

Standard Operating Procedure (SOP)

I 6.4.1 Healthy Staff Culture

Document Control

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History Sheet

Version No.	Date	Details of changes	Distributed to
1.0	06/08/2020	Draft SOP created	See above
2.0	22/09/2020	Review of draft SOP by Serco SMT	HO
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Document References

Ref	Document Title and Reference	Version Number
Annex A		1.0
SOP SMS-CSOP-P2-17	Subject Access Requests	1.0

1.0

1.0 Introduction

1.1 - The purpose of the Healthy Staff Culture policy is to ensure we have consistency in the investigation of allegations made against Serco employees regardless of the origins of the allegation made.

1.2 - This policy provides a standard framework to investigate any instances where there have been three (3) instances of misconduct or alleged misconduct within a three (3) month period. This process will allow Serco to monitor and record patterns of behaviour, identify trends and more importantly, ensure early intervention is applied, where needed, to maintain a healthy staff culture.

2.0 Equality and Diversity and Mental Capacity Act

2.1 - An impact Needs Assessment has been completed for this policy and no significant equality or diversity issues were identified. (Annex A)

2.2 - Where English is not an individual's first language or there are difficulties in reading this policy, employees should contact their line manager, a HR representative or a staff association representative (POA) for advice and guidance.

2.3 - The policy is based on the following principles:

- All staff are treated equally and fairly.
- Employees hold the same rights in relation to the resolution of a grievance regardless of their position held with Serco.
- Appropriate time off will be granted to the individual for all hearings undertaken.

3.0 The Process

3.1 – An ongoing record will be kept by the senior management team of all allegations of misconduct, alleged misconduct, complaints and use of force relating to Serco employees. This spreadsheet will be shared with the Authority weekly and discussed during the WORM.

A weekly meeting will be held, chaired by the Deputy Director, and attended by pre-agreed members of the Senior Management team and local HR. All new and ongoing cases will be reviewed, and a plan will be formulated for any individuals that have reached the criteria for investigation. One of the Assistant Directors will then be tasked with carrying out an investigation in line with local and company policy. An investigation is like to involve one or more of the following.

- Gathering statements from staff, detainees and/or 3rd parties who were witness to the allegations.
- Collating documentary evidence such as staff meeting notes, supervision notes, time sheets, incident reports, security incident reports and use of force records
- Reviewing of CCTV footage
- Reviewing of electronic and paper-based records
- Review of Personnel files
- Interviewing of the individual concerned or other witnesses.

NB. This list is not exhaustive

3.2 - In the initial stages, the appointed investigator will make contact with their HR lead for advice and guidance as to the approach to be taken as the differing allegations and use of force counts will warrant different levels and types of investigations.

3.3 - In some cases, a modified approach is required as the circumstances may not warrant the commissioning of a formal investigation and therefore the investigatory stage may be limited to the collation of evidence to establish the facts of a case. If it is decided that a modified approach is appropriate, the investigating assistant director should collate all relevant information. Annex B shall be used as a guide to investigating a modified approach.

3.4 - In other cases, it may be deemed more appropriate to appoint an independent investigator to investigate the allegations. This investigator could be from the Home Office Professional Standards Unit or a senior manager from an alternative Serco site with the appropriate experience to conduct such an investigation.

3.5 – It is worth noting that often, following a full investigation, no further action will be warranted. An example might be 3 legitimate uses of force that are all pre-planned, or where the officer often acts as the supervisor but as such completes use of force paperwork.

3.6 – Where there appears, following a full investigation, that a breach of the disciplinary policy has occurred, a disciplinary meeting will be held as the earliest possible opportunity.

4.0 Reporting

4.1 - The Authority shall be informed of instances where a member of Staff is named in three (3) complaints or three (3) instances of Use of Force in a three (3) month period as soon as practicable.

4.2 - Serco shall report all staff incidents/ allegations that involve misconduct to the Authority immediately following identification/ notification of the conduct issue.

4.3 – Where an investigation is necessary, the proforma document included at Annex C will be utilised.

5.0 Confidentiality

5.1 - During the course of an investigation, questions of confidentiality and sharing information with interviewees, for example, may arise. The following principles are useful in determining whether information should be released concerning an employee or allegation;

- Does the individual need to know (i.e. in order to be able to fully cooperate with the investigation)
- Will it enable important facts to be gathered which could not have been otherwise gleaned.

5.2 - Boundaries for the release and disclosure of information and the level of sensitivity of the investigation should be discussed between the Deputy Director and the Investigating officer with advice sought where necessary from the HR team and, if appropriate, the Information Governance Team.

5.3 - Where appropriate the principals of the Whistle blowing Policy need to be adhered to.

5.4 - All employees and representatives must ensure confidentiality throughout the procedure and thereafter when a resolution has been reached. Failure to do this could result in disciplinary action being taken against the person responsible for the information breach.

6.0 Preliminary Actions

6.1 There may be occasions when the allegations being considered are of a serious nature, or where a series of minor allegations constitute serious misconduct. These cases may warrant the suspension of the employee involved or a temporary transfer to an alternative site whilst the investigation is being conducted. The investigator should consider before taking this decision, whether or not it is appropriate for an employee to do their normal duties during the course of the investigation and whether their presence would hinder any investigation.

6.2 Where an employee raises a grievance at any stage of the investigation, a decision will be made as to whether the investigation proceedings should be suspended until such time as the grievance is resolved.

6.3 A decision will be made based on the seriousness of the allegations presented which make it clear that it would be inappropriate for the investigation to continue. In most cases, the two procedures will run parallel.

6.4 It is not sufficient to raise a grievance just on the basis that an investigation is being undertaken.

7.0 Third Parties

7.1 The Investigation of an employee who works across two organisations will be determined by the employing organisation and in some cases a joint investigation may be appropriate.

8.0 References and Links to other documents

8.1 This policy should be read in conjunction with the following policies:

- Policy on Complaints and Claims
- Serious Incidents Requiring Investigation (SIR) Policy
- Equality & Human Rights Strategy
- Disciplinary Policy
- Grievance Policy
- Complaints Policy
- Performance Management Policy
- Attendance and Wellbeing Policy
- Safeguarding Children & Young People Policy
- Safeguarding Adults at Risk Policy

9.0 Record Retention

9.1 Records will be retained in accordance with Schedule 11, DSO 01/2019, GDPR and Serco SOP for Subject Access Requests for full guidance.

Annex A

Step 1 – Scoping: Identify the SOP aim	Answer		
1 - What are the main aims and objectives of the SOP?	To ensure that there is an effective and consistent monitoring of staff cultures in the Immigration estate.		
2 - Who will be affected by it?	All Staff		
3 - What are the existing performance indicators/measures for this? What are the outcomes you want to achieve?	CSOP Equality, Diversity & Inclusion CSOP Harassment – Bullying CSOP Disciplinary CSOP Grievance SOP Whistleblowing Our Code of Conduct Policy		
4 - What information do you already have on the equality impact of this document?	This SOP standardises the current procedures in place		
5 - Are there demographic changes or trends locally to be considered?	No		
6 - What other information do you need?	None		
Step 2 – Assessing the Impact: consider the data and research	YES	NO	Answer (Evidence)
1 - Could the SOP discriminate unlawfully against any group?		x	This SOP is designed to treat all in a constant manner
2 - Can any group benefit or be excluded?		x	There will be consistency of treatment
3 - Can any group be denied fair & equal access to or treatment as a result of this SOP?		x	Everyone will be treated in a consistent manner
4 - Can this actively promote good relations with and between different groups?	x		Due to the consistent approach everyone will be treated equally
5 - Have you carried out consultation internally/externally with relevant individual groups?		x	None required
6 - Will you use a variety of methods of investigation where needed?		x	Yes, see section of this SOP