

HACKNEY HOMES Ltd Board Meeting 19

6.30 to 7:15 PM ON 31st July 2006,

15 Lavington Close, Homerton, E9 5JB

A AGENDA Part A (open to the public)

Item	Presenter	Subject	Status	Page Number	Duration
		Open Items			
1	Chair	Welcome/Apologies/Introductions	Information	Verbal	3 mins
2	Chair	Declarations of Interests	Information	Verbal	2 mins
3	Chair	Questions received from the public	Information	Verbal	5 mins
4	Chair	A Minutes of 26 th June 2006 B Rolling Register of Decisions	Decision	4	5 mins
5	S Tucker	Chief Executive Report	Information	12	10 mins
6	Chair	Letter : Parking Permits	Information	21	2 mins
7	D O Connell	Human Resources policies	Decision	22	2 mins
8	S Tucker	Hackney Homes Joint Committee update	Information	118	2 mins
9	S Noonan	Improvement Plan Committee report back	Information	Verbal	10 mins
10	D Young	Audit and Finance committee report back Value For Money	Information	122	10 mins

Distribution: All Board Members

In Attendance: Steve Tucker, Pat Ronayne, Barrie Cotton, Alan Turner, Derek Young, Susmita Noonan

Aldbourn Associates – Board Observation.

Baker Tilley – Auditors – Verification of Board Members

The Board Meeting for 31st July is to be held at the Trowbridge Senior Citizens Hall, 15 Lavington Close, E9 5HF.

The hall and transport links are indicated on the map below.



- | | |
|---------------|--|
| Tube | Central and Jubilee line |
| Train Station | Nearest DLR at Stratford
Nearest Silverlink at Hackney Wick |
| Buses | 26 / 30 / 236 / 276 / 388 / S2 to the area, with
26 / 30 / 388 the nearest,
236/S2 a very short walk,
and 276 a slightly longer walk. |

Although parking are not controlled, Members and visitors are advised to use public transport as parking spaces are limited.

ITEM 3: STATEMENT TO THE BOARD

Statement to the Board

Some four and a half months ago I found a problem with the Gurda doors.

At the time I had told members of Hackney Homes and I had a visit from the managing director of Gurda, he was very concerned as he knew about what I had found out, and I was invited to Gurda's head office for the day. The Managing Director also wanted me to sign a confidentiality agreement. I declined.

If Hackney Homes adopts best value policy it has not worked in the case of Gurda doors, especially in Tradescent House.

There is a mixture of poor workmanship, lack of ventilation, security and now the doors are delaminating on the external side, and in our case the door has split.

Please investigate these matters, as this situation will not go away, and could deteriorate.

Paul Smith
C/O 20 Tradescent House

ITEM 4: MINUTES OF MEETING 26TH JUNE

Present	Board Members David Curley – Chair Samantha Lloyd Audrey Villas Rupert Tyson Brian Marsh Marie Photiou Andrew Potter David Larkin Karen Alcock Sharon Patrick	Officers Steve Tucker – Chief Executive Derek Young – Finance Director Susmita Noonan – Director Alan Turner – Director Deidré Julies – Governance Officer	Staff Sue Poulter Jennifer Hartland Chloe Goddard David Mynors David Angus Tim Sylvester Colleen Schwarz Steve Edwards Helen Toner	Public Members Erdogan Sarikya Gordon Bell Eric Cato Clara Pettigrew
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	OPEN MEETING		
Item	Decisions	Action	Date
1 Welcome/Apologies	Asim Bhattacharyya, Alice Burke, Chloe Fletcher, Linda Kelly, Afolasade Bright Sandra Hall.		
2 Declarations of Interests	Brian Marsh is Chairman of the Valuation Tribunal for North London [please check what this body is with Susmita], and noted that he has excluded himself from hearings relating to HH by the Tribunal. David Larkin is a member of the Tenants Residents Association and noted that a question to the Board (see first question, agenda item 3) was an item he was aware of and declared an interest as such.		
3 Questions From the public	Michelle Pollard submitted a written question relating to her own case in respect of the Decent Homes Programme.		

	<p>ST confirmed that a reply has been sent to Ms Pollard.</p> <p>Daniel Affat submitted a written question relating to the assignment of his mother's tenancy.</p> <p>ST confirmed that a written reply has been sent to Mr Affat ensuring him that relevant officers will take up the matter.</p> <p>Erdogan Sarikya (present) asked the Board what plans are in place for the involvement of the Turkish and other BME communities in the consultation and decision making process of Hackney Homes Board, and what timescale is anticipated in creating a forum for the purpose.</p> <p>ST confirmed that a forum has been set up and a number of meetings have taken place. Regular housing surgeries have been set up by the North East Partners which includes translators.</p>		
<p>4 Minutes of last meeting 22 May 2006</p>	<p>Agreed</p>		
<p>5 Chief Executives report</p>	<p>Highlights from the Chief Executive's report, including a summary of performance progress until the end of May.</p> <p>Inspection by the Audit Commission will take place on 26 March 2007.</p> <p>Marie Photiou and Brian Marsh volunteered to be nominated as Board 'Champions' to participate in the Governance Review.</p> <p>Choice Based Lettings will be introduced to the Improvement Committee in July.</p>	<p>ST</p>	<p>July</p>

	<p>Board members were asked to provide feedback on the Hackney Homes Marketing Strategy outside the meeting.</p> <p>DC asked that an overview of Board attendance be prepared and all Board members be made aware of current statistics.</p> <p>DJ to update HH forward plan with additional meetings for July and August.</p> <p>Improvement Committee meetings to take place with each Partner to discuss handling of complaints, telephone answering and invoices paid on time. DC asked that these happen immediately.</p>	<p>DJ</p> <p>DJ</p> <p>DJ</p>	<p>July</p>
<p>6 Improvement Plan</p>	<p>SN presented the progress of the Improvement Plan to the Board. The Diversity Strategy has been approved.</p> <p>From 161 projects, 13 show significant concerns. 8 Have been successfully completed. A risk register to be submitted to the Improvement Plan committee in July.</p> <p>DL requested a report back to the Improvement Committee regarding the working relationship between Trading Services and the Partners.</p> <p>Separate sessions with Partners are being arranged.</p>	<p>SN</p> <p>SN</p>	<p>July</p> <p>August</p>
<p>7 Business Plan & Value For Money Strategy</p>	<p>DY provided an update on progress on the Value for Money strategy, as referred to in the Business Plan for 2006/7. The Business Plan sets out the key priorities and targets and provides the framework to deliver the objectives.</p> <p>Business plan to be approved February/March every year prior to the commencement of the new financial year on 1 April.</p>		

	<p>Benchmarking</p> <p>(Housemark) 2004/5 figures will be presented to the Audit & Finance committee on 3 July 2005.</p> <p>MP requested an organisational chart of Director level staff to be submitted at next meeting.</p>	BC	July
8 Update Report on Decent Homes Programme	<p>Board updated with the latest developments and progress. Requested that statistics be presented on a monthly basis showing progress against timetable and scheduling of works as to initiate a monthly risk assessment of the programme.</p> <p>Statistics should include spend profile, number of properties, Decent/Non Decent, performance of contractors, voids and voids turnaround. Red flag issues to be indicated on a monthly basis.</p>	AT	July
9 Succession Arrangements for Board members	<p>ST submitted the succession recommendations to the Board emphasising the recruitment process for Hackney Homes. The Board agreed to wait for the governance review before making any decisions.</p>	All	Pending
10 Cabinet Forward Plan	<p>The Cabinet forward plan will be submitted to the Board on a monthly basis indicating HH business only. The updated forward plan for the Improvement Committee and Audit & Finance Committee to be distributed to the Board.</p>	DJ	
11 Any Other Business	<p>BM asked the support of the Board for the launch of the Leaseholders' forum on Saturday, 1 July 2006.</p> <p>Flowers from the Board to be send to Alice Burke.</p>	BC	

Signed as a true record of this meeting _____ Chair

Dated

ITEM 4B: ROLLING REGISTER OF DECISIONS AND ACTIONS

Chief Executives Report	Circulate a briefing to Board members on proposed charges to leaseholders for neighbourhood management services.	Pat Ronayne	May 06	Update on July Board agenda	31st July 06
	An update from the Woodberry Down regeneration project	Robin Smith	May 06	Update given to Board	26th May 06
Monthly Performance Digest	Monthly Performance Digest needs to be clearer and easier to read	A Jarosy			
Improvement Plan	Value for Money Blueprint to be presented to A and F committee	D Young	June 06		
Partner Scrutiny Meetings	Report back to HH Board results of Partner performance scrutiny meetings	S Noonan	July 06	Report Back given on initial meetings	31st July 06
Business Plan and VFM	Housemark 2004/05 figures to be presented to Audit and Finance Committee.	D Young	3 rd July 06		
	Organisation chart of senior staff to be circulated.	D Young			
Procurement	Circulate summary version of the procurement forward plan to the Board.	John Hesp		Plan circulated to Members	July 06

Staff Incentive Scheme	Officers to investigate feasibility of introducing staff Incentive Scheme.	S Tucker			
Decent Homes	Further Clarification on call backs to complete Decent Homes improvements required	A Turner			
	Monthly performance report covering resident satisfaction, spend profile, works in progress, decent and non-decent, major works progress. Red flag issues to be included on a monthly basis.	A Turner	May 06	Monthly report published	May onwards
Parking Permits	Investigate into provision for TS workers	D Angus	May 06	Completed – 88 additional permits purchased	May 06
Audit and Finance Committee	Forward plan for Audit and Finance required	D Young			
Invoicing	Breakdown of invoices from Decent Homes contractors required.	D Young	June 06		
Neighbourhood Visits by Members	Forward plan of Board Member walk rounds of estates to be advised	S Tucker	June 06	Forward plan of walk round dates provided to all Board Members	June 06

Succession arrangements for Board Members	Arrangements for succession and replacement of Board Members deferred to Standards and Ethics for recommendation	P Ronayne	25 th July 06	Recommendations presented to the Board	31st July 06
Cabinet Forward Plan issues	Plan to be circulated monthly to Board members, containing HH business only.	Gov Team	July 06	Plan circulated as required	31st July 06

ITEM 5: CHIEF EXECUTIVE'S MONTHLY REPORT

1. Summary

This Report presents for members of the Hackney Homes Board a summary of the principal strategic and operational issues facing Hackney Homes that are not dealt with elsewhere on the Agenda. This includes a summary of performance to the end of June 2006 based upon the Monthly Performance Digest which has been circulated separately to Board Members.

2. Recommendations

- 2.1 That the Hackney Homes Board receives the Chief Executive's Monthly Report.
- 2.2 That the Board agrees to receive a presentation from the Council on Service First at a future meeting.
- 2.3 That the Board agrees to receive a presentation from the Council on Choice Based Lettings at a future meeting.
- 2.4 That the Board invites the TMO Forum to nominate a representative to become a co-opted member of the Improvement Committee.
- 2.5 That the Board expresses its appreciation of the work of the staff engaged in tackling Anti Social Behaviour.

3 Background

- 3.1 Hackney Homes has now been operating for just under four months and the Performance Monitoring Report for the first quarter is now available. The process of becoming an Arms Length Management Organisation has been reasonably smooth and there have not been any significant interruptions to service delivery or operational processes that are attributable to this. The only exception to this has been in relation to financial management where there has been a delay in receiving budget uploads from the Council and there have been various difficulties arising from the currently complex split between ALMO Budgets and Council Delegated Budgets.
- 3.2 There is a widespread enthusiasm among staff in Hackney Homes for exploring the freedoms and flexibilities that our arms length status is designed to promote and a growing confidence about our capacity to achieve the required level of team working and consistency in customer service to merit the two star rating. Feedback received from residents has also been positive and there is a recognition that Hackney Homes is doing much more to keep residents informed about the new organisation, the service improvements we are introducing and the Decent Homes Programme itself.

4 Progress

4.1 Performance Monitoring

The June Quarterly Performance Report now includes a new table on page 4 which gives comparisons for Best Value Performance Indicators with the three previous years and with the All England Top Quartiles. Future reports will also have comparisons with the Housemark London Benchmarking Group. It also contains the targets for last year, the current year and the next two years for BVPIs.

- **Rent Collection**

Collection of arrears has improved with a drop in total arrears from £9m at 31st March 2006 to £8.53m at the end of June 2006. Whilst it is expected that targets will be met considerable pressure is being placed upon the Partners to improve Rent Collection Performance and this was the subject of strong emphasis at the Partners Scrutiny Meetings in the week commencing 17th July 2006. In addition to the monitoring of rent arrears actions, the Improvement Committee will be looking closely at the level of contact being achieved with tenants in rent arrears as a measure of the organisational effort being invested in this.

- **Leasehold Income Collection**

Collection of leaseholder annual service charges for the first quarter are above the 103% target at 108%. Cash collection to date is £1.6m. Service charge arrears continue to reduce and are now £1.6m, a reduction of £100k from 1st April 2006. This is 26% of the overall debt against a target of 33% of the overall debt.

Major works continue to raise invoices and cash collection is £0.4m. The migration of the Major Works account to Cedar is affecting collection, which is lower than expected. The Cedar System is not producing the automatic arrears reports and letters which are needed. We continue to work with the Council to resolve this.

- **Empty Property Re-letting**

Performance has slipped from the 24 days achieved last year to 26 days for June 2006. The North West and Queensbridge & De Beauvoir Neighbourhoods are performing outside the target level. It should be noted that the target of 28 days was set with the impact of the introduction of Choice Based Lettings in mind. Hence it was expected that for the first half of the year performance of 24 days or better would be achieved. This has not happened consistently and the matter has been raised formally with the Partners at the Scrutiny Meetings. TMO Performance improved during June to 38 days although further improvement is needed.

- **Repairs Performance**

Repairs appointments made and kept were 95.2% for June which is outside the target of 98% although better than the end of year figure for 05/06. The figures do include some works that will be excluded from the BVPI calculation and can therefore be expected to improve.

Performance on urgent repairs completed within government time limits is above target at 96.9%. The average time taken to complete non-urgent repairs in June was 4.7 days which is well within the target of 6 days.

Two new tables have been introduced:

- Performance against priority categories broken down by Neighbourhood which shows that overall 94% of jobs are completed within their target time
- Percentage of gas servicing visits completed which by the end of June was 38.4%.

A major exercise to analyse complaints from residents with gas breakdowns has been completed and the learning from this incorporated into the Repairs and Maintenance Improvement Project. The intention is to ensure that the longer than planned response times which arise at the start of the heating season e.g. October and November, are avoided.

- **Resident Satisfaction with Cleaning and Grounds Maintenance Service**
This remains above target although there has been some deterioration in satisfaction with grounds maintenance which has decreased from 96% to just under 93%.
- **Resident Satisfaction with the Contact Centre**
This is above target at 98%.
- **Resident Satisfaction with Quality of Work**
This is on target at 90%. The repairs process is currently being fully reorganised in order to better the 90% target for repairs completed at the first visit.
- **Complaints and Members Enquiries**
Responses completed in time rose from 53% in May to 84.7% in June. Responses to Mayor's and Members' Enquiries also improved although by a lesser margin. The pressure remains on to achieve the 95% target. A continuous process of learning from complaints and feedback is now established with formal quarterly reports now being produced. A detailed half yearly report will be prepared in alignment with the business planning cycle for 07/08 to ensure that all of the learning from the previous 12 months is captured.
- **Invoice Payment Performance**
This remains under target although has improved from the May figure of 76.8% to 80.4%. Analysis of these delays shows that they principally arise from confusion over the status of the budgets, Hackney Homes or Hackney Council, and therefore the invoicing body.

The publication of the June Report marks the end of the first quarter and a detailed quarterly report will be submitted to the Council in the coming weeks. There will be a formal Performance Review Meeting chaired by the Cabinet Member for

Neighbourhoods and Regeneration, Councillor Alan Laing on the 30th August 2006 at 2pm.

Work is also underway on gathering the information for some of the most important Annual Performance Indicators, Tenant Satisfaction with their Landlord and with opportunities for participation. We have commissioned MORI to conduct the status postal survey and these are being mailed out to tenants this month with a request that they complete and return them. The format and methodology is largely prescribed.

4.2 Neighbourhood Walkabouts

Walkabouts have now been undertaken in both the North East and the North West Neighbourhoods. The Walkabouts included the senior managers responsible for Neighbourhood Services, for Estate Services including Estate Safety, Cleaning and Grounds Maintenance and for Repairs and Maintenance. On the majority of estates, we met with resident representatives who guided us around and showed us both the areas that they were particularly proud of or pleased with and those aspects of the estate that they felt still needed improvement. It is worth noting that Hackney Homes has had indicative approval from the Council for the expansion of this year's Planned Maintenance Programme from £13m to £25m which will have a significant impact on improving the estate environment. As well as concentrating on the expanded programmes for secure door entry schemes and estate lighting, resources will also be available for improving drainage, estate roads and footpaths and for reconfiguring waste collection and recycling areas.

On some of the estates visited, there was an evident need to improve enforcement of the Estate Parking Scheme and we are working closely with the Council on this.

4.3 Review of Governance

An important part of the full ALMO Inspection in March 2007 will include assessment of the effectiveness of our governance arrangements, including the work of the Hackney Homes Board itself. The Director of Finance has commissioned a review by our external auditors, Baker Tilley, which is examining the overall governance capability of Hackney Homes in relation to the Delivery Plan and Management Agreement. In addition, a specific and carefully scoped Review of Governance has been commissioned. This will review our current arrangements and draw up a Gap Analysis which identifies clearly the areas where improvement is required. This will culminate in a mock inspection of governance, probably in October/November which will form important evidence for our Self Assessment Document which we have to submit to the Audit Commission by 14th December 2006. At the Ethics and Standards Committee on Tuesday 25th July 2006 two Board Members were identified as Governance Champions who can become engaged with the review and act as a liaison point for the wider Board in relation to this.

The Governance Team have also compiled a comprehensive Governance Manual which is to be provided to all Board Members. This will serve as a handy reference point and document all of the governance arrangements for Hackney Homes.

4.4 Repairs and Maintenance Improvement Project

Considerable progress has been made by staff in Trading Services in addressing the stores and materials handling system and in post inspecting the quality and completeness of and resident satisfaction with completed repairs. Staff have also achieved a marked improvement in responses to complaints and are now producing a weekly Compliance Report covering the significant volume of work which is placed with Supply Chain Partners. The important aim for residents of increasing the proportion of repairs satisfactorily completed at the first visit is the key driver behind the changes now being made to the repairs process. This includes a review of the current incentive scheme and of the schedule of rates that is used for specifying and pricing all work carried out.

The schedule of rates is also central to the Review of Repairs and Maintenance Options which is the subject of a separate presentation and report on tonight's agenda.

4.5 Accommodation

Following a meeting with the Council's Director of Corporate and Customer Services, Gill Steward, which was also attended by Fiona Fletcher-Smith, the Council is now planning to use the newly available premises at Richmond Road as a decant facility for staff who have to move out of Dorothy Hodgkin House in order that work can commence on the new Civic Centre. However, it has been agreed with the Council that Hackney Homes will consolidate at Christopher Addison House as soon as the Council teams that remain based here can be accommodated elsewhere. Unfortunately, no timescale for this has been indicated to us by the Council.

The other main accommodation concern surrounds the Yorkton Street site which is required for the new Bridge Academy. Staff cannot move out of Yorkton Street until alternative accommodation e.g. at Christopher Addison House, becomes available. A move from Yorkton Street which because of the Housing Contact Centre is an important IT hub for Hackney Homes would be complex and it would be difficult to execute without disruption to service delivery. The timing of any move is therefore an important consideration for Hackney Homes and our priority of being able to demonstrate consistent performance at a two star level for residents.

4.6 Service First

At the above meeting the Council also asked Hackney Homes to consider how we wish to be involved in their Service First approach which aims to offer a single front of house access point for all public services in the Borough available through one telephone number. Bearing in mind the expectation that government has in relation to operating genuinely at arms length from the Council, the Service First proposal does need to be given careful consideration. In reality, it is unlikely that other social housing landlords will relinquish the direct access that their residents have to them in favour of a common number for all public services, and other arms length management organisations have maintained or developed their own dedicated Contact Centres separate from those of their parent local authority. They see the direct access that residents have to them as being an integral part of the whole service delivery chain and are uncomfortable with having the front office service provided and its priorities determined by another organisation. Hackney Homes officers have instead proposed to the Council that we

adopt an IT solution which enables callers to be transferred seamlessly between the Hackney Homes and the Council Contact Centres. Use of a common customer relationship management system would help to make this more convenient for residents but would not entail the loss of direct contact with residents that is involved in the Service First approach.

The Council has requested that the Assistant Director, (Customer Services) attends a future meeting of the Board to outline the Service First proposals in detail.

4.8 Choice Based Lettings

The Council commenced a series of public events last week to explain the new Choice Based Lettings system which is to be introduced from September. This will have an impact on all Hackney Homes' lettings and in particular on average re-let time as a key performance indicator. Staff in Hackney Homes will be working closely with the Council's Choice Based Lettings Team over the next six weeks to ensure that tenants are properly informed about the new arrangements and are able to access them in a convenient way. The Choice Based Lettings Team have asked to attend the next Board Meeting to give a short presentation on this

4.9 Leasehold Valuation Tribunal

The LVT met earlier this month in Hackney to consider Hackney Homes' proposals for charging Leaseholders a Neighbourhood Management Fee. This was an improvement recommendation from the indicative inspection. The LVT met for two days but adjourned the matter until September to allow more time for consideration. I have included an Appendix which provides of the summary account of the Tribunal Hearing to date.

4.10 Staff Organisation Changes

Following agreement by the Hackney Homes Board of the new Senior Management Structure, interviews have taken place for the Director of Finance position and an appointment has been made subject to references. The post of Director of Property Services has been advertised and will be the subject of an executive search through Veredus, the recruitment consultancy commissioned to advise on and assist with implementation of the new structure.

The post of Director of Housing Services has been filled by assimilation of the Assistant Director, Landlord Services, Susmita Noonan, following application of the Council's organisational change procedure. Susmita Noonan will also be the designated Deputy to the Chief Executive.

Formal consultation has been launched with staff on three areas of organisational change in Hackney Homes as follows:

- The merger of the Decent Homes Team with Hackney Technical Consultancy to form an Asset Management Division. This was recommended in the Best Value Review of Major Works and the Capital Programme.

- Trading Services Improvement Project – in line with the drive to maximise the proportion of repairs completed at the first visit and in order to achieve benchmark efficiency standards, a new supervisory and administrative structure is proposed for the Repairs and Maintenance Divisions.
- Following the move of Leasehold Services to the Housing Services Directorate, a new Senior Management Structure is proposed.

A strict timetable has been adopted for consultation on and implementation of the staff reorganisation proposals in order to complete this by the end of September. It is envisaged that there will be efficiency savings delivered as a consequence of these changes, principally through the release of temporary and agency staff although redundancies to permanent staff could arise. It is not envisaged that these will be on a significant scale.

4.11 Tenant Management Organisation Forum

There are now nine TMOs providing local management of their estates under the auspices of Hackney Homes with one more due to go live soon. The TMOs are our partners in service delivery and residents on TMO estates have the highest recorded satisfaction levels with their landlord. There is, therefore, much that we can learn from TMOs and we are seeking to cultivate a strong relationship with them including addressing any areas of weakness and securing their contribution to our Improvement Plan. I attended the Hackney Homes TMO Forum on Friday 21st July 2006 and gave a keynote presentation on the Hackney Homes Business Plan and Excellence Plan. This was positively received by TMO representatives who expressed great interest in the Decent Homes Programme, tackling Anti-Social Behaviour and relations with the Neighbourhood Offices. In order to develop the partnership the Board is invited to consider accepting a nominee from the TMO Forum to the Improvement Committee. This would strengthen the relationship and give the TMOs some real ownership of the Improvement Plan.

