**NORTH KENT MIND**

**EMPLOYEE HANDBOOK**

**Revised 2019**

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**NORTH KENT MIND**

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|  |  **INTRODUCTION** |

The success of any organisation and that of its employees depends very largely on the employees themselves, and so we look to you to play your part as we shall continue to play ours.

North Kent Mind believes that no person should suffer disadvantage by reason of their race, colour, religion, ethnic or national origin, sex, marital status, sexual orientation, physical or sensory disability, age, mental disability or mental health problem. We will apply employment policies which are fair, equitable and consistent with the skills and abilities of our employees and the needs of the association. We look to your support in implementing these policies to ensure that all employees are accorded equal opportunity for recruitment, training and promotion and, in all jobs of like work, on equal terms and conditions of employment.

We will not condone any discriminatory act or attitude in the conduct of our business with the public or our employees. Acts of harassment or discrimination on the grounds of race, sex, disability,gender re-assignment or sexual orientation are disciplinary offences.

We welcome you and express our sincere hope that you will be happy here in our team. We ask that you study carefully the contents of this employee handbook as, in addition to setting out our rules and regulations, it also contains a great deal of helpful information.

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|   **JOINING OUR ORGANISATION** |

**A) PROBATIONARY PERIOD**

 You join us on an initial probationary period of six months. During this period your work performance and general suitability will be assessed and, if it is satisfactory, your employment will continue. However, if your work performance is not up to the required standard, or you are considered to be generally unsuitable, we may either take remedial action or terminate your employment without recourse to the disciplinary procedure. At the end of your probationary period you will again be assessed and, if satisfactory, you will become a member of our regular staff. If you have not reached the required standard we may either extend the probationary period in order that remedial action can be taken or terminate your employment without recourse to the disciplinary procedure. In the event of you failing to improve during the extended probationary period, your employment will be terminated without recourse to the disciplinary procedure.

**B) CONTRACT OF EMPLOYMENT**

You will receive two copies of your Contract of Employment within two months of starting your employment with us. You will be required to sign both copies and retain one copy for your records and return the other copy to our HR section.

**C) JOB DESCRIPTION**

 You have been provided with a job description of the position to which you have been appointed but amendments may be made to your job description from time to time in relation to our changing needs and your own ability. During holiday periods, etc. it may be necessary for you to take over some duties normally performed by colleagues.

**D) EMPLOYEE TRAINING**

 At the commencement of your employment you will receive training for your specific job, and as your employment progresses your skills may be extended to encompass new job activities within the business. All incoming staff are required to attend the North Kent Mind 3 day training course which is held 4 times per year. In addition, they are required to attend North Kent Mind refresher training every 3 years.

**E) PERFORMANCE AND REVIEW**

 Our policy is to monitor your work performance on a continuous basis so that we can maximise your strengths, and help you overcome any possible weaknesses.

**F) JOB FLEXIBILITY**

 It is an express condition of employment that you are prepared, whenever necessary, to accept changes in your job duties in order to adapt to changes in client or organisation needs. Full training and support would be provided should any such changes be required.

**G) MOBILITY**

 Although you are usually employed at one particular site, it is a condition of your employment that you are prepared, whenever applicable, to transfer to any other of our sites. This mobility is essential to the smooth running of our business. Assistance with transport will be provided where necessary.

**H) TRAVEL AND SUBSISTENCE**

Travel costs incurred while at work are claimable. The figures are reviewed periodically by the Finance and Personnel Committee. As at 2019-2020 these are set at: 45p per mile for cars, and 24p per mile for motorbikes. Where, unusually, an employee is required to be away from home overnight, a subsistence allowance of £10 is claimable.

**I) FLEXIBLE WORKING**

The organisation permits flexible working hours where this is possible, but recognises that this will not be possible in all posts. Requests for flexible working hours must be approved by the line-manager in consultation with the CEO.

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|   **WAGES AND SALARIES, ETC.** |

**A) ADMINISTRATION**

1. Payment

a. For salaried staff the pay month is the calendar month. Basic salaries are paid by the 25th day of the current month and overtime and call out payments and expenses are paid one month in arrears. Sessional staff will be paid on presentation of a claim form.

b. You will receive a payslip showing how the total amount of your pay has been calculated. It will also show the deductions which have been made and the reasons for them, e.g. Income Tax, National Insurance, etc.

c. Any pay queries which you may have should be raised with the Finance officer.

2. Overpayments

If you are overpaid for any reason you must immediately inform the Finance Officer. The total amount of the overpayment will normally be deducted from your next payment but if this would cause hardship, arrangements may be made for the overpayment to be recovered over a longer period.

3. Income Tax and National Insurance

At the end of each tax year you will be given a form P60 showing the total pay you have received from us during that year and the amount of deductions for Income Tax and National Insurance. You may also be given a form P11D showing non-salary benefits. You should keep these documents in a safe place as you may need to produce them if making enquiries with the HMRC or DWP, or if completing a self-assessment form. The law does not allow us to issue duplicate copies.

4. Living Wage Foundation

North Kent Mind follows the principals of the Living Wage Foundation. The Foundation releases their increased hourly rate on the 1st November each year. North Kent Mind will adhere to this increase and will pay the new rate to staff by, if not before, 1st May the following year.

**B) LATENESS/ABSENTEEISM**

1. You must attend for work punctually, if not before, at the specified time(s) and you are required to comply strictly with any time recording procedures relating to your area of work. Therapists must always arrive before their client is due unless in exceptional circumstances.

2. All absences must be notified in accordance with the sickness reporting procedures laid down in this Employee Handbook.

3. If you arrive for work more than one hour late without having previously notified us, other arrangements may have been made to cover your duties and you may be sent home for the remainder of the shift/day without pay.

4. Lateness or absence may result in disciplinary action and/or loss of appropriate payment.

**C) SHORTAGE OF WORK**

 If there is a temporary shortage of work for any reason, we will try to maintain your continuity of employment even if this necessitates placing you on short time or having to lay you off work without pay other than statutory guarantee pay.

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|  **HOLIDAY ENTITLEMENT AND CONDITIONS** |

**A) ANNUAL HOLIDAYS**

1. Your holiday year begins on 1st April and ends on 31st March each year. Your holiday entitlement is shown in your Statement of Main Terms of Employment.

2. Your entitlement to leave is based on whichever salary spine point you are on. The leave entitlement for each spine point is shown in the table below:

|  |  |  |
| --- | --- | --- |
| **Salary Spine Point** | **Initially** | **Increased Annually to the maximum of** |
| 10-14 | 20 | 25 |
| 15-23 | 24 | 27 |
| 24-31 | 25 | 30 |
| 32-36 | 28 | 33 |
| 37+ | 30 | 35 |

 Up to 5 days can be carried forward to the next leave year by arrangement with your Line Manager. You can only carry over leave if, for instance, you have been unable to take your entitlement due to pressure of work, you have a big personal event in the coming leave year for which you need leave or you have had significant absence in the leave year due to maternity leave or long term sickness meaning you were unable to take your leave

**B)** **CONDITIONS APPLYING TO YOUR ANNUAL HOLIDAY ENTITLEMENT**

1. You should request your leave using the Bright HR system.

2. Holiday requests will be considered on a "first come - first served" basis to ensure that operational efficiency and minimum staffing levels are maintained throughout the year.

3. You should give at least two weeks notice of your intention to take holidays and one weeks notice is required for odd single days.

4. You may not normally take more than two working weeks consecutively. This may be waived at the discretion of the Line Manager with the agreement of the CEO.

5. You will not accrue any holidays during your first 13 weeks service with us. On the completion of 13 weeks service you will be credited with annual holidays for this period. Any holidays credited under this arrangement that have already been taken without pay, will be paid for.

6. In the event of the termination of your employment any holidays accrued but not taken will be paid for. However, in the event of your having taken holidays which have not been accrued pro-rata, then the appropriate payments will be deducted from your final wages/salary. This is an express written term of your contract of employment.

7. Staff are requested to take their annual leave entitlement during the current leave year.

**C) PUBLIC/BANK HOLIDAYS**

 You are entitled to public/bank holidays and to any additional payment which may be made for working on a public/bank holiday is shown in your individual Statement of Main Terms of Employment. Part time staff will receive a pro rata entitlement to bank holidays, which will be deducted from their leave entitlement on Bright HR.

**D) ADDITIONAL HOURS**

 Any additional hours worked for which TOIL will be taken must be agreed by your Line Manager before working the extra hours.

E) If you work full time, 37 hours per week and wish to book half a days leave, you should leave work at 12.45pm. this takes into account your half hour lunch break. If you work part time and book half a days leave, you should book half the number of hours you would normally work on that day.

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|  **SICKNESS/INJURY PAYMENTS AND CONDITIONS** |

**A)** **NOTIFICATION OF INCAPACITY FOR WORK**

1. You must notify us by telephone on the first day of incapacity and at the earliest possible opportunity. You should try to give some indication of your expected return date and notify us as soon as possible if this date changes. Notification should be made personally (or if you are unable to do so, then by a relative, neighbour or friend), to your Line Manager or if the Line Manager cannot be contacted, the Central Services Manager should be informed.

2. If your incapacity extends to morethan seven calendar days you are required to notify us of your continued incapacity once aweekthereafter. In any event, the organisation undertakes to have regular contact with people who are on long term sick leave.

**B) EVIDENCE OF INCAPACITY**

1. Doctor's certificates are not issued for short term incapacity. In these cases of incapacity (up to seven calendar days) you must sign a self-certification absence form on your return to work.

2. If your sickness has been (or you know that it will be) for longer than seven days (whether or not they are working days) you should see your doctor and make sure he/she gives you a medical certificate and forward this to us without delay. Subsequently you must supply us with consecutive doctor's medical certificates to cover the whole of your absence. In exceptional circumstances we may request a certificate from you GP, stating that in his opinion you are fit to return to work.

**C) PAYMENTS**

1. Your contractual sickness/injury payments are shown in your individual statement of main terms of employment and are listed below:

 After 6 months service - 4 weeks full pay

 After 2 years service - 6 weeks full pay

 After 4 years service - 8 weeks full pay

 After 5 years service - 12 weeks full pay

2. If you have not been employed by the organisation for 6 months or your contractual sick pay has expired then you are entitled to the lesser amount of statutory sick pay (SSP), if you are absent because of sickness or injury, provided you meet the criteria in the current SSP regulations. When you are absent for four or more consecutive days you will be paid SSP by us if you are eligible. This is treated like wages and is subject to normal deductions.

3. The first three days of absence are waiting days for which SSP is not payable. Where a second or subsequent period of incapacity (of four days or more) occurs within 56 days of a previous period of incapacity, waiting days are not counted again.

4. Where the circumstances of your incapacity are such that you receive or are awarded any sum by way of compensation or damages in respect of the incapacity from a third party, then any payments which we may have made to you because of the absence (including SSP) shall be repaid by you to us up to an amount not exceeding the amount of the compensation or damages paid by the third party.

5. If you fail to produce a GP certificate to cover your absence, SSP or indeed sickness pay will not be paid.

6. If you become unwell whilst on annual leave, the organisation will only return the leave you have booked if you obtain an NHS medical certificate from your GP. A private medical certificate which can be purchased from your GP will not suffice in this case.

**D) RETURN TO WORK**

1. You should notify the Central Services Manager as soon as you know on which day you will be returning to work, if this differs from a date of return previously notified.

2. If you have been suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must notreport for work without clearance from your own doctor.

3. On return to work after any period of sickness/injury absence (including absence covered by a medical certificate), you are also required to complete a self-certification absence form and hand this to the Central Services Manager.

4. Upon returning to work you may be interviewed for the purposes of ascertaining your well-being.

**E) GENERAL**

1. Submission of a medical certificate or sickness self-certification absence form, although giving us the reason for your absence may not always be regarded by us as sufficient justification for accepting your absence. Sickness is just one of a number of reasons for absence and although it is understandable that if you are sick you may need time off, continual or repeated absence through sickness may not be acceptable to us.

2. In deciding whether your absence is acceptableor not we will take into account the reasons and extent of all your absences, including any absence caused by sickness. We cannot operate with an excessive level of absence as all absence, for whatever reason, reduces our efficiency.

3. We will take a serious view if you take sickness/injury leave which is not genuine, and it will result in disciplinary action being taken.

4. If we consider it necessary, we may ask your permission to contact your doctor or for you to be independently medically examined.

**F) PHASED RETURN**

 There may be times when staff decide they wish to return from a period of sickness on a phased return. This is usually down to the line manager’s discretion. The details of the phased return should be agreed by the staff member and the line manager. Staff will only be paid for the hours they work during the phased return, however they may take annual leave to cover the days not worked. If they have no leave to take then they will not be paid for the hours not worked.

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|  **OTHER BENEFITS** |

1. **PENSION SCHEME**

All employers now have to put their workers into a pension scheme if they earn over £10,000 per year, are aged 22 or over and are under state pension age

If you don’t want to join the scheme, you need to ask to leave it. You can choose to leave the scheme in the one month period starting on either the date of this letter or the date you will be put into the pension scheme, whichever is the latest. You do this by completing the form available from our Pension provider, The Pensions Trust. You will need to sign the form, or if you send it electronically it will need to include confirmation that you are submitting it personally.

