

# Disciplinary Policy

## Version 2.0

<b>Purpose:</b>	To advise and inform Trust staff of disciplinary policy and process, including investigations
<b>For use by:</b>	All Trust Employees
<b>This document is compliant with /supports compliance with:</b>	Equality Act 2010, Employment Act 2002 and the Employment Act 2002 (Disputes Resolution) Regulations 2004, Trust Terms and Conditions of Employment, Part time workers regulations, ACAS Code of Practice on disciplinary and grievance procedures Care Quality Commission Outcomes
<b>This document supersedes:</b>	Disciplinary Policy and Procedure and General Rules of Conduct for Trust Staff V1.0 Investigations Policy and Management Guidelines Version 1.0
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<b>In case of queries contact: Responsible Officer</b>	Head of Employee Relations
<b>Directorate and Department</b>	Human Resources
<b>Archive Date i.e. date document no longer in force</b>	<i>To be inserted by Information Governance Department when this document is superseded. This will be the same date as the implementation date of the new document.</i>
<b>Date document to be destroyed: i.e. 10 years after archive date</b>	<i>To be inserted Information Governance Department when this document superseded</i>

### Version and document control:

Version	Date of issue	Change Description*	Author
1.1	May 2021	Combination of disciplinary and investigations policies, supported by terms of reference and investigations toolkits. Inclusion of just culture principles.	C Adams
1.2	Jun/Jul 2021	Amendments following feedback from policy sub group	D Baker
1.3	July 2021	Inclusion of more detailed information regarding fast track process	C Adams
1.4	July 2021	One addition to misconduct examples as requested by EMC	C Adams

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Release of any strategy, policy, procedure, guideline or other such material must be agreed with the Lead Director or Deputy/Associate Director (for Trust -wide issues) or Division/ Departmental Management Team (for Division or Departmental specific issues). Any requests to share this document must be directed in the first instance to the Director of Human Resources.

For further advice see the **Development and Management of Trustwide Procedural Documents Policy**

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## **Section 1 – Introduction**

### **1.1 Policy Statement and Rationale**

- 1.11 East Suffolk and North Essex NHS Foundation Trust is committed to ensure that a positive working environment, where all members of staff are treated fairly and with respect, and where behaviours and conduct are in line with our values and business standards.
- 1.12 There may be occasions when conduct falls below our expectations and that it needs to be addressed in a fair and consistent way.
- 1.13 The purpose of this policy is to provide a framework in which disciplinary matters can be dealt with in a prompt, fair and consistent manner throughout the Trust.
- 1.14 The aim is to outline the Disciplinary procedure and to signpost managers to the toolkits that will enable them to manage conduct issues effectively and so that Disciplinary matters can be dealt with in a prompt, fair and consistent manner across the Trust.
- 1.15 In addition, for doctors or dentists subject to serious concerns and investigations, refer to the Maintaining High Professional Standards – Additional Disciplinary and Capability Policy for Medical and Dental Staff policy.

### **1.2 Key Principles**

#### **Diversity & Inclusion and the Cultural Ambassadors Programme**

- 1.2.1 The Trust is committed to ensuring that the way it treats employees reflects their individual needs and does not unlawfully discriminate against employees or groups on the grounds of any protected characteristic (Equality Act 2010).
- 1.2.2 As part of this commitment, the Cultural Ambassadors Programme has been implemented and is designed to give Black, Asian and Minority Ethnic (BAME) employees more confidence in formal processes in NHS organisations and as such Cultural Ambassadors will be included in all stages of the process, with the agreement of the employee. Their role is to identify and challenge any issues of less favourable treatment or unconscious cultural bias, and ensure such elements are taken into consideration within the decision making process. The process is outlined in *Appendix 1*.

