



Disciplinary Policy and Procedure

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1. *Introduction*

There is a legal requirement for the Trust to provide written information for employees about disciplinary rules and procedures. This is essential in order to ensure fairness in the treatment of all employees and assist in the promotion of good employee relations. The main purpose of the Trusts' Disciplinary Policy is to *help and encourage all employees to achieve and maintain the highest possible standards of performance and conduct*, and to ensure a fair and consistent method of improving an employees' conduct when they fail to meet those standards.

Managers have an important role in seeking to rectify problems or minor lapses in behaviour through discussion with employees where the emphasis is on improving conduct without using the formal disciplinary procedure.

Scope of the Policy

This policy applies to all employees (including any individuals acting on behalf of the Trust), although Executive Directors will also be subject to the National Codes of Conduct and Accountability for NHS Trust Boards. All Senior Managers will also be subject to the Code of Conduct for NHS Managers.

2 *Key Principles*

The Trust will ensure that its disciplinary procedure is fair by following these general principles at every stage of the procedure:

- All those involved must always read the Trust's Disciplinary Policy and related guidance notes carefully, to ensure they are fully conversant with the procedure from the outset
- The procedure will be administered by the appropriate managers who should complete their part as soon as is reasonably practical
- Confidentiality will be maintained throughout by all parties
- Employees must be dealt with fairly and consistently at all times
- Employees should be made aware that their behaviour is unacceptable without unreasonable delay
- Employees should be made aware of the opportunity to be represented by a trade union representative or work colleague during all stages of this policy
- Before a disciplinary hearing is arranged, the employee will be advised in writing of the complaint against them and will have been given the opportunity to state their case as part of the fact finding investigation
- An employee will not normally be dismissed for a first breach of discipline except in the case of gross misconduct when summary dismissal could result without notice.
- Employees will have the right to appeal against any disciplinary sanction imposed within the terms of this policy
- All disciplinary hearings must be conducted and recorded in line with this procedure

- The HR Team should be consulted at all stages. They will advise on procedural accuracy and consistency of application.
- *The Trust recognises that Fraud and corruption investigations will be conducted by the NHS Counter Fraud and Security Management service (CSFMS) in line with the Secretary of State Directions and the NHS Counter Fraud and Corruption Manual.*

(b) Summary of the Code of Conduct

The Trusts aim is to provide a responsive, high quality and caring services for the people of the North East. To achieve this all employees must adhere to the Trusts core values which are:

- Make the care and safety of patients our first concern
- Ensure equality in all we deliver
- Be involving and inclusive with the public, patients, relatives, carers, NHS employees and partners in other agencies
- Treat colleagues, patients, NHS partners and other agencies with respect and professionalism
- Be honest and act with integrity
- Be firm and fair in the treatment of colleagues
- Work together as a team, through co-operation with colleagues in the Trust, in the wider NHS and outside community
- Constantly strive for improvement in everything we do
- Accept responsibility and accountability for our own work, our performance and any impact that this has on the performance of the Trust

All employees have a duty to make sure that they understand this Code of Conduct and that in every aspect of their work, their actions demonstrate commitment to the Code. Senior Managers need also to understand the Code of Conduct for NHS Managers and that in every aspect of their work they ensure compliance.

.3. Responsibilities

.3.1 Role of Employee

- *It is the employee's responsibility to make themselves available for meetings with the Investigating Office at an appropriate agreed time.*
- *It is the employee's responsibility to arrange for representation if they require it. Representation can either be a recognised and accredited trade union representative or a NEAS work colleague. Employees will not be entitled to bring a person acting in a legal capacity.*

.3.2 Role of Investigating Officer

- *To ascertain all the facts relating to the alleged disciplinary offence*
- *To produce a balanced report as a result of their investigation in order to assess whether disciplinary action is appropriate*

.3.3 Role of the Human Resources Department

- *To advise managers on the application of this policy*

- *To provide advice and support to Investigating Officers during the investigation, and the disciplinary hearing*
- *To ensure that all correspondence relating to a disciplinary issue is kept on the personal file*
- *To ensure consistency of disciplinary practice across the Trust*

3.4 Role of Disciplinary Panel Members

- *The Chair of the Panel is responsible for ensuring that arrangements for the hearing are made and ensuring that accurate records are kept.*

