



# DISCIPLINARY POLICY AND PROCEDURE EM16

<b>Policy Title</b>	Disciplinary Policy and Procedure EM16		
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<b>Applicable to</b>	All Trust employees		
<b>Aim of the Policy</b>	To promote and maintain high standards of conduct, professionalism and attendance. To ensure the safe and effective operation of the Trust, that disciplinary action is fairly and consistently applied and that management, unions and employees are aware of their rights and obligations in respect of disciplinary and appeals procedure.		
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**SUPPORTING STATEMENT** – this policy should be read in conjunction with the following statement:

### **JUST AND LEARNING CULTURE IN DORSET**

Here at Dorset County Hospital, we are dedicated to developing and sustaining a restorative just and learning culture.

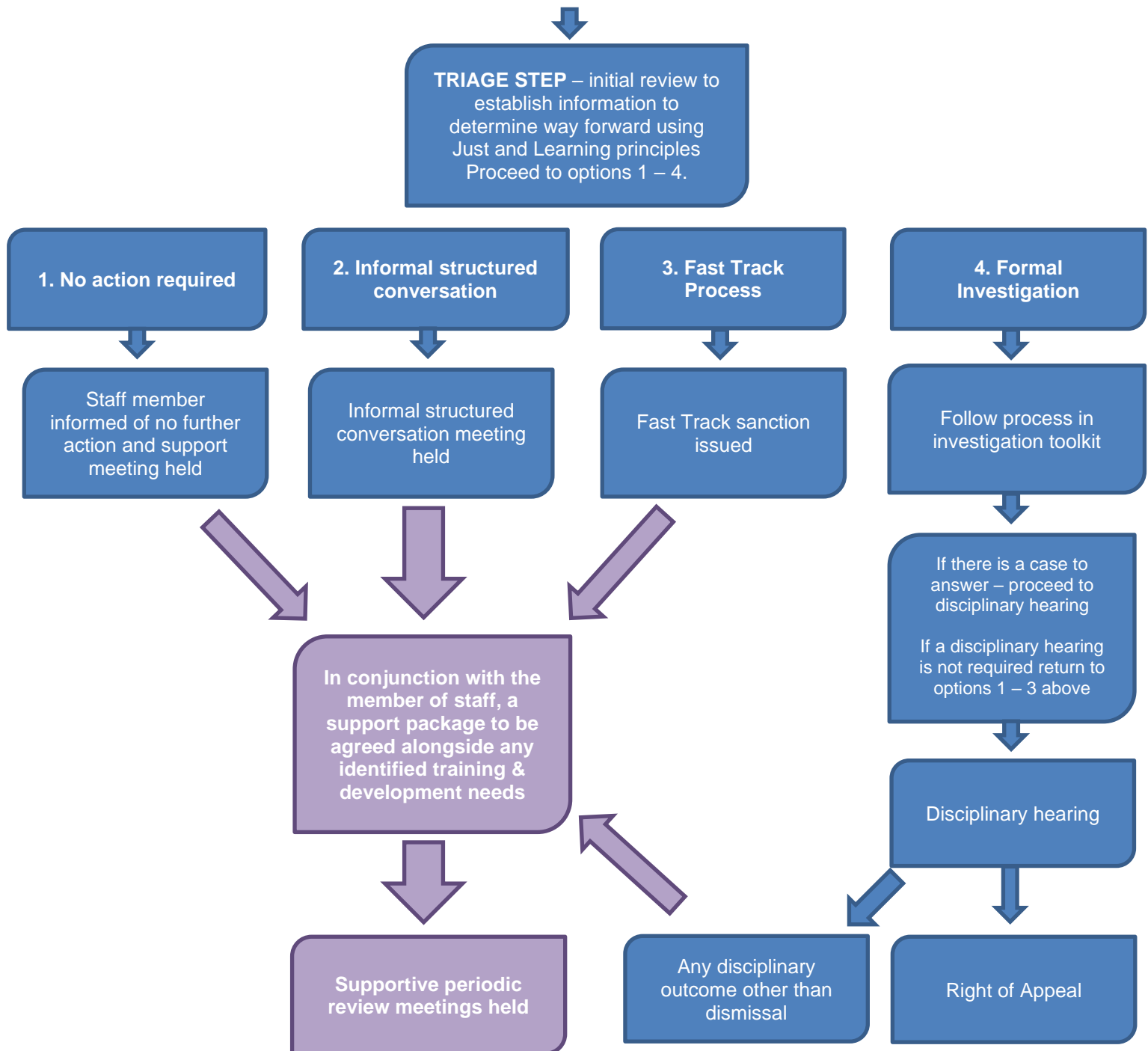
Acknowledging the partnership working in Yorkshire and Humber, local NHS employers and trade unions are committed to the following-guiding principles as suggested good practice across the Dorset system.