#### **Just and Learning Culture principles**

- 1.2.3 The Trust fully supports the Just and Learning Culture approach to managing conduct issues with a high regard for employees' wellbeing. Investigations are undertaken in a fair and kind way, individual blame is avoided with a focus on learning and improvement.
- 1.2.4 Following the tragic circumstances of Nurse Amin Abdullah in February 2016 the NHS Improvement Group was convened. The NHS Improvement Group issued a number of recommendations to NHS Trusts in 2019 which this policy also reflects.
- 1.2.5 The informal and formal procedures are cognisant of the need for the ongoing review of cases and the consideration of the most appropriate and proportionate course of action at each stage. The Triage Decision Making Process provides a safeguard before formal action is taken with respect to ongoing concerns or instances of misconduct. Formal action should only be invoked after informal measures have been fully considered and all misconduct cases are thoroughly assessed to ensure

that there is sufficient understanding of the circumstances to justify the instigation of formal action. The decision to suspend will be approved only after careful consideration of the facts and with the relevant senior manager and the Head of Employee Relations approval. Managers will also be encouraged to consider whether the Fast Track process can be applied in certain circumstances to expedite the process. These measures aim to minimise the stress and disruption to employees subject to the process.

### **Confidentiality**

- 1.2.6 The Trust will endeavour to maintain strict confidentiality and expects any employee who is involved in these procedures to do the same. Information will only be shared with those who have a legitimate right to be informed in accordance with the Data Protection Act 2018 and the Common Law Duty of Confidentiality.
- 1.2.7 Individuals should be given reassurance regarding the confidentiality of the investigation and disciplinary process, the likely recipients of the report and any related documentation, and how the organisation will seek to protect and support them.
- 1.2.8 A breach in confidentiality may be prejudicial to the investigation and disciplinary process and may be deemed unacceptable. However, there may be exceptional circumstances when information is received which is considered to be of such serious concern (for example allegations relating to potential criminal activity, malpractice, safeguarding concerns or which present a risk to health and safety of patients or staff) that the Trust may need to share information with a third party (e.g. a professional body, or the police).

### **Employee Support**

- 1.2.9 Being subject to allegations of misconduct can be upsetting and stressful for the employee and other colleagues affected. It is important throughout the process for the case manager (or nominated alternative) to keep talking with both the employee and any other staff involved. Clear, regular and confidential communication can help make sure employees are kept informed of what is happening, have the opportunity to ask questions and can avoid stress as well as other mental health issues.
- 1.2.10 Case managers are responsible for maintaining contact and should make every effort to ensure clear, timely, comprehensive and sensitive communication with employees regarding the allegations and providing regular updates until the process is concluded.
- 1.2.11 Where there are concerns about an employee's health or wellbeing, Occupational Health advice will be obtained. The list of the services available to employees for support are as follows:
  - The Trust's Occupational Health Service
  - CiC service - the Trusts Employee Assistance Programme
  - Wellbeing hub services

### **1.3 Definitions**

- **Misconduct** is considered to be inappropriate behaviour which is deemed unacceptable to the Trust. Examples of what may constitute misconduct are available in *Appendix 2*.
- **Gross misconduct** is a serious breach of contract and includes misconduct which is likely to prejudice the Trust's work or reputation or damage the working

relationship and trust between the employee and the Trust beyond repair. Gross misconduct will be dealt with under this policy and may lead to dismissal without notice or pay in lieu of notice (summary dismissal). The following provides an indication of misconduct and gross misconduct with a detailed list provided in *Appendix 2*.

## **Section 2 – Duties and Responsibilities**

2.1 The Director of Human Resources has overall responsibility for this Policy. The Deputy Director of Human Resources is responsible for monitoring compliance and effectiveness. The Head of Employee Relations is the Responsible Officer for this Policy.

### **2.2 Senior Managers/ Directors**

To ensure that the procedure is being applied in a fair and consistent way at the Triage Decision Making and suspension stages and to consider the fairness of sanctions at the Disciplinary Hearing and Appeal stages. Senior Managers/ Directors are also responsible for reviewing ongoing cases with a view to concluding with cases in a timely manner.

### **2.3 Line Manager responsibilities**

Managers are responsible for ensuring that they and their direct reports have read and understand the policy and that they foster a culture that deters misconduct and promotes openness and learning. Managers are responsible for ensuring that when matters of misconduct do arise, they address them in a timely and the most appropriate way.