If you leave the scheme during this period any money you have already paid into your pension will be refunded and you won’t have become a member of the scheme on this occasion.

If you want to stop paying into your pension after the end of this one month period you can. The money you have already put in may be refunded but this will depend on the pension scheme we are using and how long you have been paying into it.

You can ask to rejoin the scheme, at any time by writing to the Finance Officer. You will need to send a letter which has to be signed by you. Or if you send it electronically it has to contain the phrase, ‘I confirm I personally submitted this notice to join a workplace pension scheme’.

If you earn more than £112 a week (£486 a month) North Kent Mind will pay into the pension scheme as well. You can only rejoin once in any 12 month period.

Anyone who asks to leave or stops paying into the scheme will be put back into it at a later date (usually every three years if they meet certain criteria). This is because your circumstances may have changed and it may be the right time for you to start saving. We will contact you when this happens and you can ask to leave the scheme.

From 1st April 2018 you will contribute 3% of your gross earnings each pay period. This will be taken from your pay and may include tax relief from the Government. North Kent Mind will also pay in 2% from that date of your gross earnings each pay period. Therefore the total amount put into your pension pot will be 5% of your gross earnings.

As the money you pay is a percentage of your pay, the amounts will automatically go up and down if your earnings do. Also North Kent Mind are going to increase the percentage being paid into your pension over the next year in line with the Governments minimum standards. From 1st April 2019 you will pay in 5% of your gross earnings each pay period and North Kent Mind will pay 3%.

**B) MATERNITY LEAVE AND PAY**

 You may be entitled to statutory maternity leave and pay in accordance with current provisions. If you become pregnant you should notify the CEO or Central Services Manager at an early stage so that your entitlements and obligations can be explained to you.

**C) PATERNITY LEAVE AND PAY**

 You may be entitled to statutory paternity leave and pay in accordance with current provisions. You should notify your line manager should you require paternity leave.

**D) ADOPTION LEAVE**

You may be entitled to statutory adoption leave in accordance with current provisions. You should notify your line manager should you require adoption leave.

**E) UNPAID PARENTAL LEAVE**

 You have the right to be absent from work for up to 13 weeks of unpaid parental leave, if you have been in our employment for a period of one year or more. This also applies if you have adopted a child. To apply for parental leave you should discuss your needs with your line manager who will explain fully your entitlement and obligations, and supply the appropriate application form.

**F) SHARED PARENTAL LEAVE**

You and your partner may be able to get Shared Parental Leave and Statutory Shared Parental Pay if you’re having a baby or adopting a child. You can share up to 50 weeks of leave and up to 37 weeks of pay between you.

**G) TIME OFF FOR DEPENDANTS**

 You may be entitled to take a reasonable amount of unpaid time off during working hours to take action which is necessary to provide help to your dependants. Should this be necessary you should discuss your situation with your line manager who, if appropriate, will agree the necessary time off.

**H)** **HEALTH ASSURED**

Staff have the benefit of access to the Health Assured Confidential Help Line which can provide up to 6 sessions of face to face or telephone CBT counselling per issue, per year. Staff can self refer to this service by calling 0800 030 5182.

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|   **SAFEGUARDS** |

**A) RIGHTS OF SEARCH**

1. We have the contractual right to carry out searches of employees and their property (including vehicles) whilst they are on our premises or business. These searches are random and do not imply suspicion in relation to any individual concerned.

2. If you should be required to submit to a search, if practicable you would be entitled to be accompanied by a third party to be selected only from someone who is on the premises a search is taking place. This right also applies at the time that any further questioning takes place.

3. You may be asked to remove the contents of your pockets, bags, vehicles etc.

4. Whilst you have the right to refuse to be searched, refusal by you to agree to being searched will constitute a breach of contract, which could result in your dismissal.

5. We reserve the right to call in the police at any stage.

1. **CONFIDENTIALITY AND INFORMATON GOVERNANCE**

1. All information that:-

a. is or has been acquired by you during, or in the course of your employment, or has otherwise been acquired by you in confidence,

b. relates particularly to our business, or that of other persons or bodies with whom we have dealings of any sort, and

c. has not been made public by, or with our authority,

 shall be confidential, and (save in the course of our business or as required by law) you shall not at any time, whether before or after the termination of your employment, disclose such information to any person without our written consent.

2. You are to exercise reasonable care to keep safe all documentary or other material containing confidential information, and shall at the time of termination of your employment with us, or at any other time upon demand, return to us any such material in your possession.

3. Client confidentiality is very important to our organisation and any breach will be treated as a disciplinary matter.

4. The **General Data Protection Regulation** (**GDPR**) was agreed upon by the European Parliament and Council in April 2016 and will replace the Data Protection Directive Spring **2018** as the primary law regulating how companies protect EU citizens' personal data. North Kent Mind have produced policies which staff must sign up to show they understand the organisations directives on GDPR.

**C) ACCEPTANCE OF GIFTS, ETC**

 You should not personally accept cash, gifts/presents, but these may be accepted on behalf of the organisation and used for raffles, etc. Small tokens of appreciation such as chocolates may be acceptable, but should then be shared among the team where possible, and your supervisor must always be notified that you have accepted these and this will be logged. You must not advise on financial investments etc and you must not put your signature to any such documents.

**D) COPYRIGHT**

 All written material, whether held on paper, electronically or magnetically which was made or acquired by you during the course of your employment with us, is our property and our copyright. At the time of termination of your employment with us, or at any other time upon demand, you shall return to us any such material in your possession.

**E) VIRUS PROTECTION PROCEDURES**

1. In order to prevent the introduction of virus contamination into the software system the following must be observed:-

a. Unauthorised software including public domain software, magazine cover disks/CDs or Internet/World Wide Web downloads must not be used.

b. All software must be virus checked using standard testing procedures before being used.

**F) E-MAIL**

There are a number of legal points which arise from the use of E-Mail, both internally within the company and externally over the internet. To protect your own and the company's interest, please make sure you apply the following:-

 **YOU MUST NOT**

1. Respond to "Junk Mail" or ignore warnings on new E-mail viruses.

2. Forward or respond to chain letter-type E-mail.

3. Make comments, or statements which could in any way be contrived to be defamatory however innocent you consider them to be.

4. Include any information in your E-mail which is protected by copyright i.e. it is copied or published without the consent of the author.

5. Initiate or forward an E-mail which contains obscene or pornographic material.

6. Initiate or forward E-mail which could be considered to constitute an act of Harassment or be discriminatory. There are a number of laws which prohibit discrimination on the ground of sex, race and disability.

7. Disclose information which is protected by embargo or could in any way be considered confidential to the business and/or the employees.

8. Make any statements via E-mail which intentionally or unintentionally create a binding contract or make negligent statements.

9. You should note that emails created on workplace systems can legally be monitored by the employer.

 Failure to comply with the above policy may result in disciplinary action that may lead to dismissal.

**G) INTERNET**

 The use of the Internet is for business purposes only, failure to comply with this instruction will result in disciplinary action being taken.

**H) USE OF COMPUTERS – GENERAL**

The computers and lap tops are only for the use of staff during working hours. **Staff must never save documents from our remote server onto a memory stick.** Please see ‘IT use and return of equipment’ policy in the apprendices.

**I) SOCIAL NETWORKING SITES**

 Use of social networking sites during your working hours is strictly forbidden. Due to the lack of confidentiality your use of these sites outside your working hours must not make reference to the organisation or discuss business related to the organisation. Failure to abide by this policy may lead to disciplinary action which could result in your dismissal depending on the seriousness of the breach.

 Out of work, staff should be extremely careful about using Facebook or any social media site as they could unwittingly become ‘friends’ with service users, or otherwise targeted by them. If this happens they should immediately talk to their line manager. Talking about the organisation on issues which have not officially been made public on social media is a breach of corporate confidentiality, and is open to disciplinary processes.

**J) STATEMENTS TO THE MEDIA**

 Any statements to reporters from newspapers, radio, television, etc. in relation to our business will be given only by the CEO and the Deputy CEO, unless you have been given express permission to do this for a particular circumstance.

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|   **STANDARDS** |

**A) STANDARDS OF WORK**

The organisation subscribes to the standards of conduct, performance and ethics as declared by the Health and Care Professions Council. These are:

**1. TO PROMOTE AND PROTECT THE INTERESTS OF THE SERVICE-USER AND CARER**

**Treat service users and carers with respect**

1.1 You must treat service users and carers as individuals, respecting their privacy and dignity.

1.2 You must work in partnership with service users and carers, involving them, where appropriate, in decisions about the care, treatment or other services to be provided.

1.3 You must encourage and help service users, where appropriate, to maintain their own health and well-being, and support them so they can make informed decisions.

**Make sure you have consent**

1.4 You must make sure that you have consent from service users or other appropriate authority before you provide care, treatment or other services.

**Challenge discrimination**

1.5 You must not discriminate against service users, carers or colleagues by allowing your personal views to affect your professional relationships or the care, treatment or other services that you provide.

1.6 You must challenge colleagues if you think that they have discriminated against, or are discriminating against, service users, carers and colleagues.

**Maintain appropriate boundaries**

1.7 You must keep your relationships with service users and carers professional.

**2. TO COMMUNICATE APPROPRIATELY AND EFFECTIVELY**

2.1 You must be polite and considerate.

2.2 You must listen to service users and carers and take account of their needs and wishes.

2.3 You must give service users and carers the information they want or need, in a way they can understand.

2.4 You must make sure that, where possible, arrangements are made to meet service users’ and carers’ language and communication needs.

**Work with colleagues**

2.5 You must work in partnership with colleagues, sharing your skills, knowledge and experience where appropriate, for the benefit of service users and carers.

2.6 You must share relevant information, where appropriate, with colleagues involved in the care, treatment or other services provided to a service user.

**Social media and networking websites**

2.7 You must use all forms of communication appropriately and responsibly, including social media and networking websites.

**3. TO WORK WITHIN THE LIMITS OF YOUR KNOWLEDGE AND SKILLS**

**Keep within your scope of practice**

3.1 You must keep within your scope of practice by only practising in the areas you have appropriate knowledge, skills and experience for**.**

3.2 You must refer a service user to another practitioner if the care, treatment or other services they need are beyond your scope of practice.

**Maintain and develop your knowledge and skills**

3.3 You must keep your knowledge and skills up to date and relevant to your scope of practice through continuing professional development.

3.4 You must keep up to date with and follow the law, our guidance and other requirements relevant to your practice.

3.5 You must ask for feedback and use it to improve your practice.

**4. TO DELEGATE APPROPRIATELY**

**Delegation, oversight and support**

4.1 You must only delegate work to someone who has the knowledge, skills and experience needed to carry it out safely and effectively.

4.2 You must continue to provide appropriate supervision and support to those you delegate work to.

**5. TO RESPECT CONFIDENTIALITY**

**Using information**

5.1 You must treat information about service users as confidential.

**Disclosing information**

5.2 You must only disclose confidential information if:

* you have permission
* the law allows this
* it is in the service user’s best interests; or
* it is in the public interest, such as if it is necessary to protect public safety or prevent harm to other people.

**6. TO MANAGE RISK**

**Identify and minimise risk**

6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

6.2 You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk**.**

**Manage your health**6.3 You must make changes to how you practise, or stop practising, if your physical or mental health may affect your performance or judgement, or put others at risk for any other reason.

**7. TO REPORT CONCERNS ABOUT SAFETY**

**Report concerns**

7.1 You must report any concerns about the safety or well-being of service users promptly and appropriately.

7.2 You must support and encourage others to report concerns and not prevent anyone from raising concerns.

7.3 You must take appropriate action if you have concerns about the safety or well-being of children or vulnerable adults.

7.4 You must make sure that the safety and well-being of service users always comes before any professional or other loyalties.

**Follow up concerns**

7.5 You must follow up concerns you have reported and, if necessary, escalate them.

7.6 You must acknowledge and act on concerns raised to you, investigating, escalating or dealing with those concerns where it is appropriate for you to do so.

**8. TO BE OPEN WHEN THINGS GO WRONG**

**Openness with service users and carers**

8.1 You must be open and honest when something has gone wrong with the care, treatment or other services that you provide by:

* informing service users or, where appropriate, their carers, that something has gone wrong;
* apologising;
* taking action to put matters right if possible; and
* making sure that service users or, where appropriate, their carers, receive a full and prompt explanation of what has happened and any likely effects.

**Deal with concerns and complaints**

8.2 You must support service users and carers who want to raise concerns about the care, treatment or other services they have received.

8.3 You must give a helpful and honest response to anyone who complains about the care, treatment or other services they have received.

**9. TO BE HONEST AND TRUSTWORTHY**

**Personal and professional behavior**

9.1 You must make sure that your conduct justifies the public’s trust and confidence in you and your profession.

9.2 You must be honest about your experience, qualifications and skills.

9.3 You must make sure that any promotional activities you are involved in are accurate and are not likely to mislead.

9.4 You must declare issues that might create conflicts of interest and make sure that they do not influence your judgement.