4.12 Anti-Social Behaviour Orders

Hackney Homes has obtained six new ASBOs against individual members of a gang who are terrorising residents in Shoreditch. This is receiving national press coverage and has involved considerable bravery and tenacity on the part of the staff who have made this possible. The Board are invited to express their support for the work of these staff who have been prepared to place themselves in some danger in pursuing these measures.

4.13 Improvement Plan Mobilisation

There are now less than eight months to go until the full ALMO Inspection and the profile of the Improvement Programme has been growing within and beyond Hackney Homes. Since March, I have convened Monthly Managers' Briefings which are working systematically through key elements of the Improvement Programme and cascading

them to staff across Hackney Homes. A number of further communication and engagement initiatives around the Improvement Plan have been organised:

- Hackney Homes Re-Induction – every member of staff will be attending a half day Re-Induction course that focuses on the three key drivers in the Improvement Programme of Customer Focus, Performance Improvement and Value for Money. In addition, the Re-Induction course will bring staff up to speed with what the new organisation aims to achieve and the progress we have made in the first six months. These courses are taking place from September to November inclusive.
- A system of structured Staff Briefings supported by accessible written guidance but delivered on a face to face basis by team managers is being introduced in September which will cover every aspect of the Improvement Programme between now and March 2007. The documentation is designed for inclusion in Staff Portfolios issued at the launch of Hackney Homes.
- Equality Impact Assessment Training is taking place for managers.
- A Leadership Group Residential for first to fourth tier managers has been arranged for 28th and 29th September. This will address a range of Improvement Plan implementation issues and the gathering of evidence in preparation for compiling the Self Assessment Document which has to be submitted to the Audit Commission by 14th December.
- A Staff Conference event is planned for all staff in Hackney Homes in early October, again with the aim of mobilising support and action in alignment with our Improvement Plan. A key theme for the Staff Conference will be how we should be thinking and acting as a two star organisation from now on.
- A Residents' Conference is being planned for Saturday 4th November 2006. This will bring our key resident stakeholders up to speed with our improvement progress and will be the principal opportunity to present the findings and recommendations from the Review of Resident Participation.

Report Originating Officers: Steven Tucker, Chief Executive, Hackney Homes
Tel: 020 8356 3671



Steven Tucker

Chief Executive

ITEM 5A: APPENDIX TO CHIEF EXECUTIVE'S MONTHLY REPORT

Leasehold Valuation Tribunal – 13th & 14th July 2006

The Tribunal decided to hold the case, within Hackney, to enable leaseholders to attend and participate in the proceedings. The first day (13th) was held at Ocean 2 and transferred to the Assembly Rooms on the second day (14th), as the air-conditioning failed and the acoustics were poor.

Approximately between 80-100 people attended on each day. Proceedings were slow, as there were continuous interruptions, from members of the public.

On the first day, the Leasehold Services main witness, Mike Ekoja, Leasehold Services Manager gave evidence with Neehara Wijeyesekera, presenting the case on behalf of Hackney Homes, Malcolm Brewer gave evidence, also on behalf of Hackney Homes Housing Management. There were many questions from both the official three Leaseholder organisations and from individual leaseholders.

On the second day, Both North East and Homerton Offices gave evidence; through Glyn Jones and David Saxon. Once again there were many questions from the three Leaseholder organisations. Today, the Tribunal Chair, required individual leaseholders to submit their questions through the 3 Leaseholder organisations, stating that it must relate to the proposed charge and not to individual problems.

For some reason, the Tribunal decided that they would adjourn the Tribunal at lunch and then visit some housing estates and a couple of neighbourhood offices. Both the Leaseholders and officers put forward suggested estates and neighbourhood offices. They chose DBQ and North East offices, but would not advise us which estate they would visit. Neither the Leaseholders nor officers were able to accompany them.

The witnesses presentations made and the response to the many questions was of a high standard and demonstrated that the Hackney Homes' submission for a housing management charge to be levied was supported by strong evidence. The overall presentation of the case ensured that the Tribunal was clear about the evidence being presented.

Unfortunately, the Tribunal had underestimated the size and weight of the evidence to be presented; they therefore will be re-convening in September. It is likely that another two to three days are required, as they still have to hear evidence from Shoreditch, DBQ and North-West, plus three TMO's. They will then have a presentation from the three Leasehold organisations, prior to the summary presentations.

ITEM 6: THANK YOU LETTER



Building & Craft Unions

Steve Edwards Building & Crafts, Ground Floor, Union Office, 2 Hillman Street, Hackney E8

Phone: 020 8356 4090:

Fax: 020 6356 4102

27 June 2006

David Curley
Chair of Hackney Homes Board
C/O Christopher Addison House
Wilton Way
Hackney
E8

Subject: Parking Permits

To The Board of Hackney Homes

I write to you on behalf of the operatives and front-line staff within the Trading Services division of Hackney Homes and with specific regard to the Board's approval / decision to provide our division with significant additional Parking Permits. On behalf our staff we would like to extend our thanks to the board and those officers who argued for these. We do realise that these permits are expensive (for what they are).

The issue of parking close to our tenants and residents properties has been the bane of our lives and hitherto has been a problem operatives have not been able to make headway on. We are confident that your decision to approve these permits will make a difference in our joint endeavours to improve the repairs service to two stars and beyond. Furthermore we hope and believe it shows the Hackney Homes Board's intention to remove impediments to front line staff's ability to improve our service and the way we work. Once again thank you.

Steve Edwards
Building & Craft Convenor

Cc Steve Tucker
David Angus

ITEM 7: HR POLICIES

Adoption of protocols for Human Resources

1.0	<p>SUMMARY</p> <p>Hackney Homes needs to adopt robust policies to ensure it meets its obligations as an employer</p>
2.0 2.1	<p>RECOMMENDATIONS</p> <p>That the Board accepts the following policies</p> <ul style="list-style-type: none"> • Equalities and Diversity • Management and prevention of violence at work • Grievance procedure • Alcohol and drug misuse policy and management guidance • Disciplinary procedure • Anti-harassment and bullying policy • Code of conduct
3.0 3.1 3.2	<p>BACKGROUND</p> <p>The Human resources Committee has agreed to recommend acceptance of these policies at its meeting on 11th May 2006.</p> <p>All Board Members have been circulated with copies of these policies for comments prior to the Board meeting</p>
4.0	<p>PROPOSALS</p>
5.0 5.1	<p>IMPLICATIONS</p> <p>Failure to adopt these policies could result in Hackney Homes failing to meet its obligations as an employer</p>

6.0 **CONCLUSION**

Contact Officer:

Jennifer Hartland, Head of Human Resources ext 2026

Originating officer

Daniel O Connell Principal HR Advisor ext 2038

Background and supporting Information:

All policies appendix, Code of Conduct to be laid round at the meeting

ITEM 7A: HACKNEY HOMES EQUALITIES AND DIVERSITY POLICY

Background

Hackney is one of the most diverse boroughs in the country in terms of its communities and attracts people from all backgrounds. Hackney Homes is an employer of a diverse workforce from various religious and ethnic backgrounds. It strongly values equality and diversity and is committed to challenging discrimination and eradicating barriers which may, hinder the fair and equal treatment of minority groups within the workplace.

The vision of Hackney Homes is:

“To deliver excellent, responsive housing services, helping all residents to lead healthy and thriving lives in decent homes and estates within safe, mixed and sustainable communities.”

Hackney Homes commitment to equality and diversity is underpinned by a range of Legislation and Codes of Practice including:

- Equal Pay Act 1970 (as amended), including the Equal Pay (amendment) Regulations 2003, and the EOC Code of Practice on Equal Pay
- Sex Discrimination Act 1975 and 1986 (as amended)
- Race Relations (amendment) 2000
- Race Relations Act 1976 (Statutory Duties) Order 2001
- CRE Codes of Practice – service delivery and employment
- Disability Discrimination Act 1995 and associated codes of practice
- The Protection from Harassment Act 1997
- The Human Rights Act 1988
- The Employment Rights Act 1996
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Relations Act 1999
- The Employment Act 2002

The European Union Equal Treatment Directive also introduces anti-discrimination employment regulations to include disability and age by 2006.

The Equality Standard for Local Government was introduced to replace the Commission for Racial Equality Standard. The key objectives of the Standard are to ensure that Local Authorities mainstream equalities into service delivery and employment in all aspects of their work and to help Local Authority's meet their statutory obligations. Implementation of the Equality Standard is also a Best Value Performance Indicator. The standard focuses on four areas:

- Leadership and Corporate Commitment

- Consultation and Community Development and Scrutiny
- Service Delivery and Customer Care
- Employment and Training

The standard has 5 levels, with level 5 being the highest. Hackney Homes by virtue of its transfer from the London Borough of Hackney Council is currently at Level 1 and aiming to progress to Level 2, by the end of March 2007.

The implementation of an Equality and Diversity Action Plan is important for meeting the Level 2 requirements of the Standard, as well as provide an avenue for monitoring, updating and reviewing the performance of Hackney Homes, in this area.

The Equality and Diversity policy will be realised through working towards the objectives and values of Hackney Homes:

- Embracing equality, celebrating diversity and delivering all services fairly, equally and with integrity.
- Valuing, developing and empowering staff to achieve their potential.

These will be achieved through forming key partnerships; consulting and working with all stakeholders; staff, contracted workers, partner agencies, residents, services users and visitors to the area. Hackney Homes will strive to improve services and increase opportunities for all, raising the life chances of the most disadvantaged within the community.

The Equality and Diversity Policy aims to provide a coherent framework, which underpins all of Hackney Homes, equalities, diversity and community cohesion.

In conjunction with the other key, people and performance management policies and strategies, Hackney Homes will realise its vision, *“To deliver excellent, responsive housing services, helping all residents to lead healthy and thriving lives in decent homes and estates within safe, mixed and sustainable communities.”*

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1. Purpose

- This policy seeks to clarify for residents, service users, staff and the wider community, Hackney Homes' interpretation of 'equality' and 'diversity'.
- It provides a clear statement of principles derived from its vision, for an equal and socially inclusive organisation and community, and demonstrates how the application of best practice underpins its wider social and economic aims.
- It outlines the duty of Hackney Homes to comply with relevant legislation and other statutory requirements and make known its commitment, which is beyond basic compliance where possible. This is in order to improve equality and diversity in the workplace; while achieving high quality service delivery and community leadership.
- It also identifies key 'equality groups' within the community, which Hackney Homes recognises are likely to experience ongoing discrimination and disadvantage; and whose needs and issues are therefore the focus of this and other related policies.
- It summarises how Hackney Homes will ensure that equality and diversity is integral to all aspects of its business at every level, informing service planning, workforce management and community engagement.

2. 'Equality' and 'Diversity'

Hackney Homes Equality and Diversity Policy reflects an approach that is based on equality and respect for all, and focuses on managing, valuing and celebrating diversity.

2.1 The interpretation of '**equality**' is underpinned by three core values:

▪ **Equal Outcomes / Fairness**

Hackney Homes interprets equality to be about fair and equal treatment but acknowledges the need to move beyond just treating 'like for like' to focus on improving the equality of outcome for all in order to ensure substantive equality and effect meaningful change. This may mean responding to individuals or groups differently, in order to meet their needs at differing levels of disadvantage and discrimination in an essentially unequal society.

▪ **Dignity of the Individual**

Hackney Homes also interprets equality to be linked to the dignity and worth of each individual and believes that the recognition of dignity as an unassailable right is a valuable step towards achieving a more equitable environment. The notion of dignity is significant to the identification of such acts such as discrimination or harassment which under the Human Rights Legislation, is judged to be an affront to it.

▪ **Participative Democracy**

Hackney Homes' interprets equality to be about participative democracy and community empowerment in order that everyone, including the weakest and most economically and politically disadvantaged, have a voice. Furthermore, that the needs of everyone, including

the most socially excluded groups met and all communities are afforded the opportunity to shape their own futures.

2.2 Hackney Homes interprets ‘**diversity**’ to mean recognising and valuing differences, between both individuals and groups. The commitment to manage and value diversity is underpinned by the belief that:

- Employing a diverse and representative workforce, will allow for better engagement and an understanding of the needs of the local community.
- Managing and developing a diverse and representative workforce is one of the best means of ensuring justice and universal non-discrimination in the delivery of services and in carrying out statutory functions.
- Effective management and leadership is about valuing and harnessing the diverse skills and talent of the workforce or community to ensure consistently high levels of customer care and mutually beneficial community partnerships.
- Acknowledging and celebrating the rich diversity of the community, which Hackney Homes serves, makes people feel valued and respected. Promoting the benefits of diverse community helps to break down barriers and negative attitudes, created through a lack of understanding, misinformation and fear of the ‘other’ helps to promote social cohesion and good community relations.

3. *Hackney Homes Vision and Key Objectives*

The borough of Hackney is one of the most socially and culturally diverse in the country. Diversity brings with it both challenges and great strengths and Hackney Homes believes that through listening to and involving Hackney’s residents, it will realise its vision of reducing inequality and social exclusion.

3.1 Hackney Homes Vision for 2006 – 2011 and Equality objectives

The Vision is; *“To deliver excellent, responsive housing services, helping all residents to lead healthy and thriving lives in decent homes and estates within safe, mixed and sustainable communities.”*

The two key Equality objectives for realising its equality and diversity actions are:

- Embracing equality, celebrating diversity and delivering all services fairly, equally and with integrity.
- Valuing, developing and empowering staff to achieve their potential.

3.2 Equality and Diversity Statement

The vision of Hackney Homes for the fair and equal treatment for all and respect for dignity and value of all is summed up as:

“...reduce inequality and social exclusion within communities and between Hackney and the rest of the country to make Hackney one of the best parts of London to live, work and do business in”.

4. Statutory Duties

4.1 Hackney Homes will comply with all anti-discrimination and human rights driven legislation including:*

- The Equal Pay Act 1970 (as amended), including the Equal Pay (amendment) Regulations 2003, and the EOC Code of Practice on Equal Pay
- The Sex Discrimination Act 1975 and 1986 (as amended)
- The Race Relations (amendment) 2000
- The Race Relations Act 1976 (Statutory Duties) Order 2001
- CRE Codes of Practice – service delivery and employment
- The Disability Discrimination Act 1995 and associated codes of practice
- The Disability Discrimination Act 2005
- The Human Rights Act 1988
- The Gender Recognition Act 2004
- The Employment Equality Regulation (Sexual Orientation) 2003
- The Employment Equality Regulation (Religion or Belief) 2003 and Age (as amended)
- The Racial and Religious Hatred Bill
- All European Regulations and Directives
- The Equality Bill

*(see also appendix II)

It is recognised that not all individuals or groups benefit from current anti-discrimination legislation, which outlaws specific acts of discrimination based on certain, but not all, perceived differences in certain areas of life such as the workplace but not in the home. Hackney Homes is committed to legislative compliance and beyond that, to actively promote equality and non-discrimination in all areas, throughout the community it serves.

5. Implementation

Inequality and issues of discrimination are recognised by Hackney Homes as part of a broader and complex social context. An overall focus on the roots of inequality will be highly effective to tackling disadvantage amongst all sections of the community. The implementation of this policy seeks to achieve this focus through three core functions:

5.1 Service Delivery: To work towards ensuring that there are accessible and appropriate services for everyone in the community.

The key objectives will include:

- Work effectively with residents, staff and partners and contribute to the development of new partnership in order to deliver the best possible service to the Hackney community.
- Ensure that all services, and providers of goods and service, operate to and are procured to Best Value and Customer Care principles.
- Communicate clearly the expectations that partners and providers of good and services to Hackney Homes adopt this (or a similar) policy.
- Work to ensure that information about Hackney Homes services and functions is accessible to all groups within the community, in its content, style and mode of delivery.
- Adapt services or service provision to meet the differing needs of the diverse community.
- Ensure that the premises are fully accessible to all members of the community.
- Ensure equal access to the complaints procedure and monitor those who use it in order to identify potential areas of inappropriate service or discrimination. Ensure that appropriate action is taken as a result of the feedback gained.

5.2 Employment Practice: To work towards ensuring, equal and fair treatment and, recognition of the diverse potential, within the community.

The key objectives will include:

- Seek to employ a workforce that is at all levels and across all sections, representative of the borough population and monitor accordingly.
- Ensure that the recruitment process actively encourages applications from all groups in the community and particularly those that are underrepresented.
- Implement and monitor the application of the recruitment and selection processes that avoid unlawful discrimination to ensure consistent and effective application and to promote equality of opportunity.

- Monitor opportunities for and access to learning and career development, are provided fairly, using lawful discrimination (positive action) as appropriate.
- Provide a safe and accessible working environment that values and respects the identity of, and encourages individuals, to maximise and reach their full potential.
- Create a culture and working environment that is free from discrimination, harassment, bullying, victimisation or intimidation.
- Where the requirements of service delivery are not compromised; ensure that all staff have access to flexible working, and recognise the benefits of work-life balance.
- Ensure regular review of the equalities and diversity training needs to ensure that the workforce is equipped with the necessary skills and understanding to work within a diverse environment and for a diverse community.
- Ensure that access to information and data is as open and transparent as possible.
- Encourage two-way communication between staff and managers and seek to listen to and involve all employees.
- Consult with representative groups of staff wherever possible, on all proposed changes to employment practices.
- Ensure that all Human Resource employment policies are regularly reviewed and cross-referenced with this document.
- Ensure that all Human Resource policies are assessed for potential negative differential impact on certain groups of staff and action is taken where necessary.
- Apply fair and transparent processes for job evaluation in order to ensure equal pay for equal work.

To ensure that the Human Resources Standards are met, particular regard has to be paid to the findings of the Crawford report (November 1997), which examined the impact of its employment practices and procedures on 'visible ethnic minority' staff.

6. Assessing the Work of Hackney Homes

6.1 The Equality Standard for Local Government (ESLG)

The ESLG is a nationally recognised framework, which is used to assess the performance of Local Authorities and in turn Hackney Homes; in terms of equality and diversity best practice. When used effectively it can provide guidance for identifying and meeting diverse needs, recognise and take action to address actual or potential disadvantage, monitor outcomes for diverse groups and plan strategically for a fair and equal future.

The ESLG requires that each Council must as a minimum apply the framework to three diversity areas: 'race'/ ethnicity, gender and disability. However,

Hackney Council has extended the ESLG framework to also apply to age, religion/ belief, and sexual orientation:

The Standard comprises 5 levels and relates to all areas of a Council's work including service delivery and employment practice:

- **Level 1:** Commitment to a Comprehensive Equality Policy
- **Level 2:** Assessment and Consultation
- **Level 3:** Setting equality objectives and targets
- **Level 4:** Information systems and monitoring against targets
- **Level 5:** Achieving and reviewing outcomes

Hackney Homes will aim to achieve Level 2 by March 2007 and will then work incrementally to achieve Levels 3, 4 and 5.

6.2 Service Improvement Reviews

Service Improvement Reviews are about examining the way that Hackney Homes delivers its services and consults with the people of Hackney in order to make sustainable improvements to services and people's quality of life. It will carry out a cycle of service improvement reviews each year, which must address key equalities and diversity issues.

6.3 Best Value Performance Indicators (BVPIs)

Hackney Homes will be assessed against nationally and locally set equality Best Value Performance Indicators (BVPIs). For example, the BVPI 2 relates to the duty to promote race equality.

6.4 Equality Impact Assessments (EIAs)

Equalities Impact Assessments are an effective means of identifying existing or potential differential impacts or outcomes, which are disadvantageous to identified diverse groups. EIAs can also help to identify the specific needs of some diverse groups and then inform how services are planned, resourced and delivered in the future.

Hackney Homes will conduct equality impact assessments on all (relevant) new and proposed policies and will review (relevant) existing policies, key functions and services to ensure fair and equal access and outcomes for all communities.

6.5 The Equality Action Plan

This is an overarching strategic document, which will summarise how Hackney Homes will meet its legal obligations and demonstrate to staff, service users, partners and the wider community, how equalities will be incorporated into its operations over a set period (usually 1 – 3 years). Underpinned by this Equality and Diversity Policy, the first Hackney Homes Equality Action Plan (HHAEP) is being developed and will be in consultation during the 2nd quarter in the 2006/2007 year.

The HHEAP will outline how the Equality and Diversity Policy and the Equality Standard for Local Government, will be implemented. It will also draw together other key aspects of equality and diversity work into one coherent document and plan.

The HHEAP will also link equalities and diversity to the excellence and delivery plans and the Human Resources Strategy; focusing on high quality customer service and good management practice. It will provide themes and guidance for staff, service users, partners and the wider community

7. Identified 'Equality Groups'

Hackney Homes acknowledges that discrimination based on perceived difference from a dominant social or cultural group occurs to many people. This occurs for a variety of different reasons and some people may experience multiple, discrimination or a wide range of intolerant behaviour towards them. For example a black, Muslim, woman may face discrimination on the grounds of her gender, her colour, her ethnicity and her religion whilst a gay man from the same religious background may experience discrimination and a lack of understanding from people within his own community. For this reason some people may be subject to negative and intolerant attitudes from both within as well as outside their own communities.

Hackney Homes recognises that all 'minoritised' groups are at risk of potential discrimination and are likely to be disadvantaged in some way. It understands that different groups may experience different levels of discrimination in a variety of ways and that this can change over time depending on the local and national socio-economic and political context.

Whilst acknowledging that no list can be exclusive, the following groups have been identified, which have traditionally experienced high levels of social and economic disadvantage, intolerance and discrimination. It understands the negative impact, which this can have on the life opportunities and experiences of the following people:

- Women and Girls
- Young People
- Older People
- Single Parents and Carers
- People of lower Socio-economic Classes
- Black and minority Ethnic people
- Gypsies and Irish Travellers
- Asylum Seekers and Refugees
- Disabled People
- Lesbians, Gay men, Bi-sexual women and men
- Trans-gender people
- People of a particular religion / culture or who hold certain beliefs

Discrimination can occur in the areas of housing, employment, education and in access to services or opportunities. It can manifest itself at an individual, group, institutional, or national level and as well as harming the individual it also harms society and divides communities or groups within communities.

Hackney Homes values and celebrates the great diversity of the various communities of interest which live side by side within the borough. At the same time it recognises that different beliefs, interests and lifestyles may sometimes come into conflict with others. In a diverse and densely populated borough like Hackney, we can overcome these differences by accepting the existence of different beliefs and lifestyles which we personally may not share. Also, by celebrating our common humanity, gaining knowledge and understanding of different traditions and beliefs, and valuing the many positive contributions made to the life of our borough. The aim above all therefore, is to build tolerance and promote respect for the right of everyone to live their lives without fear of ridicule, rejection or abuse.

In order to counteract discrimination, promote equality of opportunity and build tolerant, cohesive communities, Hackney Homes will undertake to apply the Equality Standard for Local Government across six key equality 'strands' which broadly reflect or include the groups identified above.

This means that the operations of Hackney Homes; from managing staff and providing services, to working in partnership and consulting with the community; will be cross checked against the needs and potential impact on identified equality groups who fall within one of the Standard's six strands.