### **2.4 Staff responsibilities**

All employees are encouraged to challenge inappropriate behaviour in a positive and constructive way and report any concerns to their line manager. If they have concerns about their line manager, they should report their concerns to a more senior manager.

An employee subject to the process is required to account for their conduct and actions and to cooperate fully and in a timely manner with the process. Witnesses to events being investigated will be required to cooperate fully and in a timely manner with the process.

2.5 **Human Resources** Human Resources colleagues will advise managers on the application of the procedure and will provide support at the investigation, hearing and appeal stages. HR staff will challenge managers when they feel an alternative approach might be appropriate. HR will also be responsible for ensuring that regular reports are produced for oversight committees.

### **2.6 Trade union responsibilities**

Trade Union representative are responsible for providing the necessary support to the member of staff concerned including attending relevant meetings. They should also have a knowledge and understanding of this Policy and associated toolkits.

### **2.7 Cultural Ambassadors**

To provide support to BAME employees subject to the procedure and to identify and challenge any issues of less favourable treatment or cultural bias to the managers involved with the process.

## Section 3 – Policy

### 3.1 Key Related Trust Policies, Procedures and Toolkits

- Appeals Policy
- Absence Policy
- Bullying and Harassment Policy
- Grievance Policy
- Maintaining High Professional Standards - Additional Disciplinary and Capability Policy for Medical and Dental Staff
- Performance Improvement Policy
- Probationary Policy
- Social Media Policy
- Substance Misuse Policy

#### Toolkits

- Creating Terms of Reference Toolkit (for investigations relating to HR processes)
- Investigation Toolkit

### 3.2 The Fast Track Process

3.2.1 In circumstances where an employee has admitted to the wrongdoing or facts are not in dispute, both the Trust and the employee can seek to conclude a case without the need for a full disciplinary hearing or a full investigation. This would be subject to:

- A clear case to answer
- Undisputed facts
- No breach of any professional codes of conduct
- The employee willingly admitting the allegation in full and showing remorse for their actions
- Any sanctions consistent with the outcome, were the case to proceed to a hearing would not be beyond a first written warning
- The allegation not being gross misconduct
- The Head of Employee Relations (or nominated deputy) agreeing that the matter is suitable for the process

3.2.2 Managers in conversation with the employee will consider whether the Fast Track process applies at the conclusion of the fact finding process or at the outset of the investigation. The employee may choose to be accompanied by a Trade union representative or work place colleague, not acting in a legal capacity and an HR representative may also be in attendance. If the above criteria is met, the Fast Track Request form should be completed and forwarded to the Head of Employee Relations (or nominated deputy) In circumstances where the fact finding process has taken place the Request form will be forwarded to the Case Manager and the Head of Employee Relations (or nominated deputy). The template Fast Track Request form is contained in [Appendix 3](#).

3.2.3 To use the Fast Track process, the staff member **must admit** to the allegations, be in agreement with this process and the Triage Decision Making Group must agree the circumstances as being appropriate for Fast Track.

3.2.4 The Head of Employee Relations (or nominated deputy), the Case Manager, and the HR rep will be required to approve all requests and inform the manager of the decision.

- 3.2.5 Where a request is approved, the manager will meet with the employee and where the manager will decide on the appropriate sanction.
- 3.2.6 At this meeting, the employee will have the right to be accompanied by a trade union representative or workplace colleague, not acting in a legal capacity and an HR representative will also be in attendance. Where the employee is from a BAME background, with their agreement, a cultural ambassador may attend this meeting. If the employee is unable to meet at the proposed date and time, or is unable to arrange to be accompanied for that meeting, the meeting may be re-arranged once, save extenuating circumstances. All reasonable steps should be taken to agree a convenient time and date no later than 10 days after the original scheduled date.
- 3.2.7 The outcome letter as contained in **Appendix 4** should be issued to the employee within 5 working days of the meeting.

