

Harrow Shared Lives Scheme Policy & Procedure No. 55

Conduct Toolkit

Introduction to toolkit

This procedure comprises a Toolkit for Managers which provides a step by step guide to the stages in dealing with conduct issues, clarifies the process to be used and identifies what actions are required, when and by whom. It also includes links to the Best Practice Notes which provide further information on specific issues, 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).

Glossary of Terms Used		List of Best Practice Notes	
Days - Friday	Refers to normal working days: Monday	BPN 1.	Conduct Rules
HRD	Human Resources and Development	BPN 2.	Procedural Issues
BPN	Best Practice Notes	BPN 3.	What to do when an allegation is made
IPAD	Individual Performance Appraisal and Development	BPN 4.	Guidance Meeting
TU	Trade Unions	BPN 5.	Misconduct/Gross Misconduct
OHS	Occupational Health	BPN 6.	Suspension
CAFT	Corporate Anti Fraud Team	BPN 7.	The Investigation
IA	Internal Audit	BPN 8.	The Conduct Meeting
		BPN 9.	Disciplinary Actions
		BPN 10.	Appeals
		BPN 11.	Appeal Hearing
		BPN 12.	Representation
Model Letters		Templates	
			Appeal Record Form

1. Managers Takes Stock Prior To Instigating The Formal Procedure			
1.1 Allegation received	Manager graded SPM5 or above	As soon as becomes aware of an allegation of misconduct – stock takes (i.e. quickly gathers the immediate facts / makes preliminary enquiries)	BPN 3 - What to do when an Allegation is made BPN 1 - Conduct Rules
1.2 Manager considers action	Manager graded SPM5 or above (or Manager with delegated authority)	<p>Considers whether:</p> <ul style="list-style-type: none"> • the issue is one of conduct or capability. • the matter could be resolved via guidance meeting • the allegation warrants investigation under the conduct policy • the case could potentially be gross misconduct • the allegation potentially concerns children or vulnerable adults • potentially involves fraud and corruption – if so seeks advice from Corporate Anti Fraud Team (CAFT) before proceeding • potentially involves financial irregularity - if so seeks advice from Internal Audit before proceeding • is potentially a criminal offence – do the police need to be involved? • the employee has received guidance on this matter before at a Guidance Meeting (check with HRD) • the employee currently has a warning in operation (check with HRD) • the allegation is against a worker not employed by Harrow Council 	Capability Procedure BPN 4 - Guidance Meeting BPN 1 - Conduct Rules/ BPN7 - The Investigation BPN 5 - Misconduct/ Gross Misconduct BPN2 - Procedural Issues BPN 5 - Misconduct/Gross Misconduct

2. Formal Procedure			
2.1 Investigating Officer	<p>Manager graded SPM5 or above (or Manager with delegated authority)</p> <p>In cases of potential dismissal (either because gross misconduct or existing final warning in place) this will be a Manager graded SPM3 or above (or Manager with delegated authority)</p>	Appoints an Investigating Officer and commissions an investigation.	<p>BPN7 - The Investigation</p> <p>BPN9 - Disciplinary Actions</p>
2.2 Misconduct	Manager commissioning investigation	<p>Calls employee to a meeting and at meeting informs employee of allegation, that an investigation will take place, how investigation will be conducted, timescales, advises employee of right to representation and that investigation to be completed within 15 days and if known at that point who the Investigating Officer will be.</p> <p>If not handed to the employee at the meeting then within 24 hours, the Commissioning Manager must write to the employee confirming details of all the allegations and all of the above and give them copy of the Conduct Procedure</p>	<p>BPN 5 - Misconduct/ Gross Misconduct</p> <p>Model Letter 1</p>
2.3 Gross Misconduct	Manager commissioning investigation	If case potentially gross misconduct, considers whether employee should be suspended	<p>BPN 5 - Misconduct/ Gross Misconduct</p> <p>BPN 6 – Suspension</p>

	Manager commissioning investigation or Manager with delegated authority	Calls employee to attend meeting (same day) regarding an incident stating possibly a disciplinary issue and advises them they may wish to request TU to accompany them and if not in TU, advises they may have a work colleague attend with them. Advises if not possible to be accompanied, meeting will not be rescheduled.	BPN 6 - Suspension BPN 12 - Representation
2.4 Suspension meeting	Manager commissioning investigation or Manager with delegated authority	<p>Informs employee at the meeting of all the allegations, that it is potentially gross misconduct and an investigation will take place. Informs employee of the decision to suspend and any related conditions, in the presence of TU or Work Colleague, if attending.</p> <p>Informs employee how investigation will be conducted, timescales, advises employee of right to representation and that investigation to be completed within 15 days and if known at that point who the Investigating Officer will be.</p> <p>If not handed to the employee at the meeting then within 24 hours, the Commissioning Manager must write to the employee confirming the above and give them copy of the Conduct Procedure.</p>	BPN 12 - Representation Model Letter 1
3. Investigation			
3.1 Conduct Investigation	Investigating Officer	Conducts investigation – interviewing person who made the allegation first, other parties involved, witnesses, gathers information, obtains relevant paperwork, etc	BPN 7 - The Investigation Model Letter 2 Model Letter 3

