



Disciplinary Policy

Document Control Sheet

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Version Control - Table of Revisions

All changes to the document must be recorded within the 'Table of Revisions'.

Version number	Document section/ page number	Description of change and reason (e.g. initial review by author/ requested at approval group)	Author/ Reviewer	Date revised
02	Whole Document	Full Review	K Forsyth	October 2015
03	Appendix 1 Gross Misconduct	Appendix 1 – new point 5.28 to include a stand-alone act of gross misconduct to enable disciplinary action to be taken against those who subject whistle-blowers' to a detriment (builds upon the existing provision which enables the Trust to discipline an individual who victimises a whistle-blower). Amendment to section 5.29 to complement new section 5.28.	K Forsyth	November 2016

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1. Introduction

The aims of this Disciplinary Policy and Procedure are to:

- Highlight our disciplinary rules. The standards of conduct expected of all employees are set out in the Disciplinary Rules, which are at Appendix 1 of this document; and
- Provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.

2. Purpose

It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.

3. Scope

The policy applies to all employees regardless of length of service. It does not apply to casual workers, agency workers or the self-employed.

This document is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases reference should be made to the appropriate policy or procedure.

This policy is contractual.

4. Roles & Responsibilities/Duties

4.1 Executive Team

Our Executive Team has delegated day to day responsibility for the implementation of this policy and for the regular review of the policy to the Head of Human Resources.

4.2 Managers

Managers have a responsibility to manage conduct effectively in accordance with this policy and to consider offering support where it may be useful. Managers are expected to take and retain notes of conversations and meetings with employees and should always be able to justify their decision making process.

4.3 Employees and companions

Employees and their companions are expected to co-operate with the Trust to ensure the successful operation of this policy and procedure.

5. Glossary of Terms

This policy uses the following terms:

Term	Description
SSP	Statutory Sick Pay
DBS	Disclosure and Barring Service

6. Disciplinary Policy

6.1 Disciplinary Rules

If an employee is in any doubt as to their responsibilities or the standards of conduct expected, they should speak to their line manager.

While working for us, employees should at all times maintain professional and responsible standards of conduct. In particular they should:

- Observe the terms and conditions of their contract, particularly with regard to:
 - Hours of work;
 - Confidentiality;
 - DBS and safeguarding requirements;
 - Professional registration and driving licence requirements;

Observe all our policies, procedures and regulations as notified to them from time to time by means of notice boards, e-mail, the intranet or otherwise;

Take reasonable care in respect of the health and safety of colleagues and service users and act in a manner that is consistent with their health and safety training;

Comply with all reasonable instructions given by managers; and

Act at all times in good faith and in the best interests of our business, service users and staff.

Our disciplinary rules, and examples of the conduct that we will deem to be misconduct and gross misconduct, are contained at Appendix 1.

Failure to maintain satisfactory standards of conduct may result in action being taken under the Disciplinary Policy as set out later in this document.

6.2 Minor Conduct Issues – Informal Stage

Minor conduct issues can often be resolved informally between employees and their line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. The discussions should ensure the employee is clear what standards of behaviour/conduct is required of them in the future and the impact of further reoccurrence. Where appropriate, a note of any such informal discussions should be placed on an employee's personnel file for the purpose of recording that the discussion has taken place. The member of staff should be given a copy of this as an accurate record of the discussion. We may refer to it in formal proceedings where we are concerned that the employee is failing to improve their conduct or where there is repetition of the same misconduct on more than one occasion. It will be relevant in determining whether a formal process is required.

Managers are advised to seek guidance from their HR Advisor throughout this process.

6.3 Disabilities & Reasonable Adjustments

If an employee has difficulty at any stage of the procedure because of a disability, they should discuss the situation with their line manager as soon as possible, so that adjustments can be considered.

6.4 Confidentiality

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Any employee who breaches this rule will be subject to disciplinary action.

Employees, and anyone accompanying employees (including witnesses and note takers), must not make electronic recordings of any meetings or hearings conducted under this procedure. This rule helps us to comply with the Data Protection Act 1998. Any employee who breaches this rule will be subject to disciplinary action.

Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless we believe that a witness' identity should remain confidential.

6.5 Investigations

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against employees, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from employees and any witnesses, and/or reviewing relevant documents. The Human Resources Department will usually appoint an Investigating Officer (who will usually be the employee's line manager) to carry out the investigation.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

In so far as possible, we will allow an employee to bring a companion (ie a Trade Union representative or colleague) to an investigation meeting (please note that the statutory right to be accompanied does not extend to having a companion at any investigation). If there is a need to conduct an urgent investigation and an employee wishes to be accompanied, we may insist that they are accompanied by a colleague instead of a Trade Union representative. This is because fact finding meetings need to take place promptly when a disciplinary allegation comes to light and a Trade Union representative may not be available at short notice. We may also make special arrangements to allow an employee to bring a companion if it helps them to overcome any disadvantage in the procedure arising from a disability, or where an employee has any difficulty in understanding English.

Employees must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

Employees will be reminded of their duty of confidentiality and of the rules under this procedure. Employees must not tip off or collude with any other person implicated in the allegation and must not contact or interfere with any witnesses. This rule helps us to ensure that our investigations are thorough and are not compromised. It also ensures the fairness of our procedure. Witnesses to any wrong-doing must be protected from any threats or detriment. This is an important principle in ensuring that employees feel able to speak up in the best interests of the Trust and is connected with the Trust's duty of candour. The rule set out within this paragraph must not be breached. Any employee who breaches it will be subject to disciplinary action and may also be required to answer allegations of bullying or harassment falling under the Trust's Dignity at Work Policy.

Investigations will be carried out promptly and completed within a reasonable period of time. Where an investigation is likely to take longer than two weeks, we will notify the employee and keep them regularly updated on progress and timescales at intervals to be agreed.

6.6 Criminal Allegations

Where an employee's conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take in relation to any breach of contract or Trust rules. Where employees are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the evidence available to us.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to an employee's employment.

Where a criminal charge or conviction is enough of itself to amount to gross misconduct capable of dismissal, we may await the outcome of a police investigation before deciding whether to dismiss and the factors we will take into account are (by way of example and without limitation):

- Whether we have any evidence that the offence was committed;
- Whether in all the circumstances, we have a genuine belief in the employee's guilt;
- How long the police investigation is likely to take;
- Whether any information can be shared with us by the employee and/or the police;
- Whether the employee has been detained;
- How long it will take for the case to go to trial;
- Business need, size of capacity of our resources and ability (financial and operational) to hold the post open until the conclusion of the criminal process.

6.7 Suspension

In some circumstances, we may need to suspend an employee from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to the employee in writing. While suspended, employees should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless they have been authorised to do so by their line manager. Line managers should seek advice from HR before authorising.

Suspension of this kind is not a disciplinary sanction and does not imply that any decision has already been made about the allegation(s). Employees will continue to receive their full salary and benefits during the period of suspension.

An employee's line manager must complete a Suspension Risk Assessment Form and return it to the Deputy Head of HR immediately after the employee has been suspended.

We will confirm any decision to suspend and the terms of the suspension in writing to the employee.

6.8 Support For Employees Going Through A Disciplinary Process

Employees are free to refer themselves to occupational health for support at any time. Occupational health is able to offer a range of external services, including counselling.

If allegations are raised against an employee under the disciplinary procedure, we will appoint a welfare officer to stay in touch with the employee to enquire about their welfare and offer support during any period of suspension.

6.8 Communicating With Suspended Employees

We will keep in touch with suspended employees by telephone and in writing to their home address. For this and other reasons, employees must keep their personnel records up to date (via HR) at all times.

Employees will usually be permitted to maintain access to their Trust email account and should monitor it for (i) urgent communications from us during their suspension and (ii) any work that needs to be forwarded to a colleague to action in their absence. The Trust will only suspend email access if the circumstances warrant it. Employees must not use their Trust email account to breach the rules set out within this policy or to breach any other instructions that we may give to them. Trust email accounts are generally monitored and will be specifically monitored during any period of suspension. If any employee is found to have breached the rule set out within this paragraph or the rules within this document, they will be subject to disciplinary action.

