



Members of Parliament Best Practice Guide Managing Misconduct

House of Commons
Members' HR Advice Service
Members' Services Team



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Introduction

This document forms part of a collection of best practice guides created by the Members' HR Service Team which sits within the Members' Services Team. The guides are designed to support Members in their roles as employers and give practical, step by step advice on employment practices. You are invited to follow this guidance, in conjunction with guidance from the Advisory, Conciliation and Arbitration Service (ACAS) and the Independent Parliamentary Standards Authority (IPSA) standards and rules.

We understand that there is a lot of information to go through, and whilst we encourage all Members and staff to first refer to this document, further support on any aspect of this document can be obtained from the Members' HR Advice Service, part of the Members' Services Team, on 0207 219 2080 or **membershr@parliament.uk**.

Whilst every attempt has been made to ensure its accuracy, this document is for guidance purposes only in order to provide Members with general information and an understanding of HR best practice. This document should not be construed as legal advice or used as a replacement for advice from the Advisory, Conciliation and Arbitration Service (ACAS).

Summary

This best practice guide aims to enable Members' (and their HR proxies) to confidently manage misconduct and to nip any unacceptable behaviour in the bud to prevent bigger issues from arising.

This guide provides information about encouraging good behaviour by setting clear expectations and standards of behaviour in the office, as well as how to address unwanted behaviour when that arises.

In most cases, unwanted behaviour can be effectively dealt with informally. However, in cases of serious misconduct or where informal action has not had sufficient impact on the employee's behaviour, it may be necessary to investigate and deal with the situation more formally. It is important to follow a reasonable management process as set out by the Advisory, Conciliation and Arbitration Service (ACAS) and this guide provides a best practice approach.

Encouraging positive behaviour

As an employer it is reasonable for you to expect your staff to behave professionally and to adhere to acceptable standards of behaviour, particularly those set out in Parliament's Behaviour Code (appendix 2). It is important to communicate your expectations clearly at the beginning of the employment relationship, including at the recruitment stage, as well as during the time the employee is working for you.

Good standards of behaviour are likely to be maintained if you supplement the Behaviour Code by having additional policies outlining your expectations, for example around using social media or setting a dress code. It is also important to have a clear expectation about staff behaviour towards each other and to have a zero tolerance approach towards bullying behaviour. We would, therefore, encourage you to discuss the Parliamentary Behaviour Code with staff and to introduce this to new staff as part of their induction. This sets a clear standard of behaviour and also lets staff know how they can expect to be treated by others.

The purpose of the disciplinary process is to address unacceptable behaviour to encourage employees to improve and prevent further misconduct. In most cases, it's best to deal with misconduct informally by discussing the issue privately with the individual. Usually a quiet word is all that's needed for an employee to change their behaviour and this may give an opportunity for you to understand if there is an underlying issue contributing to the employee's behaviour.

It is important to treat employees fairly and reasonably when addressing unwanted behaviour. This means ensuring the response is consistent and proportionate when taking into consideration the employee's situation and any mitigating circumstances the employee may present to you. It can be more productive to take time to understand the

reason for the behaviour, make it clear why this is a problem and then seek agreement from the employee to ensure this doesn't happen again, perhaps by discussing with them ways to avoid the problem recurring. It's particularly important to be aware of any protected characteristics that may be impacting the employee's behaviour which they may require additional support with.

Keynote!

The Equality Act (2010) states that employers must not discriminate against a job applicant or employee because of a protected characteristic. The legislation identifies nine protected characteristics as follows:

- ❖ Age
- ❖ Disability
- ❖ Gender Reassignment
- ❖ Race
- ❖ Religion or Belief
- ❖ Sex
- ❖ Sexual Orientation
- ❖ Marriage or Civil Partnership
- ❖ Pregnancy or Maternity

It is therefore, important to explore whether there are any underlying reasons for the unwanted behaviour that your employee may require additional support for.

You can read more about the Equality Act (2010) and employer's obligations in appendix 1.

Disciplinary action is distinct from performance management. If the employee is trying to perform well and to improve but doesn't have the skills, this would be considered a performance issue and they should be supported through a performance management process by offering training and support. On the other hand, if the employee has the skills to perform the role well but is not willing to apply those skills to effectively fulfil the role, this would be considered misconduct and would ultimately be managed through the disciplinary process if an initial discussion did not resolve matters.

Disciplinary action is also distinct from absence management. If the employee has had high levels of absence e.g. due to sickness, this should be managed through an absence management process to provide support to the employee to help their attendance improve. Lateness may be dealt with through a disciplinary process as this could be considered a behavioural issue, however it is important to explore whether there are any underlying causes that the employee may require some additional support for; for example, a health issue which affects their sleep or childcare issues.

Informal

In most cases, incidences of unwanted behaviour can be rectified informally. Often a quiet word with the individual will allow them to see how their behaviour was inappropriate so that they may change their behaviour going forward.

It is important, therefore, to deal with any incidences of misconduct as soon as possible to nip the behaviour in the bud. Although having these conversations may feel difficult or awkward, allowing the behaviour to go unchecked may result in this becoming more ingrained and it may escalate into a much bigger problem as the employee is not aware that you find their conduct inappropriate.

Keynote!

You can find some useful guidance about how to manage difficult conversations with employees on the ACAS website.

In the event that you become aware that your employee has behaved inappropriately, you should speak with them about this as soon as possible. This conversation should take place in private and not in front of other team members. During the meeting you should calmly discuss the incident and explain why the behaviour is not acceptable. You should give the employee the opportunity to respond. It may be that there is more to the situation than meets the eye or they may not have been aware of your expectations. You should keep some brief notes during the meeting to document your discussion and make the employee aware that you have made a note and will keep that secure.

Following the meeting you may decide what action, if any, is appropriate to take. If, as a result of the conversation, you decide there was a misunderstanding and there is no case to answer, you can inform the employee that the notes from your meeting have been destroyed.

If it is clear that there was some inappropriate behaviour but that you feel the informal action is sufficient, you should keep the notes from the meeting on file for the duration of the employment. If there are any further incidences of misconduct, this original incidence may be taken into consideration when deciding on appropriate action. You may also decide to take other informal action, for example, putting in place an informal monitoring period or requiring the employee to undertake certain training.

If you feel that the incidence of misconduct is too serious to be resolved informally or if you require more information, the next step is to start an investigation to explore the facts of the case in more detail and gather evidence.

Investigation

The purpose of the investigation is to establish the facts of the case and to gather evidence. It is recommended that you do this by holding an investigation meeting with the employee to put the allegations to them and get their side of events. The employee can also submit evidence for consideration. You can ask them probing questions and ask them to explain their actions. It is recommended that the investigation meeting be a formal meeting, therefore the employee should be invited in writing with a minimum 48 hours' notice, although best practice is to give 1 week's notice. The employee should also be given the right to be accompanied by a trade union or MAPSA representative or a work colleague if they would like.

Keynote!

The employee's companion should be allowed to address the meeting, to sum up the employee's case and to confer with the employee during the meeting.

The companion does **not** have the right to answer questions on the employee's behalf, to prevent you from explaining your case or to address the meeting if the employee does not wish them to do so.

In exceptional circumstances the rules around employee companions may be relaxed, see questions 5-7 in the FAQ section for more information or contact the Members' HR Advice Service.

We would also recommend that you have a notetaker to enable you to concentrate on the meeting, however you may choose to take notes yourself if you prefer. The notes do not need to be verbatim but should accurately capture the discussion. The notes should be circulated after the meeting and the employee asked to sign a copy of the notes and return them to you. The employee can suggest amendments if they do not believe the notes reflect the key points discussed.

Contact the Members' HR Advice Service for further advice and template letters.

No decisions should be made during the meeting, instead time should be taken to consider everything discussed during the meeting along with any other evidence gathered before making your decision.

The investigation may also involve gathering evidence such as relevant email trails, witness statements, screenshots, Whatsapp messages etc. If you feel you need to interview a witness, please contact the Members' HR Advice Service for support with how to conduct the interview and template letters.

Following the investigation, you should consider the evidence you have gathered and everything that was discussed during the meeting. If you believe that there is in fact no case to answer, you can inform the employee that the case is closed and any evidence gathered in relation to the allegations will be destroyed.

If you consider there to be a case to answer but that this can adequately be dealt with informally, you should inform the employee that you are keeping the notes from the meeting and the evidence on file for around 6 months. If there are any further incidences of misconduct within that time period, this original incidence may be taken into consideration when deciding on appropriate action. You may also decide to take other informal action, for example, putting in place an informal monitoring period or requiring the employee to undertake certain training.

If you believe that there is a case to answer and that informal action may not be sufficient, the next step is to proceed to a disciplinary hearing.

Keynote!

In rare cases, suspension may be considered necessary due to a potential risk posed to the business or employees while the allegations are investigated. Suspension should be a last resort, however if suspension is deemed necessary, the employee should remain on full pay and the period of suspension should be as brief as possible.

Suspension is **not** a disciplinary sanction. If you are considering suspension, please contact the Members' HR Advice Service to discuss this in advance.

Hearing

The purpose of the hearing is to give the employee the opportunity to present their case and enable you to establish an appropriate sanction. The disciplinary hearing should be a formal meeting, therefore the employee must be invited in writing with a minimum 48 hours' notice (best practice is 1 week's notice). The employee should be given the right to be accompanied by a trade union or MAPSA representative or work colleague if they would like and we would recommend that you have a notetaker present although you may choose to take notes yourself. The notes should be circulated after the meeting, they do not need to be verbatim but should be an accurate record of the conversation.

Keynote!

If you consider dismissal to be a potential outcome of the hearing this **must** be stated in the invite letter. Contact the Members' HR Advice Service for support and template letters.

Any evidence you will be relying on to make your decision must be sent to the employee with the invite letter. This is to ensure they have a fair opportunity to prepare and present their case in response to this evidence during the hearing.

During the hearing you should put the allegations to the employee and ask them to present their case. You can ask any clarifying questions and the employee may present

additional evidence. No decisions should be made during the meeting, instead time should be taken to consider all the evidence and everything discussed during the hearing.

There are a range of potential outcomes following the disciplinary hearing. If following the hearing, you decide there is no case to answer, you may inform the employee that the case is closed and destroy all evidence of the case.

You may also still decide that informal action is the most appropriate and keep the evidence on file for 6 months which will allow you to take this into consideration if there are any further incidences of misconduct within that timeframe. You may also put in place an informal monitoring period and/ or training.

There are also formal sanctions which you can impose following the disciplinary hearing:

- ❖ First written warning
- ❖ Final written warning
- ❖ Dismissal including summary dismissal

In cases of gross misconduct or if the employee already has a live warning in place, dismissal may be a potential outcome. If dismissal is a potential outcome this must be stated in the invite to the hearing.

Keynote!

Warnings should only be issued following a fair and reasonable disciplinary process. It is, therefore, important to follow the formal disciplinary process as it would not be considered reasonable to issue a warning following an informal meeting.

First written warning

In cases where misconduct is confirmed through the disciplinary process, it is common to issue a written warning. The written warning should set out the nature of the misconduct and the required change in behaviour you expect to see.

The warning should be clear how long the warning will remain in place and they should be informed of the potential consequences of any further misconduct within this period. The employee should also be informed of their right of appeal.

It is best practice to meet with the employee informally to inform them of your decision, to discuss any remedial action if appropriate and to then send the letter confirming the details of the warning after your meeting.

The required improvement to the employee's behaviour is expected to be long term and if there is a decline in the behaviour, even after the warning has expired, this should be managed through the relevant process.

Contact the Member's HR Advice Service for further advice and templates.

Final written warning

If an employee has a live warning in place and they commit a further act of misconduct, it is usual to issue a final written warning. A final written warning may also be issued when there is no live warning in place if the misconduct is sufficiently serious.

The written warning should set out the nature of the misconduct and required change in behaviour you expect to see. It should be made clear how long the warning will remain in place and the potential consequences of any further misconduct within this period. The employee should also be informed of their right of appeal.

It is best practice to meet with the employee informally to inform them of your decision and to then send the letter confirming the details of the warning after your meeting.

Contact the Member's HR Advice Service for further advice and templates.

Keynote!

A final written warning may be issued as an alternative to dismissal in cases where dismissal would be the more likely outcome, e.g. in cases of gross misconduct, but where the employee has presented sufficient mitigation for a final warning to be issued as an exception. Contact the Members' HR Advice Service for more information.

Dismissal

In cases where an employee has a live written warning in place when another misconduct issue takes place, dismissal may be considered a potential outcome as a result of the natural progression of the warnings from first to final warnings. In this case, notice is usually paid in lieu to the employee unless it is considered to be an incidence of gross misconduct.

In cases of gross misconduct, the potential consequences of that misconduct may be so serious that summary dismissal, i.e. dismissal without notice or pay in lieu of notice, may be the outcome for a first offence.

Keynote!

In order for dismissal to be considered as an outcome to the disciplinary hearing, this **must** be stated in the invite letter. Contact the Members' HR Advice Service for support and template letters.

The details of the dismissal should be set out in writing to the employee. This should set out the reason for the dismissal, the date on which the employment will end, what the

employee can expect to receive, e.g. notice period and annual leave, and their right of appeal.

It is best practice to meet with the employee informally to inform them of your decision and to then send the dismissal letter confirming the details of the dismissal.

We would caution you not to take this step without contacting the Member's HR Advice Service for further advice and templates first.

Appeal

If the employee receives a formal warning or is dismissed, they are entitled to be given the right of appeal. It is usual to give the employee 1 week from when they receive the outcome of the disciplinary to appeal.

The employee should submit the reasons for their appeal in writing and you should then arrange an appeal hearing within a reasonable timeframe.

The appeal hearing should be a formal meeting, therefore the employee should be invited in writing with a minimum 48 hours' notice and be given the right to be accompanied by a trade union or MAPSA representative or work colleague. We would also recommend that you have a notetaker present.

The purpose of the appeal hearing is to give the employee the opportunity to present their case for appealing, present any new evidence and for you to ask any clarifying questions. You should not make any decisions during the meeting, instead you should take time to consider everything discussed in the meeting before making your decision.

If you receive an appeal, contact the Members' HR Advice Service for further guidance including template letters.

Confidentiality

It's important to ensure any information relating to disciplinary action against an employee is kept confidentially in their personnel file during their employment and for 6 years after they leave your employment, in line with [GDPR regulations](#) which will also cover the time limit for bringing any civil legal action.

The details of any disciplinary process or action taken should not be discussed with other staff members, the press or any other colleagues or MPs outside of your team. If an employee is dismissed, the team and any other relevant stakeholders should be informed that

that the employee no longer works for you but no further details should be disclosed.

Employee Wellbeing

Any disciplinary action, whether there is a formal outcome or not, can be upsetting. It is crucial that the employee is able to find a way forward to ensure future success. Therefore, it is important to ensure staff are aware of the support available. The [Employee Assistance Programme](#) run by Health Assured is available to all staff. They offer free, confidential advice and support on a range of topics as well as offering counselling services. They are available 24 hours per day, 365 days per year. Employees who leave your employment can continue to access the telephone service for three months following the end of their employment.

Keynote!

The [Individual Assistance Programme](#) (IAP) run by Health Assured offers free and confidential advice and support to Members. They are available 24 hours per day, 365 days per year.

As well as being a useful resource to support your wellbeing, Health Assured also offer advice from a management perspective to help you support employees with difficult situations.

You can find useful resources on their online portal:

<https://healthassuredeap.co.uk/>

Username: House Password: Parliament

FAQs

1. My employee is still in their probation period, what should I do?

If your employee is still in the probation period, you can manage any unacceptable behaviour through the probation process rather than the disciplinary process. See the [Best Practice Guide to Probation and Induction](#) for more information.

2. Can I carry out the formal meetings remotely?

Where possible it is best practice to hold the meetings face-to-face or via video call if you are working remotely. In exceptional circumstances the meetings may be held over the phone.

3. Can I record the meeting?

It is not advisable that you record the meeting, and it is recommended that you ask other attendees in the meeting to also confirm they are not recording. There are various GDPR implications for recording, such as getting the appropriate consent and ensuring it is

stored securely. The written notes from the meeting will be sufficient, these notes do not need to be verbatim but should capture the discussion.

4. My employee is refusing to attend the investigation meeting/ disciplinary hearing.

If the employee is refusing to attend the meeting without a good reason, it is recommended that the meeting be rearranged at least once to allow them the opportunity to attend. When inviting them to the re-arranged meeting, you may let the employee know that if they fail to attend this meeting, the meeting may go ahead in their absence. Contact the Members' HR Advice Service for guidance and letter templates.

If the employee fails to attend the re-arranged meeting without good reason, the meeting may then go ahead in their absence and you will need to make a decision on the basis of the evidence you have gathered without the employee's input. This should be avoided wherever possible. Contact the Members' HR Advice Service for guidance.

5. My employee wants to be accompanied to the formal meetings by someone who isn't a trade union or MAPSA rep or work colleague.

The employee may request to be accompanied to the meeting by someone who isn't a trade union/MAPSA representative or a colleague. In this case, it is at your discretion whether you deem the request reasonable and are happy to allow that person to accompany them. The employee should give you the name of the person they would like to accompany them and explain who they are with enough notice for you to consider their request.

If you consider their request to be unreasonable or if you believe there may be a conflict of interest with the person they have requested accompany them, it is reasonable for you to decline their request. You should explain the reason why you do not consider their request reasonable in your response.

Contact the Members' HR Advice Service for guidance.

6. My employee has asked to postpone the meeting because their trade union representative is not available.

If the employee's companion is not available at the scheduled time for the meeting, you should postpone the hearing at least once to enable the companion to attend. The meeting should not be delayed by any more than one week from the original meeting date.

If the employee's companion is not available for a rearranged meeting within one week of the original date, the employee should take steps to arrange for a different companion to attend with them.

Contact the Members' HR Advice Service for further guidance.

7. My employee has been signed off sick during the disciplinary process, what should I do?

In the event that the employee is signed off sick during the disciplinary process, contact the Members' HR Advice Service for further guidance before taking action.

Generally, in the event that your employee goes off sick during the disciplinary process, it is reasonable to rearrange the formal meeting(s) to give the employee the opportunity to take part fully in the meetings. This does not mean, however, that the disciplinary should be postponed indefinitely if the absence is long term. Having an unresolved disciplinary issue can place additional stress on individuals and therefore it is best to resolve these issues as quickly as possible. This may mean that formal meetings may be scheduled during an employee's period of sickness.

In cases of long term absence or where there is an underlying condition it may be necessary to seek advice from an occupational health practitioner or GP about the ability of the employee to take part in these meetings. Where the employee is deemed unfit to take part, you could explore alternative options such as a representative taking part in their place or for the employee to take part in writing.

Each situation will be different and requires management discretion about what is reasonable and fair, therefore it is important to seek advice in advance from the Members' HR Advice Service. You can also find more information in our [Best Practice Guides to Absence Management](#).

8. My employee has raised a grievance during the disciplinary process, what should I do?

In the event that the employee raises a grievance during the disciplinary process, contact the Members' HR Advice Service for further guidance.

Depending on the circumstances and nature of the grievance you may decide to temporarily suspend the disciplinary process to deal with the grievance, however a reasonable course of action could be to deal with the disciplinary and grievance process concurrently to avoid any unnecessary delays.

Any grievances raised against the MP should be directly to the Independent Complaints and Grievance Scheme.

9. My employee has been charged with a criminal offence, what should I do?

If an employee has been charged with or convicted of a criminal offence this is not, in itself, a reason for disciplinary action to be taken.

However, you will need to consider what effect this has on the employee's suitability for the job including the impact this may have on their relationship with constituents and

colleagues, potential reputational damage as well as any practicalities that may affect their ability to carry out the role.

If the employee has tried to hide the charge or conviction from you, their dishonesty may be considered misconduct and grounds for disciplinary action.

Contact the Members' HR Advice Service to discuss the circumstances before taking action.

10. A constituent has submitted a complaint against one of my staff?

If you have received a complaint from a constituent, it is advisable to investigate this complaint to establish whether there is a case to answer through an initial informal meeting and then, if applicable, a formal investigation meeting. If you gather evidence which indicates there was poor behaviour from an employee, you may then decide to proceed to a formal hearing. It's important to ensure the employee's confidentiality during and after any disciplinary process, therefore any outcomes shouldn't be shared with the complainant or any other parties.

11. What should I do if my employee reacts badly during a formal meeting?

It's important to be clear at the beginning of the meeting that the employee or their companion may ask for a break at any time. If the employee becomes upset, you may suggest that you take a short break to allow the employee time to compose themselves before proceeding with the meeting. If the employee is too upset to continue the meeting, you may decide to bring the meeting to an end and rearrange the meeting for another date.

If the employee reacts aggressively, e.g. by shouting or swearing, during the meeting, it is important that you are clear that this type of behaviour is unacceptable. If this behaviour continues, you may suggest you take a break so the employee calms down. If the poor behaviour continues, you can bring the meeting to a close and rearrange it for a later date. The poor behaviour in the meeting may be added as an additional allegation against the employee.

When an employee swears or is rude during a meeting, it can feel odd to include this in the meeting notes, however, it is important that this reaction is captured to give an accurate record of the meeting, particularly if this may affect your decision making later on in the process.