### 3.3 The Investigation Process

- 3.3.1 It is compulsory that the Investigation Toolkit is followed for all investigations as it details the process to be followed to ensure we meet the standards within the ACAS Code of Practice.
- 3.3.2 Line managers should aim to manage most instances of misconduct informally and to provide the support to the employee to improve. Refer to the Informal Measures section within the Investigations Toolkit for more information on managing outside of the formal process.
- 3.3.3 The formal procedure should only be used after the consideration and approval by a Triage Decision Making Group. Refer to the Formal Stages sections of the Investigations Toolkit for guidance on instigating and managing investigations.

### 3.4 Suspension from Duty

- 3.4.1 Suspension is normally only used in cases which involve potential serious misconduct, where genuine risks are identified and **only** after alternatives have been considered. The purpose of suspension is to safeguard the parties concerned and/or patients or other employees and should be a last resort. Alternatives such as moving the employee to a different work area, restricting their access to systems, changing their work duties or work pattern should be considered.
- 3.4.2 The decision to suspend should be made after consultation between the relevant senior manager and the Head of Employee Relations, or nominated deputies, and the suspension meeting carried out by the manager in line with the Levels of Disciplinary Delegated Authority (as Section 11) as soon as possible.
- 3.4.3 The manager will inform the employee of the date and time of the suspension meeting to allow for arrangements to be made for a trade union representative or work colleague to attend. However, the meeting will not be delayed if either are not available to attend. (as there is no right for the employee to be accompanied at a suspension meeting).  
It is recognised the impact suspension has on an employee's wellbeing and the Trust will take appropriate steps to provide necessary support. E.g. Arranging an Occupational Health referral, support from a Mental Health First Aider.
- 3.4.4 Where the decision is made to suspend the employee, the Manager must advise:

- that the suspension is not a form of disciplinary action
- that the employee remains on full pay
- the duration of the suspension and any review date
- why the employee is being suspended from duty (including from Trust bank work)
- that the employee must remain contactable and be available to attend at meetings connected with the process
- that the employee should not disclose any details relating to the matter to any employee of the Trust, should not contact other Trust employees (other than their nominated workplace colleague and/or union representative) or attend at Trust premises. This excludes Trust wellbeing services.
- of independent support available to the employee (CIC service, Occupational Health, Trade Unions etc )



Do Note!

Suspension affects the daily work that the employee undertakes, and can have a detrimental effect on how the employee is perceived by colleagues and other stakeholders. It is critical that alternatives are considered and that suspension is a last resort.

- 3.4.5 Suspension should be in place for as short a period as possible, and initially for 14 calendar days, after which the Investigating Officer should update the Case Manager whether there any circumstances warrant the ending of the suspension or an extension. Extensions may be agreed, with the approval of the relevant senior manager and the Head of Employee Relations and must be communicated to the employee.
- 3.4.6 The employee will be issued with a letter explaining the terms of the suspension in line with the template contained in [Appendix 5](#). In situations where alternatives to suspension are agreed, the letter as contained in [Appendix 6](#) should be sent to the employee to confirm the change.
- 3.4.7 Where a trade union representative is the subject of a formal disciplinary procedure, no action beyond suspension should be taken until the full time official of the relevant trade union is informed.

### 3.5 Disciplinary Hearing

- 3.5.1 Following an investigation and if there is a case to be answered then a Disciplinary Hearing will be arranged. The Chair of the hearing will be in line with the levels of Delegated Authority in [Section 3.11](#). An HR representative will also attend and on some occasions, a third panel member may be required, such as when the allegation to be considered relates to a professional matter.
- 3.5.2 The employee must be provided with 7 calendar days' notice of the hearing in writing. The letter, which is sent from the Chair, must outline

- the details of the hearing
- the list of allegations
- the Investigation Report along with all relevant documentation to be used as evidence
- the details of the panel members
- the name of the manager presenting management's case
- the name of any witnesses attending
- the employee's right to be accompanied
- a request for details of the employee's representative and witnesses
- and the possible outcome of the Hearing.