8. The Equality Standard's Six Equality Strands

The following six strands are presented in alphabetical order:

8.1 Age

Hackney Homes will tackle discrimination against younger people and older people. It recognises that negative attitudes and common stereotypes about these groups can lead to discriminatory behaviour towards them and to their ongoing social and economic disadvantage. The contributions of younger and older people to the community are often de-valued or ignored. These groups are often less likely to be listened to and consequently experience a greater risk of potential maltreatment or abuse from others who may misuse a position of relative power.

Younger and older people have very different needs but often experience similar levels of discrimination and disadvantage and a similar sense of alienation or social exclusion.

Hackney Homes recognises that older staff may need to work more flexible hours and that rigid working hours can discriminate against staff, who have caring and/ or significant domestic responsibilities or other needs.

Hackney Homes will focus primarily on promoting the rights of younger and older people in a society where working adults have the most influence and access to opportunity. It will promote equality and provide opportunities and will work in partnership with other agencies to eradicate discrimination against younger and older people.

8.2 Disability

Hackney Homes is committed to tackling discrimination against disabled people. It recognises that disabled people are disabled not through their own individual impairment or relative ability to carry out arbitrarily defined tasks, but through common social attitudes. Such social attitudes also disable other sections of the community including older people, children and people with special needs or mental health issues.

Whilst society recognises impairment as 'abnormal' and at the same time, fails to remove barriers – physical or attitudinal, disabled people will continue to be marginalised and to experience discrimination, victimisation and social and economic disadvantage.

Hackney Homes will promote equality, providing opportunities and working to eradicate discrimination against disabled people. Wherever possible, it will provide the necessary support, assistance and care to disabled people to enable them to lead independent lives. It will also consult with disabled people on issues, which affect them and will work with disabled people in the community to improve services and quality of life.

It is recognised that not all impairments are visible, that disabled staff may need to work more flexible hours and that rigid working hours can discriminate against staff, who have specific needs. It also recognises that disabled staff and those applying for work with Hackney Homes, may require adaptations to equipment and/ or the working environment in order to carry out their work/ maximise their potential.

8.3 Gender and Transgender

Hackney Homes is committed to tackling all forms of sex discrimination and sexism. Whilst conceding that discrimination against men can occur, the focus is primarily on promoting women's equality and eradicating discrimination against women and girls. Women and girls make a positive contribution to the community and are often primary carers or have significant domestic responsibilities. Nevertheless, they often experience discrimination, social and economic disadvantage and lack of recognition. They can also experience harassment, abuse, negative attitudes, alienation and violence from either within or outside of their own communities.

The rights of women will be supported and promoted, within the borough. Hackney Homes will work in partnership with other agencies to eliminate sexism, sexual discrimination, harassment and all forms of violence or abuse of women and girls. It will also seek to influence and encourage other agencies to ensue equal pay and equal treatment.

Hackney Homes recognises that female staff and single parents (women or men), may need to work more flexible hours and that rigid working hours can discriminate against staff, who have caring and/ or significant domestic responsibilities.

Positive Action

Hackney Homes recognises that female staff may have experienced direct or indirect discrimination or may have been disadvantaged through unequal access to opportunities in education, training and/or employment. In order to counteract the effects of such structural inequalities and achieve fair and equal outcomes, Hackney Homes is committed to providing development opportunities through Positive Action initiatives.

Where there is clear evidence of under-representation in employment particularly at senior levels for other groups, the Council will extend existing Positive Action initiatives similar to those referred to below (8.4).

Hackney Homes recognises that the transgender or 'Trans' community is a diverse 'community of interest' with a range of different needs. It understands that issues affecting some people may be quite different from those affecting others, also that some services may need to be provided separately.

The level or degree of discrimination against members of the transgender or 'Trans' community is hard to quantify as fear of further discrimination and prejudice may prevent people from reporting or being open about their situation or needs. It also recognises that those who experience discrimination on the grounds of their gender re-assignment or because they are transgender, may also experience other forms of discrimination, for example as a black person and /or disabled person or because of their perceived sexual orientation.

Hackney Homes will respect the right of employees to live in their chosen re-assigned gender and will respect their preferred gender identity. Hackney Homes is committed to promoting equality, providing opportunities and working to eradicate unlawful discrimination against transgender people. It will, as far as possible, consult with the transgender community on issues, which affect them and will seek to work with transgender people in the community to improve services and quality of life.

Hackney Homes is committed to tackling all forms of transphobia. It will support and promote the rights of transgender people in the borough and will work in partnership with other agencies to tackle transphobic violence and abuse and to eliminate discrimination on the grounds of gender re-assignment or perceived gender re-assignment.

8.4 Race / Ethnicity

Hackney Homes is committed to tackling discrimination against black and ethnic minority groups including asylum seekers and refugees and travelling communities. It recognises that racial discrimination is a complex social phenomenon, which can be experienced on the grounds of 'race', nationality, religion, culture and/ or colour. Those who experience racial discrimination may also experience other forms of discrimination for example asylum seekers or refugees.

Hackney Homes is committed to promoting equality, providing opportunities and working to eradicate discrimination against black and minority ethnic people. It will work with its partners and the community to promote good relations between all groups and to develop community cohesion. It will also work in partnership with other agencies to eliminate racial harassment, violence and hate crimes and to promote the rights of all black and minority ethnic people to live without the fear of harassment, abuse or violence from others.

Positive action

Hackney Homes recognises that black and minority ethnic staff may have experienced direct or indirect discrimination or may have been disadvantaged through unequal access to opportunities in education, training and/or employment. In order to counteract the effects of such structural inequalities and achieve fair and equal outcomes, Hackney Homes is committed to providing development opportunities through Positive Action initiatives such as the Phoenix Programme for black and minority ethnic staff.

Where there is clear evidence of under-representation in employment particularly at senior levels, Hackney Homes will extend similar Positive Action initiatives.

8.5 Religion / Belief / Cultural Groups

Hackney Homes is committed to tackling discrimination against religious/ faith or other cultural groups. It recognises that negative attitudes and common stereotypes about these groups can lead to discriminatory behaviour towards them and to their ongoing social and economic disadvantage and can seriously damage community relations. It also recognises that discrimination on the grounds of a person's religion/ faith or cultural background is complex and often experienced on top of other forms of discrimination such as 'racial', or discrimination on the grounds of nationality or refugee/ asylum seeker status.

Hackney Homes recognises that the customs and practices of its workforce are becoming increasingly diverse and that some staff may need to work more flexible hours and that rigid working hours can discriminate against staff, who may need to observe their religious or cultural practices at certain times.

Hackney Homes is committed to promoting equality, providing opportunities and working to eradicate discrimination against people of different religions/ faiths or cultural backgrounds. It will work with its partners, faith groups and the community to promote good relations between different religious, 'racial' and/ or cultural groups and will target resources where necessary to strengthen cross cultural understanding and tolerance and diffuse community tensions where and when they arise.

Hackney Homes will also work in partnership with other agencies to eliminate harassment on the grounds of religion/ faith or cultural background or perceived religion/ faith or cultural background. It will tackle violence and hate crimes against these groups and work to promote

the rights of all religious/ faith or minority cultural communities, to live without the fear of harassment, abuse or violence from others.

8.6 Sexual Orientation

Hackney Homes is committed to tackling discrimination against, lesbians, gay men, bisexuals or 'LGB' people.

Hackney Homes recognises that this is a very diverse 'community of interest' with a range of different needs. It understands that issues affecting some people will be quite different from those affecting others, also that some services may need to be provided separately. It also recognises that some of the issues faced by the transgender community (covered under 8.3 – Gender and Transgender, could in certain circumstances and for some people, be similar to those under this section)

The level or degree of discrimination against members of the lesbian, gay and bi-sexual (LGB) community is hard to quantify as fear of discrimination and prejudice may prevent people from 'coming out' or being open about their sexual orientation. It also recognises that those who experience discrimination on the grounds of their sexual orientation may also experience other forms of discrimination, for example as a black person and or disabled person.

Hackney Homes will respect the right of individuals to be open or otherwise about their own sexual orientation. It also recognises that family 'make up' is becoming increasingly diverse and that some LGB staff may need to work more flexible hours as rigid working hours can discriminate against staff, who have caring and/ or significant domestic responsibilities.

Hackney Homes is committed to promoting equality, providing opportunities and working to eradicate unlawful discrimination against the LGB community. It will, as far as possible, consult with the LGB community on issues, which affect them and will work with LGB people in the community to improve services and quality of life.

It will support and promote the rights of LGB people in the borough and will work in partnership with other agencies to tackle homophobic violence and abuse and to eliminate discrimination on the grounds of sexual orientation or perceived sexual orientation.

9. Responsibilities and Accountabilities

The implementation of this policy will facilitate a reduction in social exclusion and promote community cohesion, tolerance and respect for human rights within the borough.

Hackney Homes understands that respect for equalities and diversity are intrinsic to good management practice and service excellence. The Management Team of Hackney Homes are responsible for ensuring that an Equality Action Plans is developed as part of all service planning and that mechanisms are put into place for monitoring and reporting on progress against identified objectives. All managers and staff are responsible for helping to implement set objectives and for working together in an open and transparent manner, to eliminate

unlawful discrimination, challenge prejudice, reduce inequality and develop community cohesion.

10. Monitoring and Review

The overall implementation of this policy will be monitored by the Management Team with support from the London Borough of Hackney Council. The Human Resources and Policy Teams will also provide support to ensure the maintenance of a robust and clear equalities interface with all other key policies and strategies.

The Board members are also bound by a Code of Conduct, which is explicit in its *General Obligations*, that a Member must:

- a) promote equality by not discriminating unlawfully against any person;
- b) treat others with respect; and
- c) not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the organisation.

This Equality and Diversity Policy and the Equality Plan, will be updated annually or as appropriate and all stakeholders will be involved in a full 3 yearly review.

Appendix I

Glossary of Key Terms

Assessing the Work of Hackney Homes: The process by which Hackney Homes measures its own performance against set criteria.

Best Value/ Service Improvement (Review): Refers to the processes outlined in the Local Government Act 1999 that requires local authorities to secure continuous improvement in service delivery.

BVPI: Best Value Performance Indicators provide a snapshot of Hackney Homes overall performance and progress on achieving continuous improvement in service delivery.

Disability: The Disability Discrimination Act definition of disability: '*A physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal or day-to-day activities*'.

Discrimination: In the widest sense this refers to the process of making a choice between one thing and another. Within the equalities and diversity context it *usually* refers to prejudicial and negative attitudes and actions, which are directed at some groups or individuals just because of who they are, or because they are perceived as being different from a supposed 'norm'. However, some forms of discrimination within the equality and diversity context can be positive. (see Positive Action below)

Equality Impact Assessment: The process whereby Hackney Homes will test the potential of new (or existing) policies or functions to impact positively or negatively on identified groups within the Community

Mainstreaming: The term used to describe the integration of equalities and diversity into policy development, implementation, evaluation and review.

Positive Action: This refers to specific strategies or actions such as recruitment initiatives or training schemes, which are - in certain circumstances – a lawful means of discriminating to achieve more equal and fairer outcomes for traditionally disadvantaged groups such as women and or black and minority ethnic groups.

Note that 'Positive *Discrimination*' is unlawful in the UK

Appendix II

Best Value Performance Indicators (BVPIs)

The following table of Best Value performance measures details those based on the Audit Commission's and IdeA's equality and diversity Performance Indicators for local authorities

Hackney Homes currently reports annually on 15 such BVPIs. However, a number of new equality PIs are being proposed. In addition, Hackney Homes will report on local and other service specific equality and diversity related performance indicators, such as the PAF indicators in Social Services and the EWSA and EAL indicators in Education.

PERFORMANCE INDICATOR	DRIVER	SOURCE
(a) The Level of the Equality Standard for Local Government to which the authority conforms	Evidence of implementing successful equalities and diversity strategy across all areas	BV PI 2 a
(b) The duty to promote race equality. i - Does the authority have a Race Equality Scheme (RES) in place?		BV PI 2 b
ii - Are there continuing improvements for race equality from application of the RES? *		
Representation of councillors compared to the community served by the council by: (a) age (b) gender (c) ethnic background (d) disability	Leadership to reflect the community & community engagement	BVPI (x6)
The percentage of top 5% earners filled by women	Workforce to reflect the community & community engagement	BV PI 11a
The percentage of top 5% of earners from black and minority ethnic communities	“	BV PI 11b
The percentage of the top 5% of earners who define themselves as disabled	“	BVPI (x1)
(a) The percentage of authority employees declaring that they meet the Disability Discrimination Act 1995 disability definition (b) compared with the percentage of economically active disabled people in the authority area	“	BVPI 16a
The percentage of local authority employees from minority ethnic communities (X) compared with the percentage of economically active minority ethnic population in the authority area (Y)	“	BV PI 17 a
The percentage of authority buildings open to the public in which all public areas are suitable for and accessible to disabled people	To increase access to services all sections of the community	BVPI 156 & Part M of the Building Regulations & DDA (Part 3) Reasonable adjustments
The percentage of pedestrian crossings with facilities for disabled people.	“”	BVPI 165

Number of racial incidents recorded by the authority per 100,000 population	To monitor and address trends	BV PI 174
Percentage of racial incidents that resulted in further action	To monitor success of actions taken	BVPI 175
The number of domestic violence refuge places per 10,000 of the population, which are provided or supported by the authority.	“	BVPI 176
Older people helped to live at home per 1,000 population aged 65 or over	To monitor success of work to enable older people continue independent living	BVPI 54
Percentage of people receiving a statement of their needs and how they will be met	To measure appropriate responses to specific groups	BVPI 58
Satisfaction of tenants of council housing with opportunities for participation in management and decision making in relation to housing services provided by their landlord: broken down by: (i) black and minority ethnic and (ii) non-black and minority ethnic tenants.	To monitor success in engaging with all sections of the community	BVPI 75
Does the authority follow the Commission for Racial Equalities code of practice in rented housing and follow Good Practice Standards on tackling harassment	To monitor and address trends & ensure best practice	BV 164

Appendix III

1. Relevant UK Legislation and Codes of Practice

Disability

- Disability Discrimination Act 1995
- Disability Rights Commission Act 1999
- Special Educational Needs and Disabilities Act (SENDA)2001
- Disability Discrimination Act (Amended) Regulations 2003
- Disability Discrimination Act 2005

Gender

- Equal Pay Act 1970 (as amended)
- Sex Discrimination Act 1975 (as amended)
- Equal Pay (Amended) Regulations 1983 & 2004
- Sex Discrimination Act 1986
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Sex Discrimination (Indirect Discrimination and Burden Proof) Regulations 2001
- Gender Recognition Act 2004
- Civil Partnerships Act 2004

Race

- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- The Race Relations Act 1976 (Amendment) Regulations 2003

Faith

- The Employment Equality (Religion and Belief) Regulations 2003

Sexual Orientation

- The Employment Equality (Sexual Orientation) Regulations 2003

Employment Related

- Employment Relations Act 2004
- Employment Rights Act (increase of limits) Order 2004

Disability Rights Commission

- Code of Practice: the elimination of discrimination in the field of employment against disabled persons who have had a disability (1999)
- Code of Practice: duties of trade organisation to their members and applicants (1999)
- Code of Practice: rights of access, goods, facilities, services and premises (1999)
- Access to goods, facilities and services: regulatory impact assessment (1999)
- Duty of reasonable adjustment on trade organisations to make reasonable adjustment: regulatory impact assessment (1999)
- Code of Practice: on employment and occupation (2004)

Equal Opportunity Commission

- Code of Practice on sex discrimination (1985)
- Code of Practice on equal pay (1997)

Commission for Racial Equality

- Code of Practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment (1984)
- Code of Practice for the elimination of racial discrimination in education England and Wales (1989)
- Code of Practice in rented housing (1991)
- Code of Practice non-rented (owner-occupied) housing (1992)
- Code of Practice in primary health care services (1992)
- Code of Practice in maternity services (1994)

Age

- Code of Practice on Age Diversity in Employment (1999)

ITEM 7B: HACKNEY HOMES VIOLENCE AT WORK POLICY

**THIS IS A TRANSFERRED POLICY FROM
HACKNEY COUNCIL**

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1 Aim

- 1.1 To protect staff from all forms of violence whenever possible and provide after-care, should staff be subjected to violence.
- 1.2 Hackney Homes recognises the potentially damaging effects of violence on individuals, work performance and the organisation as a whole, and is committed to combating it.
- 1.3 Hackney Homes is committed to improving customer care throughout the organisation at every point of interaction. A Quality and Customer Focus Strategy, agreed by Full Council on 25 October 2004, is in place, with a breadth of practical workstreams aiming to support staff in their day-to-day delivery of services. Improving customer care will assist in minimising the possibility of violence by better meeting our customers' needs and managing the expectations of Hackney Homes, as well as enabling staff with the resources and confidence to do so.

2 Definition of Work-Related Violence

- 2.1 For the purposes of this policy, work-related violence is defined as; "any incident in which a person is abused, threatened or assaulted in circumstances relating to their work". The definition includes any explicit or implicit challenge to the safety, well-being or health of an employee by a member of the public, service user, or contractor.

This definition includes:-

- verbal abuse or threats;
 - threatening behaviour;
 - any physical assault;
 - serious or persistent harassment, including 'hate' motivated harassment (e.g. on grounds of race, gender, sexual orientation, faith, etc);
 - the holding of an employee hostage or restraining them against their will;
 - threats against an employee's family or property.
- 2.2 The remit of this policy does not include bullying, harassment or other forms of violence between colleagues and staff members. These issues are addressed by the Hackney Homes Code of Conduct, Bullying and Harassment policy, and the Disciplinary procedures.

3 Policy Statement

- 3.1 Hackney Homes believes that all violence towards staff is unacceptable, in whatever form it takes and whatever the reasons cited for it. Hackney Homes is committed to a policy and programme of action to eliminate; and where this is not practicable; to reduce the risk of violence towards its staff. Successful implementation of this policy can only be achieved by management and staff working together.

3.2 Hackney Homes;

- recognises the potential for violence arising from employment and undertakes to do all that is reasonably practicable to eliminate and/or reduce the risk of violence to employees;
- affirms that employees are instructed not to take risks on behalf of Hackney Homes to protect its property, etc;
- undertakes to assess the risks of violence arising from work, identify any group(s) of employees especially at risk, and take all practical steps to eliminate or reduce the risks;
- will provide working environments that minimise the risk of the occurrence of violent incidents;
- will provide training on the management of violent and aggressive situations to all direct and non-direct service providers;
- will, where practicable, provide staff likely to be affected with information about potentially violent clients/service users (and those who may be with them) and about the area/location in which work is to be carried out;
- will provide staff with clear procedures about what to do where there is a risk, and what to do after an incident occurs and will ensure that these procedures are tested and rehearsed at regular intervals;
- will impose sanctions on service users who have been violent towards staff except where this is not possible or practicable. In cases of serious incident, these sanctions will include seeking injunctions and/or prosecutions against perpetrators of violence;
- requires that all incidents of violence are reported to Health & Safety in Human Resources and/or management, who will ensure that such incidents are investigated;
- recognises that reactions to violent incidents may include anxiety, stress, anger and depression and will provide support and aftercare, including counselling and professional help where appropriate, to those who are the victims of violence;
- will temporarily change the duties/location or redeploy any person who is unable to undertake their former duties as a result of experiencing violence;
- will regularly monitor and review the prevention of violence policy through Health & Safety in Human Resources;
- will ensure that appropriate financial resources are provided to implement this policy.

3.3 This policy and associated local procedures will be described at all local induction courses. Reference to the provisions of this policy will be made at the Human Resources induction course.

4 Roles and Responsibilities

4.1 Assistant Directors will:-

- ensure that suitable resources (in terms of staffing levels and financial provisions) are provided to implement the needs of Hackney Homes as regards the prevention/reduction of work-related violence;
- ensure that they and their management teams receive feedback on performance to prevent or reduce incidents of work-related violence at quarterly intervals;
- ensure that arrangements are in place to consult effectively with staff on the issue of work-related violence;
- ensure that information on violent incidents is shared with other Heads of Services and the London Borough of Hackney;
- require their third (3) tier managers and/or Heads of Service to appoint assessors to undertake assessments of the risk of violence;
- take potential violence into consideration when establishing service targets.

4.2 Heads of Services will:-

- ensure that there are adequate arrangements to implement the policy on work-related violence;
- ensure that all staff receive adequate training, instruction and supervision to enable them to carry out their duties safely;
- arrange for the risk of violence to be assessed in departmental/service risk assessments and ensure that assessments are written and regularly revised;
- take action to reduce the risk of violence so far as is practicable;
- establish and test emergency response plans to deal with situations in which violence is occurring;
- ensure that all incidents of violence are reported to Health & Safety in Human Resources, assist with incident investigation where appropriate, and implement any measures identified to minimise the likelihood of recurrence;
- ensure that appropriate aftercare is provided for victims of violence;
- consult with the local safety representatives on issues relating to the prevention of violence;
- ensure that operational needs do not compromise personal safety;
- consult trade union representatives on the measures implemented to minimise the risk of violence and protect staff;
- review incidents of violence at work and the effectiveness of remedial measures at the health and safety and/or Hackney Homes joint committees.

4.3 Line Managers/Team Leaders/Supervisors will:-

- carry out assessments of the activities and areas under their control to identify the risk of violence arising and identify and implement measures to eliminate or reduce the risk;
- ensure that jobs and tasks are designed to minimise the risk of violence;
- ensure all members of their team have access to this policy and associated guidance;
- ensure that all members of their team are informed of the both the procedures for the prevention of violence and the emergency response plans for dealing with violent incidents. Procedures and plans must be tested and rehearsed at

- regular intervals;
- make arrangements for the recording and monitoring of visits made to and by service users;
- ensure that monitoring of all reported incidents and violence and abuse is carried out to identify any possible trends;
- ensure that all incidents of violence are reported to Health & Safety in Human Resources;
- ensure that all team members are aware of incidents and are provided with details of any known perpetrators and/or service locations where violence is a problem as appropriate;
- identify a range of possible sanctions to be taken against service users who are violent towards employees;
- ensure that concerns raised by employees are given due consideration;
- ensure that appropriate aftercare is provided for victims of violence;
- ensure that operational needs do not compromise employee safety;
- ensure that the risk of violence is assessed when making changes to working practices.

4.4 Employees will:-

- familiarise themselves with this policy and with the local arrangements established to reduce the risk of violence;
- work in accordance with the local procedures developed to reduce the risk of violence;
- report concerns to their manager/supervisor where they believe a risk exists;
- report any instance of violence to their manager/supervisor and to Health & Safety in Human Resources using the accident/incident report form;
- assist with gathering/providing information on threatening service users and/or service locations where violence is a problem;
- attend training courses that promote safe working practices.

4.5 Legal Services will:-

- provide advice on legal matters (e.g. on court procedures, giving evidence, etc.) to managers/supervisors whose staff have experienced violence at work;
- provide advice as necessary on legal issues arising from proposed sanctions, which may include injunctions, against violent service users;
- give consideration, in conjunction with the Head of Law, to the London Borough of Hackney pursuing a prosecution in its own name against a violent service user;
- provide advice to the victims of violence regarding possible claims under the Criminal Injuries Compensation Scheme

4.6 Health & Safety in Human Resources will:-

- ensure that the policy is reviewed annually in consultation with management and trades union representatives;

- audit local policy implementation at periodic intervals;
- review the effectiveness of actions taken following any reportable violent incident;
- maintain statistical information of violent incidents to identify hazardous work locations or jobs, review the effectiveness of local arrangements to protect staff, and communicate findings at quarterly Health & Safety Joint Committee meetings and to the Hackney Homes Management Team;
- develop performance indicators to assess the effectiveness of this policy;
- produce corporate guidance on the risks of violence and safe working practice and ensure that this is promulgated throughout Hackney Homes;
- provide training in the prevention and management of potentially aggressive and/or violent situations;
- promote staff to report incidents of violence at work via publicity campaigns, etc.;
- assist management in ensuring that emergency plans are in place and are effective;
- assist management in designing out the risk of violence in public areas.