6.10 Notification Of A Hearing

Promptly upon completion of any investigation, if we consider there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. We will inform the employees in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

- a summary of relevant information gathered during the investigation;
- a copy of any relevant documents which will be used at the disciplinary hearing; and
- a copy of any relevant witness statements, except where a witness' identity is to be kept confidential, in which case we will give employees as much information as possible while maintaining confidentiality.

We will give employees written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but employees will be given a reasonable amount of time, at least seven days, to prepare their case, based on the information we have given them. In exceptional circumstances, and in the spirit of the Partnership Agreement between the Trust and recognised Trade Unions, the Trust may extend this timescale to allow appropriate representation and preparation (for the Trade Union Representative).

6.11 Sickness Absence During Any Stage Of The Procedure

If an employee becomes ill during any part of the procedure and feels unable to participate in the investigation or disciplinary process, we will contact them to understand the reason for their sickness and the prognosis.

The Trust's absence management procedure will be followed in the usual way, with a view to getting the employee back into work so that the disciplinary proceedings can be concluded with their participation.

We will take a decision on whether to postpone the investigation meeting or disciplinary hearing. If we feel that it would be detrimental to the successful operation of the Trust, our reputation, any safeguarding matter or any criminal matter to postpone any part of an investigation or a hearing, we may decide to hold it in an employee's absence. In any such situation, we will liaise with the employee to ensure, as far as possible, that we can offset any potential unfairness in any such decision. For example, if an absence is expected to be lengthy, we may ask an employee to submit representations in writing.

During any period of sickness, an employee may qualify for SSP or enhanced contractual sick pay. We will update the employee's sickness absence record accordingly.

Disciplinary situations can inevitably cause an employee to feel worried or concerned. The Trust is committed to resolving disciplinary situations promptly in order to reduce the period of time that an employee needs to feel worried or concerned about a disciplinary process. Employees are encouraged to engage with us in doing so, so that the situation can be promptly addressed and they can start to feel better. Employees are asked to remember that investigations need to be thorough and can be time consuming. Where there are any delays between an investigation and a hearing, we will keep employees informed, either by telephone or e-mail as appropriate.

6.12 The Right To Be Accompanied At Disciplinary Hearing

Employees may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. Employees must inform us of the identity of their chosen companion in good time before the hearing and in accordance with the instructions that they are given in the written invitation to disciplinary hearing/ appeal.

A companion is allowed reasonable time off from duties without loss of pay, but no-one is obliged to act as a companion if they do not wish to do so.

If an employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask the employee to choose someone else.

We may, at our discretion, allow an employee to bring a companion who is not a colleague or union representative (for example, a member of the employee's family) if this will help overcome a disability, or if an employee has difficulty understanding English. In the event of any such request, managers and/or members of the Disciplinary Panel should seek advice from the Head of HR.

6.13 Procedure At Disciplinary Hearings

If an employee or their companion cannot attend the hearing, the employee should inform us immediately and we will arrange an alternative time. Employees must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If an employee fails to attend without good reason, or is persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

Disciplinary hearings will be held by two managers, accompanied by an HR advisor. An employee and the Trust can agree to proceed with one manager and an HR advisor where it is in the interests of expediency to do so (for example, where delays would be caused by unavailability).

Employees may bring a companion with them to the disciplinary hearing.

At the disciplinary hearing, we will go through the allegations against an employee and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own (NB- we will ask for a copy of this in advance). A companion may make representations to us and ask questions, but should not answer questions on employee's behalf. Employees may confer privately with their companion at any time during the hearing.

Employees may ask relevant witnesses to appear at the hearing, provided they give us sufficient advance notice to arrange their attendance. Employees will be given the opportunity to respond to any information given by a witness. A Manager, or an employee, or their Trade Union Representative may ask appropriate questions of a witness subject always to the discretion of the chair. This arrangement seeks to ensure that any questions are asked of witnesses in an appropriate manner.

