

DISCIPLINARY POLICY AND PROCEDURE

SUMMARY

The Disciplinary Policy and Procedure sets out the guiding principles and procedures for ensuring that misconduct issues are dealt with in a fair, timely and consistent way across the Trust and employees are clear about the standards of conduct expected of them. The Procedure part of this document explains the arrangements for handling disciplinary issues and details the processes to be followed by managers when dealing with issues of misconduct, as well as the rights and responsibilities of managers, employees and representatives.

DISCIPLINARY POLICY

Section	Page
1 Introduction and Policy Statement	2
2 Purpose and Scope	2
3 General Principles	3
4 Duties and Responsibilities	3

DISCIPLINARY PROCEDURE

5 Introduction	4
6 Informal Stage - Advisory Discussion	5
7 Formal Stage	5
7.1 Investigation and Assessment	5
7.2 Suspension	6
8 The Disciplinary Hearing	8
9 Levels of Warning within the Procedure	9
10 Further misconduct	9
11 Dismissal	10
12 Authority to Take Disciplinary Action	10
13 Appeal	10
14 Notification to Professional Bodies	10
15 Criminal Offences	10
16 Review	11
17 Linked Trust Policies and Procedures	11
Appendix 1 Examples of Disciplinary Offences	12
Appendix 2 List of Template Letters	15

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

1. INTRODUCTION AND POLICY STATEMENT

- 1.1 The Royal Marsden NHS Foundation Trust (hereinafter called the Trust) is committed to providing a fair and effective mechanism for handling misconduct issues.
- 1.2 Where possible, issues about misconduct will initially be handled informally between the line manager and the employee. Formal action involving a more senior manager will only be taken where initial action has not led to the improvement required, or where there is a more serious case of misconduct. All managers who chair formal meetings under the Disciplinary Procedure should have appropriate training.

2. PURPOSE AND SCOPE

- 2.1 The purpose of the Disciplinary Policy and Procedure is to set out arrangements for handling disciplinary cases within the Trust and to set out the rights and responsibilities of managers, employees and representatives.
- 2.2 The Disciplinary Policy and Procedure, and Disciplinary Offences (at Appendix 1), apply to all employees directly employed by the Trust, The Disciplinary/Poor Performance Policy and Procedure for Bank Workers will be used for those who are contracted for work on a casual or 'bank' basis only.

Medical and dental employees are subject to a separate procedure for investigation and suspension in disciplinary cases as provided for under 'Maintaining High Professional Standards' (MHPS). Where an investigation under stage 1 of MHPS finds evidence of misconduct, any subsequent disciplinary hearing held and action taken will be in accordance with the local Trust Disciplinary Policy and Procedure. When any formal action against pharmacists is being considered, the investigating manager will consult the National Clinical Assessment Service for the NHS (NCAS).

In cases where patient complaints are initially investigated under the 'Concerns and Complaints Procedure' which identify potential misconduct by an individual employee, further investigation may be necessary under the Disciplinary Procedure. Depending upon the seriousness of the complaint and investigation findings this may result in moving to the Formal Stage of the Disciplinary Procedure.

- 2.3 Any disciplinary warnings issued to employees with more than one contract will normally apply to all concurrent employment unless there are exceptional circumstances. This includes casual bank worker assignments.
- 2.4 The Trust believes in providing equity in its services, in treating people fairly, with respect and dignity and in valuing diversity as a provider of cancer care.

