



HR POLICIES & PROCEDURES (HR/B02)

DISCIPLINE & CONDUCT POLICY & PROCEDURE

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EQUALITY IMPACT ASSESSMENT

1. INTRODUCTION

- 1.1 The Trust will seek to ensure through its managers that any shortcomings of staff in relation to the duties and responsibilities of their posts or their behaviour are brought to their attention at the earliest opportunity. It is good management practice to take appropriate steps to secure a mutually acceptable remedy where possible through training or counselling.
- 1.2 Staff will be informed and aware of the standards required of them and what is expected of them in terms of performance, conduct and their role in carrying out Trust policies and procedures.
- 1.3 Managers will support and encourage all employees to achieve and maintain the highest possible standards of performance and conduct. Where appropriate, employees are given reasonable help, advice, opportunity and time to achieve the required standards.
- 1.4 As a responsible employer, the Trust is keen to ensure that fair and effective arrangements are in place for dealing with disciplinary matters for employees and that current employment law and the ACAS Code of Practice is observed.
- 1.5 The Trust recognises three categories of misconduct:
 - Minor
 - Serious
 - Gross
- 1.6 All information received and divulged throughout the Discipline and Conduct procedure is to be regarded as highly confidential to those involved in the disciplinary process and otherwise may only be used where a further and separate investigation is required as a result of allegations made during a hearing. For example, allegations of bullying, harassment or other misconduct perpetrated by another employee
- 1.7 Apart for exceptional circumstances, which have potentially serious implications on service delivery and/or reputation, no employee will normally be dismissed without a first warning.
- 1.8 Where it is stated that information will be provided in writing (on either side); this includes email – which are legally acceptable since they originate from a personal account.

2. PURPOSE & SCOPE

- 2.1 The purpose of this policy is to provide a clear framework for managers to deal with matters of misconduct and poor performance not due to capability which is dealt with under the Capability Policy in a fair and consistent manner in accordance with the Trust's Equal Opportunities Policy
- 2.2 To promote the equitable and consistent treatment of staff where breaches of discipline are alleged and to ensure that disciplinary cases are managed consistently across the Trust in a non-discriminatory, fair and timely process in line with current legislation and employment case law.
- 2.3 To ensure that all members of staff are fully advised of the substance and nature of the allegations before a formal investigation is undertaken and/or disciplinary action is taken against them.
- 2.4 This policy applies to all SCAS employees except doctors who will be dealt with in accordance with the policy, "Maintaining High Professional Standards in the Modern NHS".
- 2.5 It should be noted that any incident involving SCAS vehicles must be reported to the Driving Standards Manager; who will also have a role as a specialist investigator.

3. PROCEDURE

- 3.1 Please refer to the flow chart on Appendix 9 for the appropriate procedure to be undertaken

4. EQUALITY STATEMENT

- 4.1 The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post, The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of the aforementioned protected characteristics whether full or part-time or employed under a permanent or a fixed-term contract or any other irrelevant factor.
- 4.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 4.3 Where there are barriers to understanding; eg, an employee has difficulty in reading or writing, or where English is not their first language, additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the HR Department.

5. LEVELS OF AUTHORITY

Details of the levels of authority to take appropriate action are shown in Appendix 6

6. INFORMAL STAGE

- 6.1 The informal stage is very important in the effective implementation of a policy focussing on the improvement and maintenance of high standards of conduct. The intention should always be to resolve an issue at the earliest opportunity and wherever possible a resolution should be sought through an informal process. This would normally be in circumstances where performance or behaviour falls short of the required standard or could be considered as minor misconduct. In this situation, the manager would establish the facts of the situation and make a decision as to whether it is appropriate to deal with the matter informally or whether the formal disciplinary process needs to be invoked. The manager/team leader/shift supervisor should have an informal discussion about the key points, objectives and measures set and a review process (see Appendix 2). It is important that the employee is reminded of the standard of conduct or behaviour that is expected and the consequences if improvement is not achieved. Informal action could also involve close supervision, coaching, monitoring, or training with the aim of improving the standard of behaviour
- 6.2 HR are able to provide guidance at this stage to ensure the consistent application and approach across the organisation.
- 6.3 If the manager considers it reasonable to do so in the circumstances, they may issue the employee an improvement note to ensure clarity on the conduct issue, the action required of both the employee and the manager, including details of the improvement required and the timescale. It is important that during the monitoring period, the manager ensures the provision of day to day supervision and support as discussed at the meeting and ensures that the employee is appropriately supported to help them achieve and maintain the required standard. The employee is required to fully co-operate during this period, to achieve and then maintain the improvement outlined.

The normal improvement period would be three months although in some circumstances this may be extended to a maximum of six months. During the whole of the monitoring period regular supervision is provided.

7. FORMAL DISCIPLINARY PROCESS

- 7.1 The intention should always be to resolve an issue appropriately at the earliest possible opportunity. The Trust operates an escalation of procedures which can be invoked according to the nature and seriousness of the allegation, consisting of the formal stages outlined below.
- 7.2 Depending on the seriousness of the offence, it is possible to skip stages, being consistent with the three levels specified in the introduction. Dependent on the individual circumstances of a case and the severity of the misconduct, it may be appropriate to move directly to a final written warning. This might occur where the employee's actions have or are liable to have a serious or harmful impact on the organisation. In cases of gross misconduct which would have serious consequences, dismissal could be considered for a first offence.
- 7.3 The way in which managers deal with allegations of misconduct may depend upon:
- The seriousness of the allegation; whether it is a minor offence or something that amounts to serious or gross misconduct (*see Appendix 2*).
 - Whether the alleged misconduct is an isolated incident or has been the subject of previous or ongoing concern which has previously been addressed and/or documented.

8. LEVELS OF WARNING/OUTCOMES

- 8.1 **First written warning** – if the conduct is sufficiently serious, repeated minor offences or if there has been no improvement following informal discussion, it may be appropriate to issue a first written warning, which will normally remain active for 6 months. The warning will stipulate 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. The progress of the employee will be regularly monitored through regular supervision. Where conduct has improved but there remain some areas where further improvement is required, the Trust may decide to extend the active period as an alternative to taking further formal action. This would only be actioned after a discussion with the member of staff and they are clear about what further improvement is required. An extension would be in line with the normal improvement period of three months which may, in specific circumstances, be extended to a maximum of six months. After that, there should be no further extension of the original warning and the next appropriate step should be considered in line with this policy. After the active period of a warning, it will generally be disregarded.
- 8.2 **Final written warning** – if the conduct is sufficiently serious or if there has been no improvement following the issuing of a first written warning which is still active, it may be appropriate to issue a final written warning. Final written warnings will normally remain active for a period of 12 months. The warning will stipulate 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. In very exceptional cases, due to the seriousness of the misconduct, this period may be extended in line with the process outlined in the previous paragraph. After the active period of a warning, it will generally be disregarded.
- 8.3 **Dismissal** - if the conduct is sufficiently serious or if there has been no improvement following the issuing of a final written warning which is still active, it may be appropriate to dismiss the employee. Dismissal will also be considered when the matter is so serious it amounts to gross misconduct (*see Appendix 2*) and warrants dismissal for a first offence. In cases of gross

misconduct, the Trust reserves the right to summarily dismiss staff. Only those managers with the authority to dismiss may take this action.

