



Complaints and Whistleblowing Policy

Policy Number 0015

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Next Review Date: June 2024

Complaints Policy

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History of most recent changes

<u>Date</u>	<u>Page</u>	<u>Change</u>	<u>Reason for change e.g., legislation</u>	<u>By Whom</u>
22/03/22	Whole	Add more detail	Legislation	Imogen McIntosh
05/10/22	3 & 4	Update contact details	Yearly review	Richard Annadale
15/11/22	Whole	Change policy name from External Policy to Complaints Policy and add Internal Complaints to the doc.	Yearly review	Clare Chislett
13/12/22	Whole policy	Change policy name to Complaints and Whistleblowing Policy and add whistleblowing section to the end of the doc.	Action following H&S/Safeguarding Sub Committee Meeting	Clare Chislett/Susan Qazi
05/06/22	Page 8 & 10	New wording and add time frames	Yearly review	Pete Kent/Susan Qazi



Complaints and Whistleblowing Policy

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External Complaints

If you have a complaint, please take time to tell us about it. If we are doing something wrong or badly, it is important to us that we know about it so that we can improve.

What kind of issue can I complain about?

- If you are unhappy with the standard of service provided by ABC.
- If you believe that ABC has failed to do something that it should have done.
- If you feel that ABC has done something badly.
- If you feel that ABC's staff, trustees or volunteers have been unhelpful or have treated you unfairly.
- If you believe that ABC hasn't followed its own policies, rules or procedures correctly.
- If you believe that ABC hasn't followed required regulations or standards.
- If you believe that illegal activity is taking place or that people or property are at risk of harm, please follow the whistleblowing policy.

Please don't use the complaint system to make a general enquiry, to request a service, report a fault or to ask for an explanation of a situation. A phone call to ABC on [0117 336 8441](tel:01173368441) or email Imogen@aidboxcommunity.co.uk or clare@aidboxcommunity should help you with this kind of enquiry.

ABC will investigate all complaints provided we receive your complaint within three calendar months of the issue that triggered the complaint. If the issue happened more than three months before, it will fall outside this policy and procedure and ABC may not be able to investigate it.

How do I make a complaint?

For non-emergency complaints, the first step is to contact ABC and ask to speak to the Manager concerned. A staff member or volunteer can direct you to the right person. If you would prefer not to use the phone, you can write to us at 174b Cheltenham Rd, Montpelier, Bristol, BS6 5RE, or email: welcome@aidboxcommunity.co.uk.

For all complaints, we will need some information from you. This will include the following:

- The date of the situation that you are complaining about.
- The reason you are complaining.
- What you would like ABC to do about your complaint (if anything).
- Any other information that may help us to investigate the complaint, for example details of any other people involved in the situation or who witnessed it.

Will my details be kept confidential?

We will take every reasonable step to keep your identity confidential. However, in order to investigate and respond to a complaint, some members of staff may need to know the full information. The person responsible for dealing with the complaint will be responsible for deciding who receives this information. Those staff will be required to keep the details confidential. If a member of staff treats this information inappropriately, they may face disciplinary action. We may need to share your information if we feel you or others are unsafe and in need of protection.

What happens next?

Your complaint will be recorded in writing, to make sure that it is followed up.

Some complaints can be dealt with very quickly, without the need for a formal investigation. If this is possible, ABC will do so. In this case you will receive a letter and ABC response within 14 days. If you are not happy with our response, you can refer your complaint within 14 days to the Chair of Trustees (contact details below).

Where a formal investigation needs to be carried out, within 7 days of you making a formal complaint you will receive a letter acknowledging the complaint and telling you about our procedures.

A Director will investigate the complaint. As part of the investigation, it may be necessary to talk to other staff or members of the public who may have further information. A meeting will be held with those staff that were involved in the situation or event you have complained about. If external suppliers were involved, they will also have an opportunity to attend this meeting and provide evidence.

Within 30 days, the Director will write to you, telling you the results of the investigation. If there is a difficulty with the investigation, or staff disciplinary action has to be taken before the investigation can be completed, you will receive a letter explaining the situation. These may have to be dealt with before the investigation into your complaint can continue.

If your complaint has highlighted changes that need to be made, ABC will take the necessary steps to make suitable changes.

If your complaint involves a fundraising matter, our complaints procedure follows the standards required by the Fundraising Regulator. The Regulator will be told general details about your complaint, but you will not be identified.

What happens if I'm unhappy with the result of your investigation?

If you are unhappy with the results of our investigation, you have one month to write to our Chair of Trustees, to 174b Cheltenham Rd, Montpellier, Bristol, BS6 5RE marking the envelope STRICTLY PRIVATE AND CONFIDENTIAL or email the Chair richard@aidboxcommunity.co.uk asking them to review your complaint.

The Chair of Trustees will then reply to you within one month, giving their final decision.

If your complaint is about fundraising, you have eight weeks to refer your complaint to the Fundraising Regulator. The Fundraising Regulator will review your complaint and advise you within four weeks whether any action will be taken.

