



POLICY DOCUMENT

Policy title: **PROCEDURE OF BREACH OF CODE OF CONDUCT**

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Document control

<i>Version</i>	2
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The sanctions in this procedure will not always be to ban a person although if necessary Barton Hill Settlement will take this as the ultimate action.

Suspension

If, on receiving a complaint or if a breach of the Code of Conduct appears to have taken place and it is believed that the complaint or breach is of such a serious nature that it could result in an individual being banned, the Duty Manager should be contacted as soon as possible. The Duty Manager will discuss the incident with the staff member and if they concur the Duty Manager will suspend the person, about whom the complaint or breach refers, pending an investigation.

Please note – If the member of staff dealing with the initial incident, in the case of a breach of the Code of Conduct, thinks that there is sufficient, immediate, risk, they should exclude the person about whom the breach refers and then contact the Duty Manager.

The Duty Manager will prepare a brief initial report for the Chief Executive Officer including the suggested Investigating Manager and the reasons for that selection.

The Duty Manager will write to the Complainant and the person being complained about within 7 working days to inform them of the process. This letter should include the proposed timescales and the name of the senior staff member who will be carrying out the investigation.

If the timescales change through the procedure both the complainant and the person being complained about must be informed of the changes and the reasons for the change.

Investigation

The Investigating Manager will interview:

- The person making the complaint
- Any witnesses
- The person or persons being complained about
- Relevant staff members to gauge opinion

The investigating manager will be supported and advised on procedure by the HR and Admin Officer, who will also minute the interviews. These minutes will be kept and included in a summary report.

Action

The investigating Manager will prepare a summary report and recommended action on their findings. The recommendations will be either:

- (i) That the complaint or breach is not substantiated; was brought maliciously and a procedure should be commenced relating to the complainant.
- (ii) That the complaint or breach is not substantiated but was not malicious and no action is appropriate.
- (iii) That the person should be warned that any repeat of the behaviour will be the subject of immediate sanctions and, in writing, inform them clearly of expected behaviour.
- (iv) That the person should be banned from entering Settlement premises and for how long the ban should be.

This report will be passed to the Settlement Chief Executive Officer.

Banning

Banning will be taken by the Settlement Board of Trustees as a formal decision, on receipt of the report from the Settlement C.E.O detailing the situation, the investigation, and any other issues of relevance.

Where a person is banned by the Settlement Board of Trustees, they will receive a formal letter stating the reason for the ban and the length of time the ban will be in force. The ban will be effective from the date the letter is received by the person concerned if it is handed in person or the date of posting by recorded delivery.

Return after Banning

When a ban period is spent, it is the responsibility of the person who has been banned to contact Barton Hill Settlement; Barton Hill Settlement will not contact the banned person to inform them that the ban period is spent.

Once the banned person has contacted Barton Hill Settlement, after the ban period is spent, they will be informed in writing of the procedure for their return.

The following always applies:

1. They will be interviewed before regaining access to BHS and its services. If the interviewer is satisfied that the returning person:
 - Attends the interview
 - Understands the reason for the spent ban;
 - Is likely to adhere to the code of conduct in the future.

The returning person will be allowed use BHS, its services and facilities.

The above is subject to a three month trial period.

Appeals

If the person who has been banned is not happy with the action they should appeal, in writing, to the Chair of the Settlement Board of Trustees.

The Chair of the Settlement Board of Trustees will write within 7 working days to acknowledge receipt of the appeal and to explain the procedure that will follow.

The Chair of the Settlement Board of Trustees will then set up an Appeal Panel to hear the appeal.

The Panel will be made up of:

- Settlement Chief Executive Officer
- Chair of the Settlement Board of Trustees
- HR and Admin Officer (to check procedural accuracy)

The Panel will meet within 10 working days of the appeal being received.

The person who dealt with the original investigation will be asked to give the Panel copies of all records relating to the ban.

If necessary, the Panel will interview any relevant witnesses.

The person who has brought the appeal will receive a report on the hearing, and will be informed of any action that will be taken as a result.