Dismissal with notice will be appropriate for situations where previous warnings have failed to elicit acceptable standards of conduct from the employee, or in extremely serious circumstances.

Dismissal without notice will only be used in cases of gross misconduct

8.4 Alternative Action to Dismissal

During this final hearing stage consideration will be given to action short of dismissal. This may include:

- Consideration of redeployment
- Downgrading to a post of lesser responsibility
- Training or Coaching, etc.

This list is not exhaustive and alternative action should not be considered an automatic right by the employee and will be subject to the needs of the service and consideration of all the facts.

Where an alternative to dismissal is offered no protection to remuneration or benefits will apply and the employee will be employed on the terms and conditions pertaining to the post, following statutory notice as outlined within the employee's contract of employment.

9. A SHORTENED PROCESS

9.1 There may be situations where the facts of the case are very clear and not disputed by any party. In these circumstances it is beneficial for all concerned to have the matter dealt with and resolved as quickly as possible to reduce disruption and any unnecessary stress. This would normally be applicable in cases of minor misconduct or errors and would not apply to any conduct considered to be gross misconduct. The principles of the ACAS Code of Disciplinary Procedure should be followed.

- The facts of the situation must be established
- The employee is informed
- The employee has an opportunity to put their case and to be accompanied at any meeting

A decision is taken on appropriate action and the employee has the right of appeal

9.2 In such cases, the manager one above the person who established the facts, can hold a hearing, giving shorter notice than for a full hearing but with not less than 48 hours' notice. The manager will seek HR advice and guidance on the matter to ensure a consistent approach. The employee will be given written information about the facts that have been established and may be accompanied to the meeting. They will have an opportunity at the meeting to present their case and any mitigating circumstances.

9.3 The manager will make a decision on an appropriate action, having taken into account all the information provided, the guidance from HR and the approach or attitude of the employee. The employee will be advised of their right to appeal against the decision and outcome

10. SUSPENSION FROM DUTY

10.1 Suspension is a neutral act and in certain circumstances can be taken as a protective measure. It is to ensure a thorough investigation can be undertaken and it is not designed to be used as a punitive measure and does not imply guilt or misconduct.

- 10.2 Whenever suspension is being considered, advice should be sought from the HR department. If, however, it has happened outside standard office hours, HR must be informed at the earliest possible opportunity.
- 10.3 A member of staff may be suspended from work without any loss of their salary whenever management considers it appropriate. Examples of when it is appropriate to suspend are as follows:
- They are suspected of committing an act of Serious and/or Gross Misconduct, which might result in dismissal
 - Management considers their continued presence at work could cause embarrassment to self or others or impede the investigatory process, for example where there is a possibility of somebody destroying evidence, or jeopardising the wellbeing, physical and/or mental, of others members of staff or patients.
 - Management considers their continued presence could put at risk the public, patient or organisation interests.
- 10.4 Suspension will be carried out by the most appropriate manager at the time and will take place as soon as possible after an incident has been discovered and after a suspension risk assessment has been undertaken (Appendix 8). They must inform their immediate line manager/duty manager as soon as possible.
- 10.5 There is no right of appeal against suspension.
- 10.6 If possible and reasonable in the circumstances, the employee may be temporarily redeployed to another area of the Trust as an alternative to suspension from all work. Any redeployment will be suitable and an employee cannot unreasonably refuse alternative duties offered.
- The reason for suspension/temporary redeployment will be communicated verbally (face-to-face) to the employee at the time of suspension and confirmed in writing within 3 calendar days of the suspension by the employee's line manager.
- An employee who is suspended (or temporarily redeployed in lieu of suspension) will be paid at the basic rate, including an average of allowances on the 12 weeks' earnings prior to the suspension.
- 10.7 The authority to suspend is with the Duty Manager at the time of suspension. However, they must obtain advice from an appropriate member of the HR team and/or Divisional Manager, as appropriate, before making the decision to suspend. If advice is not readily available, the manager must request the employee to go home and return to work the next day so suspension can formally be confirmed, after HR advice has been obtained. The suspending manager is responsible for notifying Payroll, Head of Department and the Divisional HR Manager as soon as possible.
- 10.8 Periods of suspension should be for as short a period as possible. However the length of a suspension could vary and therefore should be reviewed by the suspending manager and HR every 14 days. This is to ensure that circumstances have not changed and suspension is still appropriate, taking into account the original suspension risk assessment.
- 10.9 Any member of staff who has been suspended must be treated with care and consideration and provided with adequate support during any period of suspension.
- 10.10 The suspended employee must make themselves available for management meetings in connection with the investigation and for any disciplinary hearing that may be set up. Thus, any employee suspended from duty must be available during normal office hours Monday to Friday 9am-5pm although any pre-booked Annual Leave will be taken into account. Failure to do so may result in loss of pay.
- 10.11 Please refer to Risk Assessment Template (Appendix 8)

11. THE RIGHT TO BE ACCOMPANIED

- 11.1 At all stages of the formal procedure, employees are entitled to be accompanied by a Staff Side representative or work colleague not acting in a legal capacity. Employees are responsible for arranging their representation.
- 11.2 Managers will advise employees of this when an allegation of misconduct is made against them but it is the employee's responsibility to arrange for their companion to be present at any stage of the formal procedure and to notify the investigating manager of their identity and role at least 3 days before the meeting or hearing.
- 11.3 If disciplinary action beyond informal guidance is considered against an accredited staff representative, the manager or HR representative will involve the appropriate full time officer of the representative's union, prior to any action being taken.
- 11.4 An accredited representative may choose to be represented by a full-time trade union officer, at all formal stages in this procedure.

12. RESPONSIBILITIES

- 12.1 Full details of the responsibilities of employees, managers, human resources, staff representatives, appointing managers, and investigating officers are outlined in Appendix 1

13. APPEALS

- 13.1 Employees have one right of appeal at each formal stage of this policy.

13.2 Appeals against formal reviews

Employees wishing to appeal against a formal review must give notice of appeal to the line manager of the manager issuing the review.

Appeals must be lodged, in writing, to the named HR Representative within 14 calendar days of date of the hearing. When an outcome is not given at the hearing but provided in writing, the appropriate timescale for submitting an appeal will be confirmed in the letter.

The notice of appeal must clearly outline the grounds for appeal and include any additional supporting information the employee wishes to be considered. Those reasons should fall within one or more of the following categories:

- Inadequate investigation and insufficient substantiation of issues.
- Procedural irregularity and unfairness.
- Unreasonable action.

NB: this list may not be exhaustive

13.3 Appeals against redeployment/dismissal

Employees appealing against a decision to redeploy or dismiss have a single right of appeal to the Executive Director for that directorate or if the manager conducting the disciplinary hearing was an Executive Director of the Trust another Executive Director not previously involved in any previous stage of the case.

Appeals must be lodged, in writing to the Assistant Director of HR (Operations) within 14 days of the date of the hearing. When an outcome is not given at the hearing but provided in writing, the appropriate timescale for submitting an appeal will be confirmed in the letter.

The notice of appeal must clearly outline the grounds for appeal and include any additional supporting information the employee wishes to be considered.

14. PROFESSIONAL ISSUES/ADVICE

- 14.1 In cases involving professional issues, the appropriate accountable professional manager or adviser must be involved in all formal stages of this policy.

Where there is no suitable professional manager within the structure, the Manager dealing with the case has discretion to appoint an external professional adviser.

