**Kent Supported Homes Complaints, Resolution, and Whistleblowing Guidance**

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# Contents

|  |  |
| --- | --- |
| **Subject** | **Page** |
| [Guidance for Kent Support Homes Hosts and accommodation officers](#_Guidance_for_Kent) | 3 |
| [Dignity at work](#_Dignity_at_work) | 3 |
| [Aims](#_Aims) | 3 |
| [Scope and limit](#_Scope_and_limit) | 3 |
| [Our standards](#_Our_standards) | 4 |
| [Complaints against other employees](#_Complaints_against_other) | 4 |
| [Monitoring and recording](#_Monitoring_and_recording) | 4 |
| [Resolution process](#_Resolution_policy) | 5 |
| [Definitions](#_Definitions) | 5 |
| [Scope](#_Scope) | 6 |
| [Aims](#_Aims_1) | 6 |
| [Process for Kent Supported Homes Hosts](#_Process_for_Kent) | 6 |
| [Kent County Council standards](#_Kent_County_Council) | 6 |
| [Whistleblowing](#_Whistleblowing_introduction) | 7 |
| [Whistleblowing aims](#_Whistleblowing_aims) | 8 |
| [What is whistleblowing?](#_What_is_whistleblowing?) | 8 |
| [Whistleblowing scope](#_Whistleblowing_scope) | 8 |
| [Protection of the whistleblower](#_Protection_of_the) | 9 |
| [Confidentiality](#_Confidentiality) | 9 |
| [Anonymous allegations](#_Anonymous_allegations) | 10 |
| [Untrue allegations](#_Untrue_allegations) | 10 |
| [Bribery Act 2010](#_Bribery_Act_2010) | 10 |
| [Counterterrorism and Security Act 2015 – Prevent duty for local authorities](#_Counterterrorism_and_Security) | 10 |
| [Comments, complaints, and compliments](#_Comments,_complaints,_and) | 10 |
| [Advocacy](#_Advocacy) | 11 |
| [Who can make a complaint, comment, or compliment?](#_Who_can_make) | 11 |

# Guidance for Kent Support Homes Hosts and accommodation officers

Whilst Kent Supported Homes (KSH) Hosts are not employed by Kent County Council (KCC) as members of staff, the sources for this guidance are derived from KCC’s staff policies covering [Dignity and Respect at Work](https://www.kent.gov.uk/__data/assets/pdf_file/0010/55486/Dignity-and-Respect-at-Work-policy.pdf) and the [Customer Feedback Policy (Compliments, Comments and Complaints)](https://www.kent.gov.uk/__data/assets/pdf_file/0014/104072/Comments-complaints-and-compliments-policy.pdf) that encompasses the Whistleblowing Policy. The Care Leavers Service wants to ensure all people with whom we are working and who work on our behalf are treated fairly, equitably and with mutual respect. This guidance reflects the Council’s [Corporate human resource (HR) policies](https://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies) to achieve this.

Our aim is to deal with any issue or complaint regarding the working environment or working relationships at an early stage so that an effective solution can be found in good time, without delay. This guidance is separate from any allegations and complaints against Hosts, which follow a separate set of procedures, which can be found on [Kent Procedures Online](https://kentchildcare.proceduresonline.com/index.htm) and can be provided to a Host by their allocated Accommodation Officer.

This guidance is intended for the use of Accommodation Officers and Kent Supported Homes Hosts to give the key principles involved in resolving any dispute and the escalation/whistleblowing process.

# Dignity at work

Hosts work largely within their own homes, but KCC’s guidance says that KCC is committed to providing safe workplaces which are free from discrimination, harassment, violence, or any other form of offensive and unacceptable behavior and by extension this should include all those who work within and for Kent Supported Homes. This guidance sets out the expected standards regarding dignity and respect at work.

## Aims

* To ensure that employees, service uses, volunteers and other individuals working for KCC’s partner agencies are always treated with dignity and respect.
* To create a culture where individuals feel confident and comfortable in raising any concerns regarding offensive and unacceptable behaviour at work, which they have directly experienced or witnessed.
* To provide awareness of what steps an individual should take if they have directly experienced or witnessed offensive and unacceptable behaviour at work.

## Scope and limit

* This guidance covers KCC employees, Elected Members, volunteers, partner organisations and contractors. It applies to incidents involving KCC employees where the perpetrator or victim is a KCC staff member, service user, Elected Member, volunteer, and those who are contracted to work for KCC and those who work in partnership with KCC.
* KCC is not trying to dictate how people should behave in their own homes but anyone working for KCC should share its values and ethos with respect to equality and diversity.
* It is also acknowledged that Hosts live with young adults who sometimes display behaviour that can be personally challenging and difficult to manage. Therefore, whilst this guidance does apply to our service users both in terms of how they should be treated and in respect of how they should treat others, including those working with them, it needs to be applied with understanding of their individual experiences and the overall stated aims of the service in supporting young adults to achieve independence, grow and reach their full potential.

## Our standards

* All KCC employees, Elected Members, service users, volunteers and individuals working for KCC’s partner agencies will be always treated with dignity and respect.
* Tolerance, understanding and respect for others are at the centre of KCC’s organisational ethos.
* KCC does not tolerate harassment, discrimination, violence, or offensive and unacceptable behaviour towards individuals on any grounds (including the protected characteristics set out in the Equality Act 2010 – these being age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation).
* All employees (including those contracted to work for KCC), volunteers and Elected Members are expected to take action to report and challenge discriminatory, harassing, or violent behaviour, language, and attitudes, whatever their origins.
* Reports relating to dignity and respect issues will be dealt with promptly, effectively, and sensitively.

## Complaints against other employees

* Employees wishing to register a complaint against another employee should use KCC’s Resolution Procedure (for schools-based employee the School’s Grievance and Harassment Procedures should be used). Serious complaints against KCC employees may also require the Disciplinary Procedure and other procedures to be used.
* Where complaints are unsubstantiated and found to be vexatious or made in malice, this will be addressed in accordance with the Disciplinary Policy.

## Monitoring and recording

* To measure the effectiveness of KCC’s approach towards dignity and respect at work and the practical application of the standards set out in this guidance, KCC will collect and monitor information on any complaints that are made.

# Resolution Process

Within workplaces it is normal for there to be some difference of opinion, conflict or dispute including within Kent Supported Homes. In many cases these matters can be successfully and speedily resolved by managers as part of their day-to-day responsibilities or using the non-adversarial approach of mediation.

The Resolution Policy and associated procedure set out KCC’s approach to achieving lasting solutions to issue/s raised by Hosts and those working within and for Kent Supported Homes regarding their working environment or working relationships (including harassment). The Resolution Policy is reviewed on a regular basis and any changes are made in agreement with KCC’s recognised trade unions. The policy draws on five core principles:

* Fairness
* Mutual respect
* Empathy
* Dignity
* Dialogue

It is expected that all parties in the process will adhere to these principles.

## Definitions

For this guidance KCC has adopted the Advisory, Conciliation and Arbitration Service (Acas) definitions of harassment and bullying.

Acas defines harassment as:

‘Unwanted conduct related to a relevant protected characteristic\*, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.’

Acas identify that bullying can be characterised as:

‘Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.’

Harassment may take the form of either repeated or single incidents. Critically, if a behaviour or action is offensive by the person who receives it, it may constitute harassment whether intentional or otherwise. However, the issue of whether a behaviour or action was intentional is relevant when examining the most appropriate and effective way to resolve the situation.

## Scope

The Resolution Guidance provides the means for a Host (or a group of Hosts) to seek a resolution to an issue which has led to them experiencing a disadvantage or anticipating that it will do so. The issues may be the result of:

* Actions taken or proposed by KCC (which have not been subject to a period of formal consultation).
* Actions by another Host or employee (or group of employees).
* Actions of a third party (this only applies to circumstances where KCC can intervene in the actions of the third party).
* A failure to act by management.
* A failure to act by another Host or employee (or group of employees).

## Aims

Through the Resolution Policy and the associated Procedure KCC aims to:

* Provide Hosts, Accommodation Officers and managers with a constructive and effective approach to resolving the identified issue/s at the earliest opportunity.
* Wherever possible, achieve successful outcomes through an early resolution discussion (this may also involve mediation).
* Ensure consistency and fairness of treatment.

## Process for Kent Supported Homes Hosts

KSH Hosts are entitled to:

* Raise a resolution request with their Accommodation Officer or escalate to a manager\*\* if directly about the Accommodation Officer either in writing or verbally.
* Participate in an early resolution approach with their Accommodation Officer or manager\*\* to explore how the identified issue/s can be resolved and agree a way forward.
* Have a resolution meeting if the issue/s have not been resolved by the early resolution approach or they have been assessed as being more complex.
* A right of appeal against the outcome of the resolution meeting.
* Be accompanied at resolution and appeal meetings by a Host colleague.

\*\* or grandparent manager if the issue/s relate to their direct Line Manager

## Kent County Council standards

* Resolution requests must be raised within three months of the event/incident occurring (or within three months of an employee becoming aware of an issue).
* Issues will be dealt with in confidence.
* Harassment and bullying are not tolerated.
* Parties who are the subject of complaint will be treated with the same dignity and respect as the complainant.
* All issues raised will be assessed to explore how they can be resolved in the most effective way.
* There is an expectation that all parties will, wherever appropriate, engage with the early resolution approach.
* There is an expectation that all parties will consider engaging in early resolution mediation.
* Early resolution mediation is voluntary and is a confidential process.
* Written confirmation will be provided to the relevant parties regarding the outcome of the resolution meeting.
* If there is a need to vary any of the timescales set out in the Resolution Procedure this will be discussed with the Host.
* Hosts will be protected from intimidation, victimisation, or discrimination for raising issues via the Resolution Policy.
* Resolution requests which relate to a disciplinary or capability process for a member of KCC staff will, where possible, be considered as part of the operation of that procedure. If this is not possible the disciplinary or capability process will not be suspended, and the request will be addressed in parallel to it. However, each case will be considered on an individual basis.
* Where a group of Hosts have raised a collective resolution request, the presentation of information during a resolution meeting or appeal should be handled by a spokesperson and/or representative. Other Hosts in the group will speak only as witnesses unless otherwise agreed.

# Whistleblowing

This guidance for Hosts follows KCC’s Whistleblowing Policy and is intended for all persons working for KCC or on behalf of KCC, including members, employees at all levels whether permanent or temporary, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives, and partners.

All organisations face the risk of things going wrong or of unknowingly harbouring wrongdoing. By promoting a culture of openness within KCC, employees, partners and other stakeholders are encouraged to raise issues which are of concern at work. By knowing about wrongdoing at an early stage, steps can be taken to safeguard the interests of all and prevent fraud and corruption before it happens.

KCC is committed to the highest possible standards of openness, probity and accountability. If employees and others working with the authority (including volunteers) have concerns regarding any aspect of its work, they are encouraged to come forward and speak up with their concerns. In some instances, concerns may need to be expressed on a confidential basis.

## Whistleblowing aims

This guidance is intended to encourage individuals to raise serious concerns internally within KCC, without fear of reprisal or victimisation, rather than overlooking a problem or raising the matter externally.

This guidance aims to ensure individuals:

* Can feel confident in raising serious concerns and to question and act upon concerns about practice.
* Are provided with avenues to raise concerns and receive feedback on any action taken.
* Receive a response to their concerns and are aware of how to pursue the matter further if they are not satisfied with the outcome.
* Can be reassured that they will be protected from reprisals or victimisation if they make a disclosure.
* Are aware that, in the case of KCC employees, a false or malicious disclosure will be addressed in accordance with the KCC Disciplinary Procedure.

## What is whistleblowing?

A whistleblower is a person who is working for or with KCC and raises a concern which relates to possible fraud, crime, danger, or other serious risks which could threaten service users, customers, members of the public or the success and reputation of KCC.

## Whistleblowing scope

The Whistleblowing Policy applies to all employees, agency workers, volunteers and those contractors working on KCC premises (e.g. cleaners, builders, and drivers etc.), suppliers and those providing services under a contract with KCC in their own premises are also covered by the policy.

Concerns raised will be addressed in accordance with the associated Whistleblowing Procedure and these can include matters such as:

* Conduct which is, has been or is likely to be an offence or breach of law.
* Conduct that has occurred, is occurring or is likely to occur and the result of which is that KCC fails to comply with a legal obligation. For example, unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct, discrimination of any kind and waste/frivolous expenditure
* A concern that a KCC employee (or someone working with us) or a service user may be at risk of being drawn into extremism and terrorism (see below)
* Disclosures related to past, current or likely miscarriages of justice.
* Past, current, or likely health and safety risks, including risks to the public as well as other employees (see below)
* Past, current, or likely damage to the environment.
* Concerns about any aspect of service provision.
* Other concerns regarding the conduct (including breaches of known standards or KCC’s Standing Orders) of officers or KCC Members or others acting on behalf of KCC.

KCC’s Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

## Protection of the whistleblower

KCC is committed to the Whistleblowing Policy and individuals are encouraged to raise concerns about malpractice in the context of the policy. Concerns will be treated seriously, and actions taken in accordance with this guidance.

Individuals may be anxious that, by reporting genuine whistleblowing concerns their actions may leave them vulnerable. It is important to emphasise that KCC will not tolerate the victimisation, intimidation, or penalisation of anyone raising a genuine concern, anyone involved in the subsequent investigation or anyone acting as a witness.

Anyone responsible for any such action against individuals making genuine disclosures will be the subject to a disciplinary investigation under the Disciplinary Policy.

It is unfair to dismiss an employee if the reason, or main reason, is that they made a protected disclosure, i.e. a disclosure about a ‘relevant failure’ in the following areas:

* A criminal offence.
* Breach of legal obligation.
* A miscarriage of justice.
* Danger to an individual’s health and safety.
* Damage to the environment.
* Deliberate concealment of information relating to any of the above.

Whistleblowers receive protection under the Public Information and Disclosure Act 1998. Further information can be found under Appendix 1 of the KCC Whistleblowing Policy.

## Confidentiality

All concerns raised will be treated in confidence and every effort will be made not to reveal the individual’s identity if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the individual is required to come forward as a witness.

## Anonymous allegations

Concerns expressed anonymously are much less powerful than those that are attributed to a named individual. However, anonymous allegations will be considered and investigated at KCC’s discretion. In exercising this discretion, the factors to be considered would include:

* The seriousness of the issues raised.
* The credibility of the concern.
* The likelihood of confirming the allegation from attributable sources.

## Untrue allegations

Persons who knowingly make false, malicious or vexatious allegations will be investigated and could be subject to disciplinary action under the Disciplinary Policy.

# Bribery Act 2010

KCC has a zero-tolerance approach to acts of bribery and corruption. Any instances of suspected bribery and corruption must be reported. If you do not feel able to report your concerns to your line manager, the Whistleblowing Procedure can be used to confidentially raise this matter.

# Counterterrorism and Security Act 2015 – Prevent duty for local authorities

The Counterterrorism and Security Act 2015 places a duty on local authorities to have due regard to the need to prevent people from being drawn into terrorism. If you have a concern that a KCC employee (or someone who works with us) or a service user is being drawn into extremism or terrorism you should raise this via the 'Channel' referral process.

# Comments, complaints, and compliments

Constructive feedback is always useful, as things change all the time it is important that the service also adapts and changes. Equally, KCC and KSH have a genuine desire to learn from our service users and from our partners (Hosts) as part of a learning organisation so that we can improve the service we deliver to the young people we are supporting. As part of this commitment KCC has a [Customer Feedback Policy](https://www.kent.gov.uk/__data/assets/pdf_file/0014/104072/Comments-complaints-and-compliments-policy.pdf), also known as the Compliments, comments and complaints policy. For all young people Kent County Council has a complaints leaflet, available on [Kent Procedures Online](https://www.proceduresonline.com/trixcms2/media/12796/complaints-leaflet.pdf), with details about how anyone can make a complaint if they want to. Each young person will be given a copy of this when they first go to live with their KSH Hosts. The complaints service can be contacted by phone on 03000 41 11 11 or by email at cscomplaints@kent.gov.uk.

## Advocacy

The Young Lives Foundation is commissioned to deliver the representation rights and advocacy service, based locally in Kent. Advocacy for children is available in these circumstances:

* Children in care
* Care leavers aged 18 – 25
* Independent visitors for children in care aged 8 – 18 years
* Independent person for stage 2 complaints under the Children Act 1989
* Accompanying adult’s service for age assessment interviews for unaccompanied asylum-seeking young people.

Children and young people can make self-referrals or be referred by their carers, key worker, social worker or personal advisor. More information is available on [The Young Lives Foundation website](https://ylf.org.uk/).

## Who can make a complaint, comment, or compliment?

Any individual or organisation that uses or receives a Council service can make a complaint if they are dissatisfied with the service. Complaints can also be made by a relative, a member or MP, carer, friend or advocate on your behalf. We may have to seek your consent if someone raises a complaint on your behalf. This includes:

* Statutory or non-statutory services provided to individual customers.
* Services provided to schools.
* Services commissioned and delivered through other providers on behalf of the Council.

The Customer Feedback Policy does not cover complaints from members of staff, trainees, apprentices, or persons on work placements, involving working conditions, pay or other internal grievances.

Hosts are encouraged to use the resolution process if they have a complaint, but other feedback is welcome either directly through the Accommodation Officer or to the Accommodation Team Manager, at kentsupportedhomes@kent.gov.uk.