**Important information about your conduct and competence**

9.5 You must tell us as soon as possible if:

* you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence;
* another organisation responsible for regulating a health or social-care profession has taken action or made a finding against you; or
* you have had any restriction placed on your practice, or been suspended or dismissed by an employer, because of concerns about your conduct or competence.

9.6 You must co-operate with any investigation into your conduct or competence, the conduct or competence of others, or the care, treatment or other services provided to service users.

**10. TO KEEP A RECORD OF YOUR WORK**

**Keep accurate records**

10.1 You must keep full, clear, and accurate records for everyone you care for, treat, or provide other services to.

10.2 You must complete all records promptly and as soon as possible after providing care, treatment or other services.

**Keep records secure**

10.3 You must keep records secure by protecting them from loss, damage or inappropriate access.

**B) WASTAGE**

1. We maintain a policy of "minimum waste" which is essential to the cost-effective and efficient running of all our operations.

2. You are able to promote this policy by taking extra care during your normal duties by avoiding unnecessary or extravagant use of services, time, energy, etc., and the following points are illustrations of this:-

 a. Handle machines, equipment and stock with care.

b. Turn off any unnecessary lighting and heating. Keep doors closed whenever possible and do not allow taps to drip.

 c. Ask for other work if there are insufficient tasks to do in your current role.

 d. Start with the minimum of delay after arriving for work and after breaks.

3. The following provision is an express term of your contract of employment:-

a. Any damage to vehicles, stock or property (including non-statutory safety equipment) that is the result of your carelessness, negligence or deliberate vandalism will render you liable to pay the full or part of the cost of repair or replacement.

b. Any loss to us that is the result of your failure to observe rules, procedures or instruction, or is as a result of your negligent behaviour or your unsatisfactory standards of work will render you liable to re-imburse to us the full or part of the cost of the loss.

4. In the event of failure to pay, we have the contractual right to deduct such costs from your pay.

**C) STANDARDS OF DRESS**

 As you are liable to come into contact with members of the public, it is important that you present a professional image with regard to appearance and standards of dress. You should wear clothes appropriate to your job responsibilities, and they should be kept clean and tidy at all times.

**D) HOUSEKEEPING**

Both from the point of view of safety and of appearance, work areas must be kept clean and tidy at all times.

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|   **SAFETY, WELFARE AND HYGIENE** |

**A) SAFETY**

1. You should make yourself familiar with our Health and Safety Policy and your own health and safety duties and responsibilities, as shown separately.

2. You must not take any action which could threaten the health or safety of yourself, other employees, service users, beneficiaries, volunteers or members of the public.

3. Protective clothing and other equipment which may be issued for your protection because of the nature of your job must be worn at all appropriate times. Failure to do so could be a contravention of your health and safety responsibilities. Once issued, this protective wear or equipment is your responsibility.

4. You should report all accidents at work, no matter how minor in the accident book, located in the admin section of each of our offices.

5. You must ensure that you are aware of our fire and evacuation procedures and the action you should take in the event of such an emergency, in any of the venues from which we operate.

6. All workers who lone work will have access to the ‘Look out call’ system. This is a telephone alert system which will contact managers if the worker is overdue with their lone working session. It is mandatory all lone workers use this system for their own safety.

**B) CATERING FACILITIES FOR YOUR USE**

We provide catering facilities for your use, which must be kept clean and tidy at all times.

**C) HYGIENE**

1. Any exposed cut or burn must be covered with a first-aid dressing.

2. If you are suffering from an infectious or contagious disease or illness such as rubella or hepatitis you must notreport for work without clearance from your own doctor.

3. Contact with any person suffering from an infectious or contagious disease must be reported before commencing work.

**D) ALCOHOL & DRUGS POLICY**

 Under legislation we, as your employer, have a duty to ensure so far as is reasonably practicable, the health and safety and welfare at work of all our employees and similarly you have a responsibility to yourself and your colleagues. The use of alcohol and drugs may impair the safe and efficient running of the business and/or the health and safety of our employees.

 The effects of alcohol and drugs can be numerous:-

 (these are examples only and not an exhaustive list)

 a. absenteeism (e.g. unauthorised absence, lateness, excessive levels of sickness, etc.)

 b. higher accident levels (e.g. at work, elsewhere, driving to and from work)

 c. work performance (e.g. difficulty in concentrating, tasks taking more time, making mistakes, etc.).

 If your performance or attendance at work is affected as a result of alcohol or drugs, or we believe you have been involved in any drug related action/offence, you may be subject to disciplinary action and, dependent on the circumstances, this may lead to your dismissal.

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|  **GENERAL TERMS OF EMPLOYMENT, INFORMATION AND PROCEDURES** |

**A) CHANGES IN PERSONAL DETAILS**

 You must notify us of any change of name, address, telephone number, etc., so that we can maintain accurate information on our records and make contact with you in an emergency, if necessary, outside normal working hours.

**B) OTHER EMPLOYMENT**

 If you already have any other employment or are considering any additional employment you must notify us so that we can discuss any implications arising from the current working time legislation.

**C) TIME OFF**

 Similarly circumstances may arise for employees who are part time where there is a need to attend an urgent medical appointment such as the dentist, GP or a Hospital appointment in work time.  If this happens you must inform your line manager before the appointment and get their permission to take time off work; they may ask for evidence.  All non urgent appointments should be booked outside your normal working hours.

**D) BEREAVEMENT LEAVE**

 Individuals' reactions to bereavement vary greatly and the setting of fixed rules for time off for the death of a close relative, for example spouse, child, parent, brother, sister, in-law, is therefore inappropriate. In such cases you should discuss your circumstances with the Line Manager and agree appropriate time off. In general compassionate leave is given at the discretion of senior management for bereavement and any other circumstances that may arise in employee’s lives; however a maximum entitlement is normally two weeks.

**E TRAVEL EXPENSES**

 We will reimburse you for costs involved whilst travelling on our business, details of which will be issued separately.

**F) EMPLOYEES' PROPERTY**

You are responsible for the safety and security of your own property and we do not accept any liability for any loss of, or damage to property which may occur when you are on our premises.

You must safeguard and account for any cash which is entrusted to you in accordance with our rules and procedures.

**G) LOST PROPERTY**

 Articles of lost property should be handed to the Senior Administrator at the Almshouses who will retain them whilst attempts are made to discover the owner.

**H) PARKING**

 To avoid congestion, car parking spaces must be left for senior managers. No liability is accepted for damage to private vehicles, however it may be caused.

**I) LUNCH BREAKS**

 We encourage staff to take their lunch breaks, however any lunch breaks not taken will be lost. Staff cannot accrue any lunch breaks not taken and take this as TOIL.

 Staff who work an extra days overtime, cannot book 8 hours for the day. They should book 7.5 hours as they must deduct half an hour for their lunch break.

**J) KEYHOLDERS**

No keyholders other than senior managers may enter the Almshouses or any other of our venues of work without the consent of their line manager outside the normal operational hours of that particular venue. (Operational hours may extend beyond normal office hours when planned therapeutic sessions are taking place).

**I)**  **MAIL**

 All mail received by us will be opened, including that addressed to employees, unless marked Private & Confidential. Private mail, therefore, should not be sent care of our address. No private mail may be posted at our expense except in those cases where a formal re-charge arrangement has been made.

**J) TELEPHONE CALLS/MOBILE PHONES**

 Telephones are essential for our business. Personal telephone calls should be restricted to essential matters.

**K) BUYING OR SELLING OF GOODS**

 You are not allowed to buy or sell goods on your own behalf on our premises.

**L) COLLECTIONS FROM EMPLOYEES**

 Unless specific authorisation is given by the CEO no collections of any kind are allowed on our premises.

**M) FRIENDS AND RELATIVES CONTACT**

 You should discourage your friends and relatives from either calling on you in person or by telephone, mobile or email except in an emergency.

**N) POLITICAL AND RELIGIOUS ACTIVITIES**

 We are a secular organisation and as such staff and volunteers are required not to promote their own religious, spiritual or political beliefs with service users.

**O) MAKING A PROTECTED DISCLOSURE**

 In accordance with statute you will have legal protection if you make a disclosure about your employer or someone who is employed by this organisation.

**P) TRADE UNIONS**

All employees have the right to chose to belong to a trade union or not. The choice of union is entirely with the employee.

**Q) BAD WEATHER PAYMENT**

 If the staff cannot reach their place of work due to bad weather, they are required to take leave or report for duty at the closest North Kent Mind venue to their home. Where staff have attempted to get to work and spent significant time on this, this may be counted as hours worked at the discretion of senior management.

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| **WHISTLE-BLOWERS** |

1. If you believe that an individual or the organisation is involved in any form of wrongdoing such as:

 a. committing a criminal offence;

 b. fraud;

 c. abuse of client;

 d. miscarriage of justice

 e. health and safety risks;

 f. failure to abide by the written standards or values of North Kent Mind;

 g. concealing any information relating to the above

you should in the first instance report your concerns to your Line Manager, Chief Executive Officer or the Chair of the Trustees who will treat the matter with complete confidence.

2. If, after investigation you are not satisfied with the explanation or reason given to you, you may raise the matter with the appropriate organisation or body as specified in the Whistleblowing Policy.

3. The Public Interest Disclosure Act 1998 prevents you from suffering a detriment or having your contract terminated for ‘whistle-blowing’ when making a ‘protected disclosure’ and we take very seriously any concerns which you may raise under this legislation.

4. We encourage you to use the procedure if you are concerned about any wrong doing at work. However, if the procedure has not been invoked in good faith (e.g. for malicious reasons or in the pursuit of a personal grudge), then you will be liable to immediate termination of engagement or such lesser disciplinary sanction as may be appropriate in the circumstances.

It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer’s affairs. It would be viewed as a serious breach of discipline if a person were to publicise their concerns without having first tried to have them resolved internally. Nevertheless, in extreme and serious circumstances where a person has tried to use internal whistleblowing procedures and found the organisation to be unreasonably unresponsive to these issues, there may be a case to take concerns further.

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|  **CAPABILITY** |

**A) INTRODUCTION**

 We recognise that during your employment with us your capability to carry out your duties may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and you fail to keep pace with the changes, or you change (most commonly because of health reasons) and you can no longer cope with the work.

**B) PERFORMANCE IMPROVEMENT**

1. If the nature of your job changes or if we have general concerns about your ability to perform your job, we will try to ensure that you understand the level of performance expected of you and that you receive adequate training and supervision. If we have concerns regarding your capability these will be discussed in an informal manner and you will be given time to improve.

2. To assist you to improve your performance, your Line Manager will work with you to devise a performance improvement plan.

3. If your standard of performance is still not adequate you will be warned in writing that a failure to improve and to maintain the performance required could lead to your dismissal. We will also consider the possibility of a transfer to more suitable work if possible.

4. If there is still no improvement after a reasonable time and we cannot transfer you to more suitable work, you will be issued with a final warning that you will be dismissed unless the required standard of performance is achieved and maintained.

5. If such improvement is not forthcoming after an agreed period of time, you will be dismissed with the appropriate notice.

**C) PERSONAL CIRCUMSTANCES**

1. Personal circumstances may arise in the future which do not prevent you from attending for work but which prevent you from carrying out your normal duties (e.g. a lack of dexterity or general ill health). If such a situation arises, we will normally need to have details of your medical diagnosis and prognosis so that we have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking your own doctor for a medical report. Your permission is needed before we can obtain such a report and we will expect you to co-operate in this matter should the need arise. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role. We will strive to accommodate employees who become disabled whilst working with us.

2. There may also be personal circumstances which prevent you from attending work, either for a prolonged period or periods or for frequent short periods. Under these circumstances we will need to know when we can expect your attendance record to reach an acceptable level and again this can usually be most easily obtained by asking your own doctor for a medical report. When we have obtained as much information as possible regarding your condition and after consultation with you, a decision will be made about your future employment with us in your current role or, where circumstances permit, in a more suitable role.

D) **SHORT SERVICE STAFF**

 We retain discretion in respect of the capability procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal but you will retain the right to a hearing and you will have the right to appeal.

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|  **DISCIPLINARY RULES AND PROCEDURES** |

**A) INTRODUCTION**

1. It is necessary to have a minimum number of rules in the interests of the whole organisation.

2. The rules set standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be a means of punishment. We reserve the right to amend these rules and procedures where appropriate.

3. Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

4. The following rules and procedures should ensure that:-

 a. the correct procedure is used when inviting you to a disciplinary hearing

b. you are fully aware of the standards of performance, action and behaviour required of you

c. disciplinary action, where necessary, is taken speedily and in a fair, uniform and consistent manner

d. you will only be disciplined after careful investigation of the facts and the opportunity to present your side of the case. On some occasions temporary suspension on full pay may be necessary in order that an uninterrupted investigation can take place. This must not be regarded as disciplinary action or a penalty of any kind

e. other than for an "off the record" informal reprimand, you have the right to be accompanied by a fellow employee, at all stages of the formal disciplinary and appeal procedures

f. you will not normally be dismissed for a first breach of discipline, except in the case of gross misconduct

g. if you are disciplined, you will receive an explanation of the penalty imposed and you will have the right to appeal against the finding and the penalty.