3.5.3 A template invite to Disciplinary Hearing letter as provided in **Appendix 7** should normally be used.

3.5.4 The employee will provide the Chair with details of their representative and witnesses at least 2 working days before the hearing date.

3.5.5 The employee has the right to be accompanied at the hearing by a trade union representative or workplace colleague, not acting in a legal capacity. If the employee is unable to meet at the proposed date and time, or is unable to arrange to be accompanied for that meeting, the meeting may be re-arranged once, save significant extenuating circumstances. All reasonable steps should be taken to agree a convenient time and date no later than 10 working days after the original scheduled date.

3.5.6 Should an employee not attend the hearing, any outcomes and subsequent decisions will be based upon the facts and evidence that are available at that time.

3.5.7 If the employee has a health issue or specific emotional need, as a reasonable adjustment, they may also request to be supported by a family member or friend who can provide emotional support.

3.5.8. The format as outlined in the Disciplinary Hearing Format and Outcome Considerations as contained in **Appendix 8** should be followed.

### 3.6 Sanctions

The sanctions available, and the situations applicable for each are as follows:

Sanction	Description	Length of time 'on file' after which the will be 'spent'
Stage 1 - First written warning	Where unacceptable lower levels of misconduct have been upheld	6-12 months dependant on circumstances
Step 2 – Final written warning	Where there has been a serious instance of misconduct or where there has been a failure to improve during the time span of a previous disciplinary written warning	Normally 12 months however in certain circumstances such as a live sanction or for extremely serious offences this may be extended up to 24 months
Step 3 - Dismissal	Where an individual has repeatedly failed to improve their standards of conduct	N/A – employment is terminated

	<p>Where the employee has committed an offence that is deemed to be so serious that it constitutes gross misconduct, even if it is a first offence Dismissal with notice or payment in lieu (PILON) or in cases of gross misconduct, summary dismissal which is without notice or PILON</p>	
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### 3.7 Alternatives to Dismissal

3.7.1 The panel may consider alternatives to dismissal, which will usually be accompanied by a Final Written Warning. Examples include, but are not limited to

- Demotion
- transfer to another department or job

This may apply in situations where gross misconduct has been upheld but there are mitigating circumstances. Where the employee does not accept an alternative sanction this will be documented and the decision will revert to dismissal. Each case is considered on its own merits on the advice of HR.

### 3.8 Delivering the Outcome

The outcome of the Disciplinary Hearing may be advised to the employee on the day of the hearing verbally. The considerations on the outcome as outlined in [Appendix 8](#) (Disciplinary Hearing Format and Outcome Considerations) should be referred to. The outcome must be confirmed in writing to the employee within 5 working days of the hearing and must outline the decision, any disciplinary sanctions, any improvements required, the consequence of further misconduct and the right of appeal.

The template outcome letter is provided in [Appendix 9](#)

### 3.9 The Appeal



An employee has the right to appeal any disciplinary sanction. An appeal should be submitted in writing, within 7 calendar days of the notification of the disciplinary hearing outcome. The appeal is to be submitted in accordance with Trust's Appeal Process.

### 3.10 Record Keeping

Notes will be made during the investigation meetings, the Disciplinary Hearing and the Appeal Hearing to ensure that records of the case are maintained. In some cases, it may be appropriate to make a digital recording of meetings; if this is required, this will be done with the agreement of all parties to the meeting. A digital copy will be provided to the employee unless they decline a copy. Any covert recording of a meeting is prohibited and will be considered to be a disciplinary matter.