Principles:

- Everyone should be encouraged to live the values of respect and teamwork with colleagues, every day
- We should all be able to work in an environment where we feel supported and empowered to learn when things don't go as expected, through restorative practice
- We should all be encouraged to speak honestly about something which didn't go to plan, without fear of punitive individual repercussions
- In the case of an adverse event, the Trust should instinctively ask 'what' led the event to occur not 'who' was to blame
- Formal disciplinary processes and suspensions should be avoided wherever possible, in favour of explorative conversations, to include discussions about all personal responsibility processes, which are informal and fair, adhering to just and learning principles
- When there is a need for formal processes, these should be undertaken compassionately, begin with an investigation of the facts around what went wrong and be undertaken in a timely manner
- Just and learning culture should not be mistaken for an uncritical culture where 'anything goes' – which can be as harmful and inexcusable as a 'blame culture'
- Whilst the concept of just and learning culture pre-dates the pandemic, COVID-19 has only further emphasised the importance of treating people as human beings, and a just culture naturally aligns with this mind-set
- In addition to creating the culture we aspire to for the good of our colleagues; employers should recognise the potential to save time and money that can be reinvested, as a result of reduced disciplinarys, suspensions and workforce turnover (based on Mersey Care data)
- Wherever possible, the natural links and alignment should be drawn between the development of just and learning restorative culture locally, and the national expectations around culture as

**QUICK REFERENCE GUIDE:** People Officer Prerana Issar.

### **PROCESS FLOWCHART**



## 1. INTRODUCTION

There may be times when things don't go as expected. Mistakes happen and the majority of time this is neither negligent nor intentional.

The Trust is striving towards a Just and Learning Culture; an environment where we put equal emphasis on accountability and learning. Its where we ask you to give an account of how an event happened and what it meant to you and what support is needed by those affected by the event both directly and indirectly. The primary focus is to achieve a culture that gives staff the confidence to report issues.

It's a culture that instinctively asks in the case of an adverse event: "what was responsible, not who is responsible". It's not finger-pointing and it's not blame-seeking. That said, a Just and Learning Culture is not the same as an uncritically tolerant culture where anything goes - that would be as inexcusable as a blame culture.

This document sets out the Trust's Policy and Procedure in relation to staff conduct. The Trust expects all staff to meet high standards of behaviour. It is important that staff understand their obligations and rights regarding this aspect of employment.

## **2. PURPOSE AND RATIONALE**

The aim of this disciplinary procedure is to provide a framework within which managers can work with staff to maintain satisfactory standards of conduct. The Trust wants to ensure that when something happens that wasn't as expected that we follow a process to decide what actions need to happen next. We want to encourage improvement where necessary and ensure the practice of lessons learnt is embedded in the Trust.

It is the Trust's policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts using the Just and Learning Culture principles and to give employees the opportunity to respond before a decision is taken on formal action.

## **3. RESPONSIBILITIES**

- 3.1 **The Trust Board of Directors** has overall responsibility for the development and maintenance of an open, fair and consistent culture throughout the Trust, where conduct issues are dealt with fairly and successfully.
- 3.2 **The Operational Human Resources department** is responsible for providing professional HR advice and support to managers on applying this policy and associated procedures.
- 3.3 **Managers** are responsible for ensuring that their teams are aware of the standards of conduct required in their job. They are also responsible for ensuring all action taken under this policy is fair and reasonable.
- 3.4 **You** are responsible for conducting yourself in accordance with the Trust's policies, procedures and principles, aligning all that you do to the Trust values. You are also responsible for assisting the Trust, if required, in any adverse incident review or disciplinary matters.

## **4. TRADE UNION REPRESENTATIVES AND REPRESENTATION**

- 4.1 Trade Union representatives are officially recognised by the employer to represent union members in employment related matters. Trade Union representatives are selected, trained and accredited to their respective unions.
- 4.2 Trade Union Representatives have an important role to play in providing advice and/or support to individual colleagues, work in partnership with the Trust to ensure conduct and behaviour is in line with the Trust values and behaviours.
- 4.3 Not only is it your statutory right to be accompanied at any formal stage detailed within this policy by a workplace colleague or Trade Union representative but as a Trust we encourage this. We recognise the value of being accompanied in terms of your support. Such a representative may be legally qualified but cannot represent you in a legal capacity.
- 4.4 If you are under investigation for alleged misconduct or facing formal disciplinary proceedings you have the right to be accompanied by an accredited trade union representative. Accredited trade union representatives can present evidence on your behalf at the disciplinary hearing and appeal hearing.
- 4.5 If you have asked a colleague to accompany you during the disciplinary process, s/he can take a reasonable amount of paid time to support you.
- 4.6 If your representative is unavailable at the time a meeting is scheduled and will not be available for more than 7 calendar days afterwards, the Trust may ask you to choose someone else to represent you.

## **5. POLICY IN PRACTICE**

### **5.1 Review of Adverse Incident**

- 5.1.1 It is with the aim of reducing disruption and undue stress to anyone involved in an adverse event that the 'triage step' is being introduced.
- 5.1.2 In line with the Just & Learning Culture as soon as management are made aware of an adverse event then there should be a review of the whole of the event. This step of the procedure is to ensure initial facts are established to enable decision makers to determine appropriate next steps, for example was it a system or process that led to the event rather than an individual's conduct and whether the matter requires progression to formal investigation or not.
- 5.1.3 Whilst this approach is informal, this does not prevent you from seeking support and guidance from a Trade Union representative or other source of support.
- 5.1.4 This will require initial facts to be established such as dates & times of incident, people involved or people who have potentially witnessed the incident, where the incident took place and any other information available. To gather this initial information it may be that managers need to ask people involved for their account

of the adverse event, this will not be an official investigation fact finding meeting and will be informal.

- 5.1.5 The review of an incident/issue should be completed as quickly as possible with management treating this as a high priority. As a guideline this should not take any longer than 3 days however this is not a strict timeframe as it will depend on the specific circumstances. If the facts cannot be established within a timescale in which other action may need to be implemented, for example suspension/ a move/ alternative duties this may have to commence for the protection of service users or preservation of evidence.
- 5.1.6 The review of an incident will be conducted by the following individuals who will form the decision making group; the line manager of the member of staff involved, the line manager's line manager and the designated HR Manager.
- 5.1.7 The potential outcomes of the review are as follows:
- No action required
  - Informal structured conversation
  - Fast track sanction
  - Formal investigation

## **5.2 No Action Required**

If after the incident review, the decision is made that no action is required for the staff members involved, the member of staff should be notified as such by the line manager and the discussion should explore any support required.

## **5.3 Informal Structured Conversation**

- 5.3.1 As a Trust we encourage managers to deal with cases of minor misconduct informally. Most concerns can often be addressed effectively and swiftly by the immediate line manager having a structured two-way discussion with the individual regarding the standards required and the required improvement. If an improvement is not seen then this may lead to a review of any required training and development which may form part of performance management.
- 5.3.2 The meeting should be arranged quickly and be confidential. During this meeting the Manager should;
- Explain that the meeting is informal in approach and is to discuss concerns. Discuss the concerns that have come to light with you and explain that the reason for holding an informal meeting is to reflect on the concerns and discuss the reasons and explore any help required.
  - Discuss with you any reasons that you feel may have been the cause of the misconduct. It is important that you are open with us about what if anything may be impacting your performance and or behaviour. If appropriate a referral to Occupational Health may be discussed with you.

- Inform you of the standards expected by the Trust and the level of improvement needed. This will be documented and a copy shared with you.