12. Can I address poor behaviour when it occurs outside of work?

If you become aware of inappropriate behaviour which occurred outside of work, you can still address this as a disciplinary issue if this has the potential to reflect badly on your office. For example, an employee posting inappropriate comments on a personal social media account or behaving inappropriately at a social event where it is known that they

work for an MP may have the potential to bring the MP into disrepute and may therefore, be addressed as a disciplinary issue in work.

13. Can I address poor behaviour when it occurs during a team social event?

If an employee behaves inappropriately during a team social event, e.g. work Christmas party, this can be treated as a disciplinary issue. The principles of the Behaviour Code extend into any work event and it is reasonable to expect respectful behaviour outside of working hours.

14. My employee has posted inappropriate comments on social media, what can I do?

If your employee has posted inappropriate comments which have the potential to bring your office into disrepute, this can be treated as a disciplinary issue even if the comments were posted on a personal account outside of working hours.

15. My employee spent the night in the office, what should I do?

It is not acceptable for an employee to spend the night in the office and there are a variety of potential health and safety concerns which mean this should be viewed seriously if you become aware that this happened. However, it is advisable that you first explore whether there are any wellbeing issues which the employee may need your support with.

Contact the Members' HR Advice Service for further advice about this.

16. My employee has been using recreational drugs/ drinking during working hours/ in the office, what should I do?

This type of behaviour should be taken very seriously, however, it's also important to explore any wellbeing issues such as an addiction which they may need support with.

Contact the Members' HR Advice Service for further advice about this.

17. My employee has been behaving anti-socially on the Westminster estate outside of working hours, what should I do?

This type of behaviour is not acceptable, even if it is happening outside of working hours. It is reasonable for your expectations of appropriate behaviour on the Westminster Estate continue beyond working hours and therefore act accordingly if employees don't meet those expectations.

Contact the Members' HR Advice Service for further information.

18. My employee has made claims of bullying/ sexual harassment against one of their colleagues, what should I do?

If an employee has made a claim of bullying or sexual harassment against another employee, you can ask them if they would prefer for you to investigate the claims or whether they would prefer to raise this through the [Independent Complaints and Grievance Scheme \(ICGS\)](#). If they would prefer to take the complaint through the ICGS you can offer support to the employee and signpost to services such as the [EAP](#).

However, if the employee says they would prefer for the matter to be investigated by you, you will need to undertake an investigation internally. Please contact the Members' HR Advice Service for guidance.

The complaint cannot be investigated by both the ICGS and internal grievance process.

19. I am concerned that my employee is using their Parliamentary network/ email account inappropriately, how can I investigate this further?

Parliamentary email and network accounts should only be used for work purposes and it is reasonable for you to expect a professional standard of work. As the employer you are entitled to access and monitor your employee's parliamentary email accounts. Contact the Parliamentary Digital Service to request access.

Inappropriate use of parliamentary network access or equipment may be considered misconduct and should be dealt with appropriately. In some instances the misconduct may be considered serious or gross misconduct, particularly if it has the potential to bring the Member into disrepute. For example, if the employee has impersonated the MP by emailing from the MP's email account for personal gain, including authorising changes for IPSA, this may be considered gross misconduct. Contact the Members' HR Advice Service for more guidance.

20. I have received a reference request for a previous employee who was dismissed from my employment. What should I include in the reference?

All reference requests should be directed to IPSA (payroll@theipsa.org.uk) who will provide a factual reference confirming the dates of employment.

Employers should be careful if considering providing a [more detailed reference](#). Any employment reference must be factual, accurate and fair and must not give irrelevant personal information. Ex-employees can take legal action if an employer provides a reference which is misleading, inaccurate or discriminatory and led to them suffering a loss.

21. I dismissed an employee and they have appealed. Do I need to postpone ending their employment until the appeal process is complete?

The right to appeal should not delay the processing of the termination of the staff member's employment. If, following the appeal hearing, you decide to uphold the appeal,

the employee may be re-instated. Contact the Members' HR Advice Service for support with the appeal process.



Appendices

Appendix 1: The Equality Act

[The Equality Act \(2010\)](#) states that an employer must not discriminate against their employees through the terms of employment; in the way they are given access to opportunities, training, promotion or other benefits; through dismissal or by subjection to any other detriment. Discrimination, in turn, is less favourable treatment based on one or more of an employee’s protected characteristics.