We may adjourn the disciplinary hearing if the panel needs to carry out any further investigations such as re-interviewing witnesses in the light of any new points that the employee may have raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform the employee in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing. Where possible we will also explain this information to the employee in person.

6.14 Disciplinary Penalties

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

Employees will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or employees have not yet completed their probationary period.

Stage 1 - First written warning. A first written warning may be authorised by a Manager. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on employee's disciplinary record.

Stage 2 - Final written warning. A final written warning may be authorised by a Manager. It will usually be appropriate for:

- misconduct where there is already an active written warning on an employee's record;

- misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on employees record; or
- gross misconduct where there are mitigating circumstances or where dismissal is not appropriate.

Stage 3 - Dismissal. Dismissal may be authorised by the Chair of the Panel who will be a Band 8 manager or above. It will usually only be appropriate for:

- any misconduct during an employee's probationary period;
- further misconduct where there is an active final written warning on an employee's record; or
- any gross misconduct regardless of whether there are active warnings on employees record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in our Disciplinary Rules, which are at Appendix 1 of this document.

Alternatives to dismissal. In some cases we may at our discretion consider an alternative to dismissal. These may be authorised by the Disciplinary Panel, which will include at least one Band 8 (or above) manager and will usually be accompanied by a final written warning. Examples include:

- Demotion (either on a temporary, but usually on a permanent basis).
- Transfer to another department or job.
- Loss of seniority.
- Reduction in pay.

Where any act of misconduct calls into question any aspect of an employee's professional registration, we will notify the professional body of the findings of the investigation and the outcome of the disciplinary hearing.

Where any act of misconduct renders an employee unsuitable for work with children and vulnerable adults, we are under a duty to make a referral to the Disclosure and Barring Service (please refer to our Employment Risk Policy).

6.15 The Effect Of A Warning

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

A first written warning will usually remain active for 6 months and a final written warning will usually remain active for 12 months. In cases of gross misconduct or exceptional cases verging on gross misconduct, a final written warning may be extended to 24 months. This is most likely where an employee has a history of

allowing their conduct to lapse just after the expiry of previous warnings.

An employee's conduct will be reviewed during the life of a warning and if it has not improved sufficiently we may decide to extend the active period or take further disciplinary action.

After the active period, the warning will remain permanently on an employee's personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings. This does not mean that they will be irrelevant to future proceedings.

6.16 Appeals

If employees feel that disciplinary action taken against them is wrong or unfair, they should appeal in writing, stating their full grounds of appeal within 14 days of the date on which they were informed of the decision in writing. When we notify the employee of our decision, we will inform them of the identity of the person to whom their appeal should be addressed. This will usually be a more senior manager and a person who has not previously been involved in an earlier part of the procedure.

The more senior manager will appoint an appeal panel to include a manager that has not previously been involved, a director and an HR advisor (usually the Head of HR).

If an employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if an employee's appeal is successful, they will be reinstated with no loss of continuity or pay.

If an employee raises any new matters in their appeal, we may need to carry out further investigation. If any new information comes to light we will provide the employee with a summary, including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing, and they or their companion may comment on any new evidence arising during the appeal before any decision is taken.

We will give the employee written notice of the date, time and place of the appeal hearing. This will normally be a minimum of seven days after they receive the written notice.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of the employee's case. In any event the appeal will be dealt with as impartially as possible.

Where possible, the appeal hearing will be conducted impartially by a more senior manager who has not been previously involved in the case.

The fact that a manager may know of the employee's suspension or the allegations does not preclude him/her from conducting the appeal.

The manager who conducted the disciplinary hearing and their HR support will also

usually be present at the appeal.

An employee may bring a companion with them to the appeal hearing

The panel may adjourn the appeal hearing if they need to carry out any further investigations in the light of any new points that the employee has raised at the hearing. An employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing the panel may:

- confirm the original decision;
- revoke the original decision; or
- substitute a different penalty, including a higher sanction.

