

# Disciplinary Policy and Procedure

Version:	4.4
Ratified by:	Governance Manager [minor]
Date ratified:	14.4.15
Name of originator/author:	Namdi Ngoka/ Angela Haselton
Name of responsible committee/individual:	Director of Human Resources
Date issued:	April 2015
Review date:	October 2019

## Contents

1	Introduction .....	3
2	Purpose.....	3
3	Scope .....	3
4	Definitions.....	4
5	Duties and responsibilities .....	4
6	Procedures.....	5
7	Training Requirements.....	12
8	Process for monitoring compliance with this Procedure .....	13
9	References .....	13
10	Associated documents.....	13
	Appendix A : Disciplinary Rules.....	14
	Appendix B : Equality Impact Assessment.....	16

## **1 Introduction**

- 1.1 In order to provide the best possible health services to its Patients and to the local communities it serves the Tavistock and Portman NHS Foundation Trust (the Trust) is committed to achieving excellent standards of conduct within its workforce.
- 1.2 It is recognised, however, that there will be occasions when the conduct of staff falls below the expected standards. The aim of this policy and procedure is to assist managers to deal with those cases efficiently and appropriately, giving individual staff members the opportunity to improve wherever possible.
- 1.3 This policy and procedure will be applied consistently and fairly to all employees, based on the circumstances of their case. No-one will be treated less favourably on the grounds of their race, gender, disability, age, ethnic or national origin, religion or belief, trade union membership or activity, sexual orientation, gender reassignment, medical condition, political affiliation or marital status. Furthermore, the Trust recognises its responsibility to ensure the implementation of the rules of natural justice as part of this policy i.e.-
  - the employee should know the nature of the accusation against them
  - the employee should have an opportunity to state their case
  - Management should act in good faith.
- 1.4 The disciplinary procedure is primarily a mechanism for improving the conduct of staff where this is necessary. Except in cases of gross misconduct (see "Disciplinary Rules") staff will not be dismissed for an initial breach of disciplinary rules, but given ample opportunity and support to improve their conduct as required.

## **2 Purpose**

- 2.1 The purpose of this policy and procedure is to set out clear principles and practice in respect of the investigation and resolution of matters of staff conduct. These principles are to be applied consistently across the Trust. The document sets out clear roles and responsibilities for those involved in these processes and allows staff members who may come under this policy and procedure to be fully informed of the way in which matters will be handled at both the informal and formal stages of the procedure.

## **3 Scope**

- 3.1 This policy and procedure applies to all staff employed by the Trust. Medical staff are covered by the procedures set out in the maintaining high professional standards in the modern NHS (MHPS) guidance, which includes taking advice from the National Clinical Assessment Service (NCAS) for misconduct cases. Where matters concerning medical staff proceed to a disciplinary hearing, this will be managed in accordance with the Trust's Disciplinary Policy and Procedures contained in this document.

This policy and procedure does not apply in cases where individuals lack the capacity to carry out the full duties of the post in which they are employed, because of factors such as skill, ability, or health. Such matters are dealt with through the Trust's

## **4 Definitions**

### **4.1 Misconduct**

Misconduct is a breach of the Trust's policies or rules, and / or a failure to observe standards of expected conduct at work, and / or a breach of professional codes of conduct. (See Appendix A)

### **4.2 Gross Misconduct**

Gross Misconduct is misconduct of such a nature that the Trust is justified in dismissing the member of staff who commits the offence. Such offences may warrant summary dismissal without any prior warnings. (See Appendix A)

### **4.3 Suspension**

Suspension is an exclusion from work normally pending a full investigation. This does not constitute disciplinary action or sanction. Suspension is normally invoked when an individual's continued presence at work places themselves/other person(s) at risk, or hampers an investigation.

### **4.4 Right of Representation**

Any member of staff who is subject to formal disciplinary action has the right to be accompanied by a work colleague, a trades' union representative or an official employed by a trades' union at meetings and hearings. Staff do not normally have the right to be accompanied at meetings held at the informal stage of the disciplinary procedure. However, where an employee may feel more comfortable with a colleague or trade union representative present at an informal meeting such a request should not be unreasonably refused.

## **5 Duties and Responsibilities**

### **5.1 Chief Executive**

The Chief Executive is ultimately responsible for ensuring that the Trust maintains excellent standards of conduct within the workforce and will ensure that the Trust maintains a legally compliant, fair and equitable disciplinary policy and procedure, which is followed accurately in cases when the conduct of staff comes under investigation.