		<p>Gives employee and witnesses minimum 3 days notice of interview(s).</p> <p>Compiles report including statements from witnesses, etc</p>	Model format for Investigating Officer's Report
	Investigating Officer	Submits completed report to Commissioning Officer within 15 days of start of investigation (unless extension required)	
3.2 Considers Investigating Officer's Report	<p>Manager who commissioned investigation graded SPM5 or above (or Manager with delegated authority)</p> <p>In cases of gross misconduct/potential dismissal, Manager graded SPM3 or above, advised by HRD.</p>	Considers report and decides on whether to proceed to Conduct Meeting.	BPN 8 - Conduct Meeting
4. Prior To Conduct Meeting			
4.1 Confirmation of Conduct Meeting	<p>Manager who commissioned investigation graded SPM5 or above (or Manager with delegated authority)</p> <p>In cases of gross</p>	<p>If proceeding to a Conduct Meeting must confirm their decision to the employee verbally within 2 days of receipt of Investigating Officer's report) and in writing within 5 days of receipt of the Investigating Officer's report:</p> <ul style="list-style-type: none"> confirm date, time and venue of Conduct meeting 	Model Letter 4 BPN 9 - Disciplinary Actions BPN 12 - Representation BPN 4 - Guidance Meeting

	<p>misconduct/potential dismissal, Manager who commissioned investigation graded SPM3 or above (or Manager with delegated authority)</p>	<ul style="list-style-type: none"> • give employee a minimum of 10 days notice of the Conduct Meeting • Confirm whether Misconduct/Gross Misconduct • Inform employee of possible outcomes of Conduct Meeting (First Warning/Final Warning/Dismissal) • Contain relevant paperwork (a copy of the report and paperwork including statements and notification of any witnesses). • Advise employee of entitlement to representation <p>If not proceeding to a Conduct Meeting must confirm their decision to the employee verbally within 2 days of receipt of Investigating Officer's report. Must confirm in writing within 5 days of receipt of Investigating Officer's report and confirm any actions to take place e.g. No Further Action/Guidance Meeting/Mediation.</p>	<p>BPN 1 - Conduct Rules</p>
4.2 Arrangements for Conduct Meeting	Investigating Officer	Makes administrative arrangements for the Conduct Meeting i.e. booking rooms, calling their own witnesses, providing copies of paperwork involved, etc	<p>Model Letter 3</p>
5. Conduct Meeting			
5.1 Conduct Meeting takes place	<p>Manager graded SPM5 or above (or Manager with delegated authority)</p> <p>In cases of gross misconduct/potential dismissal, Panel must</p>	<p>Listens to the case presented at the Conduct Meeting by Investigating Officer, and the case put forward by the Employee (and/or TU representative or work colleague as appropriate), and witnesses (where appropriate)</p> <p>Adjourns to consider the decision.</p>	<p>BPN 8 - Conduct Meeting</p> <p>BPN1 - Conduct Rules</p>

	comprise Manager graded SPM3 or above, (or Manager with delegated authority) advised by HRD.		
6. Decision			
6.1 Consideration and decision	<p>Manager graded SPM5 or above (or Manager with delegated authority)</p> <p>In cases of gross misconduct/potential dismissal, Panel must comprise Manager graded SPM3 or above, (or Manager with delegated authority) advised by HRD.</p>	Having considered all the information presented, mitigation and any warnings currently in force, determines the appropriate course of action, i.e. no further action / issues Warning / Dismissal as appropriate.	BPN 9 - Disciplinary Actions BPN 4 - Guidance Meeting BPN 5 - Misconduct/Gross Misconduct BPN 1 - Conduct Rules
6.2 Verbal notification of decision	<p>Manager graded SPM5 or above (or Manager with delegated authority)</p> <p>In cases of gross misconduct/potential dismissal, Panel must comprise Manager graded SPM3 or above, (or Manager with delegated authority) advised by HRD.</p>	Conduct Meeting reconvened and employee informed of decision immediately or by end of that working day.	BPN 9 - Disciplinary Actions BPN 4 - Guidance Meeting BPN 1 - Conduct Rules

<p>6.3 Confirmation of Outcome - Warnings</p>	<p>Manager graded SPM5 or above (or Manager with delegated authority)</p> <p>In cases of gross misconduct/potential dismissal, Manager graded SPM3 or above (or Manager with delegated authority) advised by HRD.</p>	<p>Confirms outcome of meeting, in writing, within 5 days.</p> <p>Letter to:</p> <ul style="list-style-type: none"> • Confirm decision (First or Final Warning) and effective date • Confirm reasons for decision • confirm how long will remain in effect • Confirm any other actions • set out employee’s right of appeal and advise whom to address appeal to • enclose Appeal Form • inform employee failure to improve or further offence could lead to Final Warning or Dismissal. • confirms arrangements for employee’s re-integration back into workforce 	<p>Model Letter 6</p> <p>Appeal Form</p>
<p>6.4 Confirmation of Outcome - Dismissal</p>	<p>Panel comprising a Manager graded SPM3 or above (or Manager with delegated authority), advised by HRD.</p>	<p>Confirms outcome of meeting, in writing, within 5 days.</p> <p>Letter to;</p> <ul style="list-style-type: none"> • confirm decision to dismiss and effective date • confirm reasons for decision • confirm implication of decision (for gross misconduct summary dismissal, etc) • set out employee’s right of appeal and advise who to address appeal to – has choice of Manager graded SPM1 or above or Members • enclose appeal form 	<p>Model Letter 6</p>

7. Appeal			
7.1 Lodging an Appeal	Employee	Within 10 days of receipt of letter confirming outcome of Conduct meeting, must lodge their appeal on form provided (to named person), providing grounds for appeal. This will be the Employee Case Statement.	BPN 10 – Appeals Appeal Form
7.2 Arrangements for Appeal Hearing	<p>Manager SPM4 or above (not previously involved in case)</p> <p>If appeal against dismissal, Manager graded SPM1 or above (not previously involved in case) or Members</p>	<p>Employee should be notified within 5 days of the Appeal Hearing of the date, time and place (which should be no later than 20 days from the receipt of the employee’s appeal notification).</p> <p>Employee and manager must exchange summary of appeal at least 5 days before the hearing. This will be an Employee Case Statement and a Management Case Statement. Employee will also be informed of the Hearing details.</p>	BPN 10 – Appeals, BPN 11 – Appeal Hearing. Model Letter 7
	<p>Manager graded SPM4 or above (not previously involved in case) advised by HRD</p> <p>If appeal against dismissal, Manager graded SPM1 (not previously involved in case) or Members, advised by HRD</p>	Arranges Appeal Hearing within 20 days of receipt of employee’s appeal notification.	BPN 10 – Appeals, BPN 11 – Appeal Hearing
8. Appeal Hearing			
8.1 Appeal Hearing takes place	Manager SPM4 or above (not previously involved in case) advised by HRD	<p>Appeal Hearing takes place.</p> <p>Manager listens to the information put forward by</p>	BPN 11 - Appeal Hearing

	If appeal against dismissal, Panel comprising Manager graded SPM1 or above (not previously involved in case) or Members, advised by HRD	the Manager who made the outcome decision and the employee (and/or TU or Work Colleague, on their behalf) Appeal Hearing adjourns.	
9. Decision			
9.1 Consideration and Decision	Manager SPM4 or above (not previously involved in case) advised by HRD If appeal against dismissal, Panel comprising Manager graded SPM1 or above (not previously involved in case) or Members, advised by HRD	Having considered the information presented, determines the appropriate course of action, ie decision upheld/overturned and whether any other action appropriate	
9.2 Verbal notification of decision	Manager SPM4 or above (not previously involved in case) advised by HRD If appeal against dismissal, Panel comprising Manager graded SPM1 or above (not previously involved in case) or Members, advised by HRD	Appeal Hearing reconvened and employee informed of decision immediately or as soon as possible thereafter.	

<p>9.3 Written confirmation of decision</p>	<p>Manager SPM4 or above (not previously involved in case) advised by HRD</p> <p>If appeal against dismissal, Manager graded SPM1 or above (not previously involved in case) or Members, advised by HRD</p>	<p>Confirms decision to employee, in writing, within 5 days of Appeal Hearing</p> <ul style="list-style-type: none"> • If decision overturned, letter to confirm implications and any other actions including employee's reintegration back into the workplace. • If decision upheld, employee advised no further right of appeal through Harrow's internal procedures 	<p>Model Letter 8</p>
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