We will inform the employee in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to the employee in person. There will be no further right of appeal.

7. Training Required for Compliance with this Policy

Managers involved in carrying out investigations and/or sitting on disciplinary panels must attend appropriate training to ensure they are aware of the policy and their role and responsibilities.

Refresher training will be provided at regular intervals to ensure managers remain up to date with any legislative changes on an on-going basis.

Any questions or requests for further training should be addressed to the Head of HR in the first instance.

8. Equality and Diversity

The Trust is committed to ensuring that, as far as is reasonably practicable, the way we provide services to the public and the way we treat our staff reflects their individual needs and does not discriminate against individuals or groups on the grounds of any protected characteristic (Equality Act 2010). An equality analysis has been undertaken for this policy, in accordance with the Equality Act (2010).

Details of this assessment are stored within the central register for Equality Analysis Assessments maintained within the Equality and Diversity team within the Communications and Engagement department.

9. Monitoring Compliance with and Effectiveness of this Policy

9.1 Compliance and Effectiveness Monitoring

Arrangements for the monitoring of compliance with this policy and of the effectiveness of the policy are detailed below.

9.2 Compliance and Effectiveness Monitoring Table for this policy

Process in the policy	Monitoring and audit					
	Key Performance Indicators (KPI)/ Criteria	Method	Who By	Committee	Frequency	Learning/ Action Plan
Period of investigation	Where an investigation is likely to take longer than 2 weeks the employee will be regularly updated on progress/timescales.	Audit of cases	Deputy Head of HR	Workforce Committee	Informal review on an ongoing basis and formal review at least annually	Identification of default and communication/training for HR Team
Notice of Hearing	Individual will have at least 7 days' notice of hearing/time to prepare case	Audit of cases	Deputy Head of HR	Workforce Committee	Informal review on an ongoing basis and formal review at least annually	Identification of default and communication/training for HR team and managers
Disciplinary Penalties	Consistency of application	Audit of cases	Deputy Head of HR	Workforce Committee	Informal review on an ongoing basis and formal review at least annually	Identification of default and communication/training for HR team and managers
Appeals Process	To confirm that appropriate timescales are adhered to	Audit of cases	Deputy Head of HR	Workforce Committee	Informal review on an ongoing basis and formal review at least annually	Identification of default and communication/training for HR team and managers
Disciplinary Rules	Monitoring of cases to understand any areas of concern – patterns of allegation, problem areas of service etc	Audit of cases	Deputy Head of HR	Workforce committee	Informal review on an ongoing basis and formal review at least annually	Provision of further targeted training, promotion of standards of behaviour

10. Consultation and Review of this Policy

This policy has been reviewed in consultation with members of the Joint Consultative Committee.

11. Implementation of this Policy

This policy has been implemented following review and consultation with members of the Joint Consultative Committee.

12. References

This document refers to the following guidance, including national and international standards:

- Data Protection Act 1998 <https://www.gov.uk/data-protection/the-data-protection-act>

13. Associated Documentation

- Guidance for Managers (Available from the HR Helpdesk)
- Guidance on conducting an investigation (Available from the HR Helpdesk)
- Guidance on setting up a hearing (Available from the HR Helpdesk)
- Employment Risk Policy (POL-WOD-RE-4)
- Dignity at Work Policy (POL-CE-ED-6)
- Suspension Risk Assessment Form (FM-WOD-HR-7)