**B) DISCIPLINARY RULES**

 It is not practicable to specify all disciplinary rules or offences which may result in disciplinary action, as they may vary depending on the nature of the work. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct shown in this handbook, a breach of other conditions, procedures, rules etc. within this handbook will also result in the disciplinary procedure being used to deal with such matters.

**C) RULES COVERING UNSATISFACTORY CONDUCT AND MISCONDUCT**

 (these are examples only and not an exhaustive list)

1. You will be liable to disciplinary action if you are found to have acted in any of the following ways:-

 a. failure to abide by the general health and safety rules and procedures

 b. not abiding to the non smoking policy

 c. consumption of alcohol at work except as authorised

 d. persistent absenteeism and/or lateness

 e. unsatisfactory standards or output of work

f. rudeness towards our service users, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language. Discriminatory of prejudicial attitudes to others as a result of their race, creed, colour, nationality, sex, disability, age, gender re-assignment or sexual orientation.

g. failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours

h. failure to carry out all reasonable instructions or follow our rules and procedures

 i. unauthorised use or negligent damage or loss of our property

j. failure to report immediately any damage to property or premises caused by you

k. use of our vehicles without approval or the private use of our commercial vehicles without authorisation

l. failure to report any incident whilst driving our vehicles, whether or not personal injury or vehicle damage occurs

m. if your work involves driving, failure to report immediately any type of driving conviction or summons which may lead to your conviction

n. carrying unauthorised goods or passengers in our commercial vehicles or the use of our vehicles for personal gain.

o. failure to abide by the Standards of conduct, performance and ethics as declared by the Health & Care Professions Council, to which the organisation subscribes.

**D) SERIOUS MISCONDUCT**

1. In some cases of serious misconduct the organisation may decide to call in the Police. This should be done by staff member’s line manager in cases of suspected gross indecency, immoral behaviour, abuse, deliberate acts of unlawful discrimination or serious acts of harassment. There may be other instances when the Police should be called. These will be at the discretion of the CEO in consultation with the Chairman.

2. Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation; you may be issued with a final written warning in the first instance.

3. You may receive a final written warning as the first course of action, if in an alleged gross misconduct disciplinary matter, upon investigation, it is shown to have some level of mitigation and is treated as an offence just short of dismissal.

**E) RULES COVERING GROSS MISCONDUCT**

 (these are examples only and not an exhaustive list)

1. You will be liable to summary dismissal if you are found to have acted in any of the following ways:-

a. grossly indecent or immoral behaviour, abuse, deliberate acts of unlawful discrimination or serious acts of harassment. Gross racial, sexual or prejudicial attitude.

b. dangerous behaviour, fighting or physical assault, acts of violence

c. incapacity at work or poor performance caused by intoxicants or drugs

d. possession, supply or use of illicit drugs

e. deliberate falsification of any records (including time sheets, absence records and so on, in respect of yourself or any fellow employee)

f. undertaking private work on the premises and/or in working hours without express permission

g. working in competition with us

h. taking part in activities which result in adverse publicity to ourselves, or which cause us to lose faith in your integrity

i. theft or unauthorised possession of money or property, whether belonging to us, another employee, or a third party

j. malicious damage to property belonging to the charity, its service users, its staff or volunteers

k. serious breaches of the health and safety rules which endanger the lives of employees, or any other person

l. gross insubordination and/or continuing refusal to carry out legitimate instructions

m. abuse of the personal harassment policy

n. abuse or maltreatment of clients

o. breach of the confidentiality policy.

p. failure to report an incident of abuse, or suspected abuse of a client

q. abandoning duty without notification or sleeping on duty

r. acceptance of gifts and hospitality in contravention of Corruptions Act (1906)

s. failure to give notice of any financial interest of which he/she is aware, in a contract which has been, or is proposed to be, entered into by the organisation

t. willful misrepresentation at the time of appointment including:

 1. Previous positions held

 2. Qualifications held

 3. Falsification of date of birth

 4. Declaration of health

5. Failure to disclose a criminal conviction/caution within the provision of the Rehabilitation of Offenders Act

u. conviction of a criminal offence that undermines your suitability for the charity.

**F) DISCIPLINARY PROCEDURE**

1. Disciplinary action taken against you will be based on the following procedure:-

 **OFFENCE FIRST SECOND THIRD FOURTH**

 **OCCASION OCCASION OCCASION OCCASION**

 **UNSATIS-** Formal Written Final Dismissal

 **FACTORY**  verbal warning written

 **CONDUCT**  warning warning

 **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

 **MISCONDUCT**  Written Final Dismissal

 warning written

 warning

 **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

 **SERIOUS** Final Dismissal

 **MISCONDUCT**  written

 warning

 **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

 **GROSS** Dismissal

 **MISCONDUCT**

 **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

2. We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service you may not be in receipt of any warnings before dismissal but you will retain the right to a disciplinary hearing and you will have the right of appeal.

3. If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

4. If a warning is issued for misconduct or serious misconduct and a further breach occurs which is not connected with the original warning, the disciplinary process will continue as if the first warning had already been given for the second breach.

**G) DISCIPLINARY AUTHORITY**

 The operation of the disciplinary procedure contained in the previous section is based on the following authority at the various levels of disciplinary action.

**PERSON AUTHORISED TO TAKE DISCIPLINARY**

**ACTION IN THE CASE OF:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **CEO** | **SENIOR MANAGER** | **OTHER EMPLOYEES** |
| Formal verbal warning | Chair | CEO in consultation with Chair | Line Manager in consultation with CEO/Central Services Manager |
| Written warning | Chair | CEO in consultation with Chair | CEO/Central Services Manager in consultation with Line Manager |
| Final written warning | Chair | CEO in consultation with Chair | CEO/Central Services Manager in consultation with Line Manager |
| Dismissal | Chair | CEO in consultation with Chair | CEO in consultation with the Chair |

**H) PERIOD OF WARNINGS**

1. Formal verbal warning

 A formal verbal warning will normally be disregarded after a six month period.

2. Written warning

 A written warning will normally be disregarded after a 12 month period.

3. Final written warning

 A final written warning will normally be disregarded after a 12 month period.

**I) GENERAL NOTES**

1. If you are in a supervisory or managerial position then demotion to a lower status may be considered as an alternative to dismissal except in cases of gross misconduct.

2. In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.

3. Gross misconduct offences will result in dismissal without notice.

4. You have the right to appeal against any disciplinary action.

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| **CAPABILITY/DISCIPLINARY APPEAL PROCEDURE** |

1. The disciplinary rules and procedures which form part of your contract of employment incorporate the right to lodge an appeal in respect of any disciplinary/capability action taken against you.

2. If you wish to exercise this right you should apply in writing to the line manager of the person who carried out the disciplinary process.

3. An appeal against a formal warning or dismissal should give details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.

4. The disciplinary appeal procedure will normally be conducted by a member of staff not previously connected with the disciplinary process so that an independent decision into the severity and appropriateness of the disciplinary action can be made.

5. If you are appealing on the grounds that you have not committed the offence then your appeal may take the form of a complete re-hearing and reappraisal of all matters so that the person who conducts the appeal can make an independent decision before deciding to grant or refuse the appeal.

6. You may be accompanied at the appeal hearing by a fellow employee of your choice, the result of the appeal will be made known to you in writing within five working days after the hearing.

7. If you are still dissatisfied then you may take the matter to the next level of management. This is the final stage of the disciplinary appeal process.

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|   **GRIEVANCE PROCEDURE** |

1. It is important that if you feel dissatisfied with any matter relating to your work you should have an immediate means by which such a grievance can be aired and resolved.

2. Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record but if you wish your grievance to be formally recorded and investigated, please make this clear at the outset.

3. Full details of the grievance procedure are given in the Grievance Policy for staff and volunteers, which forms part of your main terms of employment.

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|  **PERSONAL HARASSMENT POLICY AND PROCEDURE** |

**A) INTRODUCTION**

1. Many people in our society are victimised and harassed as a result of their race, creed, colour, nationality, sex, disability, age, gender re-assignment or sexual orientation.

2. Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always serious and is totally unacceptable.

3. We recognise that personal harassment can exist in the workplace as well as outside and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

**B) POLICY**

1. We deplore all forms of personal harassment and seek to ensure that the working environment is sympathetic to all our employees.

2. We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of personal harassment with a means of redress.

3. We recognise that we have a duty to implement this policy and all employees are expected to comply with it.

**C) EXAMPLES OF PERSONAL HARASSMENT**

1. Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

 a. insensitive jokes and pranks

 b. lewd or abusive comments about appearance

 c. deliberate exclusion from conversations

 d. displaying abusive or offensive writing or material

 e. unwelcome touching

 f. abusive, threatening or insulting words or behaviour.

 g. malicious gossip/verbal bullying

 These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

**D) COMPLAINING ABOUT PERSONAL HARASSMENT**

1. Informal grievance

 We recognise that grievances of personal harassment and particularly of sexual harassment can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior person of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the CEO, who will be responsible for investigating the matter if it becomes a formal grievance.

 If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

2. Formal grievance

 Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of the CEO as a formal written grievance and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written grievance can include:-

 a. the name of the alleged harasser

 b. the nature of the alleged harassment

 c. the dates and times when the alleged harassment occurred

 d. the names of any witnesses

 e. any action already taken by you to stop the alleged harassment.

 On receipt of a formal grievance we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with pay until the matter has been resolved.

 The person dealing with the grievance 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 a work colleague of your choice and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

 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 harasser.

 If you or the alleged harasser 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 harasser. You have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

**E) GENERAL NOTES**

1. If the report concludes that the allegation is well founded, the harasser will be subject to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment may appeal against the disciplinary action by using our disciplinary appeal procedure.

2. If you bring a grievance of harassment you will not be victimised for having brought the grievance. However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against you.

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|  **TERMINATION OF EMPLOYMENT** |

**A) TERMINATING EMPLOYMENT WITHOUT GIVING NOTICE**

 If you terminate your employment without giving or working the required period of notice, as indicated in your individual statement of main terms of employment, you will have an amount equal to any additional cost of covering your duties during the notice period not worked deducted from any termination pay due to you. This is an express written term of your contract of employment. You will also forfeit any contractual accrued holiday pay due to you over and above your statutory holiday pay, if you fail to give or work the required period of notice.

**B) RETURN OF OUR PROPERTY**

 On the termination of your employment you must return all our property which is in your possession or for which you have responsibility. Failure to return such items will result in the cost of the items being deducted from any monies outstanding to you. This is an express written term of your contract of employment.

**C) GARDEN LEAVE**

Once either side has given notice of termination of employment, North Kent Mind may at any time and for any period require you to cease performing your job and/or exclude you from entering any of our premises. During such period of garden leave, the organisation will continue to pay your salary and provide all benefits that form part of your contract of employment.

**D) RETURN OF INFORMATION**

You are reminded that once you leave the organisation you must return any information gathered whilst in our employ. Using such information while not employed by us may open you to legal action.

**E)** **REPAYMENT OF OUTSTANDING MONIES**

On the termination of your employment we have the right to deduct from any termination pay due to you, any monies collected by you on our behalf and any advances of wages or any loans which we may have made to you. This is an express written term of your contract of employment.

Appendices

**NORTH KENT MIND**

**HEALTH & SAFETY POLICY**

**Contents**

1 Introduction

2 Legislative Requirements

3 Risk Assessments

4 Fire Precautions

5 First Aid

6 COSHH.

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**1. Introduction**

North Kent Mind seeks to provide healthy, safe working conditions, equipment and systems of work for all employees, sessional staff, volunteers and service users, and to provide all such training and information as is necessary.

North Kent Mind acknowledges a duty of care to all people who it is reasonable to foresee will be affected by the activities undertaken and recognises that all have responsibilities for themselves.

This document will be kept up to date and will be reviewed on an annual basis.

The person with day to day responsibility for Health and Safety within the organisation is:

Name: **Angela Lawrence**

Position: **Central Services Manager**

The people who have overall accountability for Health and Safety within the organisation are:

Name: **The Board of Trustees**

**2.** **Legislative Requirements**

North KentMind conducts its activities in compliance with the following applicable legislation.

* The Health and Safety at Work Act 1974.
* The Management of Health and Safety at Work Regulations 1999
* The Workplace (Health and Safety and Welfare) Regulations 1992.
* The Provision and Use of Work Equipment Regulations 1998
* The Manual Handling Operations Regulations 1992.
* The Personal Protective Equipment at Work Regulations 1992.
* The Health and Safety (Display Screen Equipment) Regulations 1992.
* Electricity at Work Regulations 1989
* Furniture & Furnishings (Fire Safety) Regulations 1988
* Gas Safety Regulations 1998
* Health and Safety (First Aid) Regulations 1981
* The Health and Safety Information for Employees Regulations 1989
* Employers’ Liability (Compulsory Insurance) Act 1969
* Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995
* Control of Substances Hazardous to Health Regulations 2002 (COSHH)
* The Fire Precautions Act 1971 and Fire Precaution (Workplace) Regulations 1997
* Control of Asbestos Regulations 2012

**3. Risk Assessments**

Risk Assessment are an integral part of the work of North KentMind, as managers and staff carry out their duties on a day-to-day basis. These are often mental exercises, to ensure that risks have been considered and managed appropriately.