5 Arrangements

In addition to carrying out the responsibilities outlined above, managers and supervisors will ensure that the following arrangements are implemented.

5.1 Working Away from the premises of Hackney Homes

Where staff work away from the premises of Hackney Homes, managers and supervisors shall:-

- assess whether work away from the premises of Hackney Homes is necessary;
- establish procedures to monitor staff itineraries and ensure that procedures are in place so that off-site workers provide regular updates of their location and status;
- establish procedures so that staff may raise the alarm and/or contact management and colleagues in the event of a violent incident occurring;
- establish arrangements to respond in the event of an off-site worker raising an alarm;
- ensure that the arrangements outlined above can be effectively operated after normal office hours;
- establish procedures so that staff can identify service users with a known history of violence and/or locations where violent incidents have occurred;
- allocate sufficient staff (including enabling staff to 'double-up' where necessary) and other resources to visits to minimise the risk of violence;
- establish appropriate sanctions to invoke in the event of a violent incident occurring.

5.2 Reception Areas/Interview Rooms/Service Delivery Points

Where staff deliver services from reception areas, interview rooms, service delivery points, etc. within the premises of Hackney Homes, managers/supervisors shall:-

- ensure that the furniture and layout of accommodation contributes to minimising the risk of violence;
- design out the risk of violence in public areas so far as is practicable;
- ensure that staffing levels are appropriate to reduce the risk of violence;
- ensure that appropriate physical security measures are in place;
- ensure that plans to respond to violent incidents are regularly tested and rehearsed and that staff are clear about particular roles;
- establish appropriate sanctions to invoke in the event of a violent incident occurring; and
- identify any further control measures required.

A notice shall be displayed clearly within all publicly accessible areas stating that Hackney Homes finds violence towards its staff unacceptable and that sanctions will be imposed on service users who are violent towards staff. The specific text of this notice will be determined by the Quality and Customer Focus Group and the Hackney Homes Communications Team.

5.3 Aftercare

In the event that a member of staff is a victim of violence, the manager/supervisor shall:-

- ensure that the victim receives appropriate first aid or medical treatment;
- identify whether the victim needs to be sent home to recover. This will be treated as sick leave following an accident at work (i.e. an 'industrial injury') and the normal requirements as regards certification, return-to-work interviews, etc. will apply. However, managers must exercise sensitivity in the early stages of absence;
- investigate the circumstances of the incident and identify witnesses;
- inform the Police of the details of the incident and obtain a crime number, where appropriate;
- ensure that the incident is reported to Health & Safety in Human Resources, using the accident/incident reporting procedure;
- arrange for counselling or professional help via the occupational health service as required;
- take action so far as is practicable to minimise the likelihood of a recurrence, including the introduction of sanctions, where available, against the perpetrator;
- provide support personally and within the team to the victim;
- inform the victim of action taken as a consequence of the incident.

If the employee is not satisfied with the action taken by their manager they should contact their Human Resources, who will arrange for an independent manager not previously involved in the case to review the management response.

5.4 Counselling

Counselling will be offered to all employees who experience violence at work. Counselling will be provided by an independent counsellor via the occupational health service and accessed via a management referral to the OHS.

Health & Safety/Human Resources are responsible for ensuring that a counselling service is provided.

5.5 Incident Reporting

Managers/supervisors of employee's who are the victims of violence must ensure that the incident is reported to Health & Safety in Human Resources using the accident/incident form available on the Intranet.

In the event of a serious assault requiring hospitalisation, managers/supervisors must notify Health & Safety in Human Resources by telephone as quickly as is practicable and follow up the verbal report with a completed accident/incident form.

5.6 Training

All staff who provide direct services to service users or members of the public will be provided with training in the prevention and management of violence and aggression and in customer care.

Two distinct training courses are available; one focusing on service delivery from the premises of Hackney Homes and the other working within the London Borough of Hackney.

Managers should contact the Learning & Development Advisor in Human Resources for details of course bookings.

Where additional training (e.g. in restraint techniques) is identified by risk assessment as required, the manager should discuss training needs with the Learning & Development Advisor and the Health & Safety Manager.

NB: Caution must be exercised when apply restraint techniques and these will only be taught to staff where there is a high risk of physical assault and where other controls are not considered to adequately control the risk of violence.

All training will be provided by suppliers approved by Learning & Development in Human Resources.

5.7 Transfers/Temporary Duties

Hackney Homes recognises that following a violent incident, an employee may feel that she/he wishes to be offered a temporary change of duty or redeployment.

Whilst in most cases it would be best for the welfare of a victim of violence to express their feelings within a supportive team environment, Hackney Homes will undertake to

negotiate alternative work and/or temporary redeployment in appropriate circumstances. Such a request will be considered by the employee's line manager in consultation with the Service Head and Human Resources and an offer made if suitable temporary redeployment opportunities are available. The manager will confirm the details of the temporary arrangement; including its timeframe; in writing to the employee.

Where temporary redeployment is not possible, the manager will ensure that the offer of counselling is repeated.

5.8 Sanctions

Hackney Homes will impose sanctions on service users who have been violent towards staff, except where this is not possible or practicable. Sanctions or actions against violent service users will be proportionate to the nature of the incident.

In cases of serious incident, these sanctions may include seeking injunctions and/or prosecutions against perpetrators of violence. The decision on whether Hackney Homes will pursue legal action against an assailant will be taken by Human Resources and/ or management.

Guidance on sanctions can be found in the guidance notes supporting this policy.

5.9 Policy Publicity

This policy shall be brought to the attention of the public by means of a notice displayed clearly in all publicity accessible areas, stating that Hackney Homes finds violence towards its staff unacceptable and that sanctions will be imposed on service users and the public who are violent towards staff.

Appropriate publicity material will be developed to bring this policy to the attention of service users.

5.10 Monitoring Arrangements

Health & Safety in Human Resources will maintain statistical information of violent incidents to review the effectiveness of this policy. Statistical information will be communicated at quarterly Health & Safety and Hackney Homes Joint Committee meetings; as well as the Hackney Homes Management Team.

5.11 Policy Review

This policy will be reviewed by Health and Safety in Human Resources on an annual basis.

ITEM 7C: HACKNEY HOMES GRIEVANCE POLICY

**THIS IS A TRANSFERRED POLICY FROM
HACKNEY COUNCIL**

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1 OUR AIM

- 1.1 Hackney Homes recognises that from time to time employees may have concerns about their duties, their working conditions or relationships with colleagues. The Hackney Homes Grievance Procedure provides a formal channel for employees to raise any problems they are experiencing with management. This ensures that grievances can be properly considered and dealt with fairly, equitably, consistently and speedily.
- 1.2 Hackney Homes will support the implementation of the Policy by making all staff aware of it, and by training managers on the content of this policy and the skills required to effectively implement it.
- 1.3 In addition to this document, please also see the Hackney Homes Whistleblowing Procedure, Disciplinary Procedure, Code of Conduct, Anti-Harassment & Bullying Policy and the Protocol for Officer Delegations. Managers should also refer to the Guidance Notes on the Hackney Homes Grievance Procedures, and template letters to aid them in implementing the Grievance Procedure.

2 OPERATING PRINCIPLES

- 2.1 This procedure applies to all staff except those employed in schools, elected Members and Chief Officers as they have their own procedures. However Chief Officers are expected to adhere to the principles of this policy. Those working with Hackney Homes, but not employed by Hackney Homes, (e.g. agency workers, consultants and those on secondment from another organisation) are also expected to adhere to the standards and principles of this policy.
- 2.2 Hackney Homes will:
- (a) Ensure that employees have access to a fair, equitable and effective process for raising and resolving grievances by operating a Grievance Procedure which meets Hackney Homes statutory obligations and the guidance set out in the ACAS Code of Practice - Disciplinary and Grievance Procedures.
 - (b) Set out the roles and responsibilities of managers, staff and trade union representatives in the implementation of the Grievance Procedure and ensure they are equipped to carry out their roles and responsibilities effectively.
 - (c) Set out the standards for both managers and employees to observe when operating the grievance procedure, thereby ensuring a fair, equitable and consistent approach to grievance matters.
 - (d) Ensure that all employees receive a copy of the Grievance Procedure in a format which they can readily understand, particularly catering for those employees whose first language is not English and those who have difficulty with reading. Employees should consult Human Resources for assistance in this area.

- (e) Make employees aware that, unless there are exceptional circumstances, there is a statutory obligation to follow the formal Grievance Procedure, if they wish subsequently to use the grievance as the basis of an application to an employment tribunal.
- (f) Ensure that all those involved in exercising and hearing a grievance understand that the matters discussed will remain confidential as far as possible, while recognising that Hackney Homes has a duty of care to all of its employees and may need to take immediate action if health and safety is at risk.
- (g) Ensure that employees are aware of and able to exercise their statutory right to be accompanied by a fellow worker or trade union official, when attending a formal grievance hearing.
- (h) Seek to make reasonable adjustments to working arrangements and/or the physical features of premises for those people with disabilities using the Grievance Procedure, to ensure that no disabled person is placed at a substantial disadvantage. Where it is not reasonably practicable to make these reasonable adjustments, an alternative and mutually agreed resolution should be sought.
- (i) Ensure that employees who raise grievances in good faith are not victimised or subjected to any form of personal disadvantage for exercising their rights.
- (j) Ensure that records are kept and treated as confidential in accordance with the Hackney Homes policies to meet its obligations under the Data Protection Act 1998.
- (k) Regularly review and monitor the Grievance Procedure to ensure that the policy is achieving its purpose.

3 RESPONSIBILITIES

3.1 Managers must ensure;

- 3.1.1 They understand the grievance procedure and are equipped to handle grievances.
- 3.1.2 They follow the grievance procedure and ensure compliance at all stages of the process with no unreasonable delay.
- 3.1.3 There are full and accurate records kept of all grievance matters.
- 3.1.4 They seek advice from Human Resources at the point that any grievance is raised and throughout the case, including all meetings, interviews and hearings, until its conclusion.

3.2 All employees must ensure;

- 3.2.1 They cooperate fully with all parts of the grievance procedure (including investigations and meetings).
- 3.2.2 They familiarise themselves with the grievance procedure.
- 3.2.3 They are honest, truthful and open, if called upon to give evidence about a grievance matter.
- 3.2.4 They treat information discussed during the grievance process as being confidential and do not reveal confidential information to third parties.

4 DEFINING A GRIEVANCE

- 4.1 A grievance is a complaint by an employee or a group of employees about an action the employer has taken or is contemplating taking in relation to him/her (The Employment Act 2002 (**Dispute Resolution**) Regulations 2004).
- 4.2 Examples of a grievance would include but are not limited to the following:
 - (a) complaint in relation to working relations between employees
 - (b) terms and conditions of employment
 - (c) health and safety
 - (d) organisational change
- 4.3 For allegations of any form of discrimination, bullying or harassment please also see the Anti-Harassment & Bullying Policy. Black and Visible Minority staff also have the right to raise allegations of racial discrimination with the Independent Referral Unit (IRU) rather than as a grievance. If an employee has wider public interest complaint, they should seek to raise their concerns under the Whistleblowing Policy & Procedure.

5 SCOPE OF THE PROCEDURE

- 5.1 The following issues should be considered outside the scope of the grievance procedure;
 - (a) Where the grievance is against the final decision made at a grievance appeal (i.e. the grievance procedure has been exhausted).
 - (b) Complaints against staff who are already subject to a disciplinary sanction for the same complaint.
 - (c) Allegations already under investigation via the IRU (an IRU investigation is counted as a grievance for the purposes of an Employment Tribunal).
 - (d) Grievance against dismissal from the service of Hackney Homes, except where the grievance concerns constructive dismissal.
 - (e) Whistleblowing where an employee wishes to complain about some form of wrongdoing which should be raised under the Hackney Homes

Whistleblowing procedure.

- 5.2 Where an individual has already left the employment of Hackney Homes the procedure for post employment grievances (see point 10) should be followed.

6 AUTHORITY TO HEAR A GRIEVANCE

- 6.1 Workers should normally raise a grievance with their line manager. Where the complaint is against the manager, it must be raised in writing with the manager's immediate line manager with a copy sent to the Head of Human Resources and Organisational Development. In some cases it may be more appropriate for someone independent to investigate the grievance. Requests for an independent investigation of a formal grievance, stating the specific reasons, may be made to the Head of Human Resources and Organisational Development.

7 INFORMAL GRIEVANCE PROCEDURE

- 7.1 On a day-to-day basis complaints may arise between employees in which no formal action is required. This type of grievance is called 'informal'. Such day-to-day issues should be resolved through dialogue between employees and their manager. Most issues can be resolved this way by allowing all concerned to talk through any issues and taking no further action.
- 7.2 If an employee has a grievance they wish to be resolved informally the following steps should be taken:
- 7.3 The employee should raise the matter verbally or in writing with their immediate line manager. If the grievance is about their immediate line manager the matter should be raised with that manager's immediate line manager.
- 7.4 The manager responsible for dealing with the informal grievance will meet with the employee who is complaining as soon as possible and hear the complaint and clarify what outcome the employee is seeking. The manager will then in turn meet with the person complained of and put the matters to the employee concerned.
- 7.5 The manager dealing with the grievance will then seek an informal resolution of the grievance, through either meeting with both parties concerned together to arrive at a mutual understanding and way forward and/or proposing what appears to be a practical solution to any problems or such other appropriate action as appears necessary. The manager should endeavour to check that the person who complained is aware of and satisfied with the outcome although it is recognised that this will not always be possible. The manager should

normally complete this process within 18 working days. If the matter takes longer this should be communicated to the employee raising the grievance.

7.6 In resolving informal grievances a manager may also consider using mediation, which entails the complainant and person complained of airing the issues in a meeting chaired by an independent third party. Mediation can only be used if the complainant and person complained about agree to resolution through this process. If mediation is chosen the manager concerned should liaise with Human Resources who will facilitate this process.

8 FORMAL GRIEVANCE PROCEDURE

8.1 The employee, or his/her representative on their behalf, must register the grievance formally in writing with their immediate line manager. Where the grievance is against the manager, it must be raised in writing with the manager's immediate line manager with a copy sent to the Head of Human Resources and Organisational Development. If the employee is not able for whatever reason to make their grievance in writing, they may seek support to do this from their Human Resources Advisor.

8.2 The employee's written grievance must set out the precise details of their grievance, any relevant background information, who the grievance is against and the outcomes they require to resolve the matter. Employees should use the Hackney Homes standard letter template which can be found on the intranet section within the Human Resources page or collected from Human

Resources. If the grievance is about changes to terms and conditions resulting or potentially resulting in a loss of pay, the status quo should remain in place until the grievance process is completed.

8.3 Hackney Homes recognises that setting out a grievance in writing is not easy; especially for those employees whose first language is not English or who have difficulty expressing themselves on paper. In these circumstances the employee should seek help from a work colleague, an employee or trade union representative or a member of Human Resources.

8.4 On receipt of the written grievance the manager will;

- (a) confirm in writing to the employee receipt of the grievance which will normally be within 5 working days.
- (b) if necessary clarify with the employee complaining any aspects of the grievance before investigating it.
- (c) investigate the grievance issues as appropriate and within a reasonable time period, namely 18 days of receipt of the grievance.

- (d) invite the employee to a meeting to explore possible resolutions to the grievance, notifying the employee of the date and location of the meeting and of the right to be accompanied by a trade union representative or work colleague. The purpose of the meeting is for the employee to fully state their grievance, and for the issue(s) to be explored. This meeting should normally take place within 10 working days of receipt of the grievance by the manager hearing the grievance.
- (e) after meeting with the complainant to hear the grievance, the manager must reply to the complainant setting out the action they propose to take and time scales, which should normally be within 5 working days. A copy of the letter should be sent to Human Resources.
- (f) where the complaint involves a work colleague, the manager will then in turn meet with the person complained about and put the matters to them and make any other inquiries as appears necessary.
- (g) Upon completion of the investigation the manager will confirm in writing (as soon as possible, but within 5 working days) the outcome of the investigation to the complainant and any action they propose to take.

N.B. In accordance with employment law, employees have the right to take their claim to an Employment Tribunal if their grievance is not resolved within 28 calendar days.

9 POST EMPLOYMENT GRIEVANCES

9.1 A post employment grievance procedure will apply in circumstances where the employment has ended and:

- Hackney Homes was not aware of the grievance before the employment ended; or
- Hackney Homes was aware of the grievance, but this Procedure had not started or had not been completed by the time the employment ended; and
- Hackney Homes and the employee have agreed in writing that the modified, rather than the standard Grievance Procedure will apply.

9.2 The post employment grievance procedure is as follows:

Step One: The employee must set down in writing the nature of the alleged grievance and send the written complaint to the Hackney Homes.

Step Two: Hackney Homes must set out its response in writing and send it to the employee.

10 APPEALS

10.1 If action taken does not resolve the grievance from the employee's point of view, the employee can raise the matter by submitting a written statement to the appeal officer nominated in their case (will depend on who has investigated at the formal stage). The appeal officer will normally be at the next tier up to the person who investigated. Those reporting directly to an Director will have the appeal stage handled by the Chief Executive or his/her nominated officer. The correspondence must be sent within 5 working days of receipt of the original decision. A copy of the statement should also be sent to the Head of Human Resources and Organisational Development.

10.2 The written statement must set out:

- (a) full details of the grievance.
- (b) why the employee is dissatisfied with the response at stage 1 of the procedure and,
- (c) what remedy the employee thinks would be a satisfactory remedy.

10.3 The manager who handled the appeal stage will;

- (a) Invite the employee to a meeting within 7 working days. This meeting should ideally be at a mutually agreed time and place.
- (b) After meeting with the complainant to hear the appeal, the manager must reply to the complainant setting out the outcome of the appeal, which should normally be within 5 working days. A copy of the letter should be sent to Human Resources

10.4 The reply from this manager will be Hackney Homes final response to the grievance.

11 RIGHT TO ACCOMPANIMENT AT A GRIEVANCE HEARING AND REARRANGING MEETINGS

11.1 Employees have a statutory right to be accompanied by a fellow worker or trade union official at any stage of the grievance process.

11.2 A fellow worker or trade union official accompanying the employee who has raised a grievance is entitled to take a reasonable amount of paid time off to fulfil that responsibility; this time should be commensurate with the Hackney Homes trade union facility time agreement. This should not only cover the hearing but should allow time for the companion to familiarise themselves with the case and confer with the worker before and after the hearing.

11.3 The employee must take all reasonable steps to attend grievance meetings.

If the companion cannot attend on a proposed date, the employee raising the grievance or appeal can suggest another date that is reasonable, suits all parties involved and must not be more than five working days after the original date (unless mutually agreed).

11.4 Employees who exercise their right to be accompanied or who act as companions, will not suffer any disadvantage as a result.

12 RECORDS

12.1 It is important to keep written records during the grievance including those pertaining to the nature of the grievance, the response, any actions taken and the reasons for them.

12.2 Records will normally be kept on the employee's personal file, which he or she can have access to in accordance with the Hackney Homes policy on personal files.

12.3 Copies of meeting records should be given to the employee including copies of any formal minutes that have been taken. In certain circumstances (e.g. to protect a witness) the employer might withhold some information.

13 SPECIAL CIRCUMSTANCES

13.1 If either Hackney Homes or an employee has reasonable grounds for thinking that they are at serious risk of violence or intimidating behaviour, they do not have to follow the grievance procedure. This exemption will only apply if, Hackney Homes or the employee believes that they will come to some serious physical or mental harm, that their property or some third party is threatened or that, having suffered harassment, the other party will subject them to further harassment if the grievance procedure is followed. In such cases and in line with legislation, Hackney Homes or the employee would take no action under the grievance procedure.

13.2 Equally, the procedure does not apply or maybe discontinued if there are circumstances beyond the control of either party (such as long-term illness or a long period of absence abroad) that prevent one or more steps being completed.

13.3 A grievance raised during a disciplinary case: in the course of a disciplinary process an employee might raise a grievance that is related to the case. If this situation arises advice should be sought from the Head of Human Resources and Organisational Development in the first instance, so that an appropriate decision can be taken in each individual case. In this situation the employer should consider suspending the disciplinary procedure for a short period whilst

the grievance is dealt with.

14 ABUSE OF THE GRIEVANCE PROCEDURE

14.1 Employees who abuse the grievance procedure by making complaints that are false and not made in good faith will be liable to disciplinary action.

15 MONITORING THE GRIEVANCE PROCEDURE

15.1 Hackney Homes will regularly monitor the Grievance Procedure to ensure that the purpose of the policy is being achieved, those using the procedure abide by the operating principles and procedures and that the standards expected of managers and employees are being achieved.

15.2 To comply with the specific employment duty as set out in the Race Relations Act 1976 (Statutory Duties) Order 2001, Hackney Homes will monitor, by reference to racial groups, the numbers of staff from each such group who raise a grievance and publish the results of its monitoring on an annual basis. In addition, Human Resources will also monitor use of this procedure by gender, age and grade etc.

Note

In this procedure the term 'manager' means the person designated by Human Resources to manage the grievance raised by the employee.

ITEM 7D: HACKNEY HOMES DRUG AND ALCOHOL MISUSE POLICY

**THIS IS A TRANSFERRED POLICY FROM
HACKNEY COUNCIL**

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1 Introduction

Alcohol and drug related problems are a major concern to Hackney Homes, especially those which may affect work performance, attendance or relationships at work and which may in turn affect the work of others.

The focus of this policy is on general work performance and the support and rehabilitation of employees with alcohol and drug related problems. This policy does not encourage managers to make subjective judgements about alcohol and drug use. Rather, it seeks to reduce the risk of alcohol and drug related problems amongst employees by providing a framework for high quality supervision and support.

Where an employee is recognised as having an alcohol or drug related problem, this policy and guidance should be used by the manager in an attempt to resolve the employee's alcohol or drug related problems and to address performance or attendance issues.

This policy covers both alcohol and drugs because we believe that they affect the workplace in similar ways. However, the fact that some drugs are illegal, whilst alcohol consumption is socially acceptable, means that this policy may at times have to treat alcohol and drugs separately. These instances are clearly identified in the policy.

2 Policy Aims

The aims of the policy are to:-

- provide a framework for managers to manage individuals with alcohol or drug related problems and arising conduct or capability issues;
- recognise that alcohol/drug misuse is a health problem that can impact on personal and organisational performance and so far as is possible, prevent that from happening;
- prevent alcohol/drug misuse by developing awareness programmes
- identify employees with a problem at an early stage;
- provide assistance to employees with alcohol/drug related problems;
- improve the quality of services within a framework that recognises the importance of customer care;
- promote improvements in health;
- promote healthy attitudes to drinking.

To achieve the above, we will:-

- inform staff about the harmful effects of alcohol or drug misuse;
- promote safe and sensible drinking, in line with current national standards;
- identify staff with alcohol or drug related problems at an early stage by providing high quality supervision and offering guidance and active encouragement for staff to seek appropriate help;
- offer help to staff known to have an alcohol or drug related problem that affects their work by referral to an appropriate agency and supporting time-off work for medically recommended treatment;

- encourage staff who feel concerned about their drinking or drug use to express that concern to an appropriate person or agency;
- provide consistent and relevant guidelines, assistance and training, where necessary, for managers and staff regarding sensible drinking and alcohol and substance misuse.