There are [nine protected characteristics](#):

- ❖ Age
- ❖ Disability
- ❖ Gender reassignment
- ❖ Marriage or civil partnership
- ❖ Pregnancy or maternity
- ❖ Race or ethnicity
- ❖ Religion or belief
- ❖ Sex
- ❖ Sexual orientation

There are different [types of prohibited conduct](#):

- ❖ **Direct discrimination** – treating an employee unfairly because of a protected characteristic.
- ❖ **Indirect discrimination** – putting rules or policies in place that put people with a protected characteristic at an unfair disadvantage.
- ❖ **Discrimination against disabled employees** because of a consequence of their disability.
- ❖ **Failure to make reasonable adjustments** for an employee with a disability.
- ❖ **Harassment** – unwanted behaviour linked to a protected characteristic that is found offensive or violates a person’s dignity.
- ❖ **Victimisation** – treating someone unfairly because they have complained about discrimination

The Equality Act (2010) also protects people from being discriminated against because they are associated with someone who has a protected characteristic. This is known as “**associative discrimination**”.

In addition, people are protected from being discriminated against because they are perceived to have a protected characteristic even if this is incorrect. This is known as “**discrimination by perception**”.

How can I prevent discriminatory behaviour in the workplace?

It’s important to ensure that your workplace policies don’t directly discriminate against employees on any unlawful basis or put people with a particular characteristic at a disadvantage.

You can create an inclusive culture at work by being clear about what is unacceptable behaviour and acting on any complaints. A simple way to do this is by embedding the Behaviour Code into the practices of your office. Discussing the Behaviour Code with staff helps to set the standards you expect from them and communicates how they can expect to be treated by others.

Giving staff opportunities to raise issues through one-to-one meetings helps to make employees feel that they have a voice and that you will take their concerns seriously. Listening to staff also helps to avoid situations escalating. If an employee makes a complaint, it is important to investigate this swiftly and effectively.

You can also require staff to attend training, e.g. the Valuing Everyone training organised by the Learning and Development team, to ensure everyone is aware of their obligations regarding equality and the impact their behaviours may have on others.

Contact the Members' HR Advice Service for more information about the Equality Act and employer's obligations.

Appendix 2: Behaviour Code



Behaviour Code

Whether you are a visitor or working in Parliament at Westminster or elsewhere, there are clear guidelines in place on how you should be treated, and how you should treat others:

Respect and value everyone – bullying, harassment and sexual misconduct is not tolerated

If you have experienced bullying, harassment or sexual misconduct, you are encouraged to report it and/or seek support by contacting:

- Independent Sexual Misconduct Advice Service – 0800 112 4318
- Independent Bullying and Harassment Reporting Service – 0800 028 2439
- Employee Assistance Programme (House of Lords staff) – 0800 243 458

Recognise your power, influence or authority and don't abuse them

Think about how your behaviour affects others and strive to understand their perspective

Act professionally towards others

Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect

Speak up about any unacceptable behaviour you see

Unacceptable behaviour will be dealt with seriously, independently and with effective sanctions

Appendix 3: Useful Contacts and Links

- ❖ **Members' HR Advice Service**
 - 020 7219 2080
 - membershr@parliament.uk
- ❖ **IPSA**
 - 020 7811 6400
 - payroll@theipsa.org.uk
- ❖ **Parliamentary Digital Services**
 - 020 7219 2001
- ❖ **Learning and Development Team**
 - 020 7219 5144
 - learninganddevelopment@parliament.uk

LINKS	
ACAS	https://www.acas.org.uk/
ACAS – How to manage difficult conversations	https://www.acas.org.uk/acas-guide-to-challenging-conversations-and-how-to-manage-them
ACAS – Providing a reference	https://www.acas.org.uk/providing-a-job-reference
CIPD – Retention of HR Records	https://www.cipd.co.uk/knowledge/fundamentals/people/hr/keeping-records-factsheet#7760
Intranet – Employee Assistance Programme	https://intranet.parliament.uk/employment/health-and-wellbeing/employee-assistance-programme-eap---health-assured/
Intranet – Individual Assistance Programme	https://intranet.parliament.uk/employment/house-of-commons-members/health--wellbeing-services-for-members/
Intranet – Members' HR Advice Service	https://intranet.parliament.uk/employment/house-of-commons-members/members-hr-advice-service/
Intranet – Members' Services Team	https://intranet.parliament.uk/people-offices/offices-departments/commons-departments/member-services-team-mst/