14. Appendices

Appendix 1 Disciplinary rules and examples of unsatisfactory conduct

Appendix 2 Disciplinary procedure flowchart

Appendix 1

Disciplinary Rules and Examples of Unsatisfactory Conduct

1. Employees are required to be aware of the staff Code of Conduct, breach of which will give rise to misconduct or gross misconduct as set out within the Code.
2. The following are examples of matters that will normally be regarded as **misconduct** and will be dealt with under our Disciplinary Procedure:
 - 2.1. Minor breaches of our policies and procedures, including the Sickness Absence Reporting Procedure and Social Networking Policy;
 - 2.2. Minor breaches of the employment contract;
 - 2.3. Failure to follow a reasonable instruction;
 - 2.4. Damage to, or unauthorised use of, our property;
 - 2.5. Poor timekeeping;
 - 2.6. Minor cases of inappropriate patient care (for example, where a service user complains about the service and an employee is found to have been at fault in respect of conduct that is not so serious to be gross misconduct);
 - 2.7. Minor breaches of health and safety and hygiene rules, protocols or regulations;
 - 2.8. Actions that bring the Trust into disrepute, where there is a risk of reputational damage or the damage is minor;
 - 2.9. Time wasting;
 - 2.10. Breaches of our rules, protocols or procedures on driving;
 - 2.11. Unauthorised absence from work;
 - 2.12. Excessive use of our telephones for personal calls;
 - 2.13. Excessive personal e-mail or internet usage;
 - 2.14. Obscene language or other offensive behaviour;
 - 2.15. Negligence in the performance of duties; or
 - 2.16. Smoking in no-smoking areas, while on duty or on Trust premises.
3. This list is intended as a guide and is not exhaustive.
4. **Gross misconduct** is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between us. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).
5. The following are examples of matters that are normally regarded as **gross misconduct**:

- 5.1. Any misconduct that appears on the list of misconduct set above (or is of a similar nature to that which appears on the list above) but is more repetitive, serious or aggravating in nature to the extent that it cannot be described as 'minor';
- 5.2. Gross disregard for patient care;
- 5.3. Theft, or fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets and dishonest occasions of absence;
- 5.4. Physical violence or bullying;
- 5.5. Deliberate damage to our buildings, fittings, property, equipment or vehicles or the property of a colleague, service user or visitor;
- 5.6. Serious misuse of our property or name;
- 5.7. Deliberately accessing internet sites to access inappropriate and/or offensive material, for example pornographic, offensive or obscene material, while at work or on any of our sites;
- 5.8. Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- 5.9. Unlawful discrimination or harassment;
- 5.10. Bringing the Trust into serious disrepute;
- 5.11. Being under the influence of alcohol, illegal drugs or other substances during working hours, or outside of working hours in circumstances in which we deem it appropriate to treat the behaviour as gross misconduct;
- 5.12. Causing loss, damage or injury through serious negligence;
- 5.13. Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- 5.14. Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- 5.15. Accepting or offering a bribe or other secret payment or other breach of our Anti-corruption and bribery policy;
- 5.16. Accepting a gift from a service user, supplier, contractor or other third party in connection with your employment without prior consent from your line manager;
- 5.17. Conviction of a criminal offence that in our opinion may affect our reputation or our relationships with our staff, customers or the public, or otherwise affects your suitability to continue to work for us;
- 5.18. Possession, use, supply or attempted supply of illegal drugs;
- 5.19. Serious neglect of duties, or a serious or deliberate breach of your contract, professional obligations or operating procedures;
- 5.20. Knowing breach of statutory rules affecting your work;

- 5.21. Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;
- 5.22. Harassment of, or discrimination against employees, contractors, service users or members of the public, related to sex, maternity, gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age;
- 5.23. Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties or fitness to practice;
- 5.24. Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- 5.25. Knowingly taking parental, shared parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- 5.26. Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- 5.27. Making untrue allegations in bad faith against a colleague;
- 5.28. Victimising any colleague who works or has worked in the NHS, or for an independent organisation that provides NHS services (including agency workers, temporary workers, students, volunteers and governors) or subjecting any of those persons to a detriment for raising concerns under our Whistleblowing Policy;
- 5.29. Victimising a colleague who has made a complaint or given evidence or information under, Anti-corruption and Bribery Policy, Dignity at Work Policy, Whistleblowing Policy, Grievance Policy & Procedure, Disciplinary Policy & Procedure or otherwise;
- 5.30. Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet);
- 5.31. Undertaking unauthorised paid or unpaid employment during your working hours or while absent on sick leave;
- 5.32. Unauthorised entry into an area of the premises to which access is prohibited.

**Appendix 2
Disciplinary Procedure Flowchart**