### **5.2 Director of Human Resources**

The Director of Human Resources will ensure that this policy and procedure is followed by members of the Human Resources team when it is implemented, and will ensure that accurate, full and objective records are maintained by HR staff during any occasion when a member of staff is investigated under the procedure. In addition the Director of HR will provide a source of expert advice to the Trust in respect of disciplinary matters. The Director of Human Resources may also seek legal advice for the Trust on disciplinary matters as required.

### 5.3 Human Resources Managers

Human Resources Managers will be fully familiar with this policy and procedure and ensure that it is adhered to throughout any investigation. They will escalate any problems and concerns to the Director of Human Resources at any time when any stage of the procedure is breached or is at risk of breach.

### 5.4 Human Resources Department

The role of the Human Resources Department is to advise managers on the consistent and fair application of this policy and procedure and to support managers to develop their competence and confidence in managing staff and applying this policy and procedure when necessary.

Managers should contact the Human Resources team for advice before implementing this procedure. Members of the Human Resources Department will also attend meetings held under the formal disciplinary procedure as set out in Section 6.6

### 5.5 Line Managers

All line managers should familiarise themselves with this policy and procedure and seek early advice from a Human Resources Manager should it become necessary to investigate the conduct of any member of staff under this procedure. In the case of minor offences it is recognised that this contact may be for information only, prior to informal action. Heads of Discipline do not have responsibility for investigating the conduct of staff (unless for staff whom they manage directly), but may be called upon by the line manager to provide advice.

### 5.6 All Staff

All members of staff have a duty to co-operate with investigations and proceedings taking place within the scope of this policy and procedure. This includes attending Disciplinary Hearings as witnesses when requested to do so. Failure to follow a reasonable management request to co-operate with disciplinary proceedings may itself be considered to be a disciplinary offence.

<b>6 Procedures</b>
---------------------

#### 6.1 Disciplinary Rules

6.1.1 The aim of this policy and procedure is to ensure that proper standards of conduct are observed and that cases where the conduct of staff falls below acceptable levels are dealt with efficiently and appropriately. To assist with this, a list of disciplinary rules is attached to this policy and procedure at **Appendix A**, but is not exhaustive.

6.1.2 Disciplinary rules and procedures will be explained to staff, and will be readily available via the staff Intranet and other means of communication as appropriate.

6.1.3 In circumstances where serious breaches are deemed to have occurred, it may be appropriate to refer a disciplinary concern to an employee's professional body e.g. NMC. The decision to refer may take place at the onset i.e. when an allegation is

received, during the disciplinary process or at the conclusion of the process. In circumstances where employees are accountable to a statutory professional or regulatory body, advice should be sought from their Head of Discipline or most senior person within the Trust, before the professional body is informed of any disciplinary proceedings or disciplinary action.

## **6.2 Criminal Offences**

- 6.2.1 Staff have a duty to disclose previous convictions during the recruitment process including those that are 'spent' under the terms of the Rehabilitation of Offenders Act 1974. (Exceptions apply) The Trust will also undertake Criminal Records checks (Disclosure and Barring Service) on staff in designated positions. Reference should be made to the Trust's recruitment and selection Policy and procedure.
- 6.2.2 Staff also have a duty to disclose convictions or criminal proceedings occurring during their employment with the Trust. This would include being arrested or cautioned.
- 6.2.3 If a criminal offence occurs within Trust premises the normal disciplinary procedures will be followed, although it will also rest with the relevant manager to contact the police with a view to a criminal charge being made.
- 6.2.4 Criminal offences outside employment, including associated police enquiries and legal proceedings, will not be treated as automatic reasons for dismissal. The main consideration will be whether the offence is one that makes the member of staff unsuitable for his or her post. If the offence or conviction has clear implications for the staff member's employment or could potentially damage the reputation of the Trust, disciplinary procedures will need to be followed.

## **6.3 Disciplinary Procedures – Informal Stage**

- 6.3.1 In the case of most minor breaches of disciplinary rules it will be possible to deal with issues informally according to the process set below. The aim is to support staff to improve their conduct.
- 6.3.2 Managers should contact the Human Resources team for advice prior to taking any action under the informal stage of the disciplinary procedure.
- 6.3.3 As set out in Section 4 above, there is no right of representation during the Informal stage, and Human Resources staff do not need to be present at informal meetings. However, where an employee may feel more comfortable with a colleague or trade union representative present at an informal meeting, such a request should not be unreasonably refused.

## **6.4 Informal Investigation**

- 6.4.1 When a manager becomes aware that a member of staff's conduct may have fallen below the required standard, they should undertake an informal investigation as soon as possible. The aim of the informal investigation is to establish the following:
- what happened, where and when;

- who else was involved, if anyone;
- what, if any, disciplinary rules or standards of conduct may have been breached;
- what explanation was given by the member of staff;
- did the member of staff have any mitigating circumstances?

6.4.2 In gathering this information it will be necessary to meet with the member of staff and anyone else involved, in order to establish the facts as far as possible. In reaching conclusions about the matter(s) investigating managers should be aware of the Trust's Equal Opportunities Policy and consider factors such as:

- whether any communication difficulties, including those arising from cross-cultural communication, have contributed to the problem;
- whether there has been any provocation based on factors such as the member of staff's gender, ethnic origin, religion or belief, disability, age, or sexual orientation;
- whether any action being considered as a result of the informal investigation is consistent with action taken elsewhere in the organisation in similar circumstances.

As such, it is important to seek the advice of the Human Resources team at this stage.

## 6.5 Informal Action Following the Informal Investigation

6.5.1 A range of possible outcomes could follow on from the informal investigation that is carried out, and these are:

- No action necessary
- The manager makes clear to the member of staff their concerns about their conduct, and is also clear about the standard expected in the future and the consequence of not complying. This is not a verbal warning, but should be recorded in the supervision notes and manager's file.
- Training, coaching, counselling or other forms of support are considered and arranged to help the member of staff to improve their conduct in future. Such measures must not be considered disciplinary penalties in themselves, although staff will be expected to co-operate with any measures suggested.
- Decide that the issue is a serious enough breach of disciplinary rules and standards of conduct to warrant formal disciplinary action according to the Procedure set out in Section 6.6.

Advice should always be sought from the Human Resources Department before action is taken after an informal investigation.

## **6.6 Disciplinary Procedure – Formal Stage**

**6.6.1** Formal action is necessary in certain situations and these are discussed in the next section.

### **6.7 Formal Investigation**

**6.7.1** A formal disciplinary investigation may be necessary in a number of circumstances. These are:

- when the initial breach of disciplinary rules is sufficiently serious (e.g. in cases of suspected gross misconduct);
- after an informal investigation where the line manager concludes that the breach of disciplinary rules has been sufficiently serious; or
- Where a line manager has previously discussed the incident of misconduct/breach with the member of staff and informal action recommended under section 6.5 has not resulted in an improvement in conduct or there are repeated incidents of misconduct.

**6.7.2** The line manager should seek advice from their manager and the Human Resources team about the composition of the investigating panel. The investigating panel will normally be the line manager and a member of the Human Resources team.

**6.7.3** The formal investigation will involve establishing the facts of the case as far as possible, and this is likely to include:

- one or more interviews with the member of staff who is alleged to have breached disciplinary rules;
- interviews with staff and/or other parties who have witnessed or may have relevant information about the alleged breach of disciplinary rules;
- gathering any documentary evidence about the alleged breach of disciplinary rules.

**6.7.4** Interviews will be conducted by both members of the investigating panel, and the member of staff is entitled to be accompanied as set out in Section 4. The member of staff is entitled to write their own statement concerning the alleged breach of disciplinary rules. However, where this is different from what the member of staff states in an investigatory interview this will be highlighted in the panel's report.

**6.7.5** The investigating panel will write a report detailing the information they gathered during the investigation, and their conclusions about the alleged breach of disciplinary rules. Where the panel concludes that there has been misconduct and there is a case to answer, they will prepare a Management Statement, based on their investigation, for presentation at a formal Disciplinary Hearing.

### **6.8 Suspension**

**6.8.1** Suspension is a neutral act and not a disciplinary penalty. Redeployment should be

considered where possible as an alternative to suspension.

6.8.2 However, suspension may be appropriate for a number of reasons including:

- where time is needed to obtain facts and gather evidence regarding an incident and where it is possible that allowing the member of staff to remain at work could impede or prejudice the investigation;
- where the alleged misconduct is sufficiently serious that management consider that it would be unwise or unsafe to allow the member of staff to remain at work because of the possibility of repeat incidents, pending further investigation;
- in the interests of the member of staff e.g. if there are concerns about their health;
- in the interests of other staff, patients or general public, where the continued presence of the staff member could put others at risk
- some other substantial reason affecting the employee or the workplace, advice must be taken from the Director of Human Resources in these circumstances

6.8.3 Suspension will be with pay and for as short a time as possible. Management will review the need for the suspension to continue on a fortnightly basis as the investigation progresses, and keep the member of staff informed.