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

GENERAL PRINCIPLES

- 3.1 The Trust will seek to ensure that where an employee's behaviour or conduct falls below the required standard it is brought to their attention at the earliest opportunity.
- 3.2 Whenever possible and appropriate, initial concerns about poor behaviour or minor conduct offences will be handled and resolved through the informal stage of the procedure.
- 3.3 Formal action will be taken where initial informal action has not led to the required change and improvement in behaviour or conduct. In more serious cases of misconduct or where gross misconduct is alleged, action may be taken at any stage of the procedure if this can be justified by the seriousness of the circumstances.
- 3.4 Managers will ensure that all action taken under this Policy and the Procedure is reasonable and fair.
- 3.5 Throughout the informal and formal stages of the procedure (except dismissal) an opportunity will be given for the employee to change and improve their behaviour.
- 3.6 Where an employee does not come up to the expected standard because of issues relating to lack of skill, aptitude or health the matter will be handled in line with the Trust's Managing Performance Policy or Managing Sickness Absence Policy. When a manager has been unable to establish if unsatisfactory performance is related to a capability or conduct issue, the Trust's Managing Performance Policy will be followed. This does not prohibit a move to the Disciplinary Procedure if it later becomes clear the unsatisfactory performance is a misconduct matter.
- 3.7 It is acknowledged that a disciplinary process may be a difficult and stressful time. The Employee Relations team, Occupational Health and Staff Counsellors can provide information, support and advice to employees involved in the procedure. Further information is available in the Stress Management Policy.

DUTIES AND RESPONSIBILITIES

4.1 Managers are responsible for:

- Ensuring that all employees are familiar with and have access to the disciplinary policy and procedure
- Ensuring that employees are aware of the standards of conduct required both at a Trust and departmental level
- Ensuring that matters of potential misconduct are brought to the employee's attention as soon as possible and 'as and when' the incident has occurred.
- Ensuring that corrective informal action is taken where appropriate
- Where an investigation is required, ensuring that this is undertaken in a fair and timely manner
- Contacting the Employee Relations team in HR when it is likely that action is required under the formal stages of the procedure to be allocated appropriate HR support
- Deciding the appropriate action to take in cases of misconduct
- Advising employees who are subject to formal action under the procedure that their pay progression may be affected.

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

4.2 Human Resources are responsible for:

- Ensuring that new employees are made aware of this policy and how they can access it
- Advising managers at each stage of the formal procedure, this will include supporting managers during formal investigations and at disciplinary hearings
- Supporting managers to consider options taking equality, precedence, risk, legal and practical considerations into account before the manager makes the final decision on appropriate action
- Monitoring the application of the procedure to ensure it is applied in a fair and consistent way across the Trust
- Monitoring and recording the outcomes of action taken under the formal stages of the procedure.

4.3 Employees are responsible for:

- Complying with any Trust and local departmental standards of conduct, standard operating procedures and professional codes of conduct
- Co-operating with any investigation, including being available for interview, providing a statement and/or documents or acting as a witness, including attendance at hearings.

5 DISCIPLINARY PROCESS

- 5.1 Managers are expected to bring any minor concerns they may have about the employee's conduct to their attention at the first opportunity advise them of the standards required and keep a record of this. This is part of every manager's role and if concerns are acted on promptly this will reduce the need to use the disciplinary procedure.
- 5.2 Where this has not resulted in the required standard of conduct being achieved or where the matter is of a more serious nature the disciplinary procedure will be used to address the conduct issue. The procedure is divided into two stages, informal and formal.

Examples of the types of incidents and behaviour that can constitute misconduct are shown under the Disciplinary Offences - see Appendix 1.

- 5.3 This procedure has been written in line with the current ACAS guide "Discipline and Grievances at Work".
- 5.4 The Disciplinary Policy and Procedure, and the Disciplinary Offences apply to all employees directly employed by the Trust,

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

6. INFORMAL STAGE – ADVISORY DISCUSSION

- 6.1 During the informal stage i.e. advisory discussion the matter will be handled informally by the manager with the employee on a one-to-one basis. The employee may, if they wish, seek advice from the Human Resources Department or from their Trade Union or Professional Association.
- 6.2 Where conduct has been identified as unsatisfactory and has not improved through day to day coaching and correction, the manager will hold an advisory meeting with the employee to discuss the problem as soon as possible.

The aim of the meeting will be to:

- make the employee aware of the misconduct
- make the employee aware of expected standards of behaviour
- Inform the employee to change their behaviour by reinforcing expected standards so that they understand the immediate action they must take and the need for this to be sustained.

- 6.3 The manager will confirm the details of the meeting in writing to the employee. This will include details of the concerns/issue, standards required, the expectation that there will be an immediate change in behaviour and no repeat of the misconduct. The letter will advise the employee that failure to meet the required standards of conduct will result in action being taken under the formal stages of the disciplinary procedure.

7. FORMAL STAGE

7.1 INVESTIGATION AND ASSESSMENT

- 7.1.1 Where the required improvement is not achieved informally, or where the allegation is of a more serious nature, the matter will be addressed under the formal stage of the procedure. An investigating manager will conduct a thorough investigation to establish all the facts.
- 7.1.2. During the investigation the manager will be supported by a member of the Employee Relations Team. The employee will be informed verbally and in writing of the allegations and be given an opportunity to respond before a decision is taken on whether to proceed to a disciplinary hearing. Investigations will be completed as soon as possible.
- 7.1.3 During any investigation interview the employee may be accompanied by a Trade Union representative or work colleague, not acting in a legal capacity. A work colleague is any current Trust employee,. It is important that issues are investigated promptly before recollections fade and the investigation shall not be unreasonably delayed due to the unavailability of a Trade Union representative or work colleague. An investigatory meeting would normally be expected within five working days of the incident/allegation taking place.
- 7.1.4 Where action involving an accredited employee representative is contemplated, then the case will be discussed with a senior Trade Union representative or full time officer before any action is taken.

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

- 7.1.5 All employees are expected to cooperate by attending investigative interviews and providing statements or other information if asked. Where it is not possible to interview a witness within an acceptable or available timeframe set for the completion of the investigation, a report of the findings and conclusions may be made based upon the information and evidence available.
- 7.1.6 Notes will be made of investigative meetings which may also be recorded. A copy of the digital recording will be provided to the employee. Any covert or unauthorised recording may be treated as misconduct. If at the end of the investigation the investigating manager finds that there is evidence of misconduct and believes there are grounds for disciplinary action, a disciplinary hearing will be arranged as soon as is reasonably practical on completion of the investigation.
- 7.1.7 With respect to doctors any disciplinary investigations, exclusion or disciplinary action will follow 'Maintaining High Professional Standards' guidance provided by the Department of Health. Contact HR for further guidance and support in these matters.

Fraud

- 7.1.8 In the event of an allegation of **fraud**, the employees concerned **must not be informed** of the allegations. In such instances the manager must inform the Chief Financial Officer and the Director of Workforce. The ER Team will inform the NHS Counter Fraud Team who will advise appropriately in accordance with the Counter Fraud Policy. In cases of alleged theft the Local Security Management specialist must be contacted.

Safeguarding

- 7.1.9 Where an allegation is made against an employee who works with children the relevant Local Safeguarding Children Board (LSCB) procedure for managing allegations and concerns about people who work or volunteer with children must be followed. Please refer to intranet for relevant contact details.
- 7.1.10 Where an allegation is made against an employee who works with adults the Trust's safeguarding adults lead must be contacted for further support and guidance.
- 7.1.11 For further information and advice on the process please access the relevant policy on the intranet or contact the Employee Relations team in HR.

7.2 SUSPENSION

- 7.2.1 Please note that a separate procedure for the suspension or exclusion of medical employees must be followed and is described in 'Maintaining High Professional Standards'. Advice will be provided by HR in such cases.
- 7.2.2 In some cases suspension of the employee from duty shall be considered e.g.
- When the action complained of requires the immediate removal of the employee from their workplace for their safety or the safety of patients, employees or others.
 - When the alleged incident requires investigation and the continued presence of the employee may hinder or compromise that investigation.
 - To prevent further misconduct or gross misconduct.

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

- 7.2.3 Suspension will be on full pay or whatever level of pay would otherwise apply in accordance with the individual's terms and conditions of service. In certain exceptional circumstances where it would be illegal to continue employing an individual the suspension will be without pay.
- 7.2.4 Suspension is a neutral act, not a disciplinary sanction, and is initiated without prejudice to the employee or the outcome of any subsequent hearing. It is acknowledged that suspension is stressful and will only be used where other measures have been considered but are not appropriate. Support will be made available to employees on suspension if required through Occupational Health and staff support services. Information about staff support services is available on the intranet.
- 7.2.5 Before suspending an employee, consideration, when appropriate, should be given to the alternatives, for example redeploying the employee to another area of work or making other adjustments to normal duties.
- 7.2.6 Suspensions must always be authorised by a Divisional Director, or manager of equivalent or higher seniority, and after taking advice from the HR department. Outside of office working hours there may be occasions where it is necessary to suspend an employee and it is not possible to refer to the HR department. In such cases the on-call manager should be contacted.
- 7.2.7 Suspensions and the reasons for the decision must always be confirmed in writing to the employee by the suspending Director/Manager within 72 hours of the suspension taking place. A copy of the letter will be given to the employee's Trade Union representative, if applicable, and where possible the Trade Union representative will be informed of the decision to suspend before the suspension takes place.
- Suspension will initially be for two calendar weeks and will be reviewed thereafter, every two weeks. The employee will receive a letter prior to the end of each period of suspension informing them whether it will continue.
- 7.2.8 During suspension from work, an employee should not enter Trust premises without the prior agreement of their manager, unless entering as a patient or as a carer of a patient, attending an Occupational Health or Staff Support appointment.
- 7.2.9 During suspension from work, an employee must not undertake work for another organisation during the hours for which their Trust contract applies. For avoidance of doubt, this applies to the whole contract with the Trust. They should also keep themselves available to attend any meetings which may be required to assist with the investigation and must notify their manager of any period when they will not be contactable at their home address. They should also comply with sickness reporting procedures as though they were at work.

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

8. THE DISCIPLINARY HEARING

- 8.1 The employee will normally be given 7 working day's written notice of the hearing. They will also be informed of the purpose of the hearing and of the nature of the allegations and their right to be represented by a trade union representative or work colleague, not acting in a legal capacity. Where it is possible that the disciplinary hearing might lead to dismissal, the employee must be warned of that risk in advance of the hearing. The hearing will be chaired by a manager not previously involved in the investigation and they will be supported by a member of the HR team. Notes will be taken of the hearing which may also be recorded. A copy of the digital recording will be provided to the employee.
- 8.2 If the employee is unable to attend the date arranged because of circumstances beyond their control, they must inform their line manager or HR as soon as possible and may request a postponement. A postponement of up to a week (5 working days) will be allowed or longer in exceptional circumstances. If there is an unacceptable delay because of the non-availability of the chosen companion, the employee will normally be expected to arrange for an alternative trade union representative or work colleague to attend. If there is a failure to attend without any request for postponement, or any explanation given or if the employee is persistently unable or unwilling to attend without good cause, then the hearing/meeting may be conducted in the employee's absence and a decision made on the evidence available. The employee's representative may attend in such circumstances and make representation on their behalf. The employee may also submit a written statement for consideration in their absence.
- 8.3 The employee and their representative will normally receive the management statement of case 5 working days before the hearing. The statement of case will outline the allegations, evidence from the investigation and any supporting witness statements, if applicable. If the employee wishes to submit a written response or to refer to written evidence at the hearing they should submit documentation to the HR representative at least 2 working days before the hearing.
- 8.4 Efforts will be made when arranging dates for hearings to accommodate the availability of Trade Union representatives and work colleagues.

The trade union representative or work colleague will be allowed to address the hearing to put the employee's case and to sum up the case on the employee's behalf. The representative or work colleague may not answer questions on the employee's behalf.