4. Informal Action

- 4.1 *Before instigating a formal investigation an appropriate manager should consider whether the matter could be dealt with informally by support, discussion and the use of informal warnings or discussions where this is deemed appropriate. Informal discussions may take place on more than one occasion and should not be regarded as part of the formal disciplinary procedure.*
- 4.2 *The aim of the informal discussion is to reaffirm the employee's knowledge and understanding of the behavioural standards of the Trust and if necessary to help them adjust their behaviour to meet those standards. Its purpose is also to consider any explanation put forward by the employee.*
- 4.3 *Managers should keep a note of informal discussions and copy this to the staff member concerned. Informal warnings are not part of the formal disciplinary process. If an informal warning or reprimand is considered appropriate then the employee should be informed in writing of the detail of any informal warning and that this does not form part of any formal disciplinary process. This information should be kept on the employees' personal file for a period of up to 6 months, allowing for a period of monitoring to be undertaken.*
- 4.4 The decision regarding whether to invoke the formal procedure (i.e. to instigate an investigation) should usually be taken by the employee's line manager, with appropriate advice from a member of the Human Resources Team.

5. Disciplinary Investigation

5.1 No formal disciplinary action should be taken without a thorough and fair investigation. Where an employees' conduct is alleged to justify an investigation under this formal procedure, an Investigating Officer will be identified. It may be appropriate for someone independent of the parties involved to carry out the investigation (a manager from another work area who is unconnected to the case for example).

5.2 *Advice should be sought from HR on the availability of an appropriate Investigating Officer.*

5.3 The role of the Investigating Officer is to ascertain all of the facts and to produce a balanced report on behalf of both the employee and the Trust, taking into account any mitigating factors. In order to do this effectively, the Investigating Officer will interview and take statements from all people that can contribute to the process of fact-finding, including the employee. Anyone who is to be interviewed as part of this procedure should be informed of their right to be accompanied by a trade union representative or a work colleague.

5.4 The Investigating Officer will collate all information collected during the investigation in order to prepare a report. They will use this report to decide whether:

- No action is necessary. Management concerns are not founded and that no further action is needed. The Investigating Officer should confirm this in writing to the employee.
- Corrective action is necessary. That a meeting should be arranged to discuss the details of the corrective action. The Investigating Officer should confirm this in writing to the employee. *HR will provide advice.*
- The matter is to be referred to a formal disciplinary hearing. If there is substance to the management concerns the employee should be informed that a disciplinary hearing will be arranged.

6 Suspension Pending Investigation

Even after considering all alternatives, there may be circumstances where it is necessary to suspend an employee, without prejudice, and on full pay, when their alleged conduct warrants further investigation. Suspension is not in itself a form of disciplinary action, nor is it a presumption of guilt. The employees' senior manager has the authority to suspend from duty. Wherever possible, this should always be done in consultation with a member of the Human Resources Team. If this is not possible, then the Human Resources Team must be contacted by the next day or as soon as is reasonably practical to confirm that a suspension has taken place.

There are a number of possible reasons when suspension should be considered:

- The alleged concerns, if proven, could constitute gross misconduct which might result in their summary dismissal
- The recommendation of the Director of Strategy and Clinical Standards
- It would not be possible to carry out a full and proper investigation with the employee remaining at work
- Where the employee would have the opportunity to prevent a full and proper investigation from being carried out
- Where there is a likelihood that further incidents and allegations could occur if the employee was to remain at work
- Where other employees or service users could be at risk
- *Where the Trust has been advised that there are criminal investigations or criminal proceedings pending.*

This list is not exhaustive

Wherever possible the appropriate manager should ensure that another work colleague or a member of Human Resources Team is present and that prior to suspension, every effort is made to contact the employees' trade union representative or work colleague in order that they are given the opportunity to be accompanied if they are available at the time.

