

Trust Board

Thursday, 09 September 2021

Report Title:	Disciplinary Policy
Executive/NED Lead:	Kate Read, Director of HR and OD
Report author(s):	Clare Adams, Head of Employee Relations
Previously considered by:	Staff Partnership Forum, Executive Management Committee

Approval
 Discussion
 Information
 Assurance

Executive summary

Members are asked to note the revised Disciplinary Policy and Associated Toolkits

1. BACKGROUND

- 1.1 The Board received a report 14 January 2021, providing an update on the Trust's response to the letter of 24 May 2019 from Baroness Dido Harding to NHS Trust Chairs and Chief Executives entitled 'Learning lessons to improve our people practices'. One of the actions from this report was to review the Disciplinary Policy.
- 1.2 Further to this NHS Improvement & NHS England's Chief People Officer wrote to NHS Trusts 01 April 2021 and specifically asked that the:
- Disciplinary policy was reviewed and discussed at a public meeting or equivalent and
 - that the updated policy was made available on our public website
- 1.3 The Disciplinary Policy has been revised to reflect Just Culture principles and best practice. It has been merged with the Investigation Policy and 2 supporting toolkits have been created – investigations toolkit and terms of reference toolkit
- 1.4 It has been approved by the Staff partnership Forum and by the Executive Management Committee and will be available on the public website.

2. POLICIES

- 2.1 The policy has the following key changes:
- Details of the new cultural ambassador role who will support cases involving staff from a BAME background, acting as a neutral observer and advising on any EDI issues or cultural bias
 - Creating of a decision making group – for a case to proceed to an investigation or to be managed under fast track, to ensure all decisions are fair and equitable
 - Reduction in initial suspension to 14 days
 - Clear guidance on writing terms of reference
 - Removal of the lengthy general rules of conduct – these have been merged within the examples of misconduct and gross misconduct
 - Reduction in final written warning from 1-3 years to 1-2 years to reflect best practice
 - Clear role descriptors for case manager, investigating officer and HR support
 - Revised suite of template documents which include details of the wellbeing support

available
Action Required of the Board
Members of the Trust Board are asked to note the revised and approved policy and that following review by the Board the Trust has satisfied the request made in the letter dates 01 April 2021.

Link to Strategic Objectives (SO)		Please tick
SO1	Keep people in control of their health	
SO2	Lead the integration of care	<input type="checkbox"/>
SO3	Develop our centres of excellence	<input type="checkbox"/>
SO4	Support and develop our staff	<input checked="" type="checkbox"/>
SO4	Drive technology enabled care	<input type="checkbox"/>

Risk Implications for the Trust (<i>including any clinical and financial consequences</i>)	If we do not have in place effective and efficient disciplinary procedures this may lead to psychological harm to those undergoing investigation.
Trust Risk Appetite	The Board has a cautious risk appetite when it comes to compliance and regulatory issues. Where the laws, regulations and standards are about the delivery of safe, high quality care, or the health and safety of the staff and public, it will make every effort to meet regulator expectations and comply with them and will only challenge them if there is strong evidence or argument to do so and the gain will outweigh the adverse consequences.
Legal and regulatory implications (<i>including links to CQC outcomes, Monitor, inspections, audits, etc</i>)	Ineffective and efficient disciplinary procedures may lead to increase in employee relations workload.
Financial Implications	There are no financial implications associated with this paper.
Equality and Diversity	As part of the work undertaken in updating the Disciplinary Policy equality and diversity has been reviewed and addressed within the policy and subsequent procedures e.g. the establishment of cultural ambassadors and their role within the process.