Both management and staff side will have the right to call witnesses and these should be notified in advance of the meeting. The employee and their representative are responsible for ensuring both the availability and attendance of their witnesses at the hearing.

- 8.5 Where the issue concerns professional or technical matters the manager chairing the disciplinary hearing may seek additional advice from an appropriate person with specialist and professional knowledge. This person should have had no direct involvement in the case previously. The manager conducting the disciplinary

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

hearing shall ensure that any disciplinary action taken is fair and reasonable in view of all the circumstances and evidence put forward.

- 8.6 Wherever possible employees should be verbally informed of the outcome of the hearing on the day, or as soon as is reasonably practical, and this should be confirmed in writing normally within 5 working days.

Where a warning has been given, the letter will detail the nature of the misconduct, the rationale for action taken. A copy will be sent to the employee's trade union representative. The letter will also confirm that any further acts of misconduct could result in further disciplinary action being taken and the employee will also be informed of their right of appeal.

- 8.7 Employees who have been issued with a formal written warning may not receive an increment in accordance with the Trust Pay and Progression Policy and Procedure.
- 8.8 Written non-verbatim notes of the disciplinary hearing, which capture the main points of discussion, will be kept and will be given to the employee if requested. Hearings may be recorded by the Trust to ensure accuracy but covert recording will not be allowed and may be treated as gross misconduct.

9. LEVELS OF SANCTION WITHIN THE PROCEDURE

- Written warning valid for 12 months
- Final written warning valid for 18 months
- Dismissal with notice
- Summary dismissal without notice

10. FURTHER MISCONDUCT

- 10.1 Following an advisory discussion under the informal stage the line manager will expect an immediate change in the employee's behaviour. If there is evidence of further misconduct further action may be taken under the formal stage of the disciplinary procedure.
- 10.2 Following a hearing where a formal warning is issued an immediate and sustained change and improvement in behaviour will be expected. If further misconduct occurs whilst a formal warning is live further action may be taken which may result in a higher level warning or dismissal.
- 10.3 The final decision as to whether conduct has changed and improved sufficiently will rest with the manager. If the required change and improvement has not been made or there is further misconduct this may result in the matter being moved to the next stage of the procedure.

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

11. DISMISSAL**11.1 DISMISSAL WITH NOTICE**

Dismissal may be appropriate if the manager hearing the case finds that there is sufficient evidence of further misconduct despite previous disciplinary action. Written confirmation of the decision to dismiss, giving reasons, will be provided following a full disciplinary hearing as described above and dismissal, except for summary dismissal, will be with full contractual notice or payment in lieu of notice. Payment in lieu of notice can only be paid if the employee has the relevant express 'PILON' clause in their contract of employment. Contact Employee Relations for further information.

11.2 SUMMARY DISMISSAL WITHOUT NOTICE

In rare circumstances, an employee may be summarily dismissed if it is established, after an investigation and full disciplinary hearing, that there has been an act of gross misconduct. Dismissal will be without notice or payment in lieu of notice.

12. AUTHORITY TO TAKE DISCIPLINARY ACTION

- | | | |
|------|-----------------------|--|
| 12.1 | Advisory discussion | Line manager/supervisor |
| 12.2 | Written warning | Next most senior manager or at least one level removed from the employee's immediate manager |
| 12.3 | Final written warning | Next most senior manager or at least one level removed from the employee's immediate manager |
| 12.4 | Dismissal | A Senior Manager within the Division or Directorate i.e. Divisional Director, Deputy Divisional Director, CBO Clinical Director, Divisional Nurse Director or another senior manager with authority or delegated authority to dismiss. |

13. APPEAL

- 13.1 All employees have the right to appeal against action taken under the formal stages of the procedure, and this will be dealt with in accordance with the Trust's Appeals Policy and Procedure, available on the Trust's intranet.