In suspending an employee, the manager must inform the employee of the following:

- The reasons for the suspension

- That suspension is not a form of disciplinary action
- That whilst on suspension the employee must remain contactable in the first instance during normal office/*working* hours and be prepared to attend any interview / hearing when required
- Where necessary the employee must notify any alternative addresses and *contact telephone numbers* where they will be contactable
- They may only enter the Trust's premises to see the Investigating Officer, or their TU Representative (with prior arrangements agreed with the Investigation Officer)
- Not to discuss the issue with work colleagues, other than their recognised trade union representative, without the prior consent of the Investigating Officer
- That independent support is available through Trade Union Representatives, the Occupational Health Dept and OH Counselling Service, HR Representatives or Dignity at Work Officers (if relevant).

All of this information must be confirmed in writing as soon as possible and by no later than 7 calendar days following the suspension interview.

The period of suspension must be kept to a minimum and not be unreasonably prolonged. During the period of suspension, the employee should be kept informed by the Investigating Officer of any progress and, where possible the likely timescales involved. *Any period of suspension should be reviewed on a fortnightly basis.*

The Investigating Officer should also consider if it may be appropriate to consider a transfer to another role as an alternative to suspension.

Should the employee be certified unfit to attend work during a period of suspension they will only be entitled to receive sick pay in accordance with the Trust's sick pay provisions. Where it is necessary to progress the matter, in consultation with the employee (and, where appropriate, their representative) the procedure may have to continue during sickness absence.

7. Disciplinary Hearing

If the disciplinary investigation concludes that there is a case to answer the employee will be informed by the Investigating Officer that a disciplinary hearing will be arranged. Where appropriate, this could be done by telephone however it must be confirmed in writing.

The level of manager conducting the hearing will depend on the severity of the alleged misconduct. In cases of gross misconduct, *a panel of three which must include a Senior Manager, and* a representative of the HR department may conduct the disciplinary hearing.

The Chair of the disciplinary hearing will ensure that the employee is given written details of the allegations along with copies of relevant documentation, including the names of witnesses to be called. This should be done at 14 calendar days prior to the hearing, although where all parties agree, this timescale can be reduced to 5 calendar days. The employee should also be informed of their right to be accompanied by a trade union representative or a work colleague.

The employee or their representative should submit to the Chair of the disciplinary hearing copies of any documentation that they intend to present, including the names of any witnesses to be called and statements. *This should be done 5 calendar days prior to the hearing, although where all parties agree, this timescale can be reduced to 3 calendar days.*

The Chair of the disciplinary hearing will be responsible for arranging the hearing and an HR Representative should be present at the hearing. **The HR Representative may submit clarifying questions to the chair during adjournments.**

At the conclusion of the hearing, the Chair will decide whether the alleged breach of discipline has occurred and the appropriate action to be taken. Wherever possible, the employee shall be informed verbally of the outcome of the hearing at this stage. This decision should be confirmed in writing within 7 calendar days of the hearing, by the Chair, *in consultation with the HR representative.*

Non-Attendance

Where an employee is unable to attend the disciplinary hearing they should notify the HR Department as soon as possible. An alternative date will be arranged. If the employee does not attend this second hearing it is possible that the hearing will go ahead and make a decision on the basis of the available evidence. It is the employee's responsibility to keep in touch with HR.

If the Trust has to re-arrange a hearing due to unforeseen circumstances there should only be one re-arranged hearing which should draw the case to a conclusion.

The procedure for disciplinary hearings can be found at Appendix 2 of this document.

8. Disciplinary Penalties

In deciding the appropriate disciplinary penalty, the Chair of the Hearing will refer to Appendix 1, and will consider any mitigating factors put forward such as –

- Relevant personal, domestic or social circumstances
- The employee's position, length of service and general performance
- The action taken in similar cases in the past

This list is not exhaustive

8.1 First Written Warning – Stage 1

If there is no improvement to existing conduct or if the level of misconduct so warrants, a first written warning may be given to the employee.

Details of the warning will be confirmed in writing explaining:

- The reason for the warning,
- Any expected improvement required,
- That this warning is the first stage of the Trusts Disciplinary procedure,
- The right of appeal
- That continued or repeated misconduct may result in further disciplinary action.

The first written warning will be confirmed in writing to the employee and a copy held on their personal file. This warning will be disregarded for disciplinary purposes after 12 months.

As part of the outcome of the disciplinary hearing the Chair should consider whether it is appropriate for the employee to meet with their manager, to implement an action plan aimed at supporting them to improve their conduct. The manager must notify the Human Resources Team of the outcomes of this meeting.

8.2 Final Written Warning – Stage 2

If there is a failure to improve, or if the misconduct is of a sufficiently serious nature, a final written warning may be given to the employee.

Details of the warning will be confirmed in writing explaining:

- The reason for the warning,
- Any expected improvement required,
- That this warning is the second stage of the Trusts Disciplinary procedure,
- The right of appeal
- That continued or repeated misconduct may result in further disciplinary action, which could include dismissal.

Before a final written warning is issued the person with authority to dismiss the employee should be consulted.

The Final Written Warning will be confirmed in writing to the employee and a copy held on their personal file for a period of 18 months following which it will expire subject to satisfactory conduct.

As part of the outcome of the disciplinary hearing the chair should consider whether it is appropriate for the employee to meet with their manager, to implement an action plan aimed at supporting them to improve their conduct. The manager must notify the Human Resources Team of the outcomes of this meeting.

Examples of breaches of conduct that could lead to a final written warning can be found in Appendix 1.

8.3 Dismissal or Alternative Disciplinary Sanction – Stage 3

If conduct or performance remains unsatisfactory despite a final written warning, dismissal with appropriate notice will normally result. In cases of Gross Misconduct the termination of employment will normally be by summary dismissal (dismissal without notice).

Details of the decision will be confirmed in writing explaining:

- The reason for the dismissal,
- The effective date of dismissal,
- The right of appeal

Examples of gross misconduct can be found in Appendix 1

8.4 Alternative Sanctions

The Trust may, in its discretion and depending on the individual circumstances of the case, consider imposing a further sanction in addition to a written warning (or as an alternative sanction to dismissal), which may result in a reduction in pay. This could include suspension without pay, employment transfer or demotion, loss of seniority or loss of salary increment at the same or an alternative location. *In exceptional circumstances as an alternative to dismissal a final written warning may*

be extended. In these circumstances the duration of the warning period must be agreed by all members of the panel.

In cases of dismissal, where such an offer is refused, then dismissal should proceed. Where the offer is accepted, it will be accompanied with an appropriate written warning. This will be confirmed in writing to the employee and a copy held on their personal file.

9. Appeal against Disciplinary Action

Employees have the right to appeal against any disciplinary warning given under the formal procedure. Any employee wishing to appeal should notify the *Head of HR* in writing, clearly stating the grounds of appeal, within 14 calendar days of the date of the letter confirming the dismissal or disciplinary sanction. A different senior manager than that which considered the original disciplinary hearing will consider an appeal, other than against dismissal. This manager must not have been involved in any earlier part of the disciplinary process. The *Head of HR* will make the necessary arrangements to convene an appeal hearing. The Chair considering the appeal may confirm, amend or reject the disciplinary sanction.

Appeals against dismissal will be considered by the appropriate Executive Director assisted by two other members of the Trust Board, at least one of whom must be a Non-Executive Director.

A member of the Human Resources Team will be present in an advisory capacity at all appeal hearings in order to provide advice on procedural matters. The procedure for appeal hearings can be found at Appendix 3 of this document.

10. Authority to Act

In normal circumstances, authority to act will be as follows:-

Directorate	Informal Action	First Written	Final Written #	Dismissal	Appeal
Chief Executive	Supervisor / Line Manager	Line Manager / Senior Manager	Senior Manager	Senior Manager	Exec Dir
Strategy & Clinical Standards	Supervisor / Line Manager	Line Manager / Senior Manager	Senior Manager	Senior Manager	Exec Dir
HR & OD	Supervisor / Line Manager	Line Manager / Senior Manager	Senior Manager	Senior Manager	Exec Dir
Ambulance Operations	Supervisor / Line Manager	Line Manager / Senior Manager	Senior Manager	Senior Manager	Exec Dir
Finance & Performance	Supervisor / Line Manager	Line Manager / Senior Manager	Senior Manager	Senior Manager	Exec Dir
Managers	Senior Manager	Senior Manager	Senior Manager	Senior Manager	Exec Dir
Senior Mgrs.	Exec Dir.	Exec Dir.	Exec Dir.	Exec Dir.	Exec Dir. + Non-Exec Dir.

Before a final written warning is issued the person with authority to dismiss the employee must be consulted.

Please note, suspension must be authorised by an appropriate Senior Manager, in consultation with Human Resources.

Throughout this procedure a Senior Manager is a post-holder responsible for a significant area of work and designated as a Senior Manager in the attached Appendix.

11. Dealing with Special Circumstances

(a) Criminal charges within employment

In case of matters which need to be referred to the police, the fact-finding investigation can be carried out simultaneously with the police investigation. Prior to commencing the fact-finding investigation, the Investigating Officer should consult with the police. Even if the police do not continue with the matter to the point of conviction, in some circumstances it will be appropriate to continue with the disciplinary procedure.

(b) Criminal charges/convictions outside employment

The main consideration should be whether the offence is one that makes the employee unsuitable for their type of work. Having considered all the facts, it will need to be decided whether the matter is sufficiently serious to warrant instituting the disciplinary procedure.

(c) Discrimination issues including race, disability, gender, sexual orientation, religion and belief or age

In dealing with cases involving race, disability, gender, sexual orientation, religion and belief or age discrimination, the Investigating Officer and Chair of the disciplinary hearing should consider the involvement of the Equal and Diversity Manager or a specialist group to advise on related matters.

(d) Child/Adult protection issues

At the conclusion of a case involving child/adult protection, a meeting should be held with the Human Resources Manager to determine what documentation should be retained by the Human Resource Team. The Human Resources Manager will determine whether this information can be considered in any subsequent disciplinary procedures. HR must inform the Nominated Responsible Officer for Safeguarding Children and Vulnerable Adults. In child protection cases the Trust has a duty of care to inform the Independent Safeguarding Authority of the allegations and outcome of the case.

(e) Disciplinary action against trade union representatives

Although the same disciplinary standards should apply to trade union representatives as are applied to other employees, no disciplinary action should be taken against a trade union representative until a trade union

regional officer and the Human Resources Manager, have been informed of the circumstances of the case.

(f) Financial irregularities

In accordance with the financial regulations, the Director of Finance or their nominated representative must be informed where the alleged offence involves possible financial irregularities or a breach of the Trusts' financial regulations and a joint investigation will be carried out. This investigation may involve Internal Audit and / or the Directorate of Counter Fraud and Security Management Services.

(g) Absence during the Disciplinary Procedure

Where employee absence is triggered by the use of this procedure and where the Trust considers the absence is likely to be of extended duration, the case should be referred to Occupational Health to assess whether the employee is fit for continued employment. Reasonable steps should be taken to enable the employee to attend meetings where their conduct is discussed.

However, where the employee is unable to attend, the procedure may continue in the employee's absence where delay would compromise the effective running of the Trust's business. In these circumstances, a member of the HR Team should be contacted for advice.

(h) Gross misconduct – summary dismissal

A fact-finding investigation and a formal disciplinary hearing will be held. Procedures detailed above will be followed.

If following the investigation and the hearing, the panel is satisfied that gross misconduct has occurred, the result may be summary dismissal, without notice.

12. Equality and Diversity Statement

The Trust is committed to providing equality of opportunity, not only in its employment practices but also in the services for which it is responsible. As such, this document has been screened, and if necessary an Equality Impact Assessment has been carried out on this document, to identify any potential discriminatory impact. If relevant, recommendations from the assessment have been incorporated into the document and have been considered by the approving committee. The Trust also values and respects the diversity of its employees and the communities it serves. In applying this policy, the Trust will have due regard for the need to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups

13 Dissemination and Implementation

13.1 Dissemination

Once ratified this policy will be added to the Document Quality Control System and added to the Intranet site to which all staff have access. Earlier versions of the document will be archived in the quality system.

13.2 Implementation of Procedural Documents

Information about this policy will be added to Statutory and Mandatory Training which is delivered to all staff on an annual basis.

14 Consultation, Approval and Ratification Process

14.1 Consultation Process

This policy has been discussed with the [Equality and Diversity](#) Group check which includes representatives from staff side and all directorates.

14.2 Policy Approval Process

This policy has been submitted to the Policy Review Group for approval.

14.3 Ratification Process

This policy has been approved by the Policy Review group and submitted to the Workforce and Equality Committee and JCC for ratification.

15 Monitoring Compliance

This policy will be reviewed twelve monthly or earlier if required by:

The Trust Board
The Workforce and Equality Committee

The effectiveness of the policy will be monitored on regular basis via the Trust's Executive Team. Reports will be provided to managers at monthly service provision meetings regarding disciplinary cases within their areas. Key performance indicators will be monitored by analysing data received from the HR team against agreed trust targets.

This Appendix contains examples of behaviour which could result in disciplinary action. This list is not exhaustive, but is merely indicative of issues that will result in misconduct, depending on the individual circumstances of the case and the position of the employee within the Trust.

Example Breaches of Conduct which could lead to a formal verbal warning include

- Poor timekeeping
- Poor attendance
- Minor misuse of Trust facilities
- Minor cases of variation from laid down policies, procedures and codes of conduct
- Minor cases of insubordination

Example Breaches of Conduct which could result in a First Written warning include

- Reporting late for duty without reasonable explanation
- Minor cases of inappropriate patient care
- Poor attendance
- Verbal abuse to other employees
- Minor cases of insubordination
- Variations from laid down procedures and codes of conduct, including professional codes of conduct

Example Breaches of Conduct which could result in a Final Written warning include

- Serious insubordination
- Unauthorised absence from duty for which no acceptable reason has been given
- Actions which compromise the professionalism of the Trust
- Persistent absenteeism with no underlying cause
- Persistent lateness
- Actions which bring the Trust into disrepute *e.g. breach of Whistleblowing or IT policies*
- Bullying or harassment of a colleague(s) or service user

Examples of Gross Misconduct include

- Theft / Fraud including falsification of records / documents e.g. timesheets, qualifications, expenses claims
- Vandalism or deliberate misuse of Trust property
- Being under the influence of drugs or alcohol during working time or bringing either onto the Trust's premises without permission from the Trust,
- Gross disregard of patient care, professional codes of conduct, protocols or procedures,
- Bringing the Trust into serious disrepute,
- Breaches of confidential information, including patient confidentiality,
- Serious disruptive or abusive behaviour or use of violence,
- Serious breaches of Health and Safety,
- Serious insubordination

- Discrimination relating to sex, race, disability sexual orientation, religion and belief or age,
- Breaches, or disclosure of information to unauthorised persons,
- Breaches of the PC User Account Pack, including the copying, downloading or disclosure of information held on Trust databases without prior written approval,
- *Breaches of the PC User Account Pack including misuse of email, inappropriate comments about the Trust on social networking sites, inappropriate comments about the Trust to the Press*
- Being charged with and / or convicted of a criminal offence which, in the opinion of the Trust, demonstrates unsuitability for further employment with the Trust,
- *Criminal conduct outside work which is relevant to the employee's job and which makes them unsuitable for the duties and responsibilities of their post.*
- Malicious allegations against Trust employees via the Whistleblowing Policy.
- Bullying or harassment of a colleague(s) or service user which is deemed to be serious enough to constitute gross misconduct

Disciplinary Hearing Procedure

- (a) Introductions**
Having outlined the purpose of the hearing, the order of the agenda with those present, the Chair of the hearing introduces all parties.
- (b) Nature of the complaint**
The Chair of the hearing checks that all parties have the relevant documents and identifies the specific concern(s) / allegation(s) to be considered.
- (c) Presentation by management**
The Investigating Officer presents the management's case. Witnesses are called.
- (d) Questions by the employee**
The employee and/or representative may question the Investigating Officer and witnesses called.
- (e) Questions by Chair / Panel**
The Chair or panel members may question the Investigating Officer and witnesses called. The HR Representative may submit clarifying questions to the chair during adjournments
- (f) Presentation by employee**
The employee concerned and/or representative presents their case. Witnesses are called.
- (g) Questions by the Investigating Officer**
The Investigating Officer may question the employee and witnesses called.
- (h) Questions by Chair / Panel**
The Chair or panel members may question the employee and witnesses called. The HR Representative may submit clarifying questions to the chair during adjournments
- (i) Final statement or 'summing up' by Investigating Officer**
The Investigating Officer may make a final statement.
- (j) Final statement or 'summing up' by employee**
The employee and/or representative may make a final statement.

During the hearing, the Chair may consider that further information is required and may adjourn the hearing accordingly. The hearing should be reconvened without undue delay.

The parties then withdraw to allow the Chair to consider the findings from the information presented and come to a decision. Others advising the Chair will also remain, as will any person taking a note of the hearing. The parties will usually be asked to remain available for a short time in case the Chair needs to clarify any point.

It is important that any information gleaned as a result of clarification must be shared with all parties and an opportunity for response given. During the final adjournment the Chair may feel it necessary to seek further clarification on any points raised.

Should this be necessary, all parties must be recalled. The Chair will also review the employee's personal file to identify any existing disciplinary sanctions/warnings. The file will be made available to the Chair after all the evidence has been heard and decision has been made. The information contained within will only be used to assist in determining the level of disciplinary sanction (if any) to be applied.

Wherever possible, the employee shall be informed verbally of the outcome of the hearing at this stage. This decision should be confirmed in writing within 7 calendar days of the hearing, by the Chair, in consultation with a member of the Human Resources Team.

Disciplinary Appeal Hearing Procedure

- (a) **Introductions**
Having outlined the purpose of the appeal hearing, the order of the agenda with those present, the Chair of the hearing introduces all parties.
- (b) **Nature of grounds for appeal**
The Chair of the appeal hearing checks that all parties have the relevant documents and identifies the specific grounds of appeal to be considered.
- (c) **Presentation by employee**
The employee concerned and/or representative presents their case. Witnesses are called.
- (d) **Questions by the Investigating Officer**
The Chair of the original disciplinary hearing may question the employee and any witnesses called.
- (e) **Questions by Chair / Panel**
The Chair or panel members may ask the employee any questions at this point . The HR Representative may submit clarifying questions to the chair during adjournments
- (f) **Presentation by management**
The Chair of the original disciplinary hearing presents the management's case justifying the original decision and sanction. Witnesses are called.
- (g) **Questions by the employee**
The employee and/or representative may question the Chair of the original disciplinary hearing and any witnesses called.
- (h) **Questions by Chair / Panel**
The Chair or panel members may question the Chair of the original disciplinary hearing and any witnesses called. The HR Representative may submit clarifying questions to the chair during adjournments
- (i) **Final statement or 'summing up' by employee**
The employee and/or representative may make a final statement.
- (j) **Final statement or 'summing up' by Investigating Officer**
The Chair of the original disciplinary hearing may make a final statement.

The parties then withdraw to allow the Chair to consider the findings from the information presented and come to a decision. Others advising the Chair will also remain, as will any person taking a note of the hearing. The parties will usually be asked to remain available for a short time in case the Chair needs to clarify any point.

The Chair considering the appeal may confirm, amend or reject the disciplinary. Wherever possible, the employee shall be informed verbally of the outcome of the appeal hearing at this stage. This decision should be confirmed in writing within 7 calendar days of the hearing, by the Chair, in consultation with a member of the Human Resources Team.

The decision of the appeal is final and is not subject to further appeal within the terms of this procedure.

Note that the procedure set out above, in so far as it exceeds any statutory requirements, does not form part of the employees' contract of employment and may be changed by the Trust following consultation with the Joint Consultative Committee.

Definition of Senior Manager

Senior Managers are defined as Band 8 and above. In NEAS the following roles are defined as Senior Managers:

111 Project Manager
Head of Clinical Care & Patient Safety
Head of Clinical Education & Development
Business Manager (Income Generation)
Commissioning Lead
Assistant Director Communications and Engagement
Operations Manager
Emergency Planning & Resilience Manager
Head of Financial System Development
Ambulance Ops Development Manager
Head of Financial Management
Head of Financial Services
Head of Financial Services, Risk & Claims Management
Operations Support Manager
Service Development Manager
HART Manager
Head of Human Resources
Informatics Manager
Assistant Director IM&T
IT Systems Manager
Head of Non Clinical Education & Development
Occupational Health Manager
Contact Centre Manager
Assistant Director of Operations
Operations Development Manager
Programme Manager
Project Manager
PTS Planning Manager
Head of Risk and Claims
Service Improvement Manager
Head of Workforce Development