

COMPLAINTS AND WHISTLEBLOWING POLICY



Poppy Haggis

THRIVE LINCS LTD Registered No. 14878964



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Complaints and Whistleblowing

Policy and Procedure

1 Our Aim

Thrive Lincs Ltd is committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which we can continue to improve our service is by listening and responding to the views of our clients and stakeholders, and in particular by responding positively to complaints, and by putting mistakes right.

Therefore we aim to ensure that:

- making a compliment or complaint is as easy as possible
- we welcome compliments, feedback and suggestions
- we treat a complaint as a clear expression of dissatisfaction with our service which calls for an immediate response
- we deal with it promptly, politely and, when appropriate, confidentially
- we respond in the right way - for example, with an explanation, or an apology where we have got things wrong, or information on any action taken etc.
- we learn from complaints, use them to improve our service, and review annually our complaints policy and procedures

We recognise that many concerns will be raised informally, and dealt with quickly.

Our aims are to:

- resolve informal concerns quickly
- keep matters low-key
- enable mediation between the complainant and the individual to whom the complaint has been referred

This policy ensures that we welcome compliments and provide guidelines for dealing with complaints from members of the public about our services, facilities, staff and volunteers.

2. Definitions

A compliment is an expression of satisfaction about the standard of service we provide.



A complaint is defined as any expression of dissatisfaction, however, it is expressed. This would include complaints expressed face to face, via a phone call, in writing, via email or any other method. All staff should have sufficient knowledge to be able to identify an “expression of dissatisfaction” even when the word “complain” or “complaint” is not used.

3. Purpose

We are always glad to hear from people who are satisfied with the services we offer. All compliments are recorded, acknowledged, and a copy is sent to the relevant service manager to provide feedback to the member of staff or service.

4. Complaints

The formal complaints procedure is intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

5. Responsibilities

Thrive Lincs Ltd responsibility will be to:

- acknowledge the formal complaint in writing;
- respond within a stated period of time;
- deal reasonably and sensitively with the complaint; and
- take action where appropriate.

A complainant's responsibility is to:

- bring their complaint, in writing, to Thrive Lincs Ltds attention normally within 8 weeks of the issue arising;
- raise concerns promptly and directly with a member of staff in Thrive Lincs Ltd;
- explain the problem as clearly and as fully as possible, including any action taken to date;
- allow Thrive Lincs Ltd a reasonable time to deal with the matter, and
- recognise that some circumstances may be beyond Thrive Lincs' control.



6. Confidentiality:

Except in exceptional circumstances, every attempt will be made to ensure that both the complainant and Thrive Lincs Ltd maintain confidentiality. However the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality (with each complaint judged on its own facts). Should this be the case, the situation will be explained to the complainant.

7. Complaints Procedure:

Written records must be made by Thrive Lincs Ltd at each stage of the procedure.

Stage 1

In the first instance, staff member(s) must establish the seriousness of the complaint. An informal approach is appropriate when it can be achieved. But if concerns cannot be satisfactorily resolved informally, then the formal complaints procedure should be followed.

Stage 2

If the complaint cannot be resolved informally, the member of the public should be advised that a formal complaint may be made and the following procedure should be explained to them. It may sometimes be appropriate for a different member of staff, preferably a member of the Management Team, to make this explanation.

- a) A formal complaint can be made either verbally or in writing. If in writing the attached form should be used. If verbally, a statement should be taken by a member of the Management Team, staff member or a supervisor.
- b) In all cases, the complaint must be passed on to Poppy Haggis. In the event of a complaint about the Poppy Haggis the complaint should be passed to the Mark Haggis.
- c) The Poppy Haggis or Mark Haggis, depending on the nature of the complaint, must acknowledge the complaint in writing within one week of receiving it.
- d) One of the above will investigate the complaint. Any conclusions reached should be discussed with the staff member involved and their Line Manager.
- e) The person making the complaint will receive a response based on the investigation within four weeks of the complaint being received. If this is not possible then a letter must be sent explaining why.
- a) will examine the complaint and may wish to carry out further interviews, examine files / notes. They will respond within four weeks in writing. Their decision will be final.



Thrive Lincs Ltd COMPLAINTS FORM

You may use this form to make a suggestion or to make a complaint about Thrive Lincs Ltd.

We would like you to return this form as soon as possible.

Your Name

Address

.....

Telephone

Date of incident

Approximate time of incident

Suggestion / Complaint

What action would you like to be taken?

What times are convenient for you to have an appointment to discuss this?



Whistleblowing

Thrive Lincs is committed to providing the highest standards of professional teaching and care for its students. In line with this commitment, this policy is intended to encourage and enable staff and others with serious concerns about malpractice, wrongdoing and unethical behaviour to come forward and raise those concerns within the company. In all other cases where staff are unhappy about decisions or actions affecting their employment, they should use the grievance procedure.

Provided a concern is raised in good faith, it does not matter if it is mistaken. This assurance does not extend to someone who maliciously raises a matter they know to be untrue. The governors and senior leadership team of the company will not tolerate harassment or victimisation of anyone raising a concern. However, if it transpires that the concern was raised maliciously, we will take disciplinary or other management action.