14. NOTIFICATION TO PROFESSIONAL BODIES

- 14.1 In serious cases of misconduct or gross misconduct the Trust may report the matter to the appropriate statutory/professional body.

15. CRIMINAL OFFENCES

- 15.1 Where an employee is involved in criminal proceedings or police investigation for an offence committed off duty, the Trust reserves the right to conduct its own investigation in line with the Disciplinary Policy, Procedure and Conduct Rules to consider if the employee's conduct warrants disciplinary action because of its employment implications. Employees are responsible for informing the Trust of any

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

criminal proceedings being taken against them during their employment, including the subsequent issue of cautions, convictions and any other action taken by a court. The Trust will assess whether or not the nature of the proceedings and outcome have a bearing on the employee's employment before deciding whether any disciplinary action is appropriate.

16. REVIEW

- 16.1 Overall responsibility for this policy and procedure rests with the Director of Workforce. This policy and any associated procedure(s) will be reviewed at the date stated and may be subject to change at that time, or at an earlier date if necessary, subject to consultation with employee representatives recognised for that purpose.

17. LINKED TRUST POLICIES AND PROCEDURES

- 17.1 This procedure should not be used in a way that breaches any of the Trust's other policies. This includes, but is not limited to, the following policies and procedures:
- Dignity at Work Policy and Procedure
 - Grievance and Disputes Policy and Procedure
 - Equality and Diversity Policy
 - Whistleblowing Policy and Procedure
 - Managing Performance Policy and Procedure
 - Appeals Policy and Procedure
 - Pay and Progression Policy and Procedure

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

APPENDIX 1**EXAMPLES OF DISCIPLINARY OFFENCES**

The list below gives examples of misconduct, which may lead to disciplinary action and acts of gross misconduct which may lead to dismissal. The list is not exhaustive in terms of types of behaviour or conduct that might lead to disciplinary action. Employees should also refer to their professional code of conduct, where appropriate.

Examples that may lead to disciplinary action or eventual dismissal:-

- Poor timekeeping
- Wilful poor performance
- Failure to follow the rules for reporting of sickness
- Carelessness in the use of equipment or resources
- Misuse of Trust resources e.g. equipment, internet, e-mail, time etc.
- Insufficient regard for the safety of others
- Verbal abuse / aggressive behaviour
- Failure to follow reasonable management instructions/procedures
- Persistent use of personal mobile phone during working time.
- Unauthorised absence
- Failure to maintain/renew professional registration
- Rudeness, disrespect, swearing, unprofessional or other form of inappropriate behaviour
- Breaching professional boundaries with patients, relatives or members of the public

Examples of behaviour that may lead to dismissal for gross misconduct are:-

- **Assault/threatening behaviour** - e.g. unlawful assault, serious threat of assault or ill treatment to patients, colleagues or members of the public, fighting, including threatening behaviour and other disorderly, indecent, immoral conduct.
- **Discriminatory behaviour** - Inappropriate and offensive behaviour e.g. on the grounds of sex, race, disability, age, sexual orientation, religion or belief etc.
- **Victimisation/Bullying and Harassment/Sexual harassment** - Systematic repeated behaviour, or a serious single incident, directed at an individual that is unsolicited, unreasonable, unwanted, unpleasant and causes offence.
- **Corrupt Practices** - Accepting any bribe or receipt of money, goods or another advantage in respect of services given, outside of departmental/unit Policy.