3 **Scope of the Policy**

This policy applies to all employees of Hackney Homes. All employees have the same opportunities for counselling and referral and the same consideration at every stage.

4 **Definitions**

Alcohol or drug misuse: Alcohol or drug misuse is defined as the problematic use of alcohol, drugs and other substances. In the case of alcohol, the term misuse refers to binge drinking or regular heavy drinking.

Drugs: For this policy, the term 'drugs' includes illegal drugs specified in the Misuse of Drugs Act, substances such as solvents when misused, and prescription drugs.

Alcohol and drug related problems: The term 'alcohol and drug related problems' refers to dependence and addiction, but also includes relationship, health, or financial problems arising from alcohol or drug use.

5 **Roles and Responsibilities**

Responsibilities of Managers

If a manager suspects or is made aware that an employee is experiencing problems associated with alcohol or drugs, s/he should encourage the employee to discuss this problem and seek help. The problem must be addressed with sensitivity and in confidence. Managers will remind employees of the policy and inform them of the various agencies which can help. It is strongly recommended that managers consult with Human Resources in such circumstances.

Manager-initiated referrals to Occupational Health for assessment will take place when there is deteriorating job performance or unsatisfactory conduct resulting from apparent health or behavioural problems linked with alcohol or drug use.

A manager must respond positively and sensitively when made aware of alcohol or drug misuse and respect the individual needs of an employee experiencing difficulties.

Managers will:-

- understand the Alcohol & Drug Misuse Policy and its primary aim of promoting the health, safety and welfare of Hackney Homes staff and those with whom they work;

- be aware of the effects of alcohol and drug consumption both in and outside the workplace and on general staff performance and health;
- be able to identify deteriorating work performance or absenteeism on account of possible alcohol or drug misuse and know how to direct employees towards professional help as soon as a problem is suspected;
- where problems are identified, refer employees to the occupational health service (OHS);
- intervene early and sensitively when there are signs of problems. This can be best achieved by adopting a non-blame, non-judgemental approach to find out whether alcohol and/or drugs are the underlying cause of work problems.

Responsibilities of Employees

Employees are expected to be fit for work when reporting for work and to remain in a fit and safe condition throughout the working day to perform their duties.

Employees will be familiar with the aims and procedures of this policy and must comply with a referral decision made by their manager regarding assessment for an alcohol or drug problem.

Employees should be encouraged to refer themselves for help for an alcohol or drug problem. Information on agencies that can assist will be circulated to all managers and further information will be available from the occupational health service. Employees will be encouraged to attend health related events where alcohol and drug information and education are available.

Failure to comply with a manager's referral decision or maintain a satisfactory level of performance will result in disciplinary or capability action.

If an employee has an alcohol or drug problem, it will be treated in the same way as a health problem. The employee will be offered an assessment/advice by the occupational health service through referral by the manager.

6 Arrangements

6.1 Relationship of this policy to the disciplinary procedure

Often, managers will be aware of poor performance, attendance, sickness or interpersonal issues before being aware that these might be symptomatic of an alcohol or drug related problem. An exploration of the potential for alcohol or drug related problems to be a factor in performance or capability issues must be undertaken by the manager as part of any disciplinary procedure. Where identified, alcohol and drug related problems will be seen as mitigating factors in any decision taken concerning disciplinary action.

If the employee informs the manager that s/he has an alcohol or drug related problem before this manifests itself in performance or capability concerns, the manager must be supportive and follow the procedures outlined in this policy.

It is anticipated that following an agreement to obtain treatment or to meet specified standards of behaviour, an employee may relapse. Managers are expected to consider such cases of relapse sympathetically. However in cases of;

- further relapse; OR
- employee withdrawal from treatment; OR
- where employee behaviour does not meet agreed standards,

it may be appropriate to initiate the Hackney Homes disciplinary or capability procedures.

6.2 Gross Misconduct

The following are considered to be instances of gross misconduct:-

- possession or selling of illegal drugs in the workplace;
- attempting to undertake safety-critical jobs when under the influence of either drugs or alcohol.

‘Safety-critical’ jobs will be designated by managers and made known to employees. In this context, safety-critical means jobs that would carry unacceptable risk to the employee or others, if carried out by an employee under the influence of alcohol or drugs. Examples of safety-critical jobs include;

- driving vehicles;
- operating machinery and/or power tools;
- working at height or in confined spaces;
- caring for vulnerable members of the community.

Cases of gross misconduct will be dealt with in accordance with the Hackney Homes disciplinary procedures.

An employee may be liable to disciplinary action; including dismissal; in cases where an employee would be unable to continue their work due to an alcohol or drug related offence (e.g. a driver who lost their driving licence). Managers will consider each case on its merits, taking into account the offence and the impact on the employee’s job and service delivery.

6.3 Prescribed Drugs Affecting Performance

Employees must inform their manager if they are prescribed drugs or medicines which may have a detrimental effect on their performance at work (e.g. if it causes drowsiness). Employees do not need to disclose why they are taking a prescribed drug if they do not wish to. However, the manager must ensure that employees are fit to work and that they are able to work safely. Managers have the right to request medical evidence, through the occupational health service, from the employees’ GP in such cases.

If an employee is taking a prescribed drug which affects their performance so adversely that they represent a risk to their own health and safety or that of others, they will be expected to take sick leave until such time that their performance is no longer affected.

6.4 Alcohol in the Workplace

Employees whose work involves carrying out safety-critical jobs (see 6.2 above) must not consume alcohol before coming on duty, during meal breaks or any other time during the work period.

The consumption of alcohol is not permitted in the workplace without the express permission of a Director or his/her deputy. A Director is not permitted to allow or agree to the consumption of any illegal drug on the premises of Hackney Homes.

Where a Director has given agreement to alcohol consumption in the workplace; such as at a Christmas or staff departure party; the following should be considered;

- adequate cover must be provided to deal with routine public enquiries;
- alcohol-free drinks must also be available;
- a sensible limit shall be put on the total amount of alcohol consumed;
- the timing of the event does not reduce the quality of services offered by Hackney Homes.

Employees remain responsible for their behaviour at all times and inappropriate conduct will be dealt with under the Hackney Homes disciplinary procedures.

Employees are expected to arrive for work in a fit condition to perform their duties and to remain so until the working day is completed. If a manager is given reason to doubt an employee's capability for work as a result of alcohol or drug consumption, the employee should be sent home. The manager should see the employee at the beginning of the next working day and take appropriate action, which may include disciplinary action.

6.5 Contract compliance

Hackney Homes will seek to introduce clauses within its contracts to ensure that all its service providers implement workplace alcohol and drug policies.

7 The Management of Alcohol and Drug Related Problems at Work

Alcohol and drug misuse needs to be managed where:-

- an employee approaches their manager to seek help; AND/OR
- it has an impact on an employee's health and attendance at work; AND/OR
- it has a detrimental effect on an employee's performance, conduct or working relationships.

If an employee approaches their manager to seek help with an alcohol or drug related problem, or where the manager believes the employee may have an alcohol or drug problem, the manager should set up an initial meeting.

It is possible that the manager may have called an informal or formal disciplinary meeting with the employee in response to continued poor performance, attendance, etc.

7.1 The Initial Meeting

If managers suspect that alcohol or drug misuse is a problem affecting an employee's performance or capability, they should arrange to meet with the employee to try and discover the cause of the problem. This informal initial meeting is exploratory in nature and should seek to encourage the employee to identify for themselves if there is an alcohol or drug misuse problem.

The initial and any subsequent meetings are in confidence and on a one-to-one basis between the manager and the employee. The employee may have someone present at these meetings if they wish.

Managers should bear in mind that employees who misuse alcohol or drugs may not be aware that they have a problem and/or may strongly deny that they have a problem.

The objective of the meeting is to:-

- make it clear to the employee the work difficulties caused by the problem;
- explore with the employee the nature of the problem and the possible causes;
- explore the sources of help available to the employee;
- identify whether the nature of the employee's job contributes in any way to their problem and if so, identify ways to minimise that contribution;
- identify whether there are any implications for the employee's work; e.g. are they operating heavy machinery or driving Hackney Homes vehicles? Are they working with clients who themselves have alcohol or drug problems?
- allow constructive discussion of work problems;
- set standards for work and show the employee how his or her work does not meet these standards;
- give the employee the chance to explain his or her side of things;
- explain the policy on alcohol and drug misuse;
- inform the employee that alcohol and drug related problems are seen as mitigating factors in the Hackney Homes disciplinary and capability procedures;
- inform the employee that they will be referred to the OHS;
- seek agreement on the nature and cause(s) of the employee's problems and agree a way forward;
- inform the employee that their progress will be monitored and reviewed through regular discussion and set a date for a subsequent meeting.

The manager should ensure that:-

- the meeting is conducted in a private setting;
- the employee is assured of the confidentiality of the discussion;
- judgemental and emotive statements are avoided;
- they have the facts to hand; e.g. number of days sickness, examples of poor performance. These are essential if the manager is challenged about their observations of the employee's health or performance record;
- the employee is not under the influence of alcohol or drugs at the time of the meeting.

Managers are not expected to be medical experts and do not have to attempt to diagnose problems. Managers are expected to seek and take account of medical advice.

Managers should be objective not judgemental. It is not helpful to insist that the employee is an alcoholic or has a drink problem, etc. Managers should explain the Alcohol & Drug Misuse Policy; say how the employee's problems have caused them to fail to meet the reasonable expectations of their employer; and that they will get the advice of the OHS.

After the meeting, the manager will record:-

- what was said at the meeting;
- what had been agreed;
- any targets or timescales for improvement (these must be outlined in a letter to the employee);
- whether or not the employee agrees to be referred for medical advice.

There will be one of two basic outcomes from the first meeting:-

- the employee accepts that they have a problem with alcohol or drugs; OR
- the employee does not accept that they have a problem with alcohol or drugs.

7.2 Employee Denies Alcohol or Drug Misuse Problem

If the employee denies that they have an alcohol or drug related problem, the manager should recommend a referral to the OHS for an independent medical assessment. If the employee does not wish to be referred for a medical assessment, the manager should deal with any problems with the employee's work under existing Hackney Homes disciplinary or capability procedures. In such circumstances, alcohol or drug use cannot be considered as mitigating factors in any subsequent disciplinary or capability action.

The refusal to attend an appointment with the OHS is in itself grounds for disciplinary action.

7.3 Employee Admits Alcohol or Drug Misuse Problem

If the employee accepts that s/he has an alcohol or drug misuse problem that has contributed to poor performance, etc. then the manager should try to determine if the cause(s) of the problem are work issues, personal issues or a combination of both.

Work Issues: If any element of the problem is thought to be work-related, the manager should identify the issues that might contribute to the problem (e.g. workloads, bullying, etc.)

Personal Issues: If the cause or the problem is thought to be personal issues, the manager may suggest/agree time off on an unpaid basis for the individual to resolve the issues, refer the individual to the OHS for counselling, etc.

At the meeting, the manager must tell the employee:-

- what support will be offered;
- that any disciplinary action – with the exception of gross misconduct cases - will be suspended pending the outcome of the occupational health referral;
- that they will review the situation regularly.

7.4 Case Management Meetings

The purpose of case management meetings is to:-

- consider any medical reports;
- listen to what the employee has to say;
- review any assistance already given to the employee;
- review progress against the agreed action plan;
- make further proposals if necessary.

Regardless of whether meetings are being held as a consequence of performance or sickness/capability concerns, after the second meeting the manager must write to the employee recording:-

- the recommendation(s) of the OHS;
- the assistance already offered to the employee;
- any action already taken or proposed under the disciplinary or capability procedures;
- that the manager will continue to offer reasonable support;
- the manager's concerns about the employee's work;
- that the employee's ability to work satisfactorily must be shown over time;
- that the manager will keep the employee's conduct, performance and attendance under continuous review.

The manager should:-

- give sympathetic consideration and support to the employee;
- not ignore any signs of a relapse. These must be taken up with the employee who must be informed that continued relapses will be considered under the disciplinary or capability procedures;
- give positive encouragement for improvements in work and agreed targets;
- exercise discretion with regard to individual cases in order to avoid a constant round of relapse and referral;
- consider the needs of the service and any health and safety considerations.

7.5 Monitoring and Review

It is not possible to prescribe a set time for reviewing progress and the period set should take account of the individual circumstances. Ideally, review periods should not be further apart than every three months as it may lead to the problem worsening without the manager's knowledge. It is unlikely that there will be a full improvement within three months but the manager should acknowledge any improvements that are made and continue to monitor the employee's progress.

7.6 Unsatisfactory Improvement

If the employee:-

- withdraws from any treatment and fails to meet the agreed improvement targets;
- repeatedly fails to meet improvement targets due to relapses, etc.

the manager must follow the relevant Hackney Homes procedure for dealing with the disciplinary or capability issues.

In such cases, the manager must write to the employee initiating action under the relevant procedure.

8 Confidentiality

There is no obligation on an employee to disclose that they have an alcohol or drug misuse problem, although if they are intending to seek medical treatment during working time they will need to discuss the arrangements for time off with their manager. Where treatment is recommended by a GP or other recognised medical professional, treatment will be seen as a medical procedure (i.e. in the same way as an operation or other medical intervention) and the relevant time off work and sickness absence policies will apply.

If the employee has disclosed to their manager that they have an alcohol or drug misuse problem then the content of these discussions must remain confidential between the employee, their manager, Human Resources and the Occupational Health Service.

If the employee receives counselling or treatment from an alcohol or drug specialist, then it is likely that the content of these discussions will remain confidential. However, the manager should expect feedback about the employee's general progress and their fitness for work via the occupational health service.

If an employee does not feel that they can discuss alcohol or drug related problems with their manager, they may request a confidential referral to the occupational health service through Human Resources. However, the manager must be informed and agree to any action taken as a consequence of this referral that impact on work.

9 Education and Training

On commencing employment with Hackney Homes, every new employee will be given induction training which will include an explanation of the alcohol and drug policy and an opportunity to discuss its local implementation with their manager.

Information, advice and support will be given to managers with responsibility for implementing the policy and will cover the following areas:-

- basic information on the effects of alcohol and drugs;
- the relationships between alcohol and drug consumption, personal problems, behaviour, health and safety and general work performance;
- the rationale and requirements of the policy;
- issues relating to the image of Hackney Homes as an employer and as a service provider and the relationship between this and customer care;
- the range of assistance available from the OHS, local and national agencies, including counselling on alcohol and drug misuse.

As part of ongoing workplace health initiatives, staff are encouraged to attend workplace events where information on alcohol and drug misuse will be made available.

10 Implementation of the Policy

This policy will be implemented by Human Resources. However, on a day-to-day basis, line managers will have the primary responsibility for identifying employees who may be in breach of the policy, or who may be in need of assistance with alcohol or drug-related problems.

11 Policy Review

This policy will be reviewed by Health and Safety in Human Resources on an annual basis.

Appendix A: Recognising the Problem

In most cases it is the behaviour associated with alcohol and drug misuse that will be evident to managers and colleagues. Possible indicators are listed below. It is essential to bear in mind that other factors, such as illness or stress, can also produce these signs; so thoroughly examine each situation before acting.

Possible indicators of misuse

- patterns of depression or fatigue (often after the weekend)
- absenteeism – short term/infrequent patterns
- poor timekeeping
- erratic performance – unreliable, unpredictable
- lack of concentration – work requires more effort, takes more time
- high accident rate – at work, at home and in-between
- lack of discipline
- unusual irritability or aggression
- over-confidence
- sudden mood swings
- inappropriate behaviour
- reduced response times
- becoming easily confused – memory lapses, difficulty in recalling instructions
- reduced productivity
- physical signs – smelling of alcohol, hand tremors, lack of personal hygiene
- deterioration in relationships with colleagues, clients or management
- financial irregularities
- dishonesty or theft

Remember: These are only signs – they can all be caused by other factors

Causes

Both the workplace environment and domestic circumstances can contribute to levels of stress which may make people more prone to rely on alcohol or drugs.

In the workplace some of the commonest factors are irregular or long-hours, unsupervised or monotonous work, peer pressure, under or over-promotion, etc.

In an employee's home or social life factors include marital or family breakdown, illness or bereavement, financial problems, etc.

It should be noted that there are a number of different patterns of alcohol or drug misuse ranging from 'one-off' incidents, through bingeing to daily dependence. Managers should not seek to categorise staff but should be aware of the range of problems particularly where it seems that the employee is dependent on alcohol or drugs.

Appendix B: Units of Alcohol and Sensible Drinking

Sensible drinking limits are expressed in terms of units. A unit of alcohol is defined as being 8 grammes or 10 millilitres of pure alcohol.

One unit = half a pint of beer

Glass of wine

Measure of spirits

Glass of sherry

The following daily benchmarks have been recommended by the Health Education Authority as a guide to how much you can drink without putting your health at risk.

For Men

Drinking less than 4 units a day has no significant risk to your health

For Women

Drinking less than 3 units a day has no significant risk to your health

However, these benchmarks are not targets to drink up to. There are times and circumstances when it makes sense not to drink at all.

Appendix C: Legal Issues

Misuse of Drugs Act 1971

The Misuse of Drugs Act 1971 prohibits the import, export, production, supply and possession of specified drugs. Exceptions for those with the legitimate need to use specified drugs (e.g. doctors) are granted providing certain record keeping and safe keeping requirements are observed.

The principal offences are

- unlawful production and supply;
- unlawful possession;
- possession with intent to supply;
- permitting the use of premises for certain activities in regard to controlled drugs.

If an employer knowingly permits the supply or use of any or all controlled drugs, they could be committing an offence. It may also be that an employee who knew of these activities or assisted in them could be committing an offence.

The Misuse of Drug Act lists the drugs that are subject to control and classifies them in three categories according to their accepted dangers and harmfulness in the light of current knowledge when misused:-

Class A – includes ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of Class B drugs

Class B – includes oral preparations of amphetamines, barbiturates, codeine, and methaqualone (Mandrax)

Class C – includes cannabis, most benzodiazepines (e.g. Temazepan, Valium), other less harmful drugs of the amphetamine group and anabolic steroids

Road Traffic Act 1988

The Road Traffic Act 1988 states that any person who, when driving, attempting to drive, or in charge of a vehicle on a road or public place, is unfit to drive through drink or drugs shall be guilty of an offence.

Appendix D: Local Sources of Help and Assistance

Hackney Community Drug Service on 020 8985 3757

National Drugs Line on 0800 776600

Alcoholics Anonymous 24-hour Helpline on 0845 7697555

Or the following local services:-

Addaction Community Drug Services

First Stop for advice and support in the community, offering advice, counselling, access to GP shared care plans, onward referral, women's service, community outreach. 19-20 Tudor grove, London E9 7QL Phone: 020 8985 3757

Addaction Harm Reduction Team

Needle exchange, drop-in service for information and support. Also former Cable Street Day Programme. 228 Cambridge Heath Road, London E2 9NN Phone: 020 8880 7780

Crossroads Alcohol Project

One to One advice and information for people with alcohol problems, their families and friends. Also provides complimentary therapies. 2 Westgate Street, London E8 3RN Phone: 020 8525 1313

Hackney Substance Misuse Team

Offering advice and information to service users, families and friends as well as assessment and access to specialist drug/alcohol services. LBH Social Services, 205 Morning Lane, London E9 6JX Phone: 020 8356 4057

Homerton Specialist Addiction Unit

Clients are being referred to the Unit through the Community Drug Service, GP's. Homerton Row, London E9 6SR Phone: 020 8510 8629

City & Hackney Alcohol Service

Advice and counselling for people with alcohol problems, families and friends. Also provides Black, women's and Gay & Lesbian services. Tower View House, 134 Kingsland Road, London E2 8DY Phone: 020 7613 1313

Turningpoint Crack Intervention Programme

This is a specialised service supporting crack users in overcoming the problem of misuse. Includes a residential component as well as a day programme. Referrals should be made to the manager on 020 8986 9251

ITEM 7E: HACKNEY HOMES DISCIPLINARY PROCEDURE

**THIS IS A TRANSFERRED POLICY FROM
HACKNEY COUNCIL**

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1 OUR AIM

- 1.2 Hackney Homes works within a performance management framework. This procedure seeks to clearly define what constitutes breaches of conduct and to set out a standard procedure that maintains appropriate standards of conduct in employment through disciplinary matters.
- 1.3 Hackney Homes Code of Conduct sets out the behaviour we expect from employees so that we can maintain a safe and efficient workplace. Where employees allegedly commit acts of misconduct, the Hackney Homes disciplinary procedures will be used to deal with such situations.
- 1.4 Our aim in applying the disciplinary procedure is to encourage improvement through the adoption of a fair, equitable and consistent approach towards the treatment of individuals.
- 1.5 Hackney Homes will support the implementation of the Policy by making all staff aware of it, and by training managers on the content of the policy and the skills required to effectively implement it.
- 1.6 In addition to this document, please also see the Hackney Homes; Grievance Procedure, Code of Conduct, Anti-Harassment and Bullying Policy, Unsatisfactory Performance Procedure and the Protocol for Officer Delegations.

2 OPERATING PRINCIPLES

Hackney Homes is committed to the following principles when operating this procedure:

- 2.1 Operate disciplinary procedures which meet all of the Hackney Homes statutory obligations and the best practice standards set out in the ACAS Code of Practice: Disciplinary and Grievance Procedures.
- 2.2 Ensure that no discrimination occurs on the grounds of gender, gender reassignment, marital status, race, colour, nationality, ethnic origin, national origins, disability, age, sexual orientation, religion or belief, or any other unacceptable grounds, when dealing with disciplinary issues.
- 2.3 Seek to make reasonable adjustments where the provisions, criteria or practices of any working arrangements and/or the physical features of premises place people with disabilities at a substantial disadvantage. Where it is not reasonably practicable to make these reasonable adjustments, an alternative and mutually agreed resolution should be sought.
- 2.4 Set out the roles and responsibilities of managers, including levels of authority within the process, and staff representatives in the implementation of the Disciplinary Procedure and ensure they are trained to carry out their roles and responsibilities effectively.
- 2.5 Set out the standards for both managers and employees to observe when operating the Disciplinary Procedure, thereby ensuring a fair, equitable and consistent approach.
- 2.6 Ensure that the disciplinary rules and procedures are specific, clear, recorded in writing and made readily available to employees, which specifically includes setting out the key

steps of the Disciplinary Procedure in the written particulars of employment, and which caters for those employees whose first language is not English and those who have difficulty with reading.

- 2.7 Operate procedures which conform to the requirements of natural justice, i.e.: (i) employees will be informed of the allegations against them, together with the supporting evidence in advance of the meeting; (ii) hearings will be conducted, and decisions made by someone who has not been previously involved in the matter; (iii) employees will be given the opportunity to prepare their case, challenge the allegations before decisions are reached and be provided with a right of appeal.
- 2.8 Ensure that each step and action under the procedure is taken without unreasonable delay and that the timing and location of meetings are reasonable.
- 2.9 Ensure that no formal disciplinary sanction will be taken against an employee until a case has been fully investigated and it has concluded and heard that there was a case to answer.
- 2.10 Ensure that employees are aware of and are able to exercise, their statutory right to be accompanied by a fellow worker or trade union official when attending a formal disciplinary or appeal hearing.
- 2.11 Ensure that no employee is dismissed for a first breach of discipline, except in the case of gross misconduct (see the Code of Conduct for examples of misconduct and gross misconduct).
- 2.12 Provide employees who have had disciplinary action taken against them with an explanation of any sanction and provide them with the opportunity to appeal.
- 2.13 Ensure that all those involved in disciplinary investigations and hearings understand that the matters discussed will remain confidential as far as possible, while recognising that Hackney Homes has a duty of care to all of its employees and may need to take immediate action if health and safety is at risk.
- 2.14 Recognise that it is important and in the interests of Hackney Homes, employees and trade union representatives, to keep written records of the disciplinary process, ensuring that records are treated as confidential and kept no longer than necessary in accordance with the Hackney Homes policies to meet its obligations under the Data Protection Act 1998.
- 2.15 Regularly review and monitor the Disciplinary Procedure, in consultation with staff and the recognised trade unions, to ensure that the policy is achieving its purpose.

3 RESPONSIBILITIES

3.1 Managers must ensure they:

- 3.1.1 Understand the disciplinary procedure and are appropriately skilled to manage disciplinary matters;
- 3.1.2 Follow the disciplinary procedure and ensure compliance with all stages of the process with no unreasonable delay;

- 3.1.3 Conduct all disciplinary matters, including meetings interviews and disciplinary hearings and appeal hearings, fairly and reasonably;
- 3.1.4 Give staff the entitlement to be accompanied at investigation meetings and any hearings convened in the Formal Discipline process, including appeal hearings;
- 3.1.5 Maintain accurate records of all disciplinary investigations and hearings;
- 3.1.6 Seek advice from Human Resources at the outset of any formal disciplinary process and throughout the case.

3.2 Employees must ensure they:

- 3.2.1 Familiarise themselves with the disciplinary procedure;
- 3.2.2 Cooperate fully with any investigation in the disciplinary procedure;
- 3.2.3 Attend any disciplinary meetings, interviews and hearings they are called to by management and make every effort to fully prepare and present their case;
- 3.2.4 If desired, arrange for their representative (trade Union representative or work colleague) to accompany them at formal disciplinary meetings/hearings.
- 3.2.5 Are honest, truthful and open, if called upon to give evidence about a disciplinary matter.
- 3.2.6 Treat information discussed during the disciplinary process as being confidential and do not reveal confidential information to third parties
- 3.2.7 Inform Hackney Homes if they wish to appeal against any disciplinary sanction imposed on them.

4 SCOPE OF THE PROCEDURE

- 4.1 This Disciplinary Procedure applies to acts of misconduct breaching Hackney Homes Code of Conduct and applies to all employees of Hackney Homes including those employed on temporary and fixed term contracts.
- 4.2 This procedure does not apply to those employed in schools, elected Members nor Chief Officers as they have their own procedures. However Chief Officers are expected to adhere to the principles of this policy. Those working with Hackney Homes, but not employed by Hackney Homes, (e.g. agency workers, consultants and those on secondment from another organisation) are also expected to adhere to the standards and principles of this policy.
- 4.3 This procedure does not apply to poor performance due to an employee's lack of capability. Cases of alleged incapability must be dealt with using the Hackney Homes Unsatisfactory Performance Procedure.

5 AUTHORITY TO TAKE ACTION

- 5.1 All managers who are assigned staff management are responsible for setting standards for conduct and discipline through the informal procedure (see section 6 below).
- 5.2 Where the formal disciplinary process needs to be invoked, a disciplinary case will be investigated and presented by the manager of the employee whose conduct is in question (i.e. unless the manager has been directly involved in the act of misconduct and could be viewed as being biased in some way, such as a witness to the misconduct, or a victim, etc.). In such cases another manager, completely unconnected with the case will be appointed.
- 5.3 Where a period of suspension is appropriate (see section 7), only managers at 4th tier (or equivalent) and above have the authority to suspend (the relevant Director and the Head of Human Resources and Organisational Development must be notified of any suspensions).
- 5.4 The authority to hear disciplinary and appeal hearings is as follows:
 - (i) for all disciplinary matters other than gross misconduct will be confined to 4th tier managers and above;
 - (ii) for cases of alleged gross misconduct will be confined to 3rd tier managers and above.
- 5.5 A manager who is senior to the manager presenting the case will conduct the disciplinary hearing, and a manager who is senior to the manager who chaired the disciplinary hearing will hear any appeal.
- 5.6 However, appeals against dismissals will be heard by one of the following:
Directors or the Chief Executive.

6 INFORMAL PROCEDURE

- 6.1 Hackney Homes recognises that there may be occurrences of behaviour which technically are minor breaches of the Code of Conduct, where formal disciplinary action may not be necessary, but where advice, counselling and standard setting may be a more appropriate way of addressing the issue.
- 6.2 The informal procedure should not be confused or interchanged with the Unsatisfactory Performance Procedure, which should be used for issues of capability.
- 6.3 If a manager decides that the informal procedure is most appropriate, a standard setting meeting will be arranged with the member of staff with the aim of encouraging and helping the individual to modify his or her behaviour.
- 6.4 As informal action is part of a manager's normal duties, a standards setting meeting does not require the manager to have a Human Resources Advisor present or entitle the employee to be accompanied.
- 6.5 Where the informal procedure would clearly not be appropriate due to the nature of the

breach of the Code of Conduct, then the matter should be dealt with under the formal disciplinary procedure.

7 FORMAL PROCEDURE: SUSPENSION

- 7.1 The manager will make an initial assessment as to whether the employee should be suspended pending an investigation. Only managers at 4th tier and above have authority to suspend and the relevant Director and the Head of Human Resources and Organisational Development must be notified of any suspensions.
- 7.2 Suspension will only be implemented in the following circumstances, and after careful consideration of the facts (including alternatives to suspension where appropriate):
- (i) where there is an allegation of gross misconduct;
 - (ii) where there are grounds for believing that the employee's continued presence in the workplace would result in them repeating the breach;
 - (iii) where there are grounds for believing that the employee's continued presence at the workplace constitutes a health and safety risk;
 - (iv) where there are grounds for believing that an employee's continued presence in the workplace would hinder the investigation;
 - (v) where the misconduct alleged against the employee, if evidence shows it to have occurred on the balance of probabilities, would be serious enough to make any working relationship and trust impossible.
- 7.3 Where possible, a face-to-face meeting should take place at which the employee (accompanied by their trade union representative or a work colleague if they wish) is advised of the allegations(s) against them and advised that they are suspended, and the reasons for this.
- 7.4 The suspension will be on full pay (full earnings), and will be confirmed in writing in all cases, using the standard template letter, making it clear that that the suspension is not considered a punitive action and does not involve any prejudgement.
- 7.5 The manager, along with Human Resources, should review the appropriateness of the continued suspension frequently and if it appears that the initial period of suspension, as notified, will be exceeded, the employee must be informed, together with the reason and be provided with a new end date.
- 7.6 The suspension should only last as long as it takes to complete the investigation and conclude the disciplinary hearing. All suspensions must be reviewed regularly, and any suspensions lasting over 1 month must be reported to the Head of Human Resources and Organisational Development, including a full justification.

8 FORMAL PROCEDURE: INVESTIGATION

- 8.1 The relevant manager will carry out a thorough investigation promptly, before memories of events for all parties involved, fade. The degree of the investigation must be appropriate to the circumstances of the case.
- 8.2 Where an investigatory meeting is held solely to establish the facts of a case, it will be

made clear to the employee involved that it is not a formal disciplinary meeting. However, in line with good practice the employee whose conduct is in question is allowed to be accompanied by a trade union representative or a work colleague at investigation meetings.

- 8.3 An investigation meeting should be notified to the employee in advance, advising them of the matters to be discussed and that they may be accompanied if they wish.
- 8.4 The investigation should normally be completed within 10 working days, but if a longer period is needed the manager should confirm this in writing, including the reasons, to the employee (and his/her trade union representative if applicable) and copy in the relevant Director.
- 8.5 If it becomes clear during the investigation that an employee who initially was allowed to continue to work during the investigation, needs to be suspended, then the suspension process as set out in point 7 should be followed.
- 8.6 Following the investigation and a review of all the evidence, the manager must make findings of the facts to justify whether, on the balance of probabilities, there is a case to answer.
- 8.7 Having reached conclusions, the manager must compile an investigation report setting out his/her findings. If it is believed that there is no case to answer, full reasons must be provided. Where it is believed that there is a case to answer, the report must include a detailed description of the applicable breach(es) of the Code of Conduct, the allegations against the employee and the substance of the investigation evidence that supports these allegations.

9 DISCIPLINARY HEARINGS

- 9.1 The disciplinary hearing will be conducted by a panel of at least two officers. Ideally the panel will consist of a manager who is more senior to the manager who investigated and one other manager, supported by a Human Resources Advisor. A note taker may also be in attendance. When conducting the disciplinary hearing, the panel will be required to follow the Hackney Homes procedure for disciplinary hearings.
- 9.2 At least 10 working days before the disciplinary hearing is to take place, the employee will be sent the investigation report and a list of any witnesses to be called by the management side, accompanied by the standard template letter, confirming:
 - (i) that Hackney Homes is contemplating taking disciplinary action;
 - (ii) the misconduct being alleged and the specific allegations the employee must answer;
 - (iii) an invitation to the employee to attend a disciplinary hearing to discuss the matter;
 - (iv) the venue, date and time of the disciplinary hearing, which will be reasonable in all the circumstances;
 - (v) that the employee must take all reasonable steps to attend the meeting;
 - (vi) the employee's right to have a trade union representative or a work colleague present at the hearing.
 - (vii) the details of any documents management plans to refer to at the hearing and the names of any witnesses to be called by management.
- 9.3 The employee facing disciplinary action should provide a copy of any evidence they

propose to refer to and the names of any further witnesses they intend to call, no later than 5 working days before the disciplinary hearing. On receipt of this information, the Chair will decide on the appropriateness of any witnesses suggested, seeking clarification if necessary. It should be noted that the Code of Conduct requires all employees to adhere to the Hackney Homes Policies and Procedures, and to cooperate with investigations – for example if called as a witness.

- 9.4 If a shorter period for submitting documents is necessary, then the manager or employee should explain the reason for this in writing to the Chair when making their submission.
- 9.5 The employee should take all reasonable steps to attend. If the initial date set for a disciplinary hearing fails to go ahead due to either party, the employer, taking account of the employee's right to be accompanied and any suggested dates is required to rearrange the date (once). The new date should normally be no more than 5 working days after the date originally set.

10 PROCEDURE FOR DISCIPLINARY HEARINGS

- 10.1 First, the investigating manager will present the case against the employee concerned, refer the disciplinary panel to relevant documents or other evidence and call any relevant witnesses. The employee (and if present his/her representative) and the panel will be entitled to question the evidence and any witnesses called for management.
- 10.2 The employee, or his/her representative, will then present his/her case referring the panel to relevant documents or other evidence and call any witnesses in support. The investigating manager and the panel will be entitled to question any witnesses called for the employee, including questions relating to any new evidence arising at the hearing.
- 10.3 The aim should be to complete the disciplinary hearing in one session, but if necessary it may be staggered over two or more meetings if time so requires, as long as there is no unreasonable delay.
- 10.4 Upon conclusion of the disciplinary hearing, the panel will adjourn to consider their decision (all others present should leave the room whilst the panel is considering its decision). Attempts should be made to minimise any delay in a decision being reached.
- 10.5 Where it is decided that a disciplinary sanction is justified the Chair will need to consider what form this should take. Before making any decision, account will be taken of the employee's disciplinary and general employment record, length of service, actions taken in any previous similar cases, the explanations given by the employee and most important of all, whether the intended disciplinary action is fair, reasonable and consistent under the circumstances.
- 10.6 The Chair will reconvene the hearing to notify the employee (and his/her representative if applicable) whether, on the basis of the evidence, they find the allegations against the employee proven or not on the balance of probabilities, the grounds of their decision and what disciplinary sanction is being imposed.

10.7 The Chair will confirm the decision (and sanction if applicable) in writing, within 10 working days using the standard template letter which will also outline the employee's right to appeal.

11 SANCTIONS

11.1 Where, following a disciplinary hearing, an employee is found to have committed an act of misconduct the Chair may impose any of the sanctions set out below. The stages are normally progressive, however some stages may be by-passed where the nature of the misconduct is found to be very serious. Cases of gross misconduct will normally render the employee liable to summary dismissal.

11.2 **Oral Warning:** in cases of minor infringements, the employee should normally be given an oral warning. A note of this warning will be made in writing. The oral warning will expire after 6 months from the date imposed.

11.3 **Written Warning:** usually applicable where there is a blatant repetition of misconduct whilst a previous warning is current; or a failure to improve or change behaviour by the end of the previous warning; or an infringement occurs which is sufficiently serious on its own merits. The written warning will expire after 12 months from the date imposed.

11.4 **Final Written Warning:** usually applicable where there is a blatant repetition of misconduct whilst a previous written warning is current; or a failure to improve or change behaviour by the end of the previous written warning; or an infringement occurs which is very serious on its own merits. The Final Written Warning will usually expire after 12 months from the date imposed, although in exceptional circumstances where there are justifiable reasons, this may be extended to 36 months from the date imposed.

11.5 **Procedural Dismissal:** usually applicable where;

- i) there is a blatant repetition of misconduct whilst a previous final written warning is current;
- ii) or a failure to improve or change behaviour by the end of the previous final written warning (unless there are particularly compelling mitigating factors).

In the above two scenarios, the employee will be liable to dismissal with the required contractual notice.

11.6 **Summary Dismissal:** in cases of gross misconduct (as defined in the Hackney Homes Code of Conduct) Hackney Homes can terminate employment with immediate effect.

11.7 **Demotion (and final warning):** as an alternative to dismissal, Hackney Homes may demote an employee found to be in breach of the Code of Conduct to a post on a grade lower than their current one. Demotion can only take place if the employee agrees to this sanction, and where a suitable post is available.

11.8 **Transfer (and final warning):** as an alternative to dismissal, Hackney Homes may consider transferring an employee found to be in breach of the Code of Conduct to a post on the same grade as their current one. This can only take place if the employee agrees to this sanction, and where a suitable post is available.

12 APPEALS

- 12.1 The employee will be notified in writing of his or her right of appeal in the letter confirming the outcome of the hearing and the sanction imposed.
- 12.2 Appeals may only be raised on one or more of the following grounds;
- (i) the procedure – a failure to follow procedure had a material effect on the decision;
 - (ii) the decision – the evidence did not support the conclusion of the hearing officer;
 - (iii) the sanction – too severe given the circumstances of the case;
 - (iv) new evidence (full details of which must be given).
- 12.3 The employee will have 10 working days, (from the date of the hearing outcome letter) to appeal in writing against any disciplinary sanction imposed under this procedure. The employee must set out in writing the grounds of appeal. This must make it clear which aspect(s) of the decision the employee wishes to appeal against and why. The employee should use the standard template letter for lodging appeals (can be found on the Hackney Homes intranet or obtained from Human Resources).
- 12.4 For an appeal against an oral, written or final written warning, the appeal will be heard by the line manager of the manager who issued the warning and a Human Resources Advisor. If the warning was issued by a Director, then another Director or equivalent will be nominated by the Chief Executive (or nominated officer) to hear the appeal.
- 12.5 For an appeal against demotion, transfer or dismissal, the appeal will be heard by the Director of the service area where the dismissed employee was employed. If this is not possible another Director will undertake the role.
- 12.6 The manager hearing the appeal will send the employee the standard template letter:
- (i) Inviting the employee to an appeal hearing;
 - (ii) Confirming the venue, date and time of the appeal hearing, which should be reasonable in all the circumstances and ideally mutually agreed;
 - (iii) Confirming that the employee must take all reasonable steps to attend the meeting;
 - (iv) Outlining the employee's right to have a trade union representative or a work colleague present at the appeal hearing;
 - (v) Confirming that the appeal hearing will be conducted in a manner that enables both, Hackney Homes and employee to explain their cases.
- 12.7 The employee must take all reasonable steps to attend. The procedure to be followed at an appeal hearing is: the employee (or his/her representative) will present the appeal, refer the panel to any relevant documents or other evidence and call any relevant witnesses. The manager who imposed the sanction will be entitled to question the evidence and any witnesses called.
- 12.8 The manager who imposed the sanction will then present his/her rationale for reaching his/her decision, referring the panel to relevant documents. In exceptional circumstances relevant witnesses may be called by the manager to support the case. The employee (and his/her representative if applicable) will be entitled to question the evidence (and any witnesses).

- 12.9 Upon conclusion of the appeal hearing, the panel will adjourn the proceedings to consider their decision.
- 12.10 Possible outcomes of an appeal hearing will be; to confirm the disciplinary sanction; substitute a lesser penalty; or cancel the disciplinary sanction completely.
- 12.11 The decision of the appeal panel is final. The Chair of the appeal panel will notify the employee in writing of the outcome of their appeal with reasons, using standard template letter, normally within 10 working days of the appeal hearing.

13 SPECIAL CONSIDERATIONS

13.1 Trade union officials: Employees who are elected trade union officials are required to meet the same standards outlined in the Hackney Homes Code of Conduct and comply with the Hackney Homes Disciplinary Procedure. It is unlawful to discipline an elected trade union official for carrying out lawful trade union activities and duties. To avoid any claims of victimisation, it is usual to discuss any potential case against a trade union representative, at the earliest opportunity, with a district official of the union or with a senior Branch official. The procedure for the informal discipline of employees who are elected trade union representatives is the same as for other employees who this procedure applies to. There is no entitlement to representation by another trade union official or work colleague at the standard setting meeting. In advance of any formal action taken against any member of staff elected as a trade union representative,

managers must advise the Head of Human Resources and Organisational Development, the relevant trade union representative and regional official of the proposed action. These employees can be represented by a trade union official of their choice.

- 13.2 A grievance raised during a disciplinary case: in the course of a disciplinary process an employee might raise a grievance that is related to the case. If this situation arises advice should be sought from the Head of Human Resources and Organisational Development in the first instance, so that an appropriate decision can be taken in each individual case. In this situation the employer should consider suspending the disciplinary procedure for a short period whilst the grievance is dealt with.
- 13.3 Criminal charges or convictions not related to employment: If an employee is charged with, or convicted of, a criminal offence not related to work, this is not in itself reason for disciplinary action. Hackney Homes will establish the facts of the case and consider whether the matter is serious enough to warrant starting the disciplinary procedure. The main consideration should be whether the offence, or alleged offence, is one that makes the employee unsuitable for their type of work. Similarly, an employee will not be dismissed solely because they are absent from work as a result of being remanded in custody. Where any such situations arise, detailed advice must be sought from Human Resources at the earliest opportunity.

14 RECORDS

- 14.1 It is important to keep written records during the disciplinary process to include: the complaint against the employee, the employee's defence, findings made and decisions taken, whether an appeal was lodged, the outcome of the appeal, any grievances raised during the disciplinary procedure and subsequent developments.
- 14.2 Records will normally be kept on the employee's personal file, which he or she can have access to in accordance with the Hackney Homes policy on personal files.
- 14.3 Sanctions that have expired should be removed from the file.
- 14.4 Copies of meeting records should be given to the employee including copies of any formal minutes that have been taken. In certain circumstances, (e.g. to protect a witness) the employer might withhold some information.

15 DATA PROTECTION

- 15.1 As part of the Disciplinary process, Hackney Homes is obliged to keep records pertaining to the nature of the investigation, the hearing, any sanctions taken and the reasons for them. Details of these must be sent to the Head of Human Resources and Organisational Development. These records will be kept in accordance with the Data Protection Act 1998 which gives individuals the right to request and have access to certain data if it is about them personally and forms part of a computerised file or a structured, paper based manual employee file. Minutes/Notes of meetings will be given to the employee if requested, although in certain circumstances (for example to protect a witness) Hackney Homes reserves the right to withhold information to protect confidentiality in respect of a third party who has been involved in the case.
- 15.2 Hackney Homes recognises that the Data Protection Act applies to personal data processed in relation to disciplinary proceedings such as the consultation of records or the compilation of dossiers of information about those involved and Hackney Homes is committed to following the benchmarks of best practice set out in the Code. As such Hackney Homes will:
- Recognise that employees have the same rights of access to files containing information about disciplinary action as they do to other personal data held, unless this information is associated with a criminal investigation in which case an exemption might apply.
 - Not access or use information kept about workers merely because it might have some relevance to a disciplinary investigation if access or use would be either: incompatible with the purpose(s) that Hackney Homes obtained the information for, or disproportionate to the seriousness of the matter under investigation
- 15.3 Part Two of the Data Protection Commissioner's Code of Practice - Employment Records sets out the relevant benchmarks of best practice to be followed in the activity of disciplining or dismissing workers. Hackney Homes is committed to following these benchmarks.

16 MONITORING DISCIPLINARY ACTIVITY

16.1 To comply with the specific employment duty as set out in the Race Relations Act 1976 (Statutory Duties) Order 2001, Hackney Homes will monitor, by reference to racial groups, the numbers of staff from each such group who are the subject of disciplinary procedures and publish the results of its monitoring on an annual basis. In addition, Human Resources will also monitor use of this procedure by gender, age and grade etc.

17 CONTRACTUAL STATUS, REVIEWING AND AMENDING THE DISCIPLINARY PROCEDURE

17.1 The Disciplinary Procedure forms part of the terms and conditions of employment of every employee coming within the scope of this Disciplinary Procedure.

17.2 The Disciplinary Procedure will be subject to regular review and may be changed without agreement as a result of statutory requirements, minor changes such as post titles and assignment of administrative responsibilities; such changes will be adopted and notified through usual means of internal communications. Any other changes will be implemented and notified to employees following appropriate consultation.

17.3 Where the procedure is changed, employees in mid-course of disciplinary action will be subject to the existing procedure until the conclusion of the appeal hearing process, or with their agreement adopt the revised procedure at a logical stage in the process.

ITEM 7F: HACKNEY HOMES ANTI-HARASSMENT AND BULLYING POLICY

**THIS IS A TRANSFERRED POLICY FROM
HACKNEY COUNCIL**

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1 OUR AIM

- 1.1 We have a duty of care to our employees (e.g. under the Health & Safety at Work Act, 1974) and it is our aim is to provide a working environment which respects the rights of each individual employee and where colleagues treat each other with the utmost respect. Hackney Homes deplores all forms of harassment and bullying which will not be tolerated under any circumstances. Employees who harass or bully others are likely to be subject to disciplinary proceedings. While implementing and upholding the policy is the duty of all of our managers and supervisors; all employees have a responsibility to ensure that harassment has no place in Hackney Homes.
- 1.2 Hackney Homes will support the implementation of this Policy by making all staff aware of it, and by providing training for managers on the content of the policy, what Hackney Homes expects and the skills required to effectively implement it.
- 1.3 In addition to this document, please also see the Hackney Homes, Grievance Procedure, Code of Conduct, Disciplinary Procedure and the Protocol for Officer Delegations.

2 OPERATING PRINCIPLES

- 2.1 The following procedure has been designed to inform employees about the type of behaviour that is unacceptable and provide employees who experience harassment and/or bullying with a means of redress.
- 2.2 This procedure applies to all staff except those employed in schools, elected Members and Chief Officers as they have their own procedures. However Chief Officers are expected to adhere to the principles of the policy. Those working with Hackney Homes, but not employed by Hackney Homes, (e.g. agency workers, consultants and those on secondment from another organisation) are also expected to adhere to the standards and principles of this policy.
- 2.3 Hackney Homes will not tolerate harassment/bullying of or by job applicants, employees, contractors, agency workers, the self-employed or ex-employees, and will take appropriate action.
- 2.4 This policy also applies to work related functions which are held outside of normal working hours, either on or off Company premises, such as leaving celebrations, working lunches, etc.

3 HARASSMENT

3.1 Definition:

Harassment is unwanted conduct which, intentionally or unintentionally, violates an individual's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment for them. It is a behaviour which is often repeated. However, certain behaviour by its nature or severity is harassment even on a single occasion.

- 3.2 Each person has a right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and he or she feels demeaned by it, then that individual has every right to say so and their right to do so will be respected. The only exception to this is where serious bullying and harassment was witnessed by a third party who feels that this matter must be reported (see also 9.3 and 9.9).
- 3.3 Where it cannot be established whether there was an intention to offend, the following should be applied. Conduct will be regarded as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment if taking all the circumstances into account, particularly including the recipient's views, it would be reasonable to come to that conclusion. Whether or not the behaviour was intentional will be taken into consideration in determining an outcome, where the effect is established as bullying or harassment.
- 3.4 People can be subjected to harassment on a wide variety of grounds; some examples are:
- Gender.
 - Sexual orientation.
 - Transsexualism.
 - Marital status.
 - Race, nationality, ethnic origin, national origin or skin colour.
 - Disability or health condition.
 - Age.
 - Employment status, e.g. part-time, fixed-term, permanent, self-employed, agency worker, etc.
 - Membership or non-membership of a trade union.
 - Carrying out health and safety duties.
 - Religious or political beliefs.
 - Deeply held personal beliefs.
 - Criminal record.
 - Physical characteristics.
 - Class.
 - Willingness to challenge harassment – being ridiculed or victimised for raising a complaint.
- 3.5 Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it reoccurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk. Harassment on any grounds, including the above, will not be tolerated.
- 3.6 Legal position: Harassment at work is not just despicable and demeaning, it is unlawful under the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995; the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion or Belief) Regulations 2003. Hackney Homes, together with any managers or supervisors who fail to take steps to prevent harassment or investigate

complaints, may be held liable for their unlawful actions, as will the employee who has committed the act of harassment. There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment.

3.7 Harassment on any grounds is also a criminal offence under the Criminal Justice and Public Order Act 1994; the Protection from Harassment Act 1997 and the Criminal Justice and Police Act 2001. Religiously aggravated harassment is a criminal offence under the Anti-terrorism, Crime and Security Act 2001. These Acts mean that employees who suffer harassment may call in the police, in the case of harassment from fellow employees or harassment by third parties. Those found guilty, face fines or periods of imprisonment of up to two years.

3.8 Examples of Harassment: Harassment takes many forms, from relatively mild

banter to actual physical violence. Employees may not always realise that their behaviour constitutes harassment, but they must recognise that what is acceptable to one employee may not always be acceptable to another.

Determining what is acceptable is an individual right which we must all respect. Examples of harassment include:

- Verbal - e.g. crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs.
- Non-verbal - e.g. wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screen-savers), graffiti, offensive letters, offensive e-mails, text messages on mobile phones and offensive objects.
- Physical - e.g. unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion.
- Coercion - e.g. pressure for sexual favours or pressure to participate in political, religious or trade union groups, etc.
- Isolation or non-cooperation and exclusion from social activities.
- Intrusion - following, pestering, spying, etc.

4 BULLYING

4.1 Definition:

Bullying is a gradual wearing down process comprising of a sustained form of psychological abuse that makes victims feel demeaned and inadequate. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately self-questioning his or her worth, in the workplace and society as a whole.

4.2 Examples of Bullying:

Workplace bullying usually takes one of three forms: physical, verbal or indirect. It can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. These can be split into two categories:

The obvious are:

- Shouting or swearing at people in public and private.
- Persistent criticism.
- Ignoring or deliberately excluding people.
- Persecution through threats and instilling fear.
- Spreading malicious rumours.
- Constantly undervaluing effort.
- Spontaneous rages, often over trivial matters.

The less obvious are:

- Withholding information or supplying incorrect information.

- Deliberately sabotaging or impeding work performance.
- Constantly changing targets.
- Setting individuals up to fail by imposing impossible deadlines.
- Levelling unfair criticism about performance.
- Removing areas of responsibility.
- Blocking applications for promotion or training.

The examples are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

5 THE IMPACT OF HARASSMENT AND BULLYING

- 5.1 Harassment and bullying can extract a high price on employees and Hackney Homes as a whole. Employees can be subject to fear, stress and anxiety, which can put great strains on personal and family life. Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation.
- 5.2 The damage, tension and conflict which harassment and bullying creates should not be underestimated. The result is not just poor morale, but also higher employee turnover, reduced performance, divided teams, poor service delivery and low quality services.
- 5.3 Our public image can be badly damaged when incidents of harassment and bullying occur, particularly when they attract media attention. This can result in us losing some of our service users, who could equally communicate negative views and comments to others.
- 5.4 Harassment or bullying will generally be classed as gross misconduct, for which employees may be summarily dismissed, although any penalties imposed must be reasonable in light of the facts of the particular case.
- 5.5 Hackney Homes will seek to support any victims of harassment or bullying (e.g. via the services available from Occupational Health).

6 SERVICE USERS WHO HARASS OR BULLY

- 6.1 Hackney Homes has a duty of care to both its workers and its service users. However, Hackney Homes will take appropriate action against service users who harass or bully its employees. This may include, police involvement and/or the withholding of Hackney Homes services.
- 6.2 If you and/or your colleagues experience harassment or bullying from a service user you should report this immediately to your manager and complete the relevant documentation.

6.3 Service users have the right to receive services free from harassment or bullying from Hackney Homes employees. Any service user alleging harassment or bullying by a Hackney Homes employee should raise this via the Hackney Homes complaints procedure. Such a complaint may result in a disciplinary investigation into the employee's conduct.

6.4 To find further details of the Hackney Homes complaints procedure, service users should be directed to the Hackney Homes website.

7 EXPECTATIONS

7.1 All employees will be informed of the Hackney Homes policy towards harassment and bullying at the induction training and through communication and awareness programmes, when it will be stressed that all complaints of harassment will be treated very seriously.

7.2 Hackney Homes expects all managers and supervisors to ensure that this policy and procedure is adhered to at all times and expects all employees to respect the dignity of their colleagues. The policy will be regularly monitored by Human Resources to ensure that it is achieving its aims and that managers and employees are confident about its application.

8 TRAINING, COMMUNICATION AND AWARENESS

8.1 Hackney Homes recognises that a written policy, though an essential first step, is not sufficient to eliminate harassment and bullying. Prominent and regular communication, training and awareness is important to ensure that all our employees:

- Understand our commitment to prevent harassment.
- Understand their responsibilities and role in the process.
- Know how to seek advice and guidance.
- Know how to make complaints and are confident they will be handled effectively.

8.2 We are committed to using a number of different ways in which to communicate our policy effectively and show the organisation's commitment to it, including:

- Induction.
- Training and awareness programmes.
- Briefings for employee and trade union representatives.
- Posters/notices.
- Notices on staff notice boards.
- The intranet.

9 PROCEDURES FOR DEALING WITH HARASSMENT AND/OR BULLYING

- 9.1 Where there is evidence to support the belief that the allegation(s) made are blatantly untrue and/or has been brought out of spite, or for some other unacceptable motive, then the complainant will be subject to the Hackney Homes disciplinary procedure, as will any witnesses who have deliberately misled Hackney Homes during its investigations.
- 9.2 Hackney Homes recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their particular situation before deciding what action to take. Employees are encouraged to discuss the matter with their manager on an informal basis in the first instance. However, Hackney Homes also recognises that this may not always be appropriate, and if this is the case, employees can discuss the situation with the next higher level of management, with their Trade Union representative or with a member of Human Resources, or other trained personnel. In response this person should aim to:
- ensure the conversation remains confidential as far as possible;
 - listen sympathetically;
 - help individual's consider objectively what has happened;
 - discuss what outcome the individual would wish to see;
 - draw attention to available procedures and options;
 - inform the individual of possible legal implications of the situation;
 - help weigh up the alternatives, but without pressure to adopt any particular course;
 - assist the individual in dealing with the situation, if the individual asks for help.
- 9.3 Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, Hackney Homes reserves the right to investigate the situation as it has an overall duty of care to ensure the safety of all employees who may be adversely effected by the alleged harasser's/bullier's behaviour. See also point 9.9.
- 9.4 Just as it is for the individual to decide what behaviour is either acceptable or unacceptable; it is also for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available - informal and formal.
- 9.5 **Informal Process:**
Employees can choose to solve the matter themselves by simply approaching the alleged harasser/bully, telling him or her that their behaviour is unwelcome and that it must stop, otherwise a formal complaint will be made.
- 9.6 If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague, trade union representative a member of Human Resources or other trained personnel, who can accompany the individual when speaking to the alleged harasser/bully.

9.7 Another option is that the victim can put his or her views in writing to the alleged harasser/bully, telling him or her that their behaviour is unacceptable and that it must stop.

9.8 Formal Process:

Where informal solutions fail, are not appropriate for whatever reason, or where serious harassment/bullying occur, employees can bring a formal complaint and request an investigation. This investigation should be appropriately independent.

9.9 A formal process may also be commenced where serious behaviour was witnessed (e.g. a formal process may be started as a result of a third party witnessing bullying or harassment and reporting it). See also point 9.3.

9.10 The following principles will apply when dealing with formal complaints:

- Each step and action under the formal complaints procedure will be taken without unreasonable delay.
- Complaints will be investigated swiftly, thoroughly and confidentially while ensuring that the rights of both the alleged victim and the alleged harasser/bully are protected.
- Employees and witnesses can be assured that they will not be penalised in any way for making, or assisting in making, a complaint, even if it is not upheld, as long as it is made in good faith.
- Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter.

9.11 As a guide, the process and timescales for an investigation of this nature should mirror those detailed in the Hackney Homes formal Grievance Procedure.

10 RECORDS

10.1 It is important to keep written records of complaints of bullying and/or harassment including those pertaining to the nature of the complaint, the response, any actions taken and the reasons for them.

10.2 Records will normally be kept on personal files (i.e. the personal file of the person who raised the issue and the personal file of the perpetrator – if the allegations are proven). Employees are able to have access to their personal file in accordance with the Hackney Homes policy on personal files.

10.3 Copies of any meeting records should be given to the employee including copies of any formal minutes that have been taken. In certain circumstances (e.g. to protect a witness) the employer might withhold some information.

11 CONTINUING TO WORK TOGETHER (TRANSFER OR SUSPENSION)

11.1 Whether a complaint is upheld or not, Hackney Homes recognises that it may be difficult for the parties concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. If this is the case, Hackney Homes will consider suspension (in accordance with the Disciplinary Policy & Procedure), or a voluntary request from either party to transfer to another job or work location. The wishes of the victim will be sensitively considered. However, a transfer cannot always be guaranteed.

12 MONITORING

12.1 Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made by the manager and Human Resources, to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. Hackney Homes will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

12.2 To comply with the specific employment duty as set out in the Race Relations Act 1976 (Statutory Duties) Order 2001, Hackney Homes will monitor, by reference to racial groups, the numbers of staff from each such group who are the subject of racial harassment or bullying and publish the results of its monitoring on an annual basis. In addition, Human Resources will also monitor use of this procedure by gender, age and grade, etc.

ITEM 7G: HACKNEY HOMES CODE OF CONDUCT

**THIS IS A TRANSFERRED POLICY FROM THE
LONDON BOROUGH OF HACKNEY**

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1. OUR AIM

- 1.1 Your behaviour is key to giving the people of Hackney the high standards of service they deserve. You must at all times act in accordance with the trust that the public is entitled to place in you. All employees are expected to promote each of the following:
- the highest standards in public life.
 - harmonious working relationships.
 - Hackney Homes objectives and priorities.
- 1.2 This code applies to all employees of Hackney Homes and sets out the standards we expect from you, as a Hackney Homes employee. Those working with the Hackney Homes, but not employed by Hackney Homes, (e.g. agency workers, consultants and those on secondment) are expected to adhere to the standards and principles of this Code. (Elected Members are subject to a separate Code of Conduct, as are Chief Officers but they are expected to adhere to the principles of this code).
- 1.3 This document seeks to compliment the Model Code of Conduct for Local Authority Employees issued by the Office of the Deputy Prime Minister.
- 1.4 This Code of Conduct is not a complete list of what you can and cannot do, but its aim is to help staff understand the ground-rules that must be observed including the ways in which Officers interact with elected Members.
- 1.5 Hackney Homes will support individuals to comply with this Code by making all staff and workers aware of it, including new recruits as soon as they begin work with Hackney Homes, and providing training and support appropriate to each job.
- 1.6 This Code has close links with other Human Resources Standards and Frameworks, particularly the Disciplinary Policy & Procedure and the Equality and Diversity Policy.

2. HACKNEY HOMES MISSION AND VALUES

- 2.1 Hackney Homes has developed a long term vision which reinforces the Borough's community priorities as well as its ambitions for excellence in service delivery:-
- “To deliver excellent, responsive housing services with decent homes and estates. To help residents lead healthy lives in safe and sustainable communities.”
- 2.2 Hackney Homes have also identified the following organisational values:
- We put customers first.
 - We treat everyone with dignity, fairness and respect.
 - We involve and empower residents to improve our services.
 - We are efficient and effective, making best use of resources.
 - We embrace equality and celebrate diversity.
 - We are honest, accountable and open.
 - We value, develop and empower staff to achieve their potential.
 - We work together with Hackney Council and our partners.

- We are positive, responsive and strive to achieve excellence.
- We are a listening, learning and improving organisation.

3. CONTRACTUAL STATUS OF THE CODE OF CONDUCT

- 3.1 The contractual part of this Code is binding on all Hackney Homes staff, and those working with Hackney Homes and forms part of the terms and conditions of employment.
- 3.2 Breaches of this code and the standards it expresses will normally result in disciplinary action. A breach of some of the rules in this code is considered so serious that you can be dismissed without notice, even for a first breach.
- 3.3 We also expect all staff to operate within the law. Unlawful or criminal behaviour, even away from work, may lead to disciplinary action against you.
- 3.4 **It is your responsibility to read this code and work in accordance with it.** If you are unsure about any aspect, check it with your manager or with Human Resources.

4. OUR STANDARDS

- 4.1 The work of Hackney Homes is democratically controlled and open to public scrutiny. It is often politically sensitive, and success can depend on public confidence in our staff.
- 4.2 Therefore our standards are over and above statutory requirements. The services of Hackney Homes can affect the health, equality, wealth and wellbeing of local people.
- 4.3 All staff and workers must be aware and understand this Code of Conduct, and be aware of the Code of Conduct for Members. All staff and workers must adhere to all Hackney Homes employment policies, including:
- Equality and Diversity Policy
 - Health and Safety Policy
 - Anti-Bullying and Harassment Policy
 - Customer Care Standards
 - Declaration of Interest
 - Whistleblowing Policy and Procedure
 - Drug and Alcohol Policy
 - Violence at Work Policy
 - Smoking Policy
 - Gifts and Hospitality Policy (currently being updated and to be agreed)
 - Dress Code “
 - Data Protection Policy “

- Information security policy “
- Email and Internet use Policy “

4.4 Hackney Homes agreed policies and procedures can be accessed on the intranet. In each workplace there should be an accessible file of Human Resources policies. These are also available from Human Resources.

4.5 In addition to complying with the Hackney Homes policies, employees are also required to assist Hackney Homes to meet the general duty under the Disability Discrimination Act 2005, and the positive and proactive duty placed

upon it under the Race Relations (Amendment) Act 2000 to eliminate unlawful race discrimination, promote racial equality and promote good relations between persons of different racial groups when carrying out your duties.

4.6 Comments, complaints and compliments from service users should be received respectfully in order that they can be investigated, resolved and learned from.

4.7 All employees are encouraged to take advantage of the Hackney Homes' wide range of learning, development and support opportunities to assist you in your role and in complying with this Code.

5. RIGHTS AND RESPONSIBILITIES

5.1 We recognise that there are rights and responsibilities for both Hackney Homes and its employees if we are to achieve our aim, values and standards.

5.2 Hackney Homes has the right to expect the following from its employees:

- that you will do your very best when performing your duties
- that you will actively assist Hackney Homes to achieve its aims, values and standards
- that you will respect its values
- that you will be adaptable, flexible and individually accountable within the context of your role
- that you will work in accordance with the Hackney Homes policies and procedures (for example cooperating with an internal investigation)
- that you will treat colleagues with dignity and respect and value their efforts
- that you will flag up where you have a genuine concern
- recognition that it has the right to make the final decision on internal matters.

5.3 Our employees have a right to expect from Hackney Homes:

- that it will comply with all relevant employment legislation and Hackney Homes Policies and Procedures
- that it will meet its duty of care, and provide a safe and secure environment
- that it will look for new and better ways of doing things
- to be respected and valued as an individual
- to have equality of opportunity and be judged on their abilities

- to have a voice, be consulted and well informed
- to be treated with honesty and fairness
- to be trained and developed
- to be rewarded fairly and understand how pay is determined
- to know what is expected of you and how you are doing
- to know how Hackney Homes is doing
- that it will ensure that every employee knows and understands the rules, including those employees whose first language is not English or who may have difficulty reading.

The actual contractual Code of Conduct follows, broken down by key aspects of the working relationship.

6. APPLYING FOR A JOB WITH HACKNEY HOMES

6.1 Hackney Homes is committed to a fair and open approach to staff recruitment.

It requires that its appointments are made without bias, on the basis of the candidate's ability and suitability for the job. Candidates must declare any matter which might lead the public to suspect their motives in taking the job.

6.2 Ensure that you:

- Are open and honest, and provide accurate and complete information on any application form and at interview, to all questions asked.
- Assist Hackney Homes in complying with the Immigration Act 1996 by providing relevant documents as required by statute to prove eligibility to take up employment.
- Disclose any criminal offence of which you have been convicted (unless it is "spent" under the terms of the Rehabilitation of Offenders Act 1974).
- Disclose any criminal charges you face, which (if convicted) would make you unfit for your job (for example, an accountant charged with fraud).
- Disclose if you are a friend or relative of (or have other links with)
 - a Councillor;
 - an officer who may influence your appointment.
- Disclose if you are the tenant or landlord of someone who may influence your appointment.
- Do nothing to seek favour from employees of Hackney Homes or elected Members during the selection procedure.

6.3 Whilst employed, should any of the above occur, you have a duty to report this immediately to your manager.

7. WORKING FOR THE PUBLIC AND WITH OTHER STAFF

7.1 We are here to serve and empower the people of Hackney. This requires

a positive commitment to public service and putting our customers and the community first. Our services can have a profound effect on the quality of their lives and we have a duty to give our best at all times. Our customers have the right to expect us to listen to them, be open, helpful and professional in our approach.

7.2 Ensure that you:

- Provide a good atmosphere in which to work.
- Meet or exceed agreed standards of service to the public when dealing with people, in person, by phone, by letter, whether they are service users, members of the public, colleagues at work or colleagues outside Hackney Homes. Comply with the Customer Care Standards. Remember to always:
 - be polite, positive, responsive and considerate;
 - take the lead in finding a positive solution to customers problems;
 - be clean, neat and appropriately dressed;
 - be accountable to the public, by identifying yourself (with ID/name badge);
- Comply with the Hackney Homes Equality and Diversity Policy.
- Never abuse your position nor take advantage of anyone.
- Never demean, distress or offend the decency of others. For example, by:
 - displaying racist or sexist material;
 - displaying any other images likely to cause offence;
 - making suggestive or inappropriate remarks;
 - persist in asking for dates despite refusal.
- Never discriminate against or harass people you meet in the course of your work on any grounds.
- Avoid actions in public areas of the Hackney (i.e. places where the public regularly visit) which may discredit us. For example, unless it is part of your job, you should not listen to headphones or read newspapers or magazines. Eating in public areas is also not acceptable.
- Act in accordance with the Drug and Alcohol Policy and Smoking Policy. Do not drink so much that it affects your ability to perform your duties. In safety critical jobs you should not drink alcohol at all during the working period or be under the influence when coming on duty. Never drink alcohol, take illegal drugs or smoke at work.
- Never use your work to further the aims of any political organisation.
- Never use your work to further the aims of any group whose ideas are in conflict with the Hackney Homes policies (e.g. a fascist organisation such as the BNP).
- Respect confidential information. Never gossip about or misuse what you know about customers or staff.
- Always disclose any matter it is your duty to report.
- Respect other people, their rights and property. Never threaten, bully, harass, fight with or assault anyone.
- Never steal, take or damage things that belong to others. Hand lost property to your manager (or nominated premises manager/security staff).

8. WORKING WITH YOUR MANAGER

8.1 You are expected to show consistent loyalty to Hackney Homes and to support its managers. A climate of mutual confidence, trust, and respect between managers and staff is essential to achieving work targets and providing a high quality service.

8.2 Ensure that you:

- Work reliably and never neglect your work.
- Co-operate with managers and never lie to, deceive, abuse, or undermine them.
- Carry out all reasonable instructions. This includes general instructions like standing orders and financial regulations, as well as local rules that apply in your work place, and so on.
- Fill in accurately and honestly any document, form or records your manager needs for work. Never destroy, damage, alter or falsify any such document or record.
- Report to your manager anything that impairs your ability to do your job.

9. WORKING WITH YOUR STAFF

9.1 For Hackney Homes, the people it employs make the difference between success and failure. Hackney Homes expects managers to provide staff with clear direction, positive motivation and the opportunity to develop their skills. Hackney Homes managers have a high level of accountability and a responsibility in promoting themselves as role models.

9.2 Ensure that you:

- Manage within your budget.
- Provide for all staff a working environment which is safe and free from any form of unfair discrimination and harassment, which places a positive value on diversity and that you understand the conditions in which your staff work.
- Set clear individual and team performance requirements, monitor these and if necessary address them.
- Do not ask for unacceptable favours
- On a day-to-day basis, set standards of work, give feedback and advice to staff on how improvements can be made.
- Make sure that standards are met through supervision meetings and regular appraisals, both of which should be documented.
- Support and assist staff to carry out their work properly.
- Disseminate information and documents to your staff as requested by Hackney Homes.
- Develop your staff to meet the current and future needs of Hackney Homes.
- Manage according to the principles set down in the Hackney Homes management standards (for example, in matters of recruitment, discipline, unsatisfactory performance).

- Deal with staff fairly and consistently, and promote equality and diversity in your day-to-day work, especially as you apply the Hackney Homes Human Resources Standards and Frameworks.
- Listen to and act on suggestions for improving working practices and standards of service.
- Know what information Hackney Homes considers as confidential and act accordingly.
- Accept responsibility and accountability.
- Never lie to, deceive, abuse or undermine staff or abuse your position.

10. EQUALITY AND DIVERSITY

10.1 Hackney Homes has a zero tolerance to any form of discrimination or harassment on grounds of gender, marital status, gender reassignment, sexual orientation, race, colour, nationality ethnic origin, national origin, disability, religion or belief, age, trade union membership or non-membership or any other unacceptable reason (all grounds referred to in this Code are classified as 'prohibited grounds').

10.2 Given Hackney Homes zero tolerance, you must never engage in the following acts:

- Direct discrimination – treating a person less favourably than others on one of the prohibited grounds.
- Indirect discrimination - applying a provision, criterion or practice which appears to apply equally to everyone but which disadvantages a particular group on one of the prohibited grounds and which cannot be shown to be necessary to achieve a legitimate business aim.
- Harassment – subjecting someone to unwanted conduct on prohibited grounds which have the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive working environment for them.
- Victimization – victimising an individual because he or she has made a claim or allegation or acted as a witness in relation to a complaint of discrimination. or harassment
- Discriminating or harassing an ex-employee who alleged discrimination whilst employed, e.g. refusing to provide a reference to a previous employee who claimed discrimination before resigning.
- Instructions to others or putting pressure on others to discriminate
- Aiding acts of discrimination.

11. HEALTH AND SAFETY

11.1 Hackney Homes aims to promote good health and safe working among its staff. Everyone has responsibility to contribute to safe working. Failure to do so may put you, the public, or other staff at risk.

11.2 Ensure that you:

- Meet your statutory obligations under the Health & Safety at Work Act 1974.
- Follow the Hackney Homes Health & Safety Policy as they affect you.
- Follow any local safety codes and comply with hygiene requirements.
- Wear any safety clothing that Hackney Homes gives you for work.
- Report any accidents or near misses you have at work; ensure that you know how to do this and to whom.
- Attend any medical examination as required (e.g. under the Hackney Homes Sickness Procedures).
- Never risk injury or danger to yourself or others.
- Never do anything that affects your performance or judgement at work.
- Follow the Hackney Homes rules on reporting any absence for sickness.
- Never claim sick leave when you are not sick.
- Whilst on sick leave:-
 - act sensibly to speed your recovery and return to work;
 - do nothing which is inconsistent with your illness or injury, or which may delay your recovery or worsen the problem unless it is recommended by your doctor and will help you get better. You should make your manager aware of this.
 - get permission from your manager to travel or take holidays.

12. HOURS AND ATTENDANCE

12.1 Reliability in time keeping, attendance and in reporting sickness are all critical to the success of Hackney Homes services. Poor attendance and bad time keeping increase costs, reduce service levels and undermine the reputation of the Hackney Homes.

12.2 Ensure that you:

- Get to work on time.
- Are in the workplace, and performing the duties of Hackney Homes, when you should be.
- Let your manager know if you are going to be late, or off sick.
- Agree in advance with your manager any leave or time off requests and any requests to work additional hours.

13. WORKING HONESTLY

13.1 We expect you to use the money and resources of Hackney Homes with absolute honesty and be able to demonstrate that at all times. It is a criminal offence for you to give, get or ask for any gift, reward or advantage for work done in your official capacity.

13.2 Ensure that you:

- Avoid corruption and the suspicion of it. For example:
 - Do not ask for or accept bribes of any sort;
 - Never seek or take any reward or favour for providing services on

behalf of Hackney Homes.

- Apart from your pay, do not take a reward from anyone who has, or might have a contract with Hackney Homes.
- Do nothing that could be seen as likely to influence your work, your decisions, or your impartiality. This includes accepting any gifts of more than a token value.
- Do not pursue an association with someone who may benefit from your working for Hackney Homes. For example, putting yourself in debt to such a person.
- Do not accept unreasonable or undue hospitality from an outside organisation. Report to your Director or Assistant Director, as soon as possible, any offers of money, favours, gifts or undue hospitality you are offered or received (even if you refuse them). You will be expected to record any gifts or hospitality in a register.
- Return any gifts and refuse any hospitality that your Director or Assistant Director says you cannot accept.
- Never ask for a gift, tip or Christmas box.
- Do not use improper influence to get people you meet through work to leave you things in their Will. Report this immediately to your Director or Assistant Director if it happens.
- Understand and comply with financial regulations and Hackney Homes standing orders.
- Never obtain Hackney Homes property or money when you are not lawfully entitled to it (this includes subletting Hackney Homes property and squatting on Hackney Homes property).
- Serve the people of Hackney honestly. Never do private work when you should be at work for Hackney Homes or are on sick leave. Get written permission from your manager before taking up any other paid employment/work, even in your own time.
- Never abuse your position with Hackney Homes to benefit yourself, your family, your friends or any outside organisation or political party.
- Avoid fraud and report any suspicions or evidence you may have, for example:
 - getting a car loan from Hackney Homes and using the money for something else;
 - falsifying documents to claim pay, bonus or sick pay;
 - claiming housing benefit to which you are not entitled.
- Are respectful, and take care when using Hackney Homes facilities, property or equipment. Take care not to waste, lose or damage it. For example, do not;
 - use Hackney Homes vehicles for private journeys (unless entitled by your job to do so);
 - use Hackney Homes phones, photocopiers etc. for private work;
 - squat in, or use Hackney Homes property.
- Do not use the Internet or E-mail inappropriately, and comply with the Hackney Homes policy on email and internet usage.
- Use Hackney Homes telephones for business calls only. If any private calls are made these must be paid for.
- Avoid any other potential conflict of interest (see Declaration of Interest document).

14. WORKING WITH INTEGRITY

14.1 We expect you to do whatever is needed to protect your own reputation and standing with the public and to build respect for Hackney Homes. There should be no reason to suspect you are seeking opportunities for private gain. The relationships that Hackney Homes has with its partners, contractors, consultants, community groups, suppliers and others, must be managed so that there can be no suspicion of corruption, or dishonesty with public money.

14.2 Ensure that you:

- Do whatever is necessary to protect Hackney Homes reputation and your own.
- Do nothing away from work which might damage public confidence in Hackney Homes, or make you unsuitable for the work you do or make you unsuitable as a work colleague.
- Deal honestly with Hackney Homes. For example:
 - never wilfully withhold any payments owed to Hackney Homes (like rent or Council Tax);
 - never make fraudulent claims for public money (like housing benefit or income support).
- Are fair and impartial in dealing with all customers, competitors, suppliers, contractors and sub-contractors.
- Make known all relationships of a business or private nature with external contractors who are, or may in the future, supply a service to Hackney Homes to the appropriate manager. Orders and contracts should be awarded only in accordance with Hackney Homes Policy and by fair competition against other tenders. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local business community should be discriminated against.
- Do not disclose confidential information useful to any of our competitors.
- Declare details of any other paid employment or business. Such employment must not, in the opinion of Hackney Homes, conflict with nor have a detrimental effect upon the business. Where Hackney Homes considers that the other paid employment or business would be in conflict, the employee will be notified in writing to this effect.
- Get written permission to use any Hackney Homes equipment at home, even if it is for Hackney Homes business.
- Complete a declaration of your interests if you are required to do so, and to refer to the Hackney Homes policy.
- Inform your Director or Assistant Director immediately if :
 - your work leads you to a conflict of interest (e.g. the opportunity for fraud to benefit yourself, your family or friends etc.);
 - you have links with any group whose aims are or may appear to be in conflict with Hackney Homes' policy;
 - you are or become a member of the Freemasons;
 - you have links with a firm or organisation which may get money, grants, awards, contracts or work from Hackney

Homes;

- you have a relationship with someone which might unfairly influence your duties. This includes things like being someone's landlord, being in debt to someone, or having a close personal relationship with a Council Member, client, customer or employee.

15. WORKING WITH SENSITIVE INFORMATION/RECORDS MANAGEMENT

15.1 We expect you to use sensitive information properly and to have due respect for confidentiality. Hackney Homes is required to make some information available to Councillors, auditors, government departments, service users and the public. Information gathered while working for Hackney Homes should not be used for commercial or personal gain or otherwise misused in any other way. (Please also see the Hackney Homes Whistleblowing Policy and Procedure).

15.2 Ensure that you:

- Know what information Hackney Homes treats as confidential.
- Know who is entitled to have access to what information.
- Never gossip about or misuse confidential information.
- Are responsible and professional in using and allowing access to personal information on clients, customers, staff and others.
- Use personal information held on computer in line with the principles of the Data Protection Policy. Such data must be:
 - obtained lawfully and fairly;
 - held only for specified and lawful purposes;
 - relevant and just sufficient for those purpose;
 - used or disclosed for not other purpose;
 - accurate, up to date, and kept only as long as is necessary;
 - held securely to prevent unauthorised access or tampering;
 - available for inspection and correction by the person it is about.
- Report to your manager anyone, whether another member of staff, a member of the public or a Councillor, who attempts to pressure you for access to information to which you believe they are not entitled.

16. WORKING WITHIN THE LAW

16.1 Hackney Homes expects you to work within the law. Hackney Homes powers are set by framework of laws and regulations. In order for its decisions and actions to be held to be reasonable in law, Hackney Homes must carry out its business in a way that is rational, proper and fair. Unlawful or criminal behaviour at, or even away from work, may result in a loss of trust and confidence in the employee or Hackney Homes.

16.2 Ensure that you:

- Uphold the law at work.
- Never break a law away from work which could damage public confidence in you or Hackney Homes, or which makes you unsuitable for the work you do. This includes, for example:
 - submitting false or fraudulent claims to Hackney Homes or other bodies (for example, income support, housing or other benefit claims);
 - breaching copyright on computer software or any other copyrighted material;
 - sexual offences which render you unfit to work with children or vulnerable adults;
 - crimes of dishonesty which render you unfit to hold a position of trust (for example, as a solicitor or an accountant).
- Write and tell your Assistant Director if you are charged with or convicted of a crime which could make you unfit for the job you do.

17. WORKING WITH COUNCILLORS

17.1 Councillors rightly expect proper and effective working relationships with staff. You serve Hackney Homes and the Council as a whole (i.e. all Councillors and not just those of any controlling group). You must ensure that the rights of Councillors are respected. You must maintain political neutrality at work and be seen to be impartial.

17.2 Close personal familiarity between individual Councillors and officers can damage this relationship and give rise to the appearance of improper conduct. Generally, a close relationship between a Member and a senior manager (generally but not always second tier and above) is incompatible with the high standards of public life that Hackney Homes is promoting. Such a relationship is unacceptable, since it may put the member of staff, or the Councillor, in a position to exercise improper influence over the workings of Hackney Homes or give rise to suspicion that the opportunity for improper influence exists.

17.3 Ensure that you:

- Be aware of and act in accordance with the Code of Conduct for Members. This gives detailed guidance on such issues as:
 - The need for mutual courtesy and respect;
 - Councillors involvement in recruitment, discipline and other employment issues;
 - relationships with officers;
 - reporting improper conduct;
 - the distinctive roles of Members and officers;
 - access to information for Councillors.
- Serve all Councillors, not just those of any particular political group, impartially and professionally.
- Keep Councillors fully informed.
- Give impartial advice.

- Do not permit your own personal or political opinions or preferences to interfere with your work or working relationships with Councillors.
- Do nothing to disrupt Hackney Homes meetings.
- Are polite in dealings with Councillors.
- Do not lie to Councillors.
- Dress and behave with appropriate formality at official events.
- Refer to Members by the office they hold, for example, Mayor or Deputy Mayor.
- Deal with Councillors' enquiries efficiently and within the agreed time scales.
- Disclose to your Director or Assistant Director, any family, business, or close personal relationships with Councillors where this may put you in a position to exercise improper influence over the workings of Hackney Homes.
- Report to your Director or Assistant Director any time a Councillor asks or pressures you to deal with a matter outside of Hackney Homes procedure or policy.
- Report to your Director or Assistant Director any time a Councillor's conduct or treatment of staff is inconsistent with Hackney Homes policies.
- Do not seek to influence Members prior to any appointment.
- Do not canvass Councillors on matters for which there are Hackney Homes approved procedures, for example matters of recruitment or discipline. (If an employment-related matter is not satisfactorily dealt with by the existing approved procedure, the Whistleblowing Policy and Procedure could be used).
- Report any claims or allegations about other staff to an appropriate manager, and not directly to Councillors.
- Take up any work problems or personal problems you have with your manager in the first instance (not a Councillor).
- Respect the confidentiality of information received from a Councillor.

18. MANAGING CONTACT WITH THE MEDIA

18.1 Hackney Homes expects staff to promote its policies and reputation and act as our ambassadors. As with most large organisation, contact with the press and media is conducted through Press Office. This protects individual employees from unwanted media attention and allows Hackney Homes to properly manage its reputation. Relations with the media require specific skills and expertise and staff should not discuss Hackney Homes business with the press without prior permission, unless you act as a spokesperson for one of Hackney Homes recognised trade unions in pursuit of official industrial relations activities.

18.2 Ensure that you:

- Get permission from your Assistant Director or Communications Manager to speak, write, or give interviews to the media except where it is your right as a resident.
- Never bring the name of Hackney Homes into disrepute by publicising material which is confidential, or against its interests, or its employees.
- Never bring the name of Hackney Homes into disrepute in any other way through the press and media.

- Refer all enquiries from the press to the Communications Manager in the first instance.

19. REPORTING IMPROPER CONDUCT (WHISTLEBLOWING)

19.1 We are committed to stamping out any malpractice, fraud, corruption, harassment and any other actions which are illegal or not in the interests of Hackney Homes. The people of Hackney deserve the highest standards of public service and we rely on all staff to play their part. You have a duty to report any reasonable suspicions of malpractice, fraud, harassment or illegal activities.

19.2 All managers have a duty to act on employees' concerns. Failure to do so will be a disciplinary matter. Victimising staff who raise concerns or deterring someone from speaking out about fraud or abuse will be treated as a serious disciplinary offence.

19.3 Hackney Homes will:

- Take you seriously when you come forward and act swiftly to tackle any impropriety.
- Take all reasonable action to support and protect (e.g. from victimisation).
- Do everything possible to protect your confidentiality.
- Tell you what action is being taken.

19.4 Ensure that you:

- Know what practices are acceptable and which are not (e.g. as set out in this Code).
- Check with your manager if you are unsure.
- Flag up any suspected irregularities, malpractice, illegal or fraudulent activity immediately and provide any evidence or relevant information you have.
- Report any concerns to your line manager (please see the Whistleblowing Policy and Procedure for further details).
- Never abuse this process by raising unfounded allegations maliciously. This will be viewed as a disciplinary matter.

20. GROSS MISCONDUCT

20.1 We will apply this Code consistently and fairly. It is a public document and will be made available to all staff. Any breaches of this Code will normally result in disciplinary action. Some breaches (known as gross misconduct) could be serious enough to justify Hackney Homes dismissing staff for a first offence, and without notice. The examples of gross misconduct below are given so that you can judge what could compel Hackney Homes to dismiss you (without notice). This is not a complete list, since the circumstances of each case are different. As a yardstick, any act which destroys the relationship of trust and confidence that Hackney Homes needs to have in you as an employee will

constitute gross misconduct.

20.2 Hackney Homes will consider dismissing you for gross misconduct for, or if if you:

- Conceal any serious matter you should reasonably have known to report.
- Cause loss, damage or injury through serious negligence (e.g. resulting in a loss to Hackney Homes).
- Disclose any matter you should keep confidential.
- Try to get a job by lies or deception.
- Seriously demean or offend the dignity of others or otherwise abuse your position.
- Serious insubordination (refusal to carry out a legitimate instruction from your manager).
- Threaten, instigate a fight with or assault anyone.
- Steal, take or damage things that belong to someone else or to Hackney Homes (or collude with others to do this).
- Commit any deliberate acts of discrimination, harassment or bullying.
- The possession or selling of illegal drugs in the workplace.
- Attempting to undertake safety critical jobs when under the influence of either drugs or alcohol.
- Consume alcohol in the workplace (unless you have been given express permission by an Assistant Director or his/her deputy – e.g. at a staff departure party).
- A serious breach of health and safety rules.
- Do private work when you should be at work (or doing work) for Hackney Homes.
- Submit false or fraudulent claims to Hackney Homes or other bodies (for example, income support claims, housing or other benefit claims).
- Breach financial (or other Hackney Homes) regulations.
- Break a law at work which makes you unfit for the work you do.
- Break a law whilst outside work which reflects badly on Hackney Homes, or which makes you unsuitable for the work you (e.g. a driving ban if driving is an essential part of your role) do or unacceptable as a work colleague.
- Serious incapability at work brought on by alcohol or illegal drugs (see provisions of the Alcohol and Drugs policy).
- Seriously disrupt Hackney Homes meetings in a way which breaches the normal protocol that members of the public must observe at Hackney Homes meetings as set out in the Constitution.
- Ask for or accept bribes, gifts, or favours.
- Refuse to make or abide by an agreement to repay any debt you lawfully owe to Hackney Homes (see provisions of the Overpayments policy).
- Obtain Hackney Homes services, property or money by fraud (for example, falsify time sheets).
- Squat in Hackney Homes property or occupy the property of a Housing Association or any organisation that Hackney Homes has a nomination

agreement with in such a way as to prevent a Hackney Homes nominee from taking up occupation

- Are found to have been personally liable for inappropriate behaviour/ acts by an Employment Tribunal relating to a Hackney Homes case if the circumstances so warrant after Hackney Homes own investigation into the matter.

21. REVIEW

21.1 This Code of Conduct will be subject to regular review and may be changed without agreement as a result of statutory requirements, minor changes (such as post titles and assignment of administrative responsibilities); such changes will be adopted and notified through usual means of internal communications. Any other changes will be implemented and notified to employees following appropriate consultation. Where this Code of Conduct is changed, employees in mid-course of disciplinary action will be subject to the existing Code until the conclusion of the Appeal Hearing process.

Present	Sandra Hall Samantha Lloyd Rupert Tyson Audrey Villas Rusty Ebrahim Helen Toner Steve Edwards James Flood	Present	Jennifer Hartland Daniel O'Connell Steve Tucker Pat Enenmoh
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ITEM 8: Minutes of Hackney Homes Joint Committee, held at Christopher Addison house, 72 Wilton Way Hackney E8 1BJ

On 12 July 2006 at 6.00PM

Item	Decisions	Action	Date
1 Apologies	Sue Duligall, Alice Burke, Sandra Hall, Rupert Tyson.		
2 Declarations of Interests.	None		
Selection of Chair and Vice Chair	Samantha Lloyd was elected the Chair of the meeting by Members of the Board Steve Edwards was nominated as Vice Chair for the Trade Unions		
3 Draft Terms of Reference	The committee accepted the draft terms of reference with the following amendments in bold : <ul style="list-style-type: none"> • 2.3 Amendment of CJC to HHJC • 3.4 The HHJC will be advised by the Head of HR & OD and appropriate officers of Hackney Homes and may (with the consent of the Chair and Trade Union presiding member of the HHJC) be advised by appropriate specialist advisors as necessary. • 4.4 The HHJC will consider matters when there are a minimum of two 		

	<p>representatives of the Board and 2 lead Trade Union Member are present at the beginning of the meeting. A meeting must begin within 30 minutes of the advertised start of the meeting. The HHJC will consider matters when there are a minimum of two representatives of the Board and 2 lead Trade Union Member are present at the beginning of the meeting. A meeting must begin within 30 minutes of the advertised start of the meeting.</p> <ul style="list-style-type: none"> • Meetings of the Committee will be presided over alternately by the Hackney Homes Chair of the Committee and the presiding Trade Union Member. <p>It was agreed that Trade Unions would give advance notice of any substitutions of Members.</p> <p>Emergency agenda items</p> <p>The following criteria was agreed for emergency agenda items:</p> <ul style="list-style-type: none"> • Issues that arise after the agenda has been circulated will be considered for emergency status only if they were not know before the agenda was collated • The Chair and the Vice Chair of the HHJC will consider all emergency item requests before the meeting and make a final decision as to their inclusion on the agenda or not. • As much notice as possible must be provided of agenda items <p>JH to amend the terms of reference and circulate to all HHJC Members</p> <p>BC to provide SE with availability of Board Members for future HHJC meetings, SE to approach Sue Duligall and accommodate her availability as often as possible.</p>	<p>JH</p> <p>BC/SE</p> <p>TU's</p>	<p>25 July</p> <p>End July</p>
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	Trade Union Members committed to provide earlier reports for managers comments before meetings		
<p>4 Union exclusion from part B meetings</p>	<p>Board Meetings</p> <p>Trade Union Members explained the reasons why they feel they should be included in part B meetings.</p> <p>SL explained that part B meetings were common place in all organisations, to protect commercial and confidential issues as well as comply with Company Law.</p> <p>SL advised that Board were not minded to open all meetings to Trade Unions, this is custom and practise in other ALMOs as well as follows government guidance. Part B agenda were already minimised.</p> <p>Hackney Homes Committee meetings</p> <p>SL explained that committee meeting provide a forum for robust and direct questioning of officers by Board Members, and this situation would change to the detriment of the service should a third party was present. There is a clear audit trail from committees to the Board.</p> <p>Actions:</p> <p>From this point, any items decided to be part B need a clearly understood explanation as to why they are part B.</p> <p>HHJC Members to report back to the full Board the comments of Trade Unions on part B meetings.</p>		

<p>5 Organisational Change and Trade Union Consultation.</p>	<p>Trade Union Members advised the committee that consultation around organisational changes was not sufficient.</p> <p>SL confirmed that the Board required good communications of any organisational changes with the Trade Unions, any perception of gaps needed to be filled.</p> <p>Any current example of inadequate consultation to be taken up locally without delay.</p> <p>JR accepted that there were a couple of issues where HR need to be more involved, and will work with HT on any current issues.</p> <p>Actions</p> <p>HT to work locally with JH to address any gaps in current involvement</p> <p>JH to collate and provide a draft spreadsheet of all Hackney Homes restructurings underway or about to commence.</p>	<p>HT/JH</p> <p>JH</p>	<p>End Aug</p>
<p>Any Other Business</p>	<p>Trade Union Members Highlighted a concern about the current recruitment round. This issue to be referred to the LJC.</p> <p>It was agreed that future HHJC meetings should be quarterly</p>	<p>TUs/JH</p> <p>BC</p>	

Signed as a true record of this meeting _____ Chair Dated _____

ITEM 10: VALUE FOR MONEY STRATEGY

AUDIT & FINANCE COMMITTEE REPORT BACK - THE VALUE FOR MONEY STRATEGY

1.0	<p>SUMMARY This report sets out the current position on the Value for Money Strategy and Targets.</p>
2.0	<p>RECOMMENDATIONS</p>
2.1	<p>That the Board notes the report.</p>
3.0	<p>BACKGROUND</p>
3.1	<p>The Board agreed the Hackney Homes Business Plan for 2006/7 at its meeting on 26th June 2006. Incorporated into the Business plan was a Value for Money Strategy.</p>
3.2	<p>The Audit and Finance Committee received a detailed report on progress with the Value for Money Strategy at its meeting on the 3rd July 2006. There is also a fortnightly meeting of Officers to review progress on each value for money project and this last took place on 24th July 2006.</p>
3.3	<p>The main aim of the Value for Money Strategy is to embed the principles of Value for Money at all levels of the organisation and to achieve savings of £10m over the next three years.</p>
4.0	<p>CURRENT POSITION</p>
4.1	<p>A series of projects have been established aimed at reducing costs, maximising income and</p>

<p>4.2</p> <p>4.3</p>	<p>improving service delivery.</p> <p>There are 55 projects. These are ranked on a traffic light system of green (on target), amber (in danger of falling behind target) or red (target date has to be revised). Currently there are 13 projects at amber and 3 projects at red and these are being closely monitored by Officers and will be reported to the next Audit & Finance Committee on the 7th August 2006.</p> <p>Currently we have identified potential savings of approximately £2m in 2006/7.</p>
<p>5.0</p> <p>5.1</p> <p>5.2</p> <p>5.3</p>	<p>IMPLICATIONS</p> <p>The financial implications are set out in the report above</p> <p>There are no legal implications</p> <p>There is a risk that the Value for Money Strategy will not be achieved. The Audit and Finance Committee and Officers will continue to monitor progress on each of the projects.</p>

<p>6 CONCLUSION The Board are asked to note the report.</p>	
<p>Contact Officer: D. Young, Interim Director of Finance Tel: 020 8356 5730</p> <p>Originating officers Brian Madden</p> <p>Background and supporting Information: Excellence Plan, Audit Commission report of January 2006 on Voluntary & Additional Improvement Plan, Delivery Plan 2006/7</p>	