- 5.3.3 It is essential that as part of the conversation, discussion is had with you about what support may be of benefit to you. A support package should be agreed alongside any identified training and development needs.
- 5.3.4 Supportive follow-up conversations are expected to occur as part of the on-going support for you. Your manager will discuss and agree with you the frequency of these follow-up conversations.
- 5.3.5 It is expected that unless in exceptional circumstances, all matters relating to breakdown of working relationships is managed informally via mediated conversations.

## **5.4 Fast Track Sanction**

- 5.4.1 The Trust has introduced a 'Fast Track' system within the Disciplinary Policy to help speed up the process for staff, where the outcome of the investigation could result in a sanction of First Written Warning. The fast track process does not require a full disciplinary investigation. The decision of the appropriateness of the fast track option will sit with the line manager and the HR Manager.
- 5.4.2 There should be sufficient information available to evidence the appropriateness of offering a fast track sanction and there must be belief that you have learnt from the experience, will adhere to the values of the Trust and are not to repeat the misconduct.
- 5.4.3 You are not obligated to accept the offer of a fast track sanction however you are encouraged to discuss the option through with your Trade Union representative, workplace colleague or Manager.
- 5.4.4 The duration and management of sanctions is detailed within section 6. There is no right of appeal should you accept the offer of a fast track sanction.
- 5.4.5 Following the acceptance of a fast track sanction, the process is concluded; however as a Trust we want and need to ensure you receive ongoing support. Your manager will discuss and agree with you a support package alongside any identified training and development needs.
- 5.4.6 Supportive follow-up conversations are expected to occur as part of the on-going support for the member of staff. Your manager will agree with you the frequency of these follow-up conversations.
- 5.4.7 Should you decline the offer of a fast track sanction; a formal investigation will be undertaken.
- 5.4.8 Fast track will not be used for matters that may result in a final written warning or cases of potential gross misconduct. Examples of misconduct and gross misconduct are detailed in Appendix A.



## **5.5 Formal Investigation**

- 5.5.1 There may be times when the initial review determines a formal investigation is undertaken. The Trust anticipates the need for formal investigation to be rare but expects that any such processes be undertaken compassionately and in a timely manner with patient safety and staff wellbeing at the forefront.
- 5.5.2 The case manager, taking advice from the HR department will appoint an investigating officer with no previous involvement in respect of the alleged misconduct. A copy of the investigation terms of reference and a copy of this policy will be provided to you.
- 5.5.3 The investigating officer will interview you and any witnesses with relevant information and they will then submit a report to the case manager outlining the facts. The investigating officer is expected to take a fair and balanced approach to the investigation.
- 5.5.4 It is expected that the investigation will be completed within 20 working days of the appointment of the investigating officer, wherever possible. Any extensions of this must be agreed by the Head of HR and you will be updated accordingly. An extension will be no more than 5 working days at a time.
- 5.5.4 If on receipt of the investigation report the case manager decides there is a case to answer, arrangements will be made to proceed to a disciplinary meeting. You will be informed of this decision verbally and this will be confirmed in writing. Further information on the disciplinary hearing is detailed in section 5.
- 5.5.5 If the case manager decides there is no requirement to proceed to a disciplinary hearing, they will consider what if any further steps are required; no action, informal structured conversation, fast track sanction – as detailed in the flow chart at the beginning of this policy. You will be informed of any decision verbally and this will be followed up in writing.

## **6. DISCIPLINARY MEETING**

- 6.1 We recognise that a disciplinary meeting can be incredibly daunting and a process you may not be familiar with. If you have any questions or concerns, please raise these so we can support you. Whilst the process may be a formal one, our intention is to manage it sensitively and compassionately.
- 6.2 To guide you, Appendix B details in full the process for a disciplinary meeting and all other relevant information. However key information is as follows:
  - The disciplinary meeting will be chaired by an appropriate manager (The Disciplining Officer) assisted by a member of the HR department.
  - The meeting will be held within 20 calendar days of the completion of the investigation or as soon as practicably possible.