At times however, there is a need to record specifically what the risk assessment entailed. These written risk assessments will be recorded on the appropriate forms for the following incidences:

3.1 As specified in the Management of Health and Safety at Work Regulations 1992, North KentMind has a duty to identify and assess all risks and hazards associated with its work. To meet this duty the organisation will:

* As a minimum, carry out a written 6-monthly risk assessment of all workplaces
* Take action to eliminate or reduce hazards and record this
* Review on a regular basis to see if actions have been implemented and changes brought about.

3.2 For all one-off events where activities are taking place outside the normal environment or services of North Kent Mind. (see also Section13)

3.3 For all assessments for the Talking Therapies service, via the Threshold Assessment Grid.

3.4 For all service-users being assessed for the Mentoring Service, where a volunteer will be placed in a lone-working situation.

3.5 Where a worker has been in contact with an infectious or contagious disease (see also Section 9)

**4. Fire Precautions**

North Kent Mind has a duty to ensure that throughout the organisation adequate and appropriate fire precautions are in place. To achieve this, the organisation will:

* Include within its 6-monthly risk assessment an assessment of fire hazards
* Obtain and organise maintenance testing of fire-equipment and keep necessary records
* Complete fire drill procedures and ensure that regular drills are carried out
* Display and compile fire notices and emergency evacuation procedures
* Ensure that where fire precaution responsibilities rest with a third party (eg where rooms are hired in the building of another agency), that these responsibilities are being adhered to.

**5.** **First-Aid**

North KentMind takes seriously its duties in law in respect of first-aid at work. The organisation will:

* Include in its 6-monthly risk assessment a first-aid assessment to decide what first-aid facilities are adequate and appropriate for the organisation
* Provide adequate equipment and facilities
* Depending on assessments and current official guidance, to have as a minimum a trained appointed person available to take charge in an emergency
* Have at least one First-Aid Box readily accessible and properly equipped at each place of work, and to ensure that any materials used are within date and replaced as they are used.
* Have at least one notice telling staff the location of the first-aid box, who the first-aider or appointed person is and where they can be found. This will apply to each place of work
* Keep a current list of first-aiders in the Business Manager’s Health & Safety file.
* Ensure that where first aid responsibilities rest with a third party (eg where rooms are hired in the building of another agency), that these responsibilities are being adhered to.

**6. Control of Substances Hazardous to Health (COSHH)**

North KentMind seeks to meet its duty under COSHH Regulations 1994 by:

* Including in its 6-monthly risk assessments an account of risks to health from substances used at various places of work.

**7. Personal Safety**

Violence of any nature and arising from any circumstances is totally unacceptable, and this organisation will take all steps necessary to prevent such incidents occurring and take appropriate action should such an incident arise. Violence at work is not confined to physical assault and this organisation adopts the definition stated by the Health & Safety Executive.

**“Any incident, in which an employee is abused, threatened or assaulted….in circumstances arising out of the course of his or her employment”.**

The organisation recognises the effects that abuse, threats, or actual violence has on staff and volunteers and takes all incidents of this nature extremely seriously. North KentMind aims to ensure that staff and volunteers have a safe working environment and work safely. To achieve this, the organisation will do the following:

* Discuss personal safety risk issues annually via the Appraisal process and implement and monitor action plans that arise as a result
* Provide up to date training, guidance and advice for all staff and volunteers on personal safety issues. To include, as an essential element of induction for staff and volunteers, instruction on organisational personal safety policy and procedure
* Promote at all levels within the organisation a culture of openness regarding staff and volunteers reporting personal safety concerns
* Continue the system of alerting colleagues to potential risks to personal safety that they may not be aware of
* Continue the system of reporting and investigating incidents
* Continue the system for supporting victims of violent incidents
* Monitor and analyse reported incidents Via a standing agenda item at the SMT
* Continue with the LookOut Call system for lone workers and monitor its use annually at the SMT

**8. Hygiene and Food Safety**

North KentMind seeks to ensure that, where supply of food and drink is part of the activities of the organisation, the following safeguards exist:

* Assessments of risks covered by any food and drink supply to be included in the 6-monthly Risk Assessments
* Where food is prepared for public consumption, that food handlers are supervised and where necessary trained in food hygiene matters
* Ensuring that those in charge of preparing food control the quality of it by management of hygiene, ensuring that there is:
	+ Sanitary provision and a wash basin
	+ Clean work areas and equipment
	+ Suitable premises
	+ Arrangements for food waste
	+ Facilities for keeping food at the correct temperature
* A list of those holding food hygiene certificates in the organisation is kept by the Business Manager in the Health and Safety File.

**9**. **Infectious or Notifiable Diseases**

If any employee or volunteer comes in contact with or contracts any infectious or contagious disease, whether or not this is a notifiable disease, this must be reported to the Business Manager or the Chief Executive, the officer to whom the disease is reported is responsible for ensuring that notifiable diseases are reported to the Director of Public Health.

A risk assessment will be undertaken in these circumstances.

**10. Work Equipment**

North KentMind seeks to fulfil its duties in respect of work equipment by:

* Including. in the 6-monthly risk assessments, an assessment of equipment
* Providing protective equipment and clothing where risks to Health and Safety have not been otherwise controlled
* Carrying out, on an annual basis, Portable Appliance Testing to all equipment supplied by the organisation.

**11. Visual Display Units (VDUs)**

Where VDUs are a significant part of a person’s work, the organisation will:

* Carry out suitable and sufficient assessments of workstations, implement actions to reduce risks and review this on an annual basis
* Ensure that workstations conform to current VDU guidance
* Ensure work is interrupted by breaks and changes
* Provide appropriate eye tests and supply corrective glasses if required
* Provide training and information to ensure a person is not exposed to unnecessary risks.

**12. Work-related Stress**

North KentMind acknowledges that working for people with mental health issues can in itself be stressful and emotionally draining, and that unresolved tensions in the work environment can exacerbate this problem. To manage this issue the organisation will:

* Discuss work-related stress issues with each staff member as part of the annual appraisal system, which will include an exploration of the levels of risk, and strategies to manage these as appropriate.
* Be alert to indications of stress through the supervision system and other regular contact with staff, and seek to minimise the hazards and/or the impact of stress factors arising from work.
* Monitor with the staff involved the success or otherwise of measures to reduce work-related stress, and adjust strategies in the light of this.
* Utilise and implement stress risk assessments with staff as appropriate to issues and needs relating to stress when presented.

**13. Dealing with one-off Events**

One-off events for the organisation include such things such outings, open-days, social events, garden open days. Other circumstances may also be considered one-off, for example hiring a piece of machinery or re-arranging offices.

In such circumstances a risk assessment must be carried out. These must be recorded with action points indicating steps taken to eliminate or reduce any hazard identified. It is the responsibility of the Business Manager to ensure these risk assessments are carried out.

**14. Insurance**

North KentMind seeks to ensure that the necessary and appropriate insurance cover is in existence. The following must be in place:

* A schedule of an approved Public Liability Insurance Policy contained within the Block Insurance via National Mind
* A displayed certificate of an approved Employers’ Liability Insurance Policy contained within the Block Insurance via National Mind.
* Trustee liability insurance contained within the block insurance via National Mind

North KentMind will further consider when appropriate:

* Where volunteers and staff are using their own vehicles for the organisation’s business, they will be asked to contact their own insurers to see if their existing cover expends to this use. In cases where it does not, North KentMind will pay the difference.
* The case for insurance to cover special events.
* Ensure that contractors, and self-employed personnel hired for work with the organisation, have their own Public Liability Insurance or professional liability insurance as appropriate.

**15. Information and Training**

North KentMind has a duty to consult and train staff and volunteers on health and safety matters. The organisation recognises that the more information and training on matters of heath and safety that are made available to people, the better informed and equipped that will be to avoid accidents.

To meet this duty the organisation will, in addition to items already noted in this policy:

* Have as a standing agenda item for the monthly staff meetings matters of health and safety.
* Display the Health and Safety Law Poster
* Display the action to be taken in case of fire
* Provide copies or access to copies of any specific information or posters regarding regulations that apply to the premises.

In providing training, the organisation recognises that core training areas for staff and volunteers are:

* Emergency Evacuation Procedures
* Accident Reporting
* First Aid
* Risk Assessment
* Dealing with Aggressive Behaviour
* Personal Safety

A key part of training for volunteers and staff is that they each have an individual responsibility to report and/or otherwise deal with any situations which appear to them to represent a hazard in terms of Health and Safety. Arrangements will be made for additional training where specific Health & Safety issues arise relating to a person’s work.

**16. Reporting of Accidents and Incidents**

North KentMind recognises that recording of accidents and incidents is an essential part of Health & Safety procedures and this includes reporting “near misses” as well as actual accidents:

* An accident book will be held centrally which records any accidents or “near misses” and any sickness possibly caused or made worse by work
* All entries in the books will be collated on an annual basis and be used to form annual risk assessments
* Accident books will be kept at least 3 years after the last entry
* Where appropriate, any accidents under the RIDDOR regulations with be reported in accordance with prescribed procedure.
* An incident book will be held centrally to record events of concern other than accidents.

**17. Asbestos**

Minute traces of asbestos were discovered in the Almshouses premises during a Health and Safety audit. Expert advice is that this is non-hazardous if left undisturbed. As a result, no fittings are to be made which pierce the wall or ceiling paster, except by appropriately certified contractors. Annex 1 to this policy gives details on asbestos issues

**18. Lone working**

North KentMind recognises that staff and volunteers working alone with service users may be at risk. To reduce the possibility of this risk North KentMind will train all staff and volunteers in how to deal with difficult and dangerous behaviour, will provide alert systems for staff and volunteers engaged in lone working, and will ensure staff and volunteers are aware of the policies and procedures on lone working.

Lone working is defined as situations where a solitary staff member/volunteer is working with one or more service users, in situations where there are no other staff (including staff of other agencies) or volunteers to summon if assistance were required. The organisation has strict limitations on where and how lone working can occur:

**In the Office Base:**

No lone working is permitted. Outside of office hours, there will be at least two workers in the building at any one time. Anyone intending to work outside office hours must cancel their sessions if fellow workers , who were intended to be in the building at the same time, are unable to attend. In the rare circumstances where a staff member is working alone in the office building, service users are not permitted entry. In these circumstances, permission to be in the building must be obtained from the line-manager.

**In North Kent Mind Wellbeing Services Venues:**

Open sessions and small group sessions are designed to avoid lone working, through the provision of two facilitators; all groups are run by one Support Worker and one volunteer. Open Sessions, other than peer led, are facilitated by 2 staff and numerous volunteers . Where there is a danger that, due to the non-arrival of the second person, a worker might be lone working in a group situation, that person should contact the Wellbeing Services Manager/ Senior Management Team for advice on whether to open the session or cancel.

**In Public Places:**

Lone working in groups or 1 to 1 can take place in these locations, within the following lone working procedure:

**In Private Homes:**

1 to 1 lone working can take place in these locations, within the following lone working procedure:

**In Supported Housing:**

1 to 1 lone working can take place within the following lone working procedure:

**In PCPT Services**

1 to 1 lone working can take place within the following lone working procedure:

**Lone Working Procedure**

**General Lone Working**

1. All initial visits to a private home must be undertaken by two staff/volunteers/sessional workers, except where the client is already known to the service, and prior approval is given by the line manager. Where it is the intention that this initial visit will result in 1 to 1 contact between the service user/carer and a staff/volunteer, this visit must result in a written risk assessment, which will be informed where possible by a risk assessment by an external professional. It is good practice for the professional risk assessment to be received prior to an initial visit.
2. Where risk assessments indicate that lone working with a named individual is possible, then the staff/volunteer/sessional worker lone working must be trained in the use of the “LookOut Call” system prior to taking on the work.
3. All Staff/volunteers/sessional workers must alert the “Look out call” system prior to making a lone visit, meeting a service-user in the community, or delvering a therapeutic session, and cancel the alert at the end of the meeting. The address of the venue and client’s name must be given when setting up the alert system. There are additional features for emergencies detailed in the training. For security reasons, codes and pin numbers are not given here. It is a disciplinary issue to fail to use the LookOut Call system when lone working.
4. It is the duty of lone workers to ensure they always take their mobile phones when lone working. They must ensure the phone is fully charged, has credit and that the appropriate codes are programmed in. If mobile phone coverage is poor, then lone workers should discuss with the office or their supervisor as to how to deal with the situation. The organisation will provide lone workers with a mobile phone, if they do not already have one. This must be returned on leaving the organisation.
5. All staff/volunteers/sessional workers should feel free to call the police to any situation where they deem it necessary. Besides the conventional 999, mobile phones reach emergency services through 112, even in areas where there is no signal. Emergency services 112 are able to track where you may be if you are unable to talk.
6. If, prior to a lone visit a lone worker feels unsure about the risks involved, then they should postpone and discuss the changing nature of risk with their supervisor.
7. Staff or volunteers should not continue with the visit if they feel that the person is under the influence of alcohol or drugs, or if they appear aggressive or abusive, or present a risk. Make whatever excuses needed to safely leave the situation.

**Transport**

1. Staff and volunteers are not generally permitted to take service users in their cars unless the procedure outlined below is adhered to. Staff are not permitted to travel in vehicles which service-users are driving, unless there are exceptional circumstances.
2. All occasions when there is reason to transport service-users in cars, or to travel in a service-users car must be approved in advance by the line manager. This approval must be recorded in writing, and may relate to a one-off journey, or a series of journeys, or a longer term approval.
3. The line manager’s approval will be based on a consideration of:
	* A risk assessment
	* Condition of the vehicle and insurance issues
	* Reason why this method of travel is preferable to alternatives, given the value of empowerment and normalisation.
4. Even where a lone worker has prior approval for taking a service user in their car, they must request a re-evaluation from the line manager if they believe the level of risk has changed.

**Staying aware during lone working**

Staff, sessional workers and volunteers must always wear appropriate clothing. This would include shoes and clothing which is easy to move in. Staff and volunteers should not wear clothing which may seem provocative or clothing such as t-shirts which may have statements on them (example religion, race, age, gender etc) which may offend service users.

Before lone working it is very important to mentally risk assess the area and individual, then make a decision on whether they feel safe and wish to continue. Even if the staff member or volunteer feels very safe it is important to keep alert and be aware of everything that is happening around them because it may not necessarily be the service users who pose a risk but an external influence (e.g. another family member, friend, neighbour, dogs etc)

When lone working, sit near an exit. Also be aware of when entering private premises, whether the individual locks the door behind and how easily accessible the exit is. If a problem arises, keep calm and leave the premises as soon as possible as you are under no obligation to stay. The LookOut Call System has emergency functions.

**Reporting an Incident**

Any incident in which you felt yourself to be, or were, at unacceptable levels of risk must be reported to your Supervisor. You should always fill in an Incident Form which is available from the office.

It is important to look after yourself following a serious incident and you will need debriefing from your Supervisor. Where appropriate the Organisation will provide external counselling.

Staff members and volunteers who do not adhere to this policy are putting themselves, and the organisation at risk and disciplinary action will be taken. If staff and volunteers do not adhere to this policy, North KentMind will not be responsible for any incidents which may occur when lone working.

Name:……………………………………………………….

I have read the Health and Safety Policy and agree to adhere to this policy. I understand that if I do not adhere to the lone working procedures I am putting myself at risk, that disciplinary action may be taken, and that North KentMind cannot be held responsible for incidents which occur whilst I am in breach of this policy.

Signed:………………………………………………… Date:…………………………..

**North Kent Mind**

 **Staff & Volunteer Grievance Policy and Procedure**

**Definitions**

An expression of dissatisfaction made by a staff member, sessional worker or volunteer about the behaviour of the organisation, or an individual staff member or volunteer or sessional worker, is called a **Grievance**.

Expressions of dissatisfaction made by a Trustee or supervisor about a staff member, sessional worker or volunteer whose work they manage directly or indirectly is not generally a grievance, but is a matter for **Disciplinary Action.** This is the focus of the Disciplinary Policy.

A **Complaint** is an expression of dissatisfaction, made by a person outside the team of staff and volunteers about the behaviour of the organisation, or an individual staff member, sessional worker or volunteer within it. This is the focus of the Complaints Policy and Procedure.

Where a staff member, sessional worker or volunteer has serious concerns about the illegal or abusive conduct of the organisation or an individual staff member or volunteer within it, but is unable to use the grievance procedure because the person they should report to is implicated in the malpractice, then they have recourse to the **Whistleblowing** Policy.

Within this policy the expression “Staff” means both employees of the organisation as well as self-employed sessional workers

|  |  |  |
| --- | --- | --- |
| **Aggrieved Person** | **Target** | **Process** |
| Staff/sessional worker/Volunteer(including Trustee) | North Kent Mind | Grievance |
| Staff/sessional worker/Volunteer(including Trustee) | Superior or Peer Staff/Volunteer | Grievance |
| Staff | Supervisee | Disciplinary |
| Staff/sessional worker/Volunteer(including Trustee) | North Kent Mind  | Whistleblowing if serious illegal or abusive practices are evident and grievance processes are ineffective |
| Staff/sessional worker/Volunteer(including Trustee) | Staff/Volunteer  | Whistleblowing if serious illegal or abusive practices are evident and grievance processes are ineffective |
| Person who is not staff/sessional worker/volunteer  | North Kent Mind, individual Staff/Volunteer or sometimes Service User | Complaint |
| External Body | North Kent Mind individual Staff/Volunteer or sometimes Service User | Complaint |

**Introduction**

Grievance policies and procedures are necessary so that North Kent Mind can deal with grievances fairly, consistently and speedily, and to ensure that the organisation abides by the Code of Practice Disciplinary and Grievance Procedures issued by ACAS in April 2009. Grievances about Bullying and Harassment, because of the sensitive nature of the issues, require a separate procedure, and are contained within the Conditions of Service as defined in the staff handbook, and in the Volunteering Policy (North Kent Mind Policy No 11).

Issues that may cause grievance for employees and volunteers include:

* Terms and Conditions of Employment
* Health and Safety
* Relationships at work
* New working practices
* The working environment
* Organisational change
* Equal Opportunities

However, the best rule of thumb in deciding whether a staff member, sessional worker or volunteer has a grievance is:

“If they think they have a grievance, then they have.”

**The Procedure**

**An Informal Grievance**

Most expressions of dissatisfaction can and should be resolved informally – that is, without recourse to a formal written grievance. The issue should be raised verbally with the employee’s line manager or volunteer’s supervisor, as appropriate at supervision or volunteer support sessions, or at any other time. When the dispute or disagreement is between one staff/volunteer and another, there should be an attempt to resolve the issue mutually before calling on the line manager or supervisor.

The line manager should attempt to resolve any grievance informally presented to them, and all who deal with informal or formal grievances should respect the confidentiality of the persons involved.

In dealing with minor dissatisfactions which arise from time to time, and which have not become formal grievances, senior management personnel within North Kent Mind are open to approaches from staff and volunteers who have issues to express, and will listen, and deal with these as appropriate or direct the staff member or volunteer to a suitable course of action.

**Raising a Formal Grievance**

An employee or volunteer, by putting their grievance in writing to their line manager, and describing it as a formal grievance, makes it a formal grievance. Where a Trustee or the CEO has a grievance about another Trustee, the Chair will receive the written grievance.

where the grievance is against the line manager in person, the employee or volunteer should put their written grievance to that person’s line manager, or to another person with managerial or supervisory responsibilities. Where a person supervised by the CEO has a grievance about the CEO, the Chair would be the superior line manager. Where the CEO or a Trustee has a grievance about the Chair, any two other Trustees can be joint recipients of the written grievance, and will process it jointly.

**Arranging a Meeting to Discuss the Formal Grievance**

The line manager or other person appropriately receiving the formal grievance must arrange for a meeting with the staff/volunteer, as soon as is possible, and inform them that they have the statutory right to be accompanied by another staff member or trade union official (if a paid employee) or anybody of their choosing if a volunteer or sessional worker.

To exercise the right to be accompanied a worker must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing

Where the right to bring a companion has been denied for these reasons, the person will have the right to appeal to the Trustees, who would look at the individual case to see if it had been dealt with reasonably.

**The Meeting**

At the meeting, the person with the grievance shall be encouraged to explain the nature of their grievance and how they think it should be settled.

The companion should be allowed to address the hearing to put and sum up the worker’s case, respond on behalf of the worker to any views expressed at the meeting and confer with the worker during the hearing. The companion does not however, have the right to answer questions on the worker’s behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

The person/s dealing with the grievance has the duty to give a written response to the issues raised, if appropriate after a period of further investigation. Such a written response will normally be sent to the staff/sessional worker/volunteer within 5 days of the meeting, unless still further investigations are required or other circumstances apply, in which case the staff/sessional worker/volunteer will be given an explanation for the delay and told when a response can be expected. Where appropriate, the response should set out what action the employer intends to take to resolve the grievance.

The written response will inform the staff/sessional worker/volunteer that they have the right of appeal.

**Appeal**

If the person who raised the grievance informs in writing the person/s who dealt with it that they wish to appeal against the written response, and the grounds for their appeal, then an appeal meeting will be arranged without unreasonable delay and at a time and place which will be notified to the aggrieved person in advance.

As before, the person with the grievance has the right to be accompanied by a staff member/sessional worker/volunteer as a supporter.

The person hearing the appeal will be at the next level of management above the person originally dealing with the grievance. Where the CEO previously dealt with the case, the Chair will hear the appeal. Where the Chair or two Trustees previously dealt with the case, the Board as a whole will hear the appeal.

The person/s hearing the appeal will afterwards write to the staff`/volunteer with their decision.

**Further Appeal**

Where the Staff/Sessional worker/Volunteer remains unhappy with the response to their appeal, North Kent Mind permits appeals to further levels of management within the progression CEO-Chair-Full Board until all possibilities are exhausted. At each stage of appeal, the person with the grievance is entitled to:

* a meeting to hear the appeal
* a supporter to accompany them if they wish
* a written decision on the appeal.

Overlapping grievance and disciplinary cases

 Where a staff member/employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

**North Kent Mind**

**Confidentiality Policy**

North Kent Mind is committed to practices and procedures that ensure confidentiality of information relating to service users, tenants, volunteers and staff members. Whilst this policy focuses on particular aspects of confidentiality, it should be read in conjunction with Policy No 18 Information Governance, which completes the picture of how the organisation protects the information it holds.

**Sharing Information with External Organisations**

1. In respecting the privacy of the individuals involved with North Kent Mind, the overarching policy is that information about individuals’ personal lives or problems shared by the individual with North Kent Mind staff or volunteers will not be disclosed outside the organisation without the permission of that individual. Where liaison with external agencies may need to occur frequently – as with the supporting housing service – clients will sign a form specifying which agencies or individuals North Kent Mind has their prior permission to liaise with.
2. North Kent Mind will not actively seek information from external organisations on any individual unless that individual has given informed consent to this. Neither will North Kent Mind wish to receive unsolicited information from an external source unless that source has obtained prior permission from the individual concerned.
3. However, where the staff member of volunteer receives information which indicates there is a serious and substantial risk of harm to the service user or others, there is a duty to ensure that this information reaches those who, even if they are outside North Kent Mind, might be able to manage, avoid or mitigate that risk. Therefore, no staff member nor volunteer can ever guarantee absolute and total confidentiality to a service user.

**Sharing Information Internally**

Within the organisation, the different services offer confidentiality on differing levels

**The Housing Service:** Confidentiality operates on a team basis: anything shared by a tenant with one worker, or otherwise known about them, may be routinely shared within the housing team, which includes the CEO and the Business Manager.

**The Low-Cost Counselling Service:** Confidentiality operates on an individual worker basis: anything shared by the counsellee with the volunteer counsellor remains confidential to that counsellor and their counselling supervisor. Cases discussed at external supervision will be anonymised.

**Wellbeing Services: Apart from contractual duties to report basic data to Porchlight,** confidentiality operates on a team and a need-to-know basis. Information given to North Kent Mind by individuals accessing the service is available to all workers within the day service, but there is no need to routinely disseminate this throughout the team. When there are concerns or issues around particular clients however, such information may be pooled and shared.

Certain elements of the Wellbeing Service, such as self-management groups, might choose to operate on a basis where information shared within the group remains within that particular group. In these circumstances, this will be respected and the facilitators for the group will share only with their supervisor, not the team as a whole.

**IAPT/PCPT Services:** Confidentiality operates on an individual worker basis: anything shared by the client with the therapist remains confidential to that therapist and their supervisor, except where for the purposes of good management of this service a senior manager needs to be involved..

These levels of confidentiality will be overridden in the following situations:

1. Where there is a duty to inform others within the organisation of issues of danger specific to:

	* Concerns for the safety of volunteer or staff in or out of the work situation
	* Concerns for the safety of the client/service user
	* Concerns for the safety of others (this includes a wide range of situations including child abuse and involvement with terrorism)
2. Where there is a need to coordinate service delivery for a client/service user across different services, or different elements within the same service.
3. Where relevant details need to be shared as part of the investigation of a complaint.

In all these cases, best practice is to secure the consent of the service user, where possible, prior to personal information being shared internally. Where this is not achievable, they should at least be informed that the internal sharing will take place.