6.8.4 Payment during suspension will continue on the condition that the staff member is available during their normal working hours to attend any meetings that may be convened as part of any investigation

6.8.5 Whilst suspended the member of staff will not be allowed to enter Trust premises except with permission of senior management or as a patient. They will not be allowed to speak to Trust employees without such permission. The member of staff should be given permission to enter the premises to consult with his/her representative.

6.8.6 The authority to suspend rests with Trust Directors and their designated deputies. In their absence the next most senior manager may issue a suspension.

## 6.9 **Formal Disciplinary Hearing**

6.9.1 Disciplinary hearings should be conducted in an atmosphere of mutual co-operation to enable the manager hearing the case to be clear about the facts and circumstances of the case and make an appropriate decision.

6.9.2 The member of staff should be informed that they are required to attend a disciplinary hearing no less than two weeks before the date of the hearing. The letter inviting them to the hearing must set out:

- the date, time and venue of the hearing;
- the nature of the alleged offence(s) and the reason for the hearing;
- the right to representation;

- the fact that disciplinary action, including possible summary dismissal if appropriate, may be taken;
- 6.9.3 The Management Case should be included with the letter, and the member of staff should be invited to submit a case in writing in their defence no less than three working days before the hearing.
- 6.9.4 The composition of a disciplinary hearing should be as follows:
- a senior manager will chair the hearing, advised by a member of the Human Resources Department. The Chair will normally be the manager of the investigating manager so long as he/she has had minimal prior involvement in the case. Where this is not possible an alternative senior manager may chair disciplinary hearing. The Human Resources team should be asked to advise on the suitability of the panel in all cases;
  - the investigating manager, who will present the Management Case, may choose to be advised at the hearing, by the member of the Human Resources Department that has supported him/her during the investigation;
  - the member of staff against whom allegations are made, accompanied by a work colleague, a trades' union representative or an official employed by a trades' union if they wish;
  - Witnesses, who can be called by either the manager presenting the Management Case, or the member of staff. As set out in 5.6, all staff have a duty to co-operate with disciplinary proceedings, including attending as witnesses if requested.
- 6.9.5 All evidence, statements and details of witnesses must be available to both the investigating manager and the member of staff. The presentation of new evidence on the day of the hearing should be avoided. In exceptional circumstances and where it has been agreed by the panel that supplementary information can be tabled at the meeting, where such new evidence is presented, it may be necessary for the panel to adjourn the hearing to allow the submission to be fully considered.

## 6.10 **Formal Disciplinary Hearing – Process to be followed**

- 6.10.1 The process to be followed at a Disciplinary Hearing will be as follows:
- the Chair introduces the hearing and those present
  - the investigating manager presents the Management Statement or case, which must have been previously provided to the member of staff and the hearing Chair
  - the investigating manager calls any relevant management witnesses, addressing and questioning them as to their knowledge and perception of the incidents
  - the Chair, HR representative and member of staff (or their representative) may ask questions of management witnesses, as they are called
  - the Chair, HR representative and member of staff (or their representative) may ask questions of the investigating manager based on their Management Statement

- Following this, the member of staff (or their representative) presents their case
- the member of staff (or their representative) calls any witnesses
- the Chair, HR representative and manager may ask questions of the member of staff's witnesses
- the Chair, HR representative and manager may ask questions of the member of staff
- the investigating manager sums up the management case
- the member of staff (or their representative) sums up their case including presentation of any mitigating circumstances
- the hearing will then adjourn for the Chair, advised by the member of the Human Resources Department, to make a decision based on the evidence presented. He/she must decide whether there are reasonable grounds to believe that a breach of disciplinary rules or standards of conduct did take place, and if necessary, decide what level of disciplinary penalty is appropriate. Following an initial adjournment, the Chair will normally reconvene the hearing to clarify whether the hearing will reconvene within a given timescale, or whether the outcome will be notified by letter.

## **6.11 Formal Written Warning**

6.11.1 If a formal written warning is issued it must be confirmed in writing within five working days of the decision, stating the following, as appropriate.

- the nature of the offence
- the nature of the warning i.e. formal written warning
- the standard of conduct required in the future
- the nature of any further action should further misconduct occur e.g. final written warning or dismissal
- that a record of the warning will be kept on the member of staff's personnel file for a stated period of time and that the warning will be removed from the employee's record at the end of that time. The period of time may be varied according to the offence, but should not normally exceed 12 months.
- any mitigation that was given
- the member of staff's right to appeal (see Section 6.15).

## **6.12 Final Written Warning**

6.12.1 A final written warning will be appropriate if there has been repetition of previous misconduct and where a previous written warning has been ineffective. In more serious cases of misconduct it may be appropriate to issue a final written warning, even if there has been no prior warning or penalty given.

6.12.2 If a final written warning is issued it must be confirmed in writing within five days of the decision, stating the following:

- the nature of the offence
- the nature of the warning i.e. final written warning
- the standard of conduct required in the future
- the nature of any further action should further misconduct which would warrant formal action occur i.e. likely to be dismissal
- that a record of the warning will be kept on the member of staff's file for a stated period of time and that the warning will be removed from the employee's record at the end of that time. The period of time may be varied according to the offence, but should not exceed 18 months.
- any mitigation that was given
- the member of staff's right to appeal (see Section 6.15).

### **6.13 Review of Warnings**

- 6.13.1 The employee will be informed of the arrangements for reviewing any warnings. All such warnings should be reviewed regularly to assess whether improvements are being achieved. Warnings should be reviewed formally by the disciplining manager in a meeting with the staff member within the timespan of the warning. If further disciplinary action is contemplated, a hearing will have to be convened before the warning lapses.

### **6.14 Dismissal**

- 6.14.1 Dismissal may be appropriate when previous warnings have been ineffective or where misconduct is particularly serious and amounts to a fundamental breach of trust between employer and employee such that the necessary trust and confidence to maintain the employment relationship no longer exists. Where it is decided to dismiss the member of staff, notice of termination should be confirmed in writing within five working days. The letter must state:

- the nature of the offence
- that the member of staff is dismissed, the reason, giving their contractual notice period and termination date; OR
- that the member of staff is summarily dismissed (i.e. without notice)
- the member of staff's right to appeal (See 6.15 below).

### **6.15 Appeals against Disciplinary Action**

- 6.15.1 Any member of staff who is issued with a disciplinary penalty has the right to appeal against that decision according to the provisions of the Trust's Appeals Procedures.
- 6.15.2 Any appeal by the member of staff should be received by the Director of Human Resources within two weeks of the date of the letter confirming the outcome of the hearing. The date for receipt of an appeal should be included in the letter giving the outcome of the disciplinary hearing.

## **7 Training Requirements**

- 7.1 This policy and procedure will be available to all staff via the intranet. The HR team will maintain their skills and knowledge in relation to this procedure through appropriate training. This will include employment law and investigation skills training.
- 7.2 Managers will be offered training on managing conduct and disciplinary issues through the Trust's staff training programme.

## **8 Process for Monitoring Compliance with this Procedure**

- 8.1 The Director of HR and the Chief Executive will review each occasion that this policy is implemented. Particular reference will be made to record keeping and the nature of any challenges forwarded by or on behalf of any member of staff subject to the informal and/or formal disciplinary procedure.
- 8.2 The Director of HR will monitor any challenges raised by staff subject to this policy, with reference to the external legal advice as required, and will ensure that the Management Committee and Joint Staff Consultative Committee (JSCC) are kept fully up to date with relevant matters.
- 8.3 The Director of HR will ensure the procedure is reviewed at least every four years or sooner if any legislative or other statutory changes come into force.

## **9 References**

Employment Act 2002  
ACAS Disciplinary and Grievance Procedures Code of Practice  
Bribery Act 2002  
Maintaining high professional standards in the modern NHS (MHPS)

## **10. Associated Documents**

Employee Capability Policy  
Equal Opportunities Policy  
Raising Concerns at Work Policy  
Sickness Absence and Rehabilitation Policy  
Recruitment Policy and Procedure  
Anti-Bribery Policy and Procedure

## **APPENDIX A – DISCIPLINARY RULES**

### **1 Attendance at Work**

- 1.1 All staff are required to attend work regularly and punctually within the agreed working hours for their department, or any agreement that may be in force for them under Trust and/or local flexible working arrangements. Failure to attend work regularly and punctually may lead to disciplinary action, including dismissal if offences continue after previous warnings. The length of an individual's journey to work, or transport difficulties, whilst they may be factors that warrant requests for flexible starting times, cannot be accepted as a reason for irregular or un-punctual attendance.
- 1.2 Staff cannot absent themselves at work without prior permission, except in cases of sickness, contact with infectious diseases, or sudden domestic emergencies (provision for which is made under the Flexible Working Policy). Un-notified absence will be investigated and may lead to disciplinary action. Failure to follow the sickness reporting procedures set out in the Trust's Sickness Absence Procedure will also be investigated and may lead to disciplinary action.