- A minimum of 10 calendar days' written notice will be given to allow you to prepare for the meeting and to allow you to make arrangements to be accompanied if you wish. This may be extended by mutual consent.
  - The Case Manager will present the case. The Investigating Officer may be called as a witness.
- 6.3 There is a requirement and a right for you to receive certain documentation. We will talk to you about how and when you would wish to receive this. You will receive the following information in writing:
- Your right to be accompanied by a trade union representative or colleague
  - The nature of the complaint against you
  - The date, time and venue for the meeting, plus names and job titles of the panel members
  - Copies of any reports, statements or information that will be relied on or referred to at the meeting
  - The names and positions of any witnesses
  - Notice that a formal sanction up to and including dismissal could be a possible outcome.
- 6.4 You should provide any documentary evidence in support of your case 6 working days before the meeting, including any witness statements that will be relied on and details of any witnesses to be called.

## **7. SANCTIONS**

- 7.1 The sanctions for misconduct are set out below. No sanction should be imposed without a hearing unless fast track process has been followed. We aim to treat staff fairly and consistently, and a sanction imposed on another member of staff for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be treated on its own merits.
- 7.2 A staff member will not normally be dismissed for a first act of misconduct, unless it is decided that it amounts to gross misconduct. The Trust will normally select one of the following sanctions:

### **(a) First Written Warning**

A first written warning may be given in the following circumstances:-

- In cases more serious than would warrant informal action, but not serious enough to require another sanction.
- In cases of repetition by the colleague of minor acts of misconduct which have been the subject of informal structured conversations.
- Fast Track process

### **(b) Final Written Warning**

A final written warning may be given in the following circumstances:-

- Misconduct where there is already an active written warning on the colleague's record; or
- Misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the colleague's record.

Written warnings will set out the nature of misconduct, the change of behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

In general warnings will be issued to remain live for a period of 12 months; although in serious cases and with the approval of the Head of Human Resources, this can be extended.

Once the period of the warning has ended, the letter will be placed in a sealed envelope. In accordance with the requirements of the Data Protection Act the letter must be retained on your personal file for the remainder of employment with the Trust and for a further year thereafter, before being confidentially destroyed (shredded). Therefore the envelope will be clearly marked 'private and confidential – to be retained on file for a year after employment has ceased and then confidentially destroyed - to be opened only by a senior member of Human Resources.

### **(c) Dismissal**

Dismissal will usually be for:

- Further misconduct where there is a final warning on the colleague's record; or
- Any gross misconduct regardless of whether there are any active warnings on the colleague's record. Dismissal will be without notice or payment in lieu of notice.

### **(d) Redeployment or Downgrading**

In some cases we may at our discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. For example, a downgrade may be offered as an alternative to dismissal.

### **(e) Performance Management**

If it is deemed there are concerns relating to the performance of a member of staff, the Disciplining Officer may recommend formal performance management processes are commenced to support the individual in improving their standard of work.

### **(f) Referral**

It may be deemed necessary to refer the case to a professional body e.g. NMC as well as a DBS (disclosure and baring service) Referral. This will be confirmed in the outcome letter where necessary.

## **8. APPEAL**

- 8.1 Following the disciplinary meeting, you may wish to appeal, perhaps because you feel the sanction is unfair or you believe the Disciplinary policy was not properly applied. If you

decide to appeal you should notify the Head of Human Resources in writing within seven calendar days of receiving the decision letter.

- 8.2 An appeal meeting will be arranged, the process and timescales for which will mirror those outlined in the disciplinary meeting detailed in section 6. The appeal panel member(s) will have had no prior direct involvement in any aspects of the current issues. The appeal panel will be supported by a different member of the HR department than the disciplinary meeting. The decision of the appeal meeting will be final; there will be no further right of appeal.
- 8.3 Where dismissal has occurred, the relevant Executive Director will hear the appeal. For disciplinary action short of dismissal the Line Manager of the Disciplining Officer will normally hear the appeal.

## **9. SUSPENSION**

- 9.1 In some circumstances a member of staff may need to be suspended from work - this will be for no longer than is necessary to investigate the allegations.
- 9.2 Suspension should not be regarded as disciplinary action; it is a holding measure to enable investigation and does not imply that any decision has already been made about the allegations. Suspension will only be considered after all alternative working options have been considered.
- 9.3 When deciding to suspend the following will be taken into consideration:
- Whether your presence at work would impede a full investigation being undertaken or prejudice the outcome.
  - Whether the issue presents a risk to patient care or a risk of further occurrence.
  - Whether it would be considered unreasonable to expect you to remain at work given the circumstances of the case.
- 9.4 During the period of suspension your line manager and HR will maintain regular contact with you, in order to see how you are, what if any support you may need and to keep you informed of any progress in the investigation. Your line manager and HR will agree with you what will be reasonable contact for the duration of the suspension however this should be no less than twice a week.
- 9.5 We recognise the support network and social benefits of being at work alongside colleagues and therefore the potential impact should this be removed even temporarily. Your line manager and HR will talk to you about how else we can support you in the absence of your team.
- 9.6 During the suspension, you remain on full pay as though you were at work i.e. pay will include contractual payments e.g. enhanced hours. If you work on the bank or have an 'as and when' contract with the Trust you will be paid for the shifts that have already been confirmed to work during the period of suspension.

- 9.7 During the period of suspension you must remain available to the Trust during normal working hours in order to participate in the investigation process. Any annual leave booked prior to suspension will be honoured.
- 9.8 You will be asked for the duration of the suspension not to come on to Trust premises unless for medical reasons.

## **10. SUPPORT AFTER CONCLUSION OF PROCESS**

- 10.1 Whether a formal investigation, a disciplinary meeting or suspension, we recognise through speaking with staff that whilst a process may be concluded from a procedural perspective, individuals may experience the impact after the process has come to an end.
- 10.2 Supportive follow-up conversations are expected to occur as part of the on-going support for the member of staff. The purpose of these conversations is to talk through the process you have experienced, identify what support you may need now and moving forward and also to learn from your experience so we can continue to improve our processes.
- 10.3 Your line manager, or another manager if more appropriate, will agree with you the frequency of these follow-up conversations; however it is expected that following a formal investigation, disciplinary meeting and or suspension, these reviews should be held no less than monthly and for at least 3 months.

## **11. DEBRIEF**

- 11.1 As a Trust we want to learn from the experiences of all involved in order to continually improve.
- 11.2 You will be contacted to see if you would share your experience of the formal process with a member of the HR team. This is a voluntary exercise but one that would feed in to a debrief session.
- 11.3 A member of the HR team will coordinate a debrief exercise with the Case Manager, Investigating Officer and Disciplinary Officer. The Appeal Chair will be included if appropriate. The purpose of the session will be to review the case procedurally, encourage reflection, identify best practice and areas for improvement and hear feedback, if available, from the member of staff.
- 11.4 Where witnesses have provided a statement or been called to a disciplinary meeting, a member of the HR team will contact each witness to explore what if any support they may need moving forward.
- 11.5 The outcome of the debrief sessions will be provided to the Head of Operational Human Resources.

## **12. RESIGNATION**

If a member of staff chooses to resign and leave the Trust before an investigation is completed any reference provided for them will state they left whilst under investigation and there is an unresolved investigation into alleged misconduct. In some cases, it may be necessary to conclude the investigation following a resignation. If the case indicates that it is serious enough to warrant a referral to the DBS or a professional body the member of staff will also be notified of this and the referral made.

### **13. ALLEGATIONS OF FRAUD**

If there is an allegation of a potential fraud the immediate involvement of the Local Counter Fraud Specialist (TIAA) should be actioned via Human Resources. For further details please refer to the Trust's Fraud pages of the Staff Intranet. [Counter Fraud \(dchft.nhs.uk\)](http://dchft.nhs.uk)

### **14. SAFEGUARDING**

All allegations of safeguarding should also be referred as a safeguarding referral to the relevant local authority. When safeguarding allegations are made against any employee or bank worker this must be reported to the Trust Deputy Director of Nursing.

### **15. TRAINING AND SUPPORT**

Training and support can be provided by the Human Resources Team for staff and managers expected to comply with this policy.

### **16. MONITORING AND REVIEW**

As a minimum, this policy will be reviewed every three years however a review may take place sooner in response to best practice, legislation or guidance.

### **17. LINKED OR ASSOCIATED POLICIES**

- [Performance Management EM41 \(Ref 1704\)](#)
- [Policy for Maintaining High Professional Standards \(MHPS\) for Medical and Dental Staff EM31 \(Ref 1698\)](#)
- [Policy on the Misuse of Drugs, Alcohol and Other Substances at Work EM03 \(Ref 1683\)](#)
- [Dignity and Respect at Work Policy EM26 \(Ref 1695\)](#)
- [Freedom to Speak Up: raising concerns \(Whistleblowing\) Policy EM63 \(Ref 1719\)](#)
- [Supporting Staff Involved in Incidents, Complaints or Claims EM66 \(Ref 1722\)](#)
- [Email Policy \(Ref 1748\)](#)

## 18. REFERENCES

- ACAS Code of Practice on Discipline and Grievances Procedures
- The Employment Act (2008)

## Appendix A

### Examples of Misconduct and Gross Misconduct

#### Misconduct

The following are examples of what may be considered as misconduct. Please note that the list is not exhaustive.

- Failure to comply with a reasonable request;
- Abusive, objectionable or insulting behaviour;
- Foul or abusive language;
- Minor Breach of Professional Code of Conduct;
- Repeated failure to maintain registration with appropriate professional body;
- Communication of any unauthorised written material;
- Minor breaches of information governance;
- Failure to maintain the required standard of dress or presentation;
- Minor breaches of employment contract;
- Negligent conduct;
- Minor breaches of Trust Policies;
- Breach of the Trust's Standing Financial Instructions, Standing Orders (SOs), and/or Scheme of Reservation and Delegation, standards of Business Conduct;
- Failure to comply with Trust Values;
- Accessing inappropriate materials on the Internet during working hours;
- Inappropriate use of internet and social network sites, for example Facebook and Twitter.

#### Gross Misconduct

The following are examples of what may be considered as gross misconduct. Please note that the list is not exhaustive.

- Theft or unauthorised possession of property belonging to the Trust, patients or staff  
*\* If theft is proven, dismissal will occur. The lack of value of any property stolen will not be considered a mitigating factor.*
- Corrupt practices, continued or negligent failure to comply with standing financial instructions, unlawful receipt of money, goods, favours or excessive hospitality in respect of services rendered;
- Fraud, any deliberate attempt to defraud the Trust or patients or members of staff. This would include the falsifying of time records or expenses or obtaining employment by deception;



- Assault, physical violence, threatening behaviour or malicious ill treatment of patients or other members of staff. This does not include necessary control and restraint;
- A willful and serious failure to treat patients and their families with compassion, dignity and respect;
- Being under the influence of alcohol or substances (which may or not be illicit), either prior to reporting for duty or whilst on duty, which has impaired ability to undertake duties. Due recognition will be taken of the Alcohol & Drugs Policy:  
<http://194.101.238.20/employment/policies/New%20Policies%2027%2011%2007/AlcoholandotherDrugsatWork.pdf>
- Possession or attempt to supply alcohol or substances (which may or may not be illicit);
- Sleeping whilst on duty;
- Causing serious damage to the property of the Trust, patients or other members of staff;
- Recklessness/Negligence in work – any action, or failure to act, which threatens the health and safety of a service user, carer, member of the public or another member of staff;
- Confidentiality – loss of confidential information, unauthorised access to confidential information, disclosure or breach of confidence in relation to information regarding a service user/carers or member of staff except where such a breach constitutes a protected disclosure for the purposes of the Trust's Concerns at Work;
- Breach of Professional Code of Conduct;
- Negligence in the performance of the employee's duties;
- Misuse of the Trusts time, property or name;
- Deliberately accessing or downloading internet sites containing pornographic, offensive or obscene material;
- Bringing the Trust into serious disrepute;
- Repeated failure to maintain professional registration;
- Working in other employment paid or unpaid whilst absent from work, through sickness or other incapacity (unless an employee has two distinct contracts and is deemed medically fit to work under one contract but not the other);
- Any deliberate attempt to bully, unlawfully discriminate, harass or victimise patients or staff whether on the grounds of disability, race or sex or any other reason.
- Communicating any material which breaches the Trust Equality, Diversity and inclusion practices;
- Commits a serious act, which is deemed to be prejudicial to the interests of the Trust or its employees;
- Making or sending malicious or vexatious allegations against the Trust, managers, colleagues or service users;
- Victimising an employee who has raised concerns under the Whistleblowing, Dignity at Work, Grievance, Disciplinary Policies/ Procedures.