15. REFERRAL TO STATUTORY, REGULATORY OR PROFESSIONAL BODIES.

- 15.1 There may be instances where the manager and professional adviser decide that it is appropriate to notify a relevant statutory professional body that disciplinary action is being taken against an employee. When dealing with cases that have the potential to fall into this area, whether informal or formal action is being considered, advice must be sought from the HR Department

- 15.2 In the majority of cases, such referral will only apply in cases of serious/gross incompetence and/or where the individual is being dismissed. Should this be necessary, the HR Adviser to the panel will ensure that the relevant professional body is consulted and/or notified as appropriate and in accordance with the professional bodies' code of ethics/conduct. Staff must be informed that their professional body has been notified and of any subsequent action.

15.3 Independent Safeguarding Authority (ISA)

Under the terms of the Safeguarding Vulnerable Groups Act (2006), employers have a legal duty to make a referral to the ISA where they have dismissed or removed a member of staff or volunteer (or where they would have been removed or dismissed had they not left of their own accord) from working in regulated activity because they have harmed, or posed a risk of harm, to a child or a vulnerable adult. The Trust will, therefore, make referrals to the ISA in such cases.

16. OFF-DUTY MISCONDUCT AND CRIMINAL CONVICTIONS

- 16.1 The Trust expects good conduct from its staff at all times. Therefore, where conduct outside of the workplace has a direct or indirect effect on the work or reputation of the Trust or affects the suitability of that individual or their acceptability to the Trust or other employees, the matter may be subject to this procedure.

- 16.2 All employees are bound by the policies of the Trust. Off duty misconduct (including criminal offences) will not normally be treated as an automatic reason for dismissal and neither will employees be dismissed solely because a charge against them is pending or because they are absent through having been remanded in custody. Where staff are charged with a criminal offence, the Trust will carry out an independent investigation in accordance with Appendix 1 of this policy to determine whether the matter needs to be considered at a disciplinary hearing, based on the balance of risk to the organisation.

- 16.3 All employees are required to advise their manager of any criminal convictions or charges made against them whilst they are employed by the Trust.

16.4 Alcohol and Drugs Misuse

Where an individual's conduct/performance is affected by an alcohol or drug problem support will be provided in accordance with the Trust's Alcohol and Drugs Policy.

16.5 Counter Fraud, Bribery and Corruption

If the concern is suspected to be fraud, bribery or corruption the Line Manager/HR must report this to the Local Counter Fraud Specialist (LCFS), who will liaise with the Director of Finance and Human Resources to reach an agreement on the approach.

Fraud and/or Bribery is a criminal offence and therefore not acceptable at SCAS and due to this is likely to be considered as gross misconduct. The Trusts Counter Fraud Policy and Anti-Bribery Policy defines the basic offences and clarifies how the Trust will progress suspicions of fraud/bribery.

A counter fraud-led investigation will usually be undertaken without the knowledge of the suspected employee. This will be continually reviewed by the LCFS and SCAS HR until such time as considered appropriate to inform the suspected employee.

17. TIMESCALES AND EXCEPTIONAL CIRCUMSTANCES

- 17.1 It is acknowledged that there may, on occasion, be *exceptional* circumstances where it is not possible to comply with the timescales detailed in the Best Practice guide. In such cases, either the employee or the manager must notify the HR Department as soon as possible in order that the circumstances can be considered sympathetically and an extension may be considered. It is the responsibility of all involved in the case to make every reasonable effort to ensure the matter is dealt with in a timely manner to avoid unnecessary stress.

18. RECORD-KEEPING & MONITORING

- 18.1 A written record of all decisions taken in accordance with this policy will be retained on the employee's personal file.
- 18.2 The proceedings (investigation interviews, meetings and hearings) may be recorded provided that all participants agree.
- 18.3 All documentation will be treated confidentially and in accordance to the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and SCAS' Lifecycle Policy. There must be a full written record consisting of letters, emails, transcribed phonecalls or (signed and dated) meeting notes. The contents and outcomes of informal meetings should also be confirmed in writing and retained. NB: Notes made relating to any disciplinary or conduct issues must be stored securely and placed in the HR personal file which is retained in a secure place.
- 18.4 Employees may access any documentation held on them in accordance with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and notify any inaccuracies to those responsible.
- 18.5 The HR department will implement systems to monitor selection procedures both to obtain the necessary statistical information and to audit the procedural aspects of the capability process. This is necessary to meet statutory requirements and to ensure good employment practice.
- 18.6 Statistical analysis and reports will be provided to the relevant bodies as required and to appropriate internal departments/managers and meetings as required on a regular basis.
- 18.7 **Deferral and Extension of Written Warnings**
- a. In normal circumstances, it is not appropriate to extend the period of time that a disciplinary warning remains on an employee's personal file. However, if the manager has been unable to review the individual's progress due to staff absence, consideration should be given to extending the warning. They will then hold a formal meeting with the employee to discuss the possibility of extending the warning.
 - b. The formal meeting must take place before the expiry of the original warning and the employee must be given at least 7 calendar days' notice in writing of the meeting and its purpose. The employee will have the right to be accompanied at the meeting by their trade union representative or a colleague or friend not acting in a professional capacity and the manager convening the hearing must be accompanied by a member of the HR department.
 - c. Warnings will be deferred and/or extended in the event of the member of staff being absent from work in excess of one calendar month. The length of such extensions should mirror the

absence (eg, in the event a member of staff is absent for six weeks, the warning should only be extended by six weeks).

- d. The warning may not be extended past the maximum time period of the original warning. If, at the end of the original warning period, there has been little or no improvement in the employee's conduct, then further disciplinary action should be considered by the manager.
- e. All such decisions should be confirmed in writing outlining the reason for such and associated timescales.

18.8 Removal of Disciplinary Records

- a. Any records relating to disciplinary penalties in a personal file are not current after the expiry of the warning.
- b. "Spent" warnings cannot be taken into consideration in any subsequent internal review of the individual's conduct or performance, except in exceptional circumstances, such as where there have been repeated warnings issued for disciplinary offences of a similar nature.
- c. If an Appeal results in a disciplinary penalty being withdrawn then all evidence, reports, correspondence and information will be removed from the individual's file.

19. OCCUPATIONAL HEALTH

- 19.1 The Trust reserves the right to refer employees to Occupational Health (OH) at any point of the process. The purpose is for assessment and medical advice and to gain an understanding of any health issues affecting the employee's fitness to undertake their contractual duties and/or suitable alternative duties, or to attend a disciplinary meeting or hearing. It is also to ensure that the Trust is offering the employee all appropriate support in this respect.
- 19.2 Managers must discuss the reason for referral with the employee prior to the referral being made. As with all OH referrals, the employee will automatically be sent a copy of the manager's referral letter prior to their OH appointment. Employees do not need to be absent due to sickness/ill health in order to be referred to OH.

20 POLICY REVIEW

- 20.1 The Assistant Director of HR (Operations) will review the effectiveness of this policy and will advise the Trust Board and Joint Staff Consultative Committee.

21 RELATED POLICIES & GUIDANCE

- 21.1 Please read this policy in conjunction with the following:

Capability Policy

Best Practice Guide to Investigations

Best Practice Guide to Hearings and Appeals

Dignity at Work Policy

Equal Opportunities Policy

Grievance Policy

Whistleblowing Policy

NHS Managers' Code of Conduct

http://www.nhsemployers.org/SiteCollectionDocuments/Code_of_conduct_for_NHS_managers_2002.pdf

Internet Policy (especially for information relating to misuse of Social Networking sites)

22 FURTHER INFORMATION

22.1 The following sources of information can give perspective and context to the policy and procedure:

ACAS code of practice: <http://www.acas.org.uk/index.aspx?articleid=2174>

Government guidelines: [http://www.direct.gov.uk/en/Employment/Resolving WorkplaceDisputes/Disciplinaryprocedures/index.htm](http://www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/Disciplinaryprocedures/index.htm)

The union view: www.unison.org.uk; www.unitetheunion.org; www.rcn.org.uk

RESPONSIBILITIES

1. Manager is responsible for:

- Exhibiting behaviour which meets the Trusts standards at all time and which are in line with the Trust's values.
- Investigating complaints or allegations concerning members of staff promptly and taking appropriate action.
- Providing employees with sufficient communication, information and education to enable them to effectively carry out their duties
- Making every effort to resolve issues on an informal basis where appropriate
- Supervising and guiding staff on a day-to-day basis, instilling a culture of encouragement and support and identifying areas and opportunities for improvement at an early stage and setting realistic and measurable targets for standards of conduct and work performance, clearly explaining those standards to staff
- Meeting and monitoring staff regularly to ensure that once acceptable standards have been achieved these are maintained, taking appropriate action if standards begin to deteriorate
- Putting in place robust appraisal and supervision arrangements and identifying any training needs to enable staff to achieve the standards expected of them throughout their employment
- Seeking HR advice as soon as possible when a problem occurs
- Involving HR when dealing with all formal aspects of this policy and ensuring that an HR representative is present at all formal meetings and/or hearings
- Making employees aware of their rights and entitlement under the policy immediately an allegation of misconduct is made
- Completing and providing all relevant and/or appropriate documentation in accordance with these procedures
- Adhering to the NHS Managers' Code of Conduct.

2 Human Resources (HR) are responsible for:

- Providing advice and facilitating the appropriate use of the policy
- Providing coaching and practical advice to managers when developing or changing the working environment, job functions and/or performance standards thus ensuring that managers have the necessary skills and knowledge to deal with disciplinary matters
- Providing professional and expert advice on the application of this policy and to ensure it is consistently applied
- Attending all formal stages of the disciplinary procedure, including disciplinary and appeal hearings
- Monitor the effectiveness of measures taken to address disciplinary issues within the Trust by collating and analysing Trust-wide absence levels, employee relations issues and ensuring that Equality and Diversity KPIs are monitored.

3 Employee is responsible for:

- Ensuring that they are aware of, comply with and maintain expected standards of conduct in accordance with Trust policies, procedures, working practices and relevant professional codes of conduct and the behaviour that constitutes a disciplinary offence, including gross misconduct, under this policy
- Notifying their manager of any issues which could make it difficult for them to comply with standards of conduct expected of them
- Participating in informal and formal reviews of their individual performance in accordance with the appropriate policy and procedure
- Complying with education, training and coaching provided to help them maintain their skills, and knowledge
- Ensuring confidentiality is maintained at all times when involved, either directly or indirectly, with any element of this policy
- Organising a companion if they choose to be accompanied at a formal meeting or hearing.. The procedures (including investigation) outlined within this policy cannot be unduly delayed if the companion has not been notified in good time.

4 Staff Side and Trade Union Representatives are responsible for:

- Ensuring that employees are appropriately advised and supported throughout the disciplinary process
- Facilitating and enabling due process in accordance with this procedure
- Liaising with all relevant parties
- Endeavouring to maximise high standards and minimise poor performance by supporting the Trust in the provision of information, education, training and coaching to enable staff to effectively carry out their duties. Participating in communication campaigns to ensure that staff are aware of the standards of conduct and work performance expected
- Supporting the organisation in the continual review and development of working practice, performance standards, policy and procedure, and
- Attending accredited union education, training and coaching provided to help them maintain their skills, and knowledge within the area of discipline and conduct.

5 Appointing Manager is responsible for:

- The Appointing Manager will usually be the senior line manager or Head of Department accountable for the employee whose conduct has come into question. They will be responsible for considering and reviewing the alleged misconduct and, in the event of an investigation being required, the appointing manager is responsible for appointing the investigating officer and ensuring that they:
- Are appropriate in the circumstances, have the relevant experience and there is no conflict of interest
- Are given appropriate resources (including time) to complete the investigation in a timely manner
- Adhere to the timescales set and if extensions are required the affected employee and HR department are advised accordingly

- Setting the terms of reference for the investigation
- Ensuring that the employee's companion is afforded appropriate facilities and time as detailed in the Trust's Trade Union Recognition Agreement

6 Investigating Officer is responsible for:

- Ensuring a comprehensive and robust investigation is undertaken in full accordance with this policy and the best practice guide to investigations, ACAS guidelines and current employment law;
- Investigations are commenced and completed without undue delay, following the allocation of terms of reference;
- The investigation adheres to the timescales set and if extensions are required the affected employee and HR department are advised in writing (email is acceptable);
- The allegation is disclosed to the employee(s) under investigation and that a full explanation of the investigation procedure is given;
- Ensuring the employee under investigation and their representative, are kept informed of the process of investigation and will be given a contact for information.
- All other relevant policies and procedures are adhered to, in particular the Equal Opportunities and Single Equality Scheme;

DISCIPLINARY PROCEDURE

1 Informal Discussion

- 1.1 Many conduct/performance matters can and should be dealt with through informal discussion and this will ordinarily be the first step in tackling an employee's poor conduct/performance. The formal disciplinary procedures should only be used where such discussion has not produced a change in behaviour or where a clear and/or serious breach of discipline occurs.
- 1.2 Staff must be made aware that a failure to respond to informal discussions could lead to formal disciplinary action being taken.
- 1.3 Informal action will be inappropriate in circumstances where there is a potential case of serious/gross misconduct. Such issues should be dealt with at a first or final formal hearing in accordance with the formal procedure.
- 1.4 The manager will establish the facts to ascertain whether an informal discussion, a shortened formal meeting (see section 9 of the policy) is appropriate or whether a more detailed investigation needs to be undertaken.
- 1.5 Careful consideration must be given to the individual's role, remit and duties; in particular, the service provision responsibilities and/or any staff managed or supervised by the individual. The key considerations must be:
 - the significance of the matter in question
 - whether or not the individual was acting in accordance with Trust strategy, policy or Management guidance
 - the extent of the individual's direct actions
 - the detrimental effect / scope of the actions
 - the reasonableness of the individual's actions
- 1.6 The manager must record the fact that the meeting has taken place and confirm in writing the key points discussed, including the objectives set, support put in place, timescales for improvement and method for review and monitoring. Furthermore, employees must be reminded of the consequences of continued poor conduct and that this may lead to a formal action being taken in accordance with section 7 of the policy.
- 1.7 Consideration must be given if an improvement note would give greater clarity and structure to achieve improvement
- 1.8 The manager must confirm the outcome of the meeting and associated action plan within 7 calendar days of the meeting.
- 1.9 The objectives/action plan will be continuously reviewed by the manager during the review period. Where an employee's conduct/performance improves to the required standards the employee must be notified in writing, clarifying that the employee needs to maintain satisfactory levels of performance and failure to sustain improvements in a period of up to 6 months may result in further/formal action being taken. A copy of this letter will be retained on the individual's personal file, in accordance with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).

2 First Formal Hearing

- 2.1 Where an informal approach has not achieved an acceptable or sustained improvement in conduct/performance, or if an informal discussion is not appropriate in the circumstances, a suitable manager, in consultation with an HR Adviser, should consider convening a formal review meeting.
- 2.2 Consideration must also be given as to whether it is appropriate to use the shortened process as outlined in section 8.
- 2.3 Following a full investigation, the manager should arrange to meet with the employee, giving them at least 10 calendar days' written notice of the meeting. The letter must outline the purpose of the meeting, the employee's right to representation along with the fact that the outcome of the meeting might result in a formal warning letter being issued.
- 2.4 The letter must include a copy of all documentary evidence, records and reports relevant to the review. Depending on the nature of the issue it may be appropriate to submit such documentation in the format of a 'case file'.
- 2.5 The Manager will be accompanied and advised by an HR Representative at this meeting and/or a professional adviser if appropriate
- 2.6 During the review meeting the employee will be given the opportunity to respond to the perceived poor conduct/performance and put forward any mitigating factors and/or any new problems which may be contributing to the poor conduct/performance.
- 2.7 The outcome of the review meeting will be confirmed in writing to the employee within 7 calendar days of the meeting. This letter must include, as a minimum, the level of formal warning given, details of the actions agreed, timescales for improvement, methods for review and monitoring, and the employee's right of appeal. Furthermore employees must be reminded of the consequences of continued poor conduct/performance and that this may lead to a further review and/or redeployment.

3 Final/Formal Hearing

- 3.1 If, after informal and formal stages have been exhausted and
 - the member of staff continues to fail to reach the required standards in the specified period OR
 - informal action/formal review is inappropriate, eg in the event of serious/gross misconduct

The manager responsible for the early stages in this policy **or** the investigating officer must document their findings in the form of a case file identifying pertinent issues and providing supporting factual evidence.

- 3.2 Dependant upon the circumstances, the case may also include written statements of complaint or concern, verbal statements taken at interview, work records, professional advice or opinion and may refer to information contained on the individual's personal file.
- 3.3 The manager responsible for the former stages in the policy will attend the hearing to present their report and their account of the performance review process and/or subsequent investigation.
- 3.4 The formal hearing will take place in accordance with Best Practice Guide to Formal Hearings & Appeals.

4 Serious/Gross Misconduct/Dismissal

- 4.1 An employee will not normally be dismissed because of a failure to perform to the required standard unless review and an opportunity to improve have been given.

- 4.2 However, where an employee commits a single act of serious and/or gross misconduct a formal review may not be appropriate and dismissal action may be taken in such circumstances in accordance with section 8 of this policy. In such cases, a full investigation will be required in accordance with this policy.
- 4.3 During the investigation a period of suspension may be necessary, in line with the procedures for suspension set out in section 10 of this policy

THE INVESTIGATION

Where accepted standards of conduct or behaviour are alleged to have been seriously breached, a manager with appropriate authority (the Appointing Manager) will decide whether an investigation of the facts and circumstances surrounding the situation is required, if so the Appointing Manager will:

1. Assign another manager to be the Investigating Officer to undertake a full and impartial investigation. This will include interviewing and obtaining statements from the employee(s) involved and any other relevant witnesses. The investigating officer must ensure they gather all the relevant facts of the case. Employees who have been requested to provide statements as part of an investigation will have the right to let their trade union representative view their statement prior to its submission, although this should not unduly delay the investigation.
2. Ensure that the employee is advised in writing that an investigation is under way and a copy of the letter is sent to the HR Department.
3. Provide the investigating officer with clear terms of reference for the investigation along with expected timescales for completion of such, requiring that the investigating officer produces a written report of his/her findings for the manager to consider.
4. Provide or discuss with the relevant Head of Department to ensure that the investigating officer has appropriate resources (including time) to enable them to carry out the investigation.
5. Upon receipt of the investigation report, in consultation with the HR Representative, decide whether there is a case to answer and whether a disciplinary hearing should go ahead on the evidence made available or whether informal discussion may be more appropriate.
6. It is not the remit of the investigating officer to either determine the level of disciplinary action to be taken if any, or issue any disciplinary warnings (informal or formal).
7. In normal circumstances, investigations should be completed and, if required, a disciplinary hearing held, within 6 weeks. In exceptional circumstances this timescale may need to be extended. Where an investigation and disciplinary hearing is not possible within this period, the employee must be advised in writing by the Appointing Manager or investigating officer, explaining the reasons why.
8. It may be a conclusion of the investigating officer that the issue is one of capability rather than conduct; if this circumstance arises the investigating officer must discuss this with the Appointing Manager as soon as possible to determine the most appropriate course of action.
9. Where an investigation has concluded that a disciplinary hearing is not appropriate or necessary, a meeting should be held with the employee to relay this as soon as possible. The outcome of this meeting must be confirmed to the employee within 7 working days of the meeting.
10. Where an investigation is not necessary; eg, in the event that the manager has compiled a case throughout earlier stages of this policy, or the employee has confessed to the act of misconduct, the manager will arrange a disciplinary hearing in accordance with Trust's guidance document.
11. All papers and reports relating to any investigation must be returned to the HR Department at the conclusion of the proceedings.

THE FORMAL DISCIPLINARY HEARING

The format of a disciplinary hearing is set out in detail in the Trust's Best Practice Guide to Hearings and Appeals.

1. The employee will be given as much notice in writing as practically possible of the date and time of the Disciplinary Hearing but with a minimum of 10 calendar days' notice.
2. The investigating/presenting officer will provide the employee and hearing panel with the case papers, including investigation report, 10 calendar days prior to the hearing including details of the alleged misconduct in sufficient detail to enable the employee to prepare a defence. Where the employee so instructs, a copy of these papers will be sent to the employee's staff side representative.
3. The employee is required to provide the panel and presenting officer any additional relevant information which they wish to be considered at least 5 calendar days prior to the date of the Disciplinary Hearing.
4. While consistency is important, it is also essential to take account of the circumstances and people involved. It should be noted that in lengthy or complex cases the amount of notice for meetings may need to be varied for practical reasons. Every effort will be made to achieve this by mutual agreement and it should not create any unreasonable delays in the process as these cause additional stress.
5. No new evidence can be introduced at the Disciplinary Hearing without the express agreement of both parties and the chair of the Disciplinary panel.
6. It is important that employees attend the disciplinary hearing. If an employee fails to attend without reasonable cause the hearing may proceed in their absence.
7. The employee will have the right to appeal against any warnings or dismissal to a more senior manager in accordance with section 12 of this policy. The employee will only be entitled to one appeal.
8. Witnesses may be required to be available to attend a hearing if they have given statements as part of the investigation process.
9. It is the responsibility of the employee to liaise with management to facilitate the attendance of witnesses required by the employee at a disciplinary hearing.

Written Confirmation of Decisions

Disciplinary decisions will be confirmed in writing to the employee and representative, as appropriate, within seven calendar days of the date of the hearing.

