations are complete.

Grievance Outcome

The grievance manager will write to the individual, usually within 7 days of the conclusion of the grievance meeting, with the outcome of the grievance and details of any action they intend to take. Where an individual raises a grievance during a disciplinary process then, depending on the circumstances, the disciplinary process may be temporarily suspended in order to deal with the grievance, although Resicare Alliance is not required to do so. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

Appeal

If the individual is not satisfied with the outcome, they have the right to appeal the decision. The appeal must be in writing, detail the full grounds of appeal, and be provided within 7 days of the grievance outcome being communicated to the individual. Resicare Alliance will then hold a grievance appeal meeting, usually within 7 days of receiving the notification of appeal and will appoint a manager who had not been previously involved in the grievance process to hear the appeal.

Again, the individual has a right to be accompanied by a colleague or Trade Union Representative. The appeal outcome will be provided to the individual in writing, usually within 7 days of the appeal hearing. At this point there is no further right of appeal.

5.1 Where an individual raises a grievance during a disciplinary process then, depending on the circumstances, the disciplinary process may be temporarily suspended in order to deal with the grievance, although Resicare Alliance is not required to do so. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

5.2 In circumstances where a grievance is raised which relates to care and/or treatment of a Service User, Resicare Alliance will follow all appropriate guidance in line with regulatory requirements in addition to following this process. Evidence may be sought from Service Users and their families to assist in any investigation.

Definitions

Grievance

- Any problem, issue or concern that an employee or worker may have relating to their employment or engagement with Resicare Alliance

Grievance Manager

- The manager appointed by Resicare Alliance to investigate and hear the grievance at the initial grievance meeting
- The grievance manager will be independent from any of the issues raised in the grievance and will make a decision on the outcome of the grievance once the grievance meeting has taken place, taking into account all facts and representations

Grievance Appeal Manager

- The Grievance Appeal Manager will hear any appeal following the outcome of the grievance provided by the Grievance Manager
- The Grievance Appeal Manager will be impartial, and will have had no previous involvement in the grievance procedure up to that point