If your complaint is about gambling-related activity (for example lotteries), you have six months from the time of the activity to refer your complaint to the Independent Betting Adjudication Service (IBAS).

IBAS will act as an impartial adjudicator after the complaint/dispute has been through our own internal dispute procedure. IBAS will review your complaint and write to you and us with their decision. If you remain unhappy after these steps have been taken, you can refer your complaint to the Charity Commission. This organisation regulates charities in England. You will need to give them our charity registration number.

Charity Registration Number 1172697

Director Imogen@aidboxcommunity.co.uk 07870645605

Director clare@aidboxcommunity.co.uk 07869132155

Chair of Trustees richard@aidboxcommunity.co.uk 07462 532796

Internal Complaints

This policy is for use in situations when a member of staff is unhappy with a situation at work and wishes to complain. Examples of such situations include those in which the complainant suspects:

- Bullying /harassment (please see separate policy)
- Discrimination
- Illegal activities
- Unethical behaviour
- Any behaviour or activities which conflict with ABC policy

Procedures

Informal Complaint

Where possible, you should, in the first instance talk directly and informally to the person involved and explain clearly what the problem is.

If you would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague who can accompany you when speaking to the person involved.

Alternatively, if you feel unable to approach the person whose actions or conduct is causing alarm or offence, the complaint can be raised informally with a senior colleague of your choice who will try to assist you to find an informal solution to the problem. (See section on Advice in ABC's Bullying and Harassment Policy) This could include asking a third party (e.g. a colleague or manager) to approach the person on your behalf in the first instance.

If you feel unable to follow these steps or have already done so without success, you may choose to raise a formal complaint.

Formal complaint

Where the informal approach fails or if the issue is more serious, you should bring the matter to the attention of your Line Manager or the HR Director as a formal written complaint and again your helper can assist you in this.

On receipt of a formal complaint, we will act if necessary to separate you from the alleged perpetrator to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged perpetrator to another work area or suspension on contractual pay until the matter has been resolved.

An independent senior manager will be appointed to undertake an investigation. He or she will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation. You have the right to be accompanied at such a

meeting by your helper, a different work colleague of your choice or a trade union representative and you must take all reasonable steps to attend.

The question of maintaining information in confidence will be discussed with all of those involved. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality within the context of the investigation and process – a failure to do so will be a disciplinary matter. However, it is important to recognise that certain types of information will have to be shared with individuals within ABC to progress the investigation or to aid decision-making.

Employees and witnesses can be assured that they will not be ridiculed or victimised for making or assisting a colleague in making a complaint, even if it is not upheld, as long as it is made in good faith.

On conclusion of the investigation which will normally be within ten working days of the meeting with you, a draft report of the findings and of the investigator's proposed decision will be sent, in writing, to you and to the alleged perpetrator.

If, at the conclusion of the investigation, the complaint is upheld, disciplinary proceedings will be instigated with the person or people involved

If you are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged perpetrator. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

Continuing to Work Together

Whether a complaint is upheld or not, ABC recognises that it may be difficult for the employees concerned to continue to work near one another during the investigation or following the outcome of the proceedings. If this is the case, we will consider a voluntary request from either party to transfer to another job or work location. However, a transfer cannot always be guaranteed and will depend on factors such as available work in other locations. Where the complaint is upheld but not of sufficient seriousness to merit dismissal, the employee who made the allegation will not suffer a detriment.

Malicious complaints

Where a complaint is blatantly untrue and has been brought out of malice, or for some other unacceptable motive, the complainant will be subject to ABC's disciplinary procedures, as will any witnesses who have deliberately misled ABC during its investigations.

We recognise that it is in the interests of everyone to resolve issues of concern that employees may have about their employment as quickly and fairly as possible to maintain good working relations. The aim of this procedure is to provide an internal mechanism for dealing with

concerns raised by employees with the aim of seeking a satisfactory solution. Where this is not possible, every effort will be made to explain the reasons for the decision.

Whistleblowing

What is the difference between making a complaint and blowing the whistle?

When someone blows the whistle, they are raising a concern about danger or illegality that affects others (for example service users, members of the public, or their employer). The person blowing the whistle is usually not directly affected by the danger or illegality. Consequently, the whistle-blower rarely has a personal interest in the outcome of any investigation into their concern – they are simply trying to alert others. For this reason, the whistle-blower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it.

This is different from a complaint or grievance. When someone complains or raises a grievance, they are saying that they have been personally treated poorly. This poor treatment could involve a breach of their individual employment rights or bullying, and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, is expected to prove their case.

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you prefer (for whatever reason) or if you believe that management is involved, you could approach one of the individuals below.

If you do have a concern, whether as a member of staff or a member of the public, and however small, where you don't feel comfortable discussing such a sensitive issue with a close colleague or other member of staff, you can discuss the matter with any of the following people:

Imogen McIntosh (Director) imogen@aidboxcommunity.co.uk 07870 645605

Clare Chislett (Director) clare@aidboxcommunity.co.uk 07869 312155

Richard Annandale (Chair of Trustees) richard@aidboxcommunity.co.uk 07462 532796

Jonny Elphinstone (Trustee and Safeguarding Lead) jonny@aidboxcommunity.co.uk 07450 466476

Gillian Nineham (Deputy Chair of Trustees) gillian@aidboxcommunity.co.uk 07767 353897

If you are unable to talk to anyone within ABC please contact the Charity Commission

0300 066 9197 whistleblowing@charitycommission.gov.uk

ABC Charity Registration Number 1172697

What Constitutes Irregularity?

Irregularity consists of any behaviour that could be seen to constitute a breach of the ABC Code of Conduct, including any illegal act. This includes any breach of the ABC Safeguarding Policy or any act of wrongdoing which includes actions that create health and safety risks, risks to the public as well as other employees; damage to the environment; the un-authorised use of organisational and or public funds; possible fraud or corruption; sexual or physical abuse or any other unethical conduct.

Principles of Policy

All staff and volunteers should be watchful for any illegal or unethical conduct and have a duty to disclose any concerns they have.

- Any matter raised will initially be investigated within 7 days and confidentially and the outcome reported back to the person who raised the issue within 14 days. If you are concerned about any immediate danger, please ring the police.
- No employee or volunteer will be victimised for raising a valid concern even if that concern turns out to be unfounded. The continued employment and opportunities for promotion will be unaffected.
- Victimizing a person who raised a valid concern will constitute grounds for a disciplinary offence.
- Maliciously making a false allegation is a disciplinary offence.
- All concerns must be documented even when dealt with informally.
- An instruction to cover up wrongdoing is a disciplinary offence. If told not to raise or pursue any concern, even by your line manager, you should report the matter to a more senior member of staff or Board member.
- The person raising the concern will be asked to make a written statement. ABC will consider concerns raised anonymously, or where the person does not want their identity to be disclosed, a decision to act on these concerns will be made by the Directors and potentially the Board.

Raising Concern Over Staff and Volunteers

ABC is committed to ensuring that our staff, and anyone representing ABC, uphold our values, adhere to all ABC policies and do nothing inside or outside the organisation that could damage ABC's reputation. If you witness or suspect wrongdoing by an ABC staff member that is illegal, and/or goes against ABC's Code of Conduct or Safeguarding Policy, you are expected to inform a senior member of staff as soon as possible.

- You do not need to have proof – only valid concerns or suspicions. It is not your responsibility to investigate the matter, but it is your responsibility to disclose your concerns.

- Any information you provide will be treated seriously and in the strictest confidence. You can tell your employer or a prescribed person anonymously, but they may not be able to take the claim further if you have not provided all the information they need.
- You can give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.
- If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.
- You will never be treated unfairly for bringing genuine concerns forward – this is actively encouraged.
- Any necessary investigation will be conducted without regard to the alleged perpetrator's relationship with ABC, position or length of service.
- You will be kept informed as to what action the organisation is taking to respond to your concern, initially after 48 hours, and then weekly until the matter is concluded.
- If you are not informed within these timescales, or your concerns continue despite the action taken, you should inform The Chair or Trustees Richard Annandale in the first instance before contacting the Charity Commission whistleblowing@charitycommission.gov.uk, Tel: 0300 066 9197 quoting Aid Box Community's **Charity Registration Number 1172697**

Whistleblowing for Service Users *

ABC is committed to supporting refugees and asylum seekers. As an ABC service user you are the most important person in our organisation. If you feel that any member of our staff, or anyone representing ABC, ever acts dishonestly, or causes you, your family, friends or members of your community harm in any way, then we want you to tell us. We can assure you that raising a concern will never result in ABC withdrawing or reducing the support that you receive. Any concern will be taken seriously, and we will report back to you what action was taken because of your concern and why. You can contact any of the following people about your concern, you can ask to speak to them in person at the ABC office or free shop or contact them via phone, SMS or email:

Imogen McIntosh (Director) imogen@aidboxcommunity.co.uk 07870 645605

Clare Chislett (Director) clare@aidboxcommunity.co.uk 07869 312155

Richard Annandale (Chair of Trustees) richard@aidboxcommunity.co.uk 07462 532796

Jonny Elphinstone (Trustee and Safeguarding Lead) jonny@aidboxcommunity.co.uk 07450 466476

Gillian Nineham (Deputy Chair of Trustees) gillian@aidboxcommunity.co.uk 07767 353897

If your concern involves one of the people above, you can contact The Charity Commission whistleblowing@charitycommission.gov.uk 0300 066 9197

Aid Box Community's Charity Registration Number is 1172697

**This page of the policy to be shared with all service users via being pinned to the top of whatsapp groups and being displayed in the free shop and on our website – it will also be translated into key languages.*