This letter must include, as a minimum, level of the warning, length of warning, details of the actions agreed, timescales for improvement (these must be realistic and allow development yet maintain an effective incentive for rapid improvement), methods for monitoring (which must be fair, objective and measurable) and the employee's right of appeal. Furthermore, employees should be reminded of the consequences of continued poor performance and that this may ultimately lead to further action and/or dismissal.

All copies must be retained on the personal file for the period of the warning.

OFFENCES WHICH CONSTITUTE GROSS MISCONDUCT

Gross Misconduct is behaviour considered to be very serious because of its nature and consequences and that it fundamentally breaches and destroys the contractual relationship between employer and employee. It makes any further working relationship and mutual trust impossible and justifies the Trust in no longer continuing with employment of that individual.

The following list summarises the types of offences that may constitute gross misconduct. Other conduct not included may be so self-evidently unacceptable as to justify dismissal without notice and without prior disciplinary warnings.

- Violence or other exceptionally offensive behaviour. .
- Any act or omission with intent to deprive the Trust of money or goods belonging to the Trust, due to it or in its safekeeping.
- Wilful damage to Trust's property or equipment.
- Dishonesty; eg, fraud including falsification of timesheets, qualifications, expense claims, misappropriation or theft of articles or money belonging to patients, other employees, visitors, contractors, voluntary organisations or the Trust.
- Any deliberate or reckless act or omission constituting a serious risk to the health and safety of any person including smoking in areas of fire or other hazard, vehicles or premises in accordance with the Trust's smoking policy.
- Ongoing refusal to carry out a reasonable management instruction or continued wilful contravention of Trust policies and/or procedures.
- Causing harm or wilful neglect of patients.
- Breaches of confidentiality, unauthorised disclosure of information, this may include social media
- Conduct likely to give offence to patients, other employees, visitors or the general public.
- Physical assaults on patients, other employees, visitors or members of the public.
- Sexual or racial harassment (as defined in the Trust's Dignity at Work Policy) of other employees, visitors or members of the public.
- Being in attendance at work whilst under the influence of or affected by abuse of substances; e.g. alcohol or drugs, other than those medically prescribed.
- 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.
- Undertaking paid work for a different employer without prior permission that then affects an employee's ability to undertake the full range of their work responsibilities.
- Failure to declare any 'conflict of interest' which could be seen to result in actual or potential or material gain.
- Unauthorised entry to the Trust's Information Technology systems/ unauthorised use of software or files.
- Knowingly making false or malicious allegations against other Trust employees.
- Unauthorised absence from work for which no acceptable reason has been given.

LEVELS OF DISCIPLINARY AUTHORITY

Job titles and positions are subject to change in line with the development of the organisation. The job titles shown below are for illustration only and the interpretation of this section must always ensure:

- a) That the original decision maker is correctly placed in the Trust in respect of seniority, authority and enablement and that the level of authority is detailed within the individual's job description
- b) That any manager chairing an appeal has sufficient seniority to reverse the original decision, and have had no previous involvement in the case

Managerial levels at which disciplinary action may be taken:

Level of management function	Level of disciplinary action
Supervisor/Team Leader/First Line Manager	Informal discussion (objectives, measures, review process), improvement note
First Line Manager/ Line Manager	First written warning
Senior Manager or above (someone who reports directly for a very senior manager / head of department)	Final written warning
Very Senior Manager/Head of Department and above (someone who directly reports to a Director including Divisional Directors)	*Dismissal

*Where dismissal is a potential outcome; ie, gross misconduct/incompetence, very senior managers with the right to dismiss must be on the panel.

Level of management function	Level of disciplinary action
Supervisor (in the event of Out of Hours issues and following instruction from the Duty Officer) Team Leader Duty Officer Line Manager	Suspension

MANAGERS' GUIDE TO MANAGING DISCIPLINE AND CONDUCT ISSUES

Encourage improvement and achievement of performance/conduct standards

The main purpose of operating a disciplinary procedure is to encourage improvement in an employee whose performance/conduct is below acceptable standards.

It aims to:

- promote the expected standards of performance and conduct
- ensure that any concerns about an employee's conduct are addressed effectively through a clear, fair and supportive procedure
- provide a clear procedure for the equitable and consistent treatment of staff where breaches of discipline are alleged.

General Provisions

Act promptly

Where problems are identified and dealt with at an early stage, there is a chance that they can be resolved quickly. Delay, however, can make things worse as the employee may not realise that they are performing below standard until they are informed. Managers must arrange to speak to the employee as soon as possible after the alleged disciplinary breach – it may then be possible to deal with the matter informally and avoid having to invoke the formal disciplinary process.

In many cases, the right word at the right time and in the right way may be all that is needed, and will often be a more satisfactory way of dealing with a breach of rules or unsatisfactory performance, than a formal meeting. Additional training, coaching and advice may be needed, and the manager must make the employee aware that formal processes will start if there is no improvement or if any improvement fails to be consistent

Gather the facts

By acting promptly, the relevant supervisor or manager can clarify the problem and gather information while it is current; including anything the employee has to say. Where necessary, statements must be obtained from all witnesses at the earliest opportunity. Records must be kept regarding the conversation with the member/s of staff involved – copies may need to be given to the individual if the matter progresses further and must be kept in the form of a 'case file'. Relevant personal details such as previous performance, length of service and any current warnings will need to be obtained before any formal meeting, as well as any appropriate records (such as training records or proof of having read policies) and documents.

Consistency

The attitude and conduct of employees may be seriously affected if management fails to apply the same rules and considerations to each case. Managers must work within the agreed policy framework and must seek advice from an HR Adviser on its practical application at the earliest possible opportunity. Managers must be aware that dealing with a case in a particular way may set a precedent.

Consider each case on its merits

While consistency is important, it is also essential to take account of the circumstances and people involved. Individual details such as length of service, past disciplinary history and any current warnings will be relevant to such considerations. Where there are previous warnings, their relevance to the current allegation/breach must be duly considered in deciding whether it should be dealt with in a cumulative manner or as a separate issue. Any provocation or other mitigating circumstances must also be taken into account.

Equality

Any decision to investigate a case or discipline an employee must be reasonable in all circumstances and must not discriminate on grounds of age, race, sex, disability, sexual orientation or religion or belief.

Informal Action *(refer section 6 of the policy)*

How should an informal meeting be conducted?

- Meet with the employee in a confidential setting. This should be a two-way discussion, aimed at explaining the shortcomings in conduct and encouraging improvement. Criticism must be constructive, with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained.
- During the meeting, objectives for the employee to achieve must be specific, measurable, achievable, realistic and timed (SMART)
- The employee's perspective must be listened to by the manager in response to the alleged breach. It may become evident during this meeting that there are no issues - if so, this must be made clear to the employee.
- Where performance improvement is required, the employee must understand and agree with the objectives that have been set, how their performance or conduct will be reviewed, and over what period. The employee must be advised that if there is no improvement against the objectives, the next stage will be the formal disciplinary procedure. The agreed action must be confirmed with the employee in writing.
- Managers must be aware and ensure that any informal action does not turn into formal disciplinary action, as this may unintentionally deny the employee certain rights, such as the right to be accompanied or the premature involvement of HR at meetings. As a rule, neither the employee nor the manager should require to be accompanied at an informal meeting, which should be a one-to-one meeting between staff member and manager. There may, however, be occasions when the staff member will request that a work colleague is present and, where possible, this should be accommodated.
- Can the issue be resolved quite easily and relatively quickly or would a three month improvement note be appropriate to provide clarity and structure to achieving the improvement or can the improvement be achieved?
- If, during the discussion, it becomes obvious that the matter may be more serious and it is not appropriate for it to be dealt with informally, the meeting must be adjourned. The employee must be advised that the matter will be subject to an

investigation and will be managed following the formal disciplinary procedure – suspension may be appropriate in such circumstances).

