

# POLICY AND PROCEDURE



Solihull  
Life  
Opportunities

St Andrews Centre  
Pike Drive  
Chelmsley Wood  
Birmingham  
B37 7US

Charity no: 1102297  
Company no: 5025939

## Challenging Bad Behaviour Policy (whistle blowing)

**Category: Organisational**

### Introduction

Staff, volunteers, members or anyone associated or working within Solihull Life Opportunities (SoLO), have an important role to play in promoting and maintaining good practice in all of SoLO's activities.

In order to protect our members, our colleagues, our finances and our reputation, SoLO actively encourages staff, volunteers and wider stakeholders to report suspected bad practice and raise any concerns. We are keen to prevent mismanagement, unprofessional practice and inappropriate use of SoLO's resources, and to protect ourselves against possible claims of fraud or corruption. To do this we need anyone with information which they believe could present a risk to SoLO to come forward and report their concerns.

There may be concerns about raising issues, or feel that there is a suspicion. However, if where there is a genuine concern, it is preferable for it to be raised in order to provide SoLO with the opportunity to take the appropriate action. Staff and stakeholders will be encouraged to consider loyalty to our members before loyalty to the organisation. Alerting SoLO of bad behaviour will be communicated as a positive action that will be responded to.

In the case of fear of reprisals as a result of raising a concern, SoLO will do everything possible to protect individuals. SoLO will not tolerate harassment, victimisation or detrimental treatment to anyone as a result of their raising concerns in the appropriate manner.

Concerns will be handled consistently, fairly and without bias. The Challenging Bad Practice procedure is monitored and overseen by SoLO's Management Board.

Policy Name: Challenging Bad Behaviour

Organisation: Solihull Life Opportunities

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## What is bad practice?

The table below is a guide to the procedures which may be used for various issues relating to individuals.

Concerns under these procedures should be raised with the staff or volunteers Line manager in the first instance, or the Chief Executive Officer in the case of external stakeholders.

<b>THINGS INVOLVING A PERSON:</b>	<b>WHICH SoLO PROCEDURE TO USE:</b>
A staff member, volunteer or member feel they are being harassed due to their gender, race, disability or sexual orientation	Anti Harassment & Bullying Procedure
A staff member, volunteer or member feel they are being either physically or verbally bullied	Anti Harassment & Bullying Procedure
A staff member, volunteer or member feels they have been unjustly criticised or humiliated; they have been given impossible workloads or deadlines; requests for leave have been unreasonably refused; promotion has been blocked; no regard has been given to family commitments etc.	Anti Harassment & Bullying Procedure
A staff member believes their salary does not adequately reflect the duties they are performing	Job Evaluation Procedure
A staff member or volunteer believes that disciplinary action taken against them has been unfair	Appeals Process in Disciplinary Procedure
A staff member or volunteer feels they have any other complaint relating to their work or conditions	Grievance Procedure
<b>THINGS INVOLVING OTHER PEOPLE OR WORKPLACE:</b>	
There is reason to suspect abuse of members	Children & Vulnerable Adults Protection Procedures

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<p>There are concerns about any of the following:</p> <ul style="list-style-type: none"> <li>➤ poor or inappropriate management practices</li> <li>➤ poor standards of care</li> <li>➤ criminal activity, such as fraud or theft</li> <li>➤ not complying with legal requirements</li> <li>➤ not following rules and procedures</li> <li>➤ negligence</li> <li>➤ unprofessional behaviour</li> <li>➤ distortion of financial information</li> <li>➤ cover-up of any of the above</li> </ul>	<p>Challenging Bad Practice Procedure</p>
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When a concern does not fit any of the above examples, the person will be encouraged to raise the concern anyway and will be advised on the appropriate route to take.

## Guidance on using the procedures

This procedure is a means to raise concerns relating to poor and inappropriate practices within SoLO or any organisation SoLO is working with. It is primarily for concerns where the interests of others or the interests of the organisation itself are at risk, rather than about matters to do with personal circumstances.

## What will happen when a concern is raised?

When an issue has been raised under the Challenging Bad Practice procedure, SoLO will make sure that all concerns raised are treated seriously and fairly. Anyone who raises a concern which they have good reason to believe presents a risk to SoLO and/or its members, will be supported even if, after investigation, the concern proves to be unfounded. However, any malicious or deliberately dishonest claims will be subject to disciplinary action.

## How to raise a concern

Concerns should be raised as a witness and not a complainant. They may be raised verbally, in writing or by email. Whichever method used should state:

- what the concern is about e.g. what has been heard or seen or the practice which is of concern
- any background information e.g. what has led to the issues arising

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- information to support the concerns e.g. dates, times and who was involved
- any further evidence such as the names of other witnesses who may be able to provide supporting information.

The person raising the concern may be accompanied by a colleague or a representative at any meeting attended to discuss the concerns.

A representative may be asked to raise a concern on a person's behalf if they so wish.

Any meetings required to discuss the concerns will be held at the witness's convenience so far as is possible and they may request a meeting away from the workplace and outside of normal working hours if preferred.

### **Will the witness's identity be protected?**

Information, including identity, will be disclosed only to those involved in the process. If, when raising a concern, there is a request that an identity be kept confidential, SoLO will do everything possible to ensure confidentiality is maintained. However, there may be occasions where it may be necessary to disclose an identity. An example of where this may happen is where disciplinary action is taken as a result of an investigation into the concerns and there is a requirement to provide a witness statement. In most cases it is a legal requirement to provide the name of the witness, who would then be kept informed of any action to be taken throughout the process.

It would be better if concerns are not raised anonymously (i.e. without giving names), as this would hinder and lengthen the process. If however a witness prefers not to give their name, SoLO would prefer that the concern is raised anonymously rather than not at all.

### **Reporting the concern**

When staff wish to raise an issue concerning bad practice within SoLO or any organisation SoLO is working with, they have the option to raise this in the first instance with their line manager, or with the line management above your manager up to and including the Chair of the Management Board. Staff need to judge with whom it is most appropriate to raise the concern and SoLO will support them in making that judgement. If they choose initially to raise the concern through line management, and are not satisfied with the outcome, they may also take this further to the Chair of the Management Board or other Board member who will decide the most appropriate action to take.

Should staff wish to contact SoLO's Chair of the Management Board at any time during the process of raising the concern, they should put it in writing and send it marked 'confidential' to The Chair of the Management Board, SoLO, St Andrew's Centre, Pike Drive, Chelmsley Wood, Birmingham, B37 7US.

## **Confidentiality, Support and Assurances**

As many of the concerns raised through this procedure may be of a sensitive nature, it is important that all the parties involved understand the importance of confidentiality. Information should only be disclosed to those who are involved in the process. This applies to all parties involved in the process.

All concerns raised under this procedure will be treated seriously and sensitively and SoLO will provide any individual raising a concern with appropriate support. SoLO will not tolerate harassment, victimisation or detrimental treatment towards any individual who raises a concern through this route and any such behaviour will be treated seriously and could lead to disciplinary action for those responsible.

## **How will concerns be responded to**

If the issue raised is dealt with under the Challenging Bad Practice procedure, the person to whom the concern is raised will write acknowledging the concern within 7 days and within 14 days will send the following information:

- how they propose to deal with your concerns
- an estimate of how long it will take to give a final response
- or an explanation of why no further action is being taken if this is the case

The decision on how to deal with any concern will be taken by the most appropriate person depending on the nature and the seriousness of the concerns raised. It is likely to be dealt with by the person initially addressed with the concern. If it was first raised with a line manager, and subsequently the issue raised is dealt with under the Challenging Bad Practice procedure, then the manager will liaise with SoLO's Chair of the Management Board or other Board member in order to ensure the most appropriate course of action is taken.

Action taken will depend on the nature of the concern. Concerns raised may:

- be investigated

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- be considered under SoLO's Vulnerable Adult and Child Protection Procedure or any other relevant SoLO procedure
- be referred to an external professional body e.g. Social Services
- be referred to the Police
- be dealt with by other action or under other SoLO's procedures

If the nature of the concern is such that urgent action is required, this will be taken before any investigation is started e.g. a member of staff may be suspended or a volunteer may be removed.

The witness will be notified by the person with whom the concern was raised, whether or not the concern was upheld, and any action taken to resolve the problem. Obviously, a certain level of confidentiality must be maintained as SoLO has a responsibility to protect its members and the rights of its staff.

## **Dissatisfaction with SoLO's response**

This procedure is designed to ensure that all concerns regarding inappropriate practices within Solihull SoLO or any organisation SoLO is working with, are dealt with quickly and effectively within the organisation.

If the witness raised their concern initially through line management, they have the option of taking it further through the line management up to and including the Chair of the Management Board, if they are not satisfied with the line manager's response.

However, if they have raised a concern through this procedure, exhausted the process and still feel dissatisfied with SoLO's response, they may approach any of the following with their concerns:

- the Charity Commissioners
- a relevant professional body
- the organisation Public Concern at Work
- the Police
- Solihull MBC
- Solihull PCT

If the concern is taken outside of SoLO, it should be ensured, as far as possible, that non-relevant confidential information is not disclosed.

## **Public Interest Disclosure**

If there is good reason to believe that in raising the concerns within SoLO a witness will be victimised or that evidence will be destroyed, the issues may,

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in some circumstances, be disclosed outside SoLO under the **Public Interest Disclosure Act**. In making such a disclosure they are protected by law and will not be dismissed for raising the concerns externally. If they were they would have a right to make a claim to an Employment Tribunal for unfair dismissal.

If a witness is considering such action, they should first seek advice from **Public Concern at Work** which is an independent charity offering free legal advice to those wishing to raise concerns. Their telephone helpline number is 020 7404 6609.

A witness should make any such disclosure only to the relevant body or person identified as responsible for the issue – for example, an abuse issue to the local Social Services Department, or theft to the police. They should not disclose the information to members of the public, the media or other non-prescribed individuals or bodies as listed in 10.3.

## **GUIDANCE FOR MANAGERS**

### **1 Handling Concerns**

- 1.1 SoLO is committed to addressing all concerns which staff, members, volunteers or anyone associated or working with SoLO raise in an efficient and sensitive manner. Any concerned individual could choose to raise an issue with a manager in the first instance. The receiving manager must assess the reported concern, and decide on what action to take (i.e. whether it is appropriate to resolve the issue with local procedures and protocols, whether to apply one of SoLO's other procedures, or whether to deal with the issue under the Challenging Bad Practice procedure). The manager should inform the individual of the action decided upon.
- 1.2 If the manager decides that the issue should be dealt with under the Challenging Bad Practice procedure, the person raising the concern must be reassured that the concern will be explored and that they will be kept informed of any action which is to be taken (see Acknowledgement below). If the concern is raised verbally, they should be advised that the manager will be writing to confirm this within 7 days.
- 1.3 If the concern is dealt with locally under the Challenging Bad Practice Procedure, the manager should inform the Chief Executive Officer or Chair of the Management Board in writing in the first instance, and also when the procedure has been completed.

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- 1.4 The manager must inform the Chair of the Management Board immediately if they believe there may be media interest or if it is felt appropriate for any other reason.
- 1.5 The person raising the concern has the right to raise the issue with the Chair of the Management Board at any stage in the process.

## **2. Acknowledgment**

2.1 If an issue has been raised that will be dealt with under the Challenging Bad Practice procedure, a letter of acknowledgement must be sent to any person raising a concern within 7 days. Within 14 days there is also a need to confirm in writing:

- how it is propose to deal with the concerns raised
- an estimate of how long it will take to give a final response
- or an explanation of why no further action is being taken if this is the case

## **3. Dealing with the Concern**

3.1 A manager should seek advice from one or more of the following:

- SoLO's CEO
- a line manager
- the Chair of the Management Board of Board member

3.2 Ensure that confidentiality is maintained and that only the people who need to know the details of the concern are informed. Do not under any circumstances discuss the issue with someone who is the subject of the concern or complaint, or inform them of its receipt, until the appropriate course of action has been decided on.

3.3 A manager may feel it appropriate to conduct an investigation. However, before taking this course of action, always seek advice from SoLO's CEO. If it is felt it may be appropriate to suspend a member of staff, please seek advice from the Chair of the Management Board

3.4 A manager may need to approach an external body such as:

- a relevant professional body
- the Police

3.5 If the issue is not of a nature requiring external reporting or involvement, a manager should consider which internal process is the most appropriate. In particular, the following should be considered:

- investigation under the Grievance & Disciplinary Procedure
- investigation under the Child/Adult Protection Procedures
- investigation under the Complaints Resolution Procedure

3.6 There may be concerns raised where the issue does not require formal investigation, but where training or supervision, or some other rearrangement of procedure or activity, is required in a specific activity or process. If this is the case, this should still be recorded as having been identified as the appropriate response, and reported to the Chief Executive Officer.

3.7 Whatever course of action is appropriate, a manager should keep the individual who raised the concern informed at all stages – raising a concern can be distressing for the individual and good communication throughout the process may help to alleviate any anxiety. However, it will normally be inappropriate to go into the details of any action taken in respect of another individual – for example, if someone is investigated under the Disciplinary Procedure, it would be inappropriate to tell the person raising the concern that this is happening or the outcome of any disciplinary hearing. In such circumstances, it should be sufficient to tell the individual that the issue was being investigated and action taken – its effectiveness could then be measured by them in terms of whether or not the bad practice they have highlighted ceases.

## 4. Recording the Outcome

4.1 Once the concern has been dealt with as fully as possible, a manager should inform the CEO or Chair of the Management Board of the outcome in writing.