THE PUBLIC INTEREST DISCLOSURE ACT (PIDA)

The Public Interest Disclosure Act (PIDA) 1998 came into force in July 1999. It is designed to protect whistleblowers from detriment and/or unfair dismissal. The people protected by the Act include employees, third party contractor staff, agency workers and work experience providers. The legislation does not introduce a general protection for whistleblowers in all circumstances. A disclosure will qualify for protection if, in the reasonable belief of the worker making it, it tends to show one or more of the following has occurred, is occurring, or is likely to occur:

- Possible fraud and corruption
- The unauthorised use of company funds
- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information tending to show any of the above.

A qualifying disclosure will be protected under the Act if it is made:

- In good faith to the worker's employer (either directly or through internal procedures authorised by the employer) or to another person whom the worker reasonably believes is solely or mainly responsible for the failure in question



- To a legal advisor in the course of obtaining legal advice.

Qualifying disclosures will also be protected if they are made other than as above, provided that the worker makes the disclosure in good faith, reasonably believes that the information and any allegation contained in it are substantially true and does not act for personal gain. One or more of the following conditions must also apply:

- The worker reasonably believed that he or she would be victimised if he or she had made the disclosure to the employer or to a prescribed person
- There was no prescribed person and the worker reasonably believed that disclosure to the employer would result in the destruction or concealment of evidence
- The worker had already disclosed substantially the same information to the employer or a prescribed person.

It must also be reasonable for the worker to make the disclosure. It will be for the employment tribunals to consider whether any particular failure is exceptionally serious: this is a matter of fact, not of a worker's personal belief.

The objectives of the Whistleblowing Policy are:

- to encourage and enable employees and other workers to raise genuine and legitimate concerns internally and also to define clearly the situations in which they may raise the matter externally without being subject to any detriment, including victimisation and disciplinary action up to and including dismissal. An employee who makes a rash disclosure (to the media for example) of a matter that could and should have been raised internally will not be protected by PIDA
- to provide an opportunity for those concerns to be investigated and for appropriate action to be taken to ensure the matter is resolved effectively within the company wherever possible
- to deter serious malpractice; and
- to promote accountability throughout the company.

PERSONAL RESPONSIBILITIES

The owners expect all staff to fulfil their terms of employment to the best of their ability. In doing so they must try to maintain good working relationships with colleagues. The maintenance of acceptable standards of conduct, attendance and performance form a part of the responsibilities of everyone at the company. The high standards expected also apply when staff represent the company at events such as trips, conferences, training courses, sports and recreational events.



HOW TO REPORT A CONCERN

Firstly, concerns should be reported to the senior leader or someone else in the leadership team. If for any reason this is felt to be difficult, or the report is about someone senior in the company, the report should be made to the company owner. If having exhausted these procedures the person raising the concern does not receive what they consider to be an appropriate response, they may report the matter directly to the Lincolnshire Council ombudsman.

CONFIDENTIALITY

While open reporting is encouraged, the senior managers of the company recognise there may be situations where a member of staff wants to raise issues in confidence. Occasionally, a conflict may arise between protecting matters in confidence and the need to develop information in support of criminal or disciplinary actions. Should this happen the matter will be considered very carefully. If the reported wrongdoing may be so serious that action has to be taken to prevent further harm, by identifying those responsible with a view to criminal or disciplinary procedures, the Owners and Senior Leaders will explain what co-operation is likely to entail and what support will be available for the person who raised the original concern.

HOW A CONCERN WILL BE HANDLED

Once a concern has been raised the Owner will assess what action to take. They will inform the person raising the concern as to who will be responsible for taking the matter forward, how they propose to handle the issue and whether they will need further assistance. If the person raising the concern has a personal interest in the matter this must be made clear at the outset. The Owner will also advise if they feel the concern falls more properly within the Grievance Policy.

RETENTION OF RECORDS

Records on all whistleblowing cases will be retained for 6 years. The papers will only form part of an individual's personnel file if disciplinary action has been taken against that individual as a consequence of resolving the matter.

FURTHER INFORMATION, HELP AND ADVICE

Further information is available from Public Concern at Work (PCAW) – a charitable organisation that promotes accountability and good governance in organisations. They can be contacted on 020 7404 6609 or at www.pcaaw.co.uk.



ADDITIONAL ADVICE FOR SENIOR LEADERS

What to do if someone reports to you a concern about wrongdoing, malpractice or unethical behaviour at work.

When someone reports their concerns to you

- Thank them for raising the matter
- Remember there may be another perspective or plausible explanation
- Listen to and respect any concern they may have about protecting their position or career
- Ascertain whether they have a personal interest in the matter and if so, whether the concern should be properly dealt with under the company grievance procedures
- Take care to avoid giving unrealistic expectations

For help in dealing with a reported concern you can speak to the Senior Leader or the company owner. When your enquiries are complete report the outcome and any remedial action you propose to take to the person who raised the concern, unless this would infringe a duty of confidence to another party. Always remember that:

- You must deal appropriately with any malpractice that you find
- You may be required to explain how you handled the concern
- Victimising someone who raises a concern is a disciplinary offence