## **Appendix B**

### **The Disciplinary Meeting**

If you or your representative is unable to attend with good reason, the disciplinary hearing may be rearranged once. At the second attempt if you still cannot attend, the hearing may still take place and a decision made in your absence.

The disciplinary meeting chair will ensure all parties have copies of all relevant documentation and seek confirmation from the Case Manager and you that nothing has materially changed since the submission of the investigation report.

The Chair will set out the process to be followed.

At the meeting, both parties (you and the case manager) will be given an opportunity to present your case, call any witnesses and, in addition to the panel members' questions, both parties will also be able to ask questions.

After both cases have been heard, the meeting will be adjourned so the panel can come to a decision. It will decide firstly whether disciplinary action is warranted, and secondly, if disciplinary action should be taken, what level of sanction to give.

The parties will be recalled and the chair of the panel will inform both of its decision. The outcome will be confirmed in writing within seven calendar days of the meeting. In some circumstances, the panel may need more time to reach a decision, in which case communication of the decision is as described above.

As standard, handwritten notes of the hearing will not be taken; instead all disciplinary meetings will be audio taped by the HR department using a dictaphone.

An audio file of the meeting will be available to you and your representative should you wish to receive a copy and would be provided via email after the hearing has concluded.

The HR department will retain a copy of the audio file and will produce a written summary of the meeting for cases proceeding to an appeal.

## **Appendix C**

### **The Appeal Meeting**

The appeal meeting chair will ensure all parties have copies of all documentation referred to at the disciplinary hearing, the disciplinary meeting notes, the disciplinary meeting outcome letter and your appeal.

The Chair will set out the process to be followed.

You or your Representative will be invited to outline the grounds for your appeal. The appeal Chair asks you any questions arising from this.

The appeal Chair asks the Disciplining Officer any questions arising. If the Disciplining Officer is not present the Manager hearing the appeal will advise you of the questions they have already asked and detail the response given.

You or your Representative are asked to sum up your case.

The meeting is adjourned for consideration of appeal to reach a decision regarding whether or not the appeal is upheld and on what grounds. The appeal Chair will also consider if the outcome of the appeal is to increase the original sanction up to and including dismissal.

The outcome will be confirmed in writing within seven calendar days of the meeting. In some circumstances, the panel may need more time to reach a decision. In these circumstances the decision will be communicated to you in writing.

As standard, handwritten notes of the appeal will not be taken; instead all appeal meetings will be audio taped by the HR department using a dictaphone. An audio file of the meeting will be available to you and your representative should you wish to receive a copy and would be provided via email after the meeting has concluded.

## Appendix D

### EQUALITY IMPACT AND COMPLIANCE ASSESSMENT

#### 1. General

Title of document	Disciplinary Policy
Purpose of document	To promote and maintain high standards of conduct, professionalism and attendance. To ensure the safe and effective operation of the Trust, that disciplinary action is fairly and consistently applied and that management, unions and employees are aware of their rights and obligations in respect of disciplinary and appeals procedure.
Intended scope	All employees of the Trust.

#### 2. Consultation/ Schedule of stakeholders

Which groups/associations/bodies or individuals were consulted in the formulation of this document?	Partnership Forum (including all unions recognised by the Trust); Policy Sub Group; Medical & Dental Sub Group; Line Managers
What was the impact of any feedback on the document?	Feedback was incorporated where possible
Who was involved in the approval of the final document?	Partnership Forum
Any other comments to record?	None

#### 3. Equality Impact Assessment

Does the document unfairly affect certain staff or groups of staff? If so, please state how this is justified.	No. All staff subject to disciplinary action or investigation are treated the same regardless of race, sexual orientation, gender, age, religious belief or disability.
What measures are proposed to address any inequity?	None.
Can the document be made available in alternative format or in translation?	Yes, on request to the Human Resources Department

#### 4. Compliance Assessment

Does the document comply with relevant employment legislation? Please specify.	Employment Rights Act 1996 as amended, Employment Rights Disputes Resolution Act 1998, Employment Relations Act 1999, Employment Rights Act 2004 <b>Safeguarding Vulnerable Groups Act (SVGA 2006), Safeguarding Vulnerable Groups (Northern Ireland) Order 2007</b>
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#### 5. Document assessed by:

Name	Kelly Upton
Post Title/Position	HR Manager
Date	October 2022