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

- **Defrauding the Trust** - Any deliberate attempts to defraud the Trust, fellow employees, patients or members of the public. Deliberate failure to observe the Trust's standing financial instructions. Falsification of documents including any record relating to pay, attendance, personal or patient files.
- **Incapacity through alcohol/substance misuse** - e.g. incapacity to perform normal duties owing to consumption of alcohol or misuse of substances. This includes the inducing, selling, possessing, using or causing others to use unprescribed drugs, or other dangerous substances.
- **Negligent Behaviour** - Any act or failure to act which seriously threatens the health and safety of patients, colleagues or members of the public such as sleeping on duty (other than on-call/standby), loss or damage of Trust, patients or staff property due to negligence.
- **Smoking in Prohibited Places** - This includes the use of e-cigarettes.
- **Malicious Damage** - The intentional causing of damage to the property of the Trust, patients, colleagues or members of the public on Trust premises or in the pursuance of their duties for the Trust.
- **Theft or Unauthorised or Unlawful possession of Property** - e.g. of the Trust, including patient related documents, and property belonging to patients, colleagues or members of the public.
- **Breach of Confidentiality** - Falsification, misuse or unauthorised disclosure of confidential or sensitive information handled at work. This does not preclude a professional right and duty to raise matters of concern about issues relating to delivery of care, services to patients or health and safety matters, etc.
- **Breach of Drug Administration Procedures**
- **Breach of IT Policies and Procedures**
 - Copying, acquiring or using illegal software on Trust's computer system.
 - Using another individual's password or sharing own.
 - Tampering with a computer system to change the way it has been set up.
 - Accessing data or software that is not necessary for completion of duties.
 - Abuse of Internet privileges.
 - Misuse of email.
- **Withholding live/spent convictions** - Withholding information about current or spent criminal convictions or cautions on appointment to post or arising during the course of employment.

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

- **Misrepresentation/Deception**, e.g. false representations of qualification, registration, experience. Failure to notify the Trust of removal from a professional register.
- **Disclosures** - Under the Public Interest Disclosures Act, made deliberately without reasonable belief in its validity.
- **Continued/Ongoing Unauthorised Absence**
- **Action that brings/potentially brings the Trust's reputation into disrepute** - it is expected that individuals will maintain high levels of behaviour and conduct both within and outside of the Trust. Behaviour/conduct that is inappropriate includes any that result in a criminal conviction or investigation, or results in negative media coverage with respect to the Trust, or which may undermine patients' and clients' trust and confidence in the Trust.
- **Breach of the Use of Social Media Policy** e.g. using instant messaging tools or social media for internal business use without appropriate permission, or private use at work or over the Trust network. Posting inappropriate comments, images or information which breaches confidentiality or professional codes of conduct, or is offensive and/or which potentially brings the Trust's reputation into disrepute.
- **Refusal to follow reasonable management instructions.**
- **Vexatious complaints**
- **Covert recording of Trust employees / patients / visitors without consent and without reasonable cause**

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			

APPENDIX 2**TEMPLATE LETTERS**

Listed below are template letters for managers to use and available from Employee Relations on request.

Appendix No	
1	Informal Advisory Discussion Confirmation letter
2	Investigation meeting invite letter
3	Witness Investigation meeting invite letter
4	Invite to Hearing letter
5	Manager's Guidance on Conducting an Investigation
6	Investigation Meeting Format and Questions
7	Guidance for Witness Investigation Meeting and Questions
8	Investigation Interview Notes
9	Suspension Letter
10	Suspension Extension letter
11	Guidance and Template for Investigation Report/Management Statement of Case
12	Disciplinary Hearing Procedure
13	Outcome First Written Warning letter
14	Outcome Final Written Warning letter
15	Outcome Dismissal letter
16	Outcome Summary Dismissal letter
17	Guidance for Chairing a Disciplinary Hearing
18	Statement of Case cover letter
19	Terms of Reference for Disciplinary Investigation letter
20	Unauthorised absence letter
21	Unauthorised Absence Pay Withheld letter

[End of Document - Do Not Delete]

Authoring Department:	Human Resources	Version Number:	18
Author Title:	Deputy Director of Human Resources	Published Date:	14/05/2020 10:17:55
Ratified By:	Policy Sub Group; TCC	Review Date:	14/05/2021 10:17:55
Uncontrolled if printed			