**Storage of Information**

1. North Kent Mind will only keep personal information which is required for some specific purpose and that is relevant and adequate for that purpose.
2. Confidential paper information will be kept in a locked filing cabinet; information kept electronically will be password protected. In both cases, this will be accessible only to the relevant staff who may need it to carry out their work. Any electronic device of any description used to store personal information must not be taken off the office premises unless the information is properly encrypted with a system approved by senior management. Any paper work containing personal identifiable information needing to be transferred between North Kent Mind sites will be transferred in locked cases to be kept with the staff member at all times during transfer. Any redundant or superseded computer equipment will have its hard drive destroyed before it leaves the premises.
3. Where counsellors or therapists need to keep personal counselling notes at their home address, these will be coded to ensure full anonymity of the client kept securely, and destroyed within the guidelines issued by the British Association for Counselling and Psychotherapy.
4. All personal information held, with the exceptions listed in points 5, and 6 below, will be destroyed within the following timescales, which adhere to legal and professional requirements:

Staff Files & Payroll information After 6 years of having left the service

Volunteer Files: After 2 years of having left the service

Service User Files: After 2 years of last using the service

CRB/POVA checks: As soon as any relevant disclosures have been dealt with

Unsuccessful applications for work: After 2 years subsequent to the unsuccessful application

 IAPT/PCPT Files: As per instruction from the NHS Commissioners

Any personal information recorded on paper will be shredded prior to disposal. Any personal information held electronically shall be deleted and also emptied from the recycle bin programme.

1. At the CEO’s discretion, where there are particular reasons why any information should be stored longer than the above limits, the reason shall be noted on the retained material. This will be necessary, for instance with cautionary notes about ex-service users with a history of violence.
2. In any event, North Kent Mind reserves the right to retain indefinitely the basic details (Name, age, address, dates and frequency of contact) of those who have used its services.

**Access to Confidential Information**

1. North Kent Mind will allow tenants, applicants, service users, clients, volunteers and staff reasonable access to any information that is held about them and the opportunity to correct any perceived inaccuracy in it.
2. Information held on any person can only be withheld from the person concerned for a specific reason. Reasons include information about, or from, a third party, and information which is subject to legal privilege.

**Corporate Confidentiality**

The above policy concerns the appropriate levels of confidentiality for personal information on the individuals who use North Kent Mind Services, or who work in these services. Staff and volunteers and are also reminded of the need to keep appropriately confidential the content of discussions which occur in various meetings within the organisation, especially where these involve a potential change in policy or practice. While North Kent Mind is an organisation which values transparency and consultation, these should be undertaken with appropriate timing, and the organisation and those who work within it must be free to openly discuss issues and ideas without fear of unauthorised dissemination of this material.

The employee handbook, which forms part of the contract between the organisation and its employees, further stresses that information acquired during employment, or which relates particularly to our business, and which has not been officially made public, remains confidential and is not to be disclosed without consent.

**See also Appendix 1 for rules governing the use of Mobile Phone and Photographic Images**

**Confidentiality Policy: Appendix 1: Mobile Phone and Photographic Images**

Photographs are often used in gathering observations of achievements and events. It is necessary to consider how these are collected, developed and stored, and how to protect against unauthorised photography within the organisation to ensure that clients are safeguarded.

The following procedures are to be adopted by anyone working for North Kent Mind:

Phones

* All mobile phones are to be kept with personal belongs and on ‘silent’ when delivering services or in the presence of clients
* Visitors, clients and others who enter the organisation’s premises and appear to be or intent to be taking photographs will be asked by a member of staff to turn off their mobile phone.
* No mobile phones are to be used for photographs within working hours without seeking appropriate authority or permissions.

* Personal calls should be avoided at any time when a member of staff is with clients. Where it is necessary for staff to make a personal call, they should ensure this takes place in an area away from clients and visitors. Any Visitors, clients or others who receive calls, or wish to make calls, will also be asked by a member of staff to move to an appropriate area.
* A work mobile phone is required when staff are working with clients away from an official North Kent Mind site.

Cameras (including camera phones)

* Photos of clients can only be taken with their permission.
* Only those working for North Kent Mind who have an enhanced DBS disclosure are permitted to take photographs.
* Visitors, clients and others are usually not permitted to use mobile phones to take or record any images of clients during services and activities.
* At genuinely public events, members of the public and press photographers may take photographs of the public activity. If individuals do not wish to be included in such photographs, it is their responsibility to inform the photographer of this.
* Where the organisation takes photographs for publicity or marketing purposes, anybody thus portrayed must give their permission to be included in such publicity photographs via a signed consent form.
* Any photographs taken by people working for North Kent Mind can only be downloaded onto work lap-top / computers. No images are to be downloaded or kept on private lap-tops / computers.
* Photographs will be stored on the organisation’s server, computers/laptops, which are password protected until the images are no longer required or the organisation ceases to operate, should this occur then all photographs will be shredded or deleted from the computers/laptops.

**North Kent Mind**

**Whistleblowing Policy**

**1. Introduction**

“Whistleblowing” means that a people working within an organisation, whether paid, volunteers, or trainees on placement, have the right, and are encouraged, to report serious concerns they may have about others working in the organisation, or the way the organisation functions. They might report these concerns within the organisation, or even to bodies outside the organisation. The Public Interest Disclosure Act 1998, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns, if they have followed the correct processes.

**2. Purpose of this Policy**

This procedure aims to ensure individuals are:

* encouraged to feel confident in raising serious concerns and to question and act upon concerns about practice
* provided with avenues to raise concerns and receive feedback on any action taken
* given a response to their concerns and are aware of how to pursue them if not satisfied.
* reassured that they will be protected from reprisals or victimisation if they have a reasonable belief any disclosure has been made in good faith.

**3. Concerns Appropriate for Whistleblowing**

A whistleblowing policy is designed to cover issues of concern which do not fit in with other procedures and policies (eg, Grievance, Health and Safety reporting etc). Generally, whistleblowing concerns will involve issues which are illegal, dangerous, abusive or contrary to the ethos or standards of the organisation. These may be about:

* conduct which is, has been or is likely to be an offence or breach of law
* unauthorised use of funds, possible fraud and corruption, including wasteful or frivolous expenditure
* sexual or physical abuse of clients, or other unethical conduct or discrimination of any kind
* 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
* past, current or likely damage to the environment
* conduct which does not live up to the written standards or values of North Kent Mind
* Attempts to conceal any of these

**4. How to Raise a Concern**

Concerns can be raised verbally or in writing. A concern should set out the background and history of the concern, giving names, dates and places where possible, and give the reason why you are particularly concerned about the situation.

The earlier a concern is raised the easier it is to take action. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern. A trade union or professional association may raise a matter on behalf of an employee.

Whenever possible you should raise your concern with your immediate manager or the CEO. Where your immediate manager is implicit in your concerns, you should raise the matter with the CEO. Where the CEO is implicit in your concerns, you should raise the matter with the Chair of the Trustees, by writing to them:

The Chair of North Kent Mind

The Almshouses, 22 West Hill

Dartford Kent DA1 2EP

 Where the Chair of the Trustees is implicit in your concerns, you should raise the matter with other trustees or the CEO. There is an independent helpline available to talk things through if you are struggling with what you should do:

Public Concern at Work
020 7404 6609.

**5. Issues relating to Raising a Concern**

**5.1 Confidentiality**

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

**5.2 Anonymous Allegations**

Whenever possible you should put your name to your allegation as concerns expressed anonymously are much less powerful that those that are attributed to a named individual. However anonymous allegations will be considered and investigated at North Kent Mind’s discretion. In exercising the discretion, the factors to be taken into account will include:

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

**5.3 Untrue Allegations**

If you make an allegation in good faith that is not subsequently confirmed by an investigation, no action will be taken. Disciplinary action will only be taken against individuals who knowingly make false, malicious or vexatious allegations.

**5.4 Protection**

For your disclosure to be protected by the law you should make it to the right person and in the right way. You must:

* make the disclosure in good faith (which means with honest intent and without malice)
* reasonably believe that malpractice in the workplace is happening, has happened in the past or will happen in the future
* reasonably believe you are making the disclosure to the right 'prescribed person' (see paragraph 4 above)

The law describes this as making a “protected disclosure”.

Employees have two safeguards under law in respect of whistleblowing.

* An employee is entitled not be subjected to any detrimental treatment by virtue of having made a protected disclosure.
* The dismissal of any employee directly due to the individual having made such a disclosure will automatically be unfair

No employer can prevent you from making a protected disclosure as part of your employment contract or other agreement between you and your employer.

**6. The Organisation’s Response**

The action North Kent Mind takes will depend on the nature of the concern. The matters raised may:

* be investigated internally by management
* be referred to the Police
* form the subject of an independent inquiry.

In order to protect individuals and North Kent Mind, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g. child or adult protection) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to acknowledging that the concern has been received, how we intend to investigate the matter, and how long it will take to provide a final response.

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

North Kent Mind will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, we will advise or arrange for you to have advice about the procedure. North Kent Mind will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.
We accept that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

**7. Recourse to External Whistleblowing**

It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer’s affairs. It would be viewed as a serious breach of discipline if a person were to publicise their concerns without having first tried to have them resolved internally. Nevertheless, in extreme and serious circumstances where a person has tried to use internal whistleblowing procedures and found the organisation to be unreasonably unresponsive to these issues, there may be a case to take concerns further.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the Company nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

If you feel it is appropriate to take the matter further, the following are possible contact points:

* Public Concern at Work 020 7404 6609
* Audit Commission 020 7630 1019
* Kent County Council or other funding body
* NHS - Kent and Medway Commissioning Service
* Relevant professional bodies or regulatory organisations
* A solicitor
* The Police

If a matter is taken outside North Kent Mind, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed.

North Kent Mind

**Abuse & Harassment Policy & Procedures**

**1. Scope of this Policy**

This document covers the policy and procedure relevant to the prevention of the abuse and harassment of people who use the services of the organisation. The expectations of North Kent Mind that people who work within its services will not themselves abuse or harass fellow–workers or service-users are contained within the Conditions of Service as defined in Policy No 12: Employment Policy (Employees Handbook), and in the Policy No 8 Volunteering Policy

**2. Definitions**

**2.1 Abuse**

As defined by Department of Health’s “No Secrets” report 2000 this is ‘The violation of an individual’s human and/or civil rights by any other person or persons’

Abuse may consist of a single act or repeated act. Abuse can be physical, verbal, institutional, psychological or emotional. It can be an act of neglect or an omission to act. It can occur when a service user is persuaded to enter into a financial arrangement or sexual relationship to which they have not, or could not, have consented. Any or all of these categories of abuse may be perpetrated as a result of deliberate intent,

negligence or ignorance.

**2.2 Harassment**

For the purposes of this policy harassment is defined as anything done to make someone else feel unsafe, under threat, intimidated or generally ill at ease. Examples of harassment include oral, written or physical abuse, violence, damage to property and threats.

**2.3 Service User**

For the purposes of this policy, a “service user” includes anyone who make use of the services of North Kent Mind, whether they are a tenant, participant at community services, counsellee, PCPT client or other beneficiary.

**3. The Commitment of North Kent Mind**

North Kent Mind is committed to preventing, identifying, investigating and responding to the abuse of service users. North Kent Mind recognises that it works with service users who may be at particular risk of mistreatment, abuse and harassment and that they may be more at risk of exploitation and less able to defend their rights themselves than others are. North Kent Mind’s policy on protecting service users’ from abuse and harassment is intended to ensure that all of its service users’ rights are recognised and respected. North Kent Mind is committed to:

* Maintaining communication at all levels to identify risks and ensure effective action

to prevent abuse/harassment.

* Developing a common understanding within the organisation of abuse/harassment and those vulnerable to abuse/harassment.
* Ensuring staff are familiar with the terms of this policy.
* Working with other agencies to ensure systems to prevent and deal with adult abuse are effective and fit for purpose.
* Monitoring and evaluating the operation of this policy.

**4. Prevention of Abuse & Harassment**

North Kent Mind will take all necessary steps to protect the service users it works with from abuse or harassment. This includes:

* Minimising the likelihood of abuse or harassment from volunteers and staff by:
	+ Subjecting all staff/volunteers/students on placement to DBS (Disclosure and Barring Service) check where they will be working in direct contact with service-users
	+ Resubmitting all staff/volunteers to DBS checks at intervals as set within the DBS statement (see Appendix 1).
	+ Demanding and checking the validity of at least 2 references for employment or volunteering
	+ Having clear relevant policies which are referred to in volunteer screening, staff interviews and induction training
* Minimising the likelihood of abuse or harassment from other service users by:
	+ In Community Services, having a clear Code of Conduct, formulated by the Service-User panel, which refers to issues of abusive behaviour.
	+ Responding to breaches of this code, and temporarily barring people from services when this is an appropriate measure.
	+ Checking on issues of potential risk to others via the Community Services registration process.
	+ In Supported Housing Services, having a clear Tenants’ Agreement which specifies that Abuse and Harassment of others is prohibited.
	+ Setting ground rules which include issues of offensive and abusive behaviour in the various groups that we run.
* Minimising the likelihood of abuse or harassment from others by:
	+ Ensuring staff and volunteers are competent in the identification and prevention of abuse and harassment through training. All receive instruction and/or training on issues involved in protecting service users/tenants from abuse/harassment and the need to be vigilant around the signs and potential for abuse and harassment.
	+ Sharing issues of abuse/ harassment (suitably anonymised) within the multi-agency forums within which it operates ( eg Mental Health Action Group, Providers’ Forums, Ethnic Minority Forum, Executive Board of Providers (Housing): looking at communalities and where joint action might be advisable
	+ Enabling Service Users to be empowered, self confident and supported enough to stand up to those who might otherwise choose them as victims of abuse or harassment.
	+ Providing Mental Health Awareness Training and Campaigns to work against the stigma that can be a factor in cases of abuse and harassment in the general population.

# Risk assessments for all tenants include issues of risk of abuse, harassment or bullying

**5. The process of dealing with suspected Abuse or Harassment**

**5. 1. Identification**

Identification refers to the responsibility of any worker to be aware of the possibility that abuse or harassment of a service user may have taken place – or is likely to take place – and to take action.

A concern that a service user is, or could be, being abused or harassed may have arisen from:

* A **direct disclosure** by the service user
* **An expression of concern** by a worker, service user, member of the public, carer or other professional. This could also be part of another process – eg complaints system, grievance system, whistleblowing system.
* An **observation** of the behaviour of the service user by a worker.

**5.2 Initial Action**

If a North Kent Mind worker suspects or receives a report of actual or potential abuse or harassment, they will:

#### A. Deal with immediate needs

* Take reasonable steps to ensure that the service user is in no immediate danger. This may include involving the Police if there is real and immediate risk to the person: this may also involve enabling the person to seek medical intervention if deemed necessary.

**B. Listen**

* Assure the person making the allegation that they will be taken seriously.
* Be non- judgemental, but clarify the facts of the situation as they are perceived by the informant.

## Explain to the informant the duty to report to the manager (or their manager if they are implicated in the abuse) and that the concerns raised will have to be shared. Where the informant is the victim and does not wish the matter to be taken further, refer to the Confidentiality Policy (North Kent Mind Policy No 9) which specifies sharing of this type information internally is permitted.

# Do NOT discuss the allegation of abuse or harassment with the alleged perpetrator or

anyone other than the relevant manager.

### C. Inform the relevant manager

* The manager of the service which is used by the service-user (or another manager in their absence) must be alerted to the concerns immediately.
* Where this manager is implicated in the incident refer to the Whistleblowing Policy (North KentMind Policy No 10) to inform a person other than this manager.

#### D. Record

* The worker must record the issue and what they have done about it in the incident file, unless this is part of a whistle blowing process where disclosure would be detrimental to any future investigation, in these cases, the worker must keep their own written record.

**5.3 Action to be taken by receiving manager**

It is the duty of the manager receiving the information to:

#### A. Deal with immediate needs

* Ensure that the victim of the alleged abuse/harassment is safe.
* Ensure that any emergency medical treatment has been arranged as appropriate.
* If the alleged perpetrator is also a service user, ensure that a worker is allocated to attend to their needs.
* Ensure that other service users are not put at risk.

#### B. Discuss

# A discussion must be held with the CEO or, in their absence, other senior staff, to decide the way forward

* This discussion should include:
	+ Seriousness of situation
	+ Likelihood of repetition
	+ Consent and confidentiality
	+ Alleged victim’s views of how the situation should be dealt with
	+ Appropriate contact with statutory agencies, for example Social Services, the Police, Mental Health Teams
	+ Appropriate contact with support agencies, for example Victim Support, Citizen Advice Bureau, Family Matters or Solicitors
	+ Need for further investigation
	+ Appropriateness of referral under Adult Protection Guidelines (See Adult Protection and Safeguarding Children Policy: North Kent Mind Policy No 16)
* This discussion should result in:
	+ A clear strategic plan of the way forward
	+ A decision on whether referral under Adult Protection Guidelines should take place at this time
	+ Information to the alleged victim on what the organisation intends to do, and securing the alleged victim’s permission on this where appropriate

**C: Record**

Following the above discussion, an entry should be placed in the Protection and Safeguarding Book, and used to track developments and actions taken. This will be signed off by the CEO when all actions points have been completed.

**5.4 Notes on Further Investigations and Actions**

#### 5.4.1 If the alleged perpetrator is also a service user

The steps set out above should be followed as a matter of course but, additionally, managers receiving reports where the alleged perpetrator is also a service user/tenant should:

* Consider if the alleged perpetrator needs to be represented during investigations to avoid a potential conflict of interest.
* Consider if there is an ongoing risk of further abuse or of pressure being brought to bear on the person making the allegation. If it is thought that this is possible, arrangements should be made to manage this risk.

**5.4.2 If the alleged perpetrator is a North Kent Mind worker**

The steps set out above should be followed as a matter of course. Additionally, for paid staff, any investigation and action taken must be compatible with the organisation’s Staff Disciplinary Policy (this is contained in the Policy No 12 Employment Policy (Staff Handbook), and for volunteers, investigation and any action must be compatible with the organisation’s Disciplinary Policy for Volunteers contained in Policy No 11 Volunteering Policy

Where suspension of paid staff or volunteers is to take place during investigation, a sensitive statement for other workers, stakeholders and service users/tenants should be drawn up, regarding the absence of the worker under investigation.

**5.4.3 Autonomy of Alleged Victim of Abuse**

It is a characteristic of North Kent Mind that we support the autonomy of Service-Users. (See Service User Involvement Policy - North Kent Mind Policy No 5). Where an alleged victim does not wish for an investigation to proceed, or does not wish for a referral to Adult Protection, or contact with outside agencies, then only in the most extreme cases would we wish to work contrary to this request, under the Confidentiality Policy (North Kent Mind Policy No 9)

**6. Staff Support**

It is recognised that working with situations that may involve the abuse/harassment of a

service use can be stressful for workers particularly those who may have had personal experience of similar issues. In relation to this North Kent Mind ensure that workers involved in reporting, witnessing or investigating cases of service user abuse will be supported appropriately. This will include:

* Access to a confidential counselling service.
* Space to debrief and discuss the issues within the line management structure.
* Support and protection in the event of any retaliatory or aggressive action from an abuser or harasser

as a result of their abuse being uncovered.

###### 7. Monitoring and Evaluation

All reports from the Protection and Safeguarding Book will be monitored by the Quality Committee and a discussion of these and a review of the effectiveness of this policy will be undertaken by the SMT annually, as part of the work schedule of that meeting. There will be a consideration of additional actions which could be taken at an organisational level to prevent such incidents happening again.

**APPENDIX ONE**

**North Kent Mind**

**Policy on DBS checks**

It is the Policy of North Kent Mind to carry out an DBS Check, on all its staff and volunteers, where their work will place them in direct contact with service users.

As North Kent Mind works with vulnerable adults, applications for employment or volunteering are exempt under the Rehabilitation of Offenders Act 1974 and therefore spent convictions must be declared.

North Kent Mind will treat any information received confidentially as it is subject to the provisions of the Data Protection Act 1988 and the Police Act 1997.

If a prospective staff member or volunteer has a previous conviction, North Kent Mind would not necessarily discount them from joining the organisation and will take each case on its own merit, mindful of the duty to protect the people who use its services.

**Procedure for Police Checking**

1. Every staff member and volunteer who works for North Kent Mind will be DBS Checked where they perform a regulated activity as defined by the Department of Health. North Kent Mind uses Bromley and Lewisham Mind as its umbrella body. They are registered with the DBS).
2. Once the checks have been made, the resultant DBS form is sent to the person in question, and North Kent mind must obtain a copy from the person

3. The above process can take some time to complete. North Kent Mind will deploy staff and volunteers in the period before the results of the DBS check are received, but only on the following conditions:

* The staff or volunteer will not engage in any lone working with a service user during this interim period, nor will they be in any situation with a service-user where they are not visible to others at all times.
* Prospective staff and volunteers are required to state past convictions on application forms. They will be further asked at interview whether there is anything else to declare, including other police information that will be revealed by the DBS check process, and the interview will explore the nature of any such events.
* Where any such convictions/events are revealed, and North Kent Mind still wishes to accept the person as a staff member/volunteer, then the manager, in consultation with the interviewers, will make a decision about whether deployment can take place before the result of the DBS check is received. Such a decision, and the reasons for it, shall be noted on the individual’s file.

4. When the result of DBS Check is first returned to North Kent Mind, it will be kept confidentially in a locked drawer and may only be seen by specified people:

Volunteers & Staff Central Services Manager & CEO

Central Services Manager CEO & Chair

CEO Central Services Manager & Chair

Trustees Central Services Manager & Chair

Deputy Chair Central Services Manager & Chair

Chair CEO & Deputy Chair

Should a check bring up any past conviction, whether already known to the organisation or not, then the 2 people specified above would meet with that person, to formally decide the outcome. They will be guided in this by:

* The person’s own attitude to the details of the DBS check, as given in this meeting, and in a short written response they will be asked to compile.
* Feedback from the supervisor in cases where the person has been deployed in the interim period.

Brief reasons for the decision will be noted and held on file, together with the person’s written response. A past conviction does not necessarily mean that a person would be excluded from working for North Kent Mind

5. Where a DBS Check reveals no records, then the check reference number will be noted and the record shredded.  Where a check reveals a criminal record or other event, the check reference number shall be noted, but shredding shall not take place until the matter has been dealt with in accordance with this procedure.

6. In accordance with the rules of North Kent Mind Insurers, all staff and volunteers to whom this applies will be re-checked every three years. Only records dating from after the last check shall be subject to the procedure detailed above.

**North Kent Mind**

**IT Use and Return of Company Equipment Policy**

**Definitions**

This Agreement refers to the use of electronic equipment on loan to all employee/staff of North Kent Mind. Electoronic equipment include laptops, iPads, mobile phones/smartphones and printers. It should be read in conjunction with North Kent Mind’s Mobile Phone and Photographic Images Policy (Policy No. 28), the Social Media policy (Policy No. 26) and our Privacy and Cookies Policy (Policy No. 27)

**Responsibilities**

1. Company resources include but are not limited to laptops, tablets, mobile phones/smartphones, and printers. These should be used for North Kent Mind Business only. Personal use of company resources is not permitted.
2. Employees/staff may be issued company property including a computer, laptop, printer, pager, or hand held mobile device. Employees/staff are expected to take proper precautions to care for company equipment.
3. Employees/staff are trusted to behave responsibly and use good judgment to conserve company resources.
4. Only apps or programmes that are relevant to your job role are to be downloaded and only with the prior written permission of your line manager. These are to be installed by the IT department or the IT company that North Kent Mind contracts with for management of its IT systems.
5. In order to protect the interests of North Kent Mind and its employees/staff, North Kent Mind reserves the right to monitor or review all data and information contained on an employee’s company-issued equipment.
6. The use of company resources to create, access, store, print, solicit, or send any materials that are harassing, threatening, abusive, sexually explicit or otherwise offensive or inappropriate will be grounds for discipline up to and including termination of employment.
7. Upon termination, employees/staff are expected to return all company equipment in proper working order. Failure to return equipment may be considered to be theft and may lead to criminal prosecution.
8. Any damage or theft of the electronic equipment should be reported to your line manager as soon as possible.
9. If you are working on a specified project, or if equipment is issued for the use of a specified project, equipment must be used only for the project it is assigned/intended for and must not be used for any other purpose.

**Legislation and Regulations**

All employees/staff must ensuring that they are aware of their responsibilities under the regulations, policies and code of practices in relation to the list below and adhere to the guidelines at all times.

* The Data Protection Act
* Computer Misuse Act
* Copyright Law
* Counter-Terrorism and Security Act
* Equal Opportunities
* Freedom of Speech
* Intellectual Property
* Safeguarding
* Dignity at Work
* Bully and Harassment
* Conduct and Performance

Questions about the proper use of company resources other than as noted in this document should be directed to your line manager.

**IT Use and Return of Company Equipment Agreement**

|  |  |
| --- | --- |
| Employee / Staff Name: | Job Role: |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Item  | Serial Number | Date of Issue | Project | Issued By: |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

I have received the above listed equipment on loan from North Kent Mind. I understand that:

* I am responsible for the equipment to include any loss, damage or theft.
* I must adhere to Health and Safety Guidelines and use the equipment in line with the manufacturer’s instructions
* I must also adhere to the **all** Regulations and Legislation listed in the IT Use and Return of Company Equipment Policy that relate to Conduct and the correct use of information
* I must return the equipment when I cease to work for North Kent Mind.
* The resources loaned should be used for North Kent Mind Business only.
* I may only download/use Apps that are relevant to my job role subsequent to written permission.
* North Kent Mind reserves the right to monitor or review all data and information contained on an employee’s company-issued equipment.
* The use of company resources to create, access, store, print, solicit, or send any materials that are harassing, threatening, abusive, sexually explicit or otherwise offensive or inappropriate is prohibited and will be grounds for discipline up to and including termination.
* Equipment must be used for the project to which the equipment is assigned/intended for and must not be used for any other purpose.

|  |  |
| --- | --- |
| Signed: | Date: |