### **2 Standards of Conduct**

- 2.1 All staff are expected to provide efficient and courteous service to health service users, colleagues, and the staff of partner organisations.
- 2.2 Staff are expected to carry out the reasonable instructions of their managers promptly and efficiently.
- 2.3 Staff are expected to attend to their duties diligently and with due care and attention, including spending all of their contracted working hours engaged in work activities.
- 2.4 Many employees will have access to confidential information. Breaches of confidence will be regarded as a serious matter that may be subject to disciplinary action.
- 2.5 All staff are expected to be aware of the Standards of Conduct for Employees in a Public Service. This includes the requirement, where necessary, to request permission to undertake additional outside employment, the requirement to declare any potential conflict of interest, and the requirement not to accept inappropriate gifts of hospitality (*see bribery act below*).

### **3 Gross Misconduct**

- 3.1 Certain offences are so serious that they may merit immediate suspension so that a disciplinary investigation can take place.
- 3.2 Where these offences are investigated and allegations are subsequently upheld at a disciplinary hearing, summary dismissal may also be appropriate.
- 3.3 These offences include:
  - Theft - any instance of theft of Trust property; from a member of the public; or a member of staff on Trust premises

- Fraud – any attempt to defraud the Trust, a partner organisation, or a member of the public in the course of official duties
- Assault – any assault upon a colleague or member of the public that takes place on Trust premises or in the course of official duties
- Negligence – any action, or failure to act, which threatens the health and safety of a member of the public, or a member of staff
- Malicious damage – to Trust property or premises, or the property of members of the public or members of staff
- Corruption\* – receipt of money, goods, favours or excessive hospitality in respect of services rendered (see also 2.5 – Standards of Conduct)
- Being unfit for duty – e.g. through drink, drugs

However, it is recognised that in relation to some of these offences there may be significant mitigating circumstances, such that dismissal, either summary or with notice, is not always warranted.

#### Bribery Act 2010\*

*'The Bribery Act 2010, which repeals existing corruption legislation, has introduced the offences of offering and or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place. Under the Act Bribery is defined as "Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other privileges". Corruption is broadly defined as the offering or the acceptance of inducements, gifts, favours, payments or benefit in kind which may influence the improper action of any person; corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another. To demonstrate the organisation has sufficient and adequate procedures in place and to demonstrate openness and transparency all staff are required to comply with the requirements of the Disciplinary Policy and to read the Trust's anti-bribery policy and procedure for a more detailed explanation.*

**N.B the disciplinary rules, standards of conduct, and examples of gross misconduct detailed above are not exhaustive, but should be taken as examples. It is not practicable to list all of the offences which would justify disciplinary action, nor those which would be regarded as warranting summary dismissal.**

EQUALITY IMPACT ASSESSMENT

FORM ONE – INITIAL SCREENING

<p>Name of policy, function, or service development being assessed:</p> <p>Disciplinary Policy and Procedure</p>
<p>Name of person carrying out the assessment:</p> <p>Namdi Ngoka, Deputy Director Human Resources</p>
<p>Please describe the purpose of the policy, function or service development:</p> <p>To set out clear principles and practices regarding the management, investigation and resolution of matters of staff conduct ensuring they are applied consistently across the Trust. Additionally to set out the expected behaviour and conduct required of staff.</p>
<p>Does this policy, function or service development impact on patients, staff and/or the public?</p> <p>YES - Staff</p>
<p>Is there reason to believe that the policy, function or service development could have an adverse impact on a particular group or groups?</p> <p>NO. Instances of misconduct requiring application of the Trust’s previous Disciplinary rules and Procedures document are rare. There currently no evidence that particular groups of staff are more affected (i.e. disciplined). Annual reports are also provided to the Trust’s management Team and Trust board regarding instances of disciplinary and grievance action.</p>
<p>Based on the initial screening process, now rate the level of impact on equality groups of the policy, function or service development:</p> <p><b>Negative / Adverse impact:</b></p> <p>Low - minimal risk of having, or does not have negative impact on equality</p>

Date completed .....July 2014

Signed .....



Print name .....Namdi Ngoka