



Fair Treatment Suite

CONDUCT PROCEDURE

SOURCE Portfolio holder's Decision 30.3.09, implemented 9.4.09

AND DATE: Reference PHD 068/08

SCOPE: This Procedure applies to all employees - excluding Chief Officers and school based staff.

AMENDED: October 2010

Policy Statement

The aim of the Conduct Procedure is to help and encourage all employees to achieve and maintain acceptable standards of conduct.

The Conduct Procedure should be viewed as a corrective rather than punitive process.

This non-contractual procedure provides a fair and consistent approach towards dealing with issue of conduct. It has been developed to comply with legal requirements and in accordance with ACAS guidance and best practice principles.

Issues of misconduct will be dealt with promptly and effectively in line with the principles of natural justice. Where disciplinary action is required to be taken, the proper procedures must be complied with before any decision is taken. Employees will be informed of the potential action they face if they fail to meet the Council's standards of conduct/behaviour. The level of disciplinary action will depend upon the seriousness of the matter, circumstances and any previous warnings issued. This procedure (comprising a toolkit and Best Practice Notes), will enable Managers to promptly address concerns relating to conduct and take all reasonable steps to assist employees to achieve and maintain rules and required standards of conduct/behaviour.

This procedure replaces the previous Disciplinary Procedure.

Principles

The key principles of this Conduct Procedure are:

- Employees will be treated fairly and consistently
- Allegations will be investigated appropriately
- Employees will be advised of the nature of the allegation/s against them and the potential disciplinary action that could be taken against them

- Employees will have the opportunity to respond to an allegation before any disciplinary action is taken
- Employees will have the right to be accompanied by a trade union representative or a work colleague at all formal stages of the procedure
- Employees will have a right of appeal against a disciplinary decision
- All Allegations will be investigated without undue delay
- No employee will be dismissed for a first breach of conduct, except for gross misconduct

Scope

This procedure is applicable to all Council employees whether they are on permanent, fixed-term or temporary contracts of employment (except schools based staff).

The procedure does not apply to employees within their probationary period (See Probationary Procedure).

It is strongly recommended for adoption by governing bodies following consultation with staff of the school.

Legal Context

The Conduct Procedure takes into account the provisions of the Employment Rights Act 1996, the Employment Relations Act 1999, the Employment Act 2002, the Employment Act (Dispute Resolution) Regulations 2004, the Employment Act 2008 and the ACAS Code of Practice on Disciplinary and Grievance Procedures.

Confidentiality

At all stages of the procedure, all parties will observe confidentiality and sensitivity to employees concerned.

Information / documentation will be circulated to relevant parties in strict confidence in accordance with the need to ensure a fair process.

Managers and employees involved in the process will be accountable for the security of paperwork and the storage of electronic data related to this procedure.

Equalities and Diversity

The Council wishes to ensure that its policies and procedures do not impact unfairly on employees in relation to race, sex, disability, age, religion or belief or sexual orientation or trade union membership or activity.

In implementing this procedure, Managers must ensure that equality and diversity considerations are integral at every stage throughout the process.

Monitoring of the use of this procedure and its impact is carried out on the different social identity groups currently held by the Council. Monitoring is reported in the Corporate Annual Equality Report.

Conduct vs Capability

A distinction **must** be drawn between unacceptable conduct and behaviour of employees, which is attributable to a willful refusal to work to the required standard and inability to perform to the required level. The latter is a matter of capability and should be dealt with in accordance with the Council's Capability Procedure.

Using the Conduct Procedure

This procedure comprises a Toolkit for Managers which provides a step by step guide to the stages in dealing with conduct issues and includes links to the Best Practice Notes and other relevant documents.

The Conduct Procedure (comprising the Toolkit containing links to Best Practice Notes, other Council Policies and standard forms and model letters) is available on the Harrow Hub (Intranet).

Useful Contacts

There are a number of support mechanisms available to employees throughout the use of this procedure. Managers should ensure their employees are aware of these.

A list of useful contacts is attached overleaf.

Useful Contacts

ACAS Advisory, Conciliation and Arbitration Service	ACAS provide a free, impartial and confidential Helpline service that can answer employment questions Telephone 08457 474747 Minicom: 08456061600 ACAS London Regional Office, Euston Tower, 286 Euston Road, London. NWE1 3JJ
Access to Work	Kings House, 1st Floor, Clarendon Road, Harrow, Middlesex HA1 1YJ Telephone: 020 8426 3110 Fax: 020 8426 3134 Minicom: 020 8426 3133 Email: atw-london-region@jobcentreplus.gsi.gov
Disability Adviser	Representative from HAD based at Harrow Council every Wednesday - 3 rd Floor, West Wing, Ext 3893 Email: Angela.dias@harrow.gov.uk or contact Human Resources and Development Advice Line as above.
Disability, Advice, Information and Support Group	Employee Support group for employees with disabilities Email: Daisdais@harrow.gov.uk
ERP Technical Team	ERP Technical Team, South Wing, 3 rd Floor, Civic Centre Ext 2085 for assistance on access issues
First Assist	Employee Assistance Programme - confidential service offering 24 hour telephone information service, legal advice and guidance, debt counselling and financial information, 24 hour telephone counselling service. Telephone: 0800 716017
Harrow Association of Disabled People	Ground Floor, Bentley House Headstone Drive, Wealdstone Harrow, Middlesex. HA3 5QX Telephone: 020 8861 9920 Minicom: 020 8861 4547 Fax: 020 8861 9926 Email: general@had.org.uk
Harrow Council Black Workers' Group	Employee support group for black and minority ethnic employees at Harrow. For more information please contact Brenda Goring (Vice Chair) on 020 8863 5611 ext. 3776) or contact Human Resources and Development Advice Line as above.
Health and Safety	Telephone: 020 8424 1407
Human Resources and Development	Contact Human Resources and Development Advice Line, 0208 424 1110 for advice and guidance on the procedure and toolkit
Lesbian, Gay, Bisexual and Transgender Group (LGBT)	Employee support group for lesbian, gay, bisexual and transgender employees Email: lgb@harrow.gov.uk
Mind in Harrow	8 Havelock Place, Harrow, Middlesex HA1 1LJ Telephone: 020 8426 0929 Email: info@mindinharrow.org.uk
Occupational Health Service	Room 215B, Civic Centre, Tel Telephone: 020 8424 1449 Email: Ochealth.chealth@harrow.gov.uk
Shared Services	Shared Services, South Wing, 3 rd Floor, Civic Centre Ext 2197 for information regarding SSP and occupational sick pay
Staff Carers	Employee support group for employees with caring responsibilities 020 8424 1023 (ext 2023)
Trade Unions	GMB - 020 8424 1086 Unison - 020 8424 1795