### 3.11 Levels of Disciplinary Delegated Authority

The authorised managers with delegated authority to invoke a suspension or disciplinary sanction under the procedure are outlined as follows

	<i>Authorised Manager</i>	<i>Authorised Manager Medical &amp; Dental Staff</i>
<i>Suspension / Exclusion Authority</i>	Relevant Manager following collaboration with the relevant Service Lead and the Head of Employee Relations and Director of People and OD (or nominated reps)	Clinical Director or Divisional Director in conjunction with the Chief Medical Officer

Authorised Managers with delegated authority to invoke disciplinary sanctions must be at a minimum **one Agenda for Change Banding (or equivalent) higher** than the employee against whom disciplinary action is being taken, in line with the following:

<b>Disciplinary Level</b>	<b>Authorised Manager</b>	<b>Authorised Manager Medical &amp; Dental Staff</b>
<i>Agreed Outcome (Fast Track)</i>	Immediate Line Manager or relevant Service Lead	Clinical Director/Divisional Director or equivalent senior manager with delegated authority
<i>First written warning 6-12 months</i>	Immediate Line Manager or Equivalent or other senior Manager with Delegated Authority	Clinical Director/Divisional Director or equivalent senior manager with delegated authority
<i>Final written warning 12-24 months</i>	Relevant Service Lead or equivalent or other senior Manager with Delegated Authority	Clinical Director/Divisional Director or equivalent senior manager with delegated authority
<i>Dismissal</i>	Relevant Service Lead or equivalent or other senior Manager with Delegated Authority at Band 8a or above.	Clinical Director/Divisional Director or equivalent senior manager with delegated authority



Where action may be taken against Executive Directors and the Company Secretary, the matter shall be dealt with in accordance with the Standing Orders of the Trust Board of Directors.

### 3.12 Discipline during the Probation Process



- In cases of misconduct during the employee's probation period, the Fact Finding process as outlined in this document applies. Where there is a case to answer, the case proceeds to a Formal Probation Hearing, under the provisions of the Probation Policy
- For both misconduct and gross misconduct cases, the Fact Finding and the investigation processes can take on a more condensed form than that applied outside the probation period and stronger sanctions may be imposed on the basis that the employee has not completed their probation period.

### **3.13 Other Information**

#### **3.13.1 Absence during the Disciplinary Process**



If an employee is not able to participate in any part of the disciplinary process, the employee will continue to be supported in line with the Absence Policy. Alternative options will be explored which may include the employee submitting a written statement in advance or responding to questions in writing before any decision is made to conclude in the employees absence. In exceptional circumstances the case may need to be concluded without their participation. OH advice should be sought.

Reasonable adjustments will be considered to support disabled employees throughout a process.

#### **3.13.2 Employees resigning during the Disciplinary Process**

Where an employee voluntarily resigns from their post and leaves the organisation before a disciplinary matter is concluded, the Trust, in light of its public responsibilities, reserves the right to proceed with the process; reaching a decision in the absence of the individual should they choose not to attend the subsequent hearing in person.

In such situations where an employee has not been present at the hearing, notification of the Trust's decision will be forwarded in writing. The employee will be made aware of any follow up action including the reporting of appropriate information to the relevant professional body or authorities.

#### **3.13.3 Criminal Allegations**

Where an employee's conduct is the subject of a criminal investigation, charge or conviction, the Trust will investigate the facts and may not wait for the outcome of a prosecution before deciding what action, if any, to take in relation to any breach of contract.

Where employees are advised not to partake in investigatory meetings or a disciplinary hearing, the Trust may choose to make a decision based on the evidence available at the time.

The Trust may consider a criminal charge for action taken outside of work if the Trust considers that it is relevant to the employee's employment.

#### **3.13.4 Overlapping Grievance and Disciplinary Cases**

Where an employee raises a related grievance during a disciplinary process, it may be appropriate for the Trust to suspend the process so that it can deal with the grievance. In some instances, the matters may be of such a similar nature that the same investigating manager can undertake both issues. If the grievance and disciplinary cases are not connected then the Trust will look to investigate both issues concurrently, but with a different investigation team.

There may also be occasions where an employee raises a grievance following conclusion of the investigation, which is of a similar nature to the disciplinary process. In these circumstances, the Trust will consider whether to reopen the investigation or whether the matter should be dealt with at the disciplinary hearing.

Reporting

In some instances other parties may need to be notified e.g. Director of Finance, Local Counter Fraud Specialist, Security Adviser, Safeguarding Team or Chief Pharmacