

# **Conduct Management Policy**

# Table of Contents

<b>Scope.....</b>	<b>3</b>
<b>Summary.....</b>	<b>3</b>
<b>Definitions.....</b>	<b>3</b>
• <b>Misconduct .....</b>	<b>3</b>
• <b>Gross Misconduct .....</b>	<b>4</b>
<b>Grievance.....</b>	<b>5</b>
<b>Fairness and Dignity in the workplace.....</b>	<b>5</b>
<b>Precautionary suspension.....</b>	<b>6</b>
<b>Investigation.....</b>	<b>6</b>
<b>Right to be accompanied.....</b>	<b>6</b>
<b>Suspension of process.....</b>	<b>6</b>
<b>Breach of Policy.....</b>	<b>6</b>
<b>Related Policies and Procedures.....</b>	<b>6</b>
<b>Review.....</b>	<b>6</b>
<b>Employee Assistance.....</b>	<b>6</b>

## **Appendices (available separately)**

- Appendix One – Levels of Authority
- Appendix Two – Referral Procedure

## Conduct Management Policy

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<b>Policy Lead(s)</b>	Area HR Managers
<b>Department</b>	Human Resources

### Scope

The Conduct Management Policy is applicable to all employees of the National Autistic Society and covers the steps that all employees must follow in relation to managing conduct in the workplace.

This policy helps to ensure that the charity applies best practice and complies with legislation.

### Summary

This policy outlines the charity's approach to conduct in the workplace. Line managers should not view this primarily as a way of imposing penalties or as leading to dismissal. The policy needs to be seen as corrective rather than punitive, ensuring that staff adhere to the charity's agreed standards of conduct.

Managers should act immediately. Allowing poor behavior to continue without addressing it will lead the individual to conclude that it is acceptable and may also lead to colleagues acting similarly. Staff members should know what is expected of them and be in no doubt as to what will happen if they fail to achieve and maintain accepted standards

This policy ensures that all staff members have a clear understanding of behaviour that is consistent with the charity's core beliefs, values and code of conduct; and have a clear understanding of actions that may be taken if breached.

This policy must be used together with the Conduct Management Procedure.

### Definitions

#### Misconduct

The standards of conduct expected of staff members are those necessary to maintain mutual trust and confidence. Non-exhaustive examples of misconduct could be;

- failure to adhere to management instruction,
- poor time keeping
- not adhering to the charity's policies or procedures
- unauthorised absence,
- unreasonably negative attitude, disruptive behaviour,
- unacceptable level of personal phone call (please refer to the Mobile Phone (Personal) Policy for guidance);
- a breach of our code of conduct;
- a breach of regulatory bodies code of conduct or practice
- a breach of our values

In the first instance, line managers should handle misconduct of this nature through day-to-day coaching and guidance, support and supervision meetings as well as appraisals. However, if a staff member fails to follow appropriate standards of conduct, then it will be appropriate to move to the formal procedure as outlined in the Conduct Management Procedure.

Nonetheless, some offences are so serious that they are considered to be gross misconduct.

### **Gross misconduct**

Gross misconduct is any act by a staff member that is seriously detrimental to the good conduct or reputation of the charity and/or to the welfare of the people we support.

An act of gross misconduct may, after an investigation and a fair formal meeting, generally lead to summary dismissal. Summary dismissal is where an employee's contract is being terminated immediately without being issued with a formal warning and without notice or pay in lieu of notice. This is a non-exhaustive list of examples of offences which may amount to gross misconduct:

- Physical, emotional or verbal abuse or rudeness towards people we support or colleagues, or acts of omission against people we support;
- Violent, abusive or intimidating conduct towards people we support or colleagues;
- Theft, fraud and the deliberate falsification of records;
- Wilful or negligent damage to, or misuse, or unauthorised use of our property or facilities;
- Working whilst under the influence of alcohol or non-prescribed drugs;
- The use, handling or possession of illegal drugs on or off our premises;
- Reckless or serious misuse of one of our vehicles;
- Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- Serious negligence which causes or might cause loss, damage or injury;
- Failure to follow our safeguarding procedures, including reporting any suspicious abuse or abusive practice;
- Serious insubordination;
- Accepting a gift from a person we support or their family, carer or advocate without disclosing this to your line manager;

- Sleeping on duty;
- Gross misuse of social media;
- Discrimination on the grounds of race, sex, disability, sexual orientation, religion or belief or age (please refer to our Equal Opportunities and Diversity Policy for further information);
- Bullying or harassment of colleagues or people we support;
- Violent, dangerous or intimidatory conduct;
- Serious breach of confidentiality (subject to the Public Interest (Disclosure) Act 1998);
- Serious breach of our rules and procedures;
- Serious infringement of health and safety rules;
- Bringing our organisation into serious disrepute;
- Breaches of our legal and policy obligations to avoid conflicts of interest;
- Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, customers or the public, or otherwise affects your suitability to continue to work for us;
- Being concerned or interested in action which is damaging or anti-competitive to our business;
- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- Bribery, corruption or the improper use of position within our organisation for personal gain;
- Conduct and/or behaviour, including that occurring outside working hours, which brings or may bring us into disrepute or make you unsuitable for your post;
- Publications on any social media site which are derogatory in content or tone towards our organisation or our employees or stakeholders or which have a significant adverse effect on our reputation.
- Poor performance / performance related negligence that has a negative impact on the people we work with.

## **Fairness and dignity in the work place**

The charity is opposed to harassment in any form and is committed to providing a workplace in which the dignity of individuals is respected; where discrimination, harassment, victimisation and bullying are known to be unacceptable, and where individuals can submit complaints without fear of reprisal.

The NAS regards harassment as a serious breach of discipline and all allegations of unacceptable behavior will be dealt with in a responsive, supportive and sensitive manner, maintaining appropriate confidentiality. The charity has a Fairness and Dignity at Work Policy which requires all staff members to respect each other and to understand that behavior that they may find acceptable may not be regarded as such by others. Where a staff member is in breach of the Fairness and Dignity at Work Policy and/or the Code of Conduct, then the Conduct Management Procedure will apply. The ACAS definition of bullying and harassment will be applied.

## **Precautionary Suspension**

The charity may suspend staff members on full pay whilst an investigation is undertaken and until a decision has been made. Suspension on full pay is a precautionary measure, not a punishment or sanction, and should not be regarded as such. Please refer to the Conduct Management Procedure for further details.

## **Investigation**

Thorough investigations must be undertaken to determine if there is sufficient evidence to proceed to a formal meeting. Please refer to the Investigation Policy and Procedure and/or Conduct Procedure for further details.

## **Right to be accompanied**

Employees may need to attend an investigatory meeting but do not have an automatic right to be accompanied at an investigation meeting.

However, an employee is entitled to bring a companion to any formal meeting, either a fellow worker or a trade union representative/official. Please refer to the Conduct Management Procedure for further details.

## **Suspension of process**

Suspension of proceedings for a short period may be considered in order to deal with a grievance, absence/attendance or a capability issue. There will be no need to delay the conduct meeting if the issues have no bearing on the outcome.

## **Breach of Policy**

The charity may consider breach of policy as alleged misconduct or gross misconduct. The Conduct Management Procedure sets out how a breach in policy is addressed.

## **Related Policies and Procedures**

- Conduct Management Procedure
- Capability Management Policy and Procedure
- Coming to Work (Absence Management) Policy and Procedure
- Investigation Policy and Procedure
- Equal Opportunities and Diversity Policy

## **Review**

This policy will be reviewed every two years in consultation with relevant stakeholders. Where changes in employment legislation occur that directly affect this policy (and the procedure), these will be reflected with immediate effect.

## **Employee Assistance**

There is a confidential advice, information, counselling and support service covering a range of topics including legal, financial, consumer and personal issues which employees may use. Contact details are available in your local office or on the Wellbeing page of the NAS Intranet.

***Details of this service should be included in all correspondence to the employee.***