If conduct continues to be unsatisfactory, the manager must initiate the formal procedure of the policy.

Suspension with pay

Where there appears to be serious misconduct, risk to property, service provision or other people (staff/patients), a period of suspension with pay must be considered while the case is being investigated. Any suspension must be on full pay and any period of suspension must be as short as possible. The employee must be advised of the exact reason for suspension, and that they will be called in for a disciplinary/investigation meeting as soon as possible. Suspension is a neutral act and does not imply that the individual is automatically guilty; it must not be used as a sanction before the disciplinary meeting and decision. Suspension must be reviewed every 14 days.

Formal Action

Follow the Discipline and Conduct Policy

Formal action is necessary where further breaches occur following informal action or if it is not appropriate for the matter to be dealt with informally.

The Discipline and Conduct policy must be followed in each case and the supervisor or manager must never act above the level of their authority as defined in Appendix 3.

The 'Appointing Manager' (usually the Senior Line Manager or Head of Department) must decide if an investigation is required in accordance with section 14 of the Discipline and Conduct policy. This will be dependent on the following:

- The extent to which the allegation is proven; ie, has the employee admitted the alleged disciplinary breach
- The documentary evidence available to support the allegation
- The requirement to take statements from/and or interview key witnesses

Having gathered all the facts, the 'Appointing Manager' must decide the following:

- Whether formal disciplinary action is necessary or if the matter can be managed through the informal process Whether to arrange a fast track disciplinary meeting – only applicable if the facts are not disputed by either party and a fast track meeting is acceptable – *refer section 7.3 of the policy*
- Whether to arrange a disciplinary meeting/hearing - this will be necessary when the matter is considered serious enough to require disciplinary action.

Formal Disciplinary Hearing (*refer section 7/8 of the policy*)

The employee must be informed in writing that a Meeting/Hearing has been convened. The letter must detail the following:

- Date, time and venue of the Panel, giving a minimum of ten calendar days' notice
- Names of the panel members
- Right to be accompanied by a work colleague or trade union representative.

The letter of notification will also identify the allegations which are to be considered by the panel. Copies of the Management case file/supporting evidence must be provided 10 calendar days' prior to the Hearing.

The Hearing will be held in accordance with the Trust's Best Practice Guide to Hearings and Appeals.

If the employee is dismissed or incurs a disciplinary penalty short of dismissal - such as a formal warning - the statutory minimum procedures must have been followed and the panel decision confirmed to the employee in writing. The employee will have a right to appeal against the decision. If the procedures have not been followed and the employee makes a claim to an employment tribunal the dismissal will automatically be ruled unfair.

APPENDIX 8

Suspension Risk Assessment: NAME:..... (ROLE).....

An allegation was made of:.....

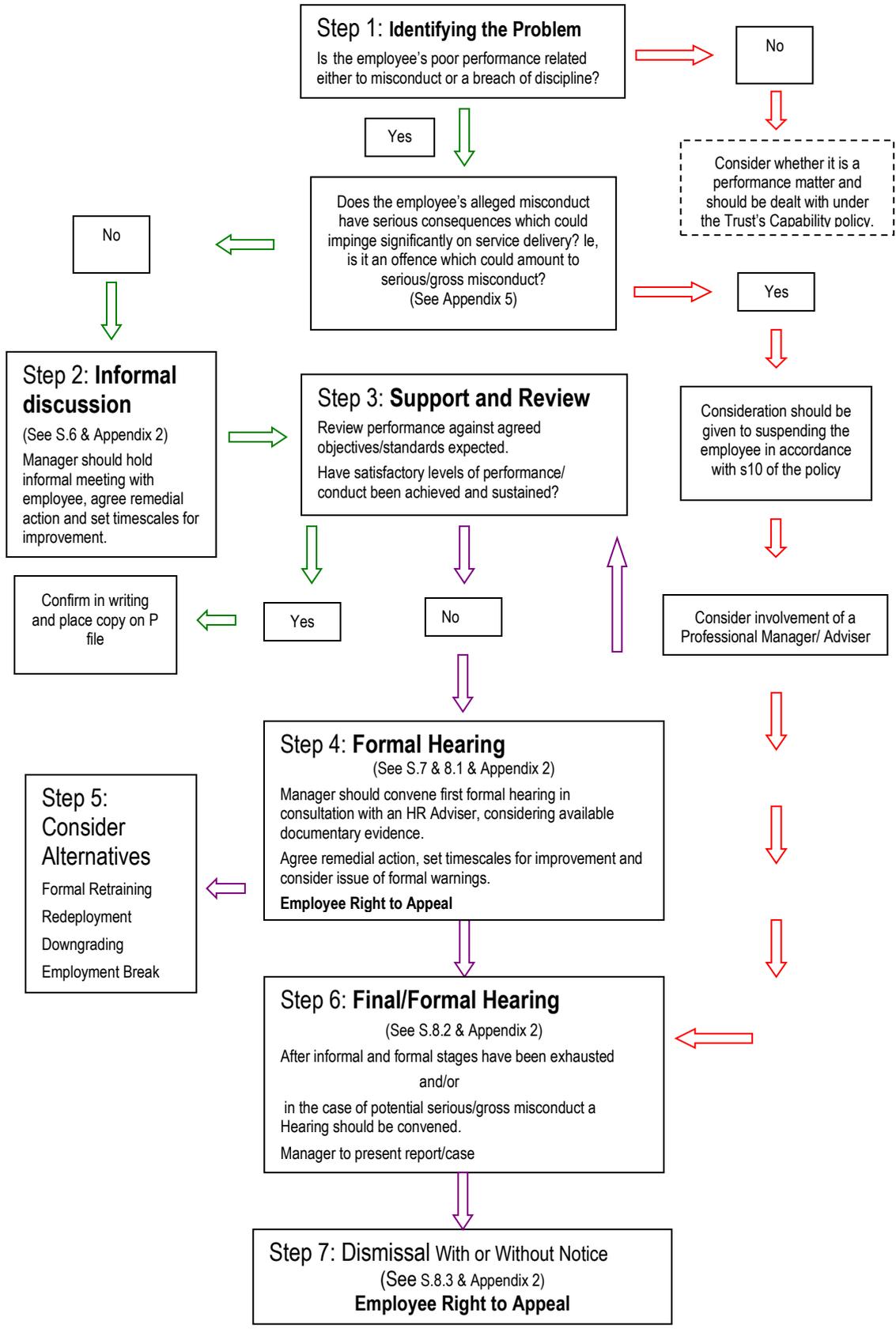
Date of incident

Risk	YES/ NO/ ?	Possible Outcome	Action required mitigating risk.	Outcome/Decision
Risk to the individual				
Internal risk <ul style="list-style-type: none"> • Other Staff / team • Patients • Organisation 				
Risk	YES/ NO/ ?	Possible Outcome	Action required mitigating risk.	Outcome/Decision
External <ul style="list-style-type: none"> • Individual 				

<ul style="list-style-type: none"> • Team • Organisation 				
<p>General Risk</p> <p>Length of investigation period</p> <p>Likely outcome of investigation.</p> <p>Risk of suspension versus redeployment role.</p>				
<p>Recommendations received from other agencies: Fraud / Solicitors / Police</p>				
<p>Could the allegation amount to gross misconduct as per SCAS's disciplinary policy.</p>				

Any additional narrative notes:

THE DISCIPLINARY PROCEDURE *flowchart*





South Central Ambulance Service **NHS**
NHS Foundation Trust

Date

Title
Address 1
Address 2
Address 3
Town
Postcode

7-8 Talisman Business Centre
Talisman Road
Bicester
Oxfordshire
OX26 6HR
Tel: +44 (0)1869 365000
Fax: +44 (0)1869369776

Dear

Improvement Note

I am writing following our recent informal discussions about the Trust's requirement to maintain high standards of conduct.

The particular aspect of your *conduct/behaviour/actions* we discussed was

I explained why your *conduct/behaviour/action* was not meeting the required standards and what improvement is required. To confirm this is

We agreed the actions required to improve this situation were as follows. *(this could include refresher training if appropriate)*

Employee:

Manager:

I will continue to monitor the situation and it was agreed that the improvement should be achieved by . This gives you *(normally 3 months but could be less)* to realise this improvement.

I would confirm my commitment to supporting you in order to achieve the improvement required in your *conduct/behaviour/ actions* and to reach the level expected of you in this role. As part of my support to you, we will meet *every week / month* during this period to

ensure that you remain on track to achieve the desired outcome. Going forward it will be important that you are able to maintain the improvement achieved.

Please sign and return one copy of this letter by (date) and retain the other copy for your records

Yours sincerely

Name

Role

I confirm I have read and understand the contents of this letter:

Signed:..... Date:

Equality Impact Assessment Form Section One – Screening

Name of Function, Policy or Strategy: **Discipline & Conduct Policy**

Officer completing assessment: **Geraldine Shepherd**

Telephone: **01869 365056**

1.	What is the main purpose of the strategy, function or policy?
	To give clear guidelines and procedures relating to conduct and performance and a framework for managers to manage issues of misconduct and poor performance. Giving managers the right to manage.
2.	List the main activities of the function or policy? (for strategies list the main policy areas)
	<ul style="list-style-type: none">• To provide a clear framework for managers to deal with matters of misconduct and poor performance not due to capability (see s3.3).• To support and encourage all employees to achieve and maintain the highest possible standards of performance and conduct,• To promote the equitable and consistent treatment of staff where breaches of discipline are alleged.

- To ensure that all members of staff are fully advised of the substance and nature of the allegations before a formal investigation is undertaken and/or disciplinary action is taken against them.

3. Who will be the main beneficiaries of the strategy/function/policy?

All SCAS employees,

1. Use the table overleaf to indicate the following:-
- a. Where do you think that the strategy/function/policy could have an adverse impact on any equality group; ie, it could disadvantage them?
 - b. Where do you think that there could be a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relations within equality target groups?

		Positive Impact	Negative Impact	Reasons
GENDER	Women	NA	N/A	
	Men	N/A	N/A	
RACE	Asian or Asian British People	N/A	N/A	
	Black or Black British People	N/A	N/A	
	Chinese people and other people	N/A	N/A	
	People of Mixed Race	N/A	N/A	
	White (inc Irish) people	N/A	N/A	
	Disabled People	N/A	N/A	
Lesbians, gay men and bisexuals	N/A	N/A		
Transgender	N/A	N/A		
AGE	Older People (60+)	N/A	N/A	
	Younger People (17 to 25) and children	N/A	N/A	
Faith Groups	N/A	N/A		
Equal Opportunities and/or improved relations	N/A	N/A		

Notes: Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs and Hindus. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and to the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

5. If you have indicated that there is a negative impact, is that impact:		
	Yes	No
Legal (it is not discriminatory under anti-discriminatory law)	<input type="checkbox"/>	<input type="checkbox"/>
Intended	<input type="checkbox"/>	<input type="checkbox"/>
Level of Impact	High	Low
	<input type="checkbox"/>	<input type="checkbox"/>
If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.		
6(a). Could you minimise or remove any negative impact that is of low significance? Explain how below:		
6(b). Could you improve the strategy, function or policy positive impact? Explain how below:		
7. If there is no evidence that the strategy, function or policy promotes equality, equal opportunities or improves relations – could it be adopted so it does? How?		

Please sign and date this form, keep one copy and send one copy to the Trust's Equality Lead.	
Signed:
Name: Geraldine Shepherd (Corporate Business Partner)
Date: 27 November 2015

Equality Impact Assessment Form Section Two – Full Assessment

Name of Function, Policy or Strategy: Discipline & Conduct Policy

Officer completing assessment: Geraldine Shepherd

Telephone: 01869 365147

Part A

1. Looking back at section one of the EqIA, in what areas are there concerns that the strategy, policy or project could have a negative impact?

Gender	<input checked="" type="checkbox"/>
Race	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>
Sexuality/Transgender	<input type="checkbox"/>
Age	<input type="checkbox"/>
Faith	<input type="checkbox"/>

2. Summarise the likely negative impacts:-

Difficulties with understanding relating to language problems and/or learning disabilities

No perceived issues relating to other groups; actively addresses some

3. Using the table below, give a summary of what previous or planned consultation on this topic, policy, function or strategy has or will take place with groups or individuals from the equality target groups and what has this consultation noted about the likely negative impact?

Equality Target Groups	Summary of consultation planned or taken place
Gender	
Race	
Disability	
Sexuality/Transsexuality	

Equality Target Groups	Summary of consultation planned or taken place
Older People	
Younger People	
Faith	

4. What consultation has taken place or is planned with Trust staff including staff that have or will have direct experience of implementing the strategy, policy or function?

..... No specific E&D consultation – regular 21-day policy consultation

.....

5. Check that any research, reports, studies concerning the equality target groups and the likely impact have been used to plan the project and guide or indicate what research you intend to carry out:-

Equality Target Groups	Title/type of/details of research/report
Gender	
Race	
Disability	
Sexuality/Transsexuality	
Older People	
Younger People	
Faith	

6. If there are gaps in your previous or planned consultation and research, are there any experts/relevant groups that can be contacted to get further views or evidence on the issues?

Yes (Please list them and explain how you will obtain their views)

.....

.....

No

Part B

Complete this section when consultation and research has been carried out

7a. As a result of this assessment and available evidence collected, including consultation, state whether there will be a need to be any changes made/planned to the policy, strategy or function.

7b. As a result of this assessment and available evidence, is it important that the Trust commissions specific research on this issue or carries out monitoring/data collection?

(You may want to add this information directly on to the action plan at the end of this assessment form)

.....
.....
.....

8. Will the changes planned ensure that negative impact is:

Legal?
(not discriminatory, under anti-discriminatory legislation)

Intended?

Low impact?

9a. Have you set up a monitoring/evaluation/review process to check the successful implementation of the strategy, function or policy?

Yes No

9b. How will this monitoring/evaluation further assess the impact on the equality target groups/ensure that the strategy/policy/function is non-discriminatory?

Details:

.....
.....
.....

Please complete the action plan overleaf, sign the EQIA, retain a copy and send a copy of the full EQIA and Action Plan to the Trust's Equality Lead.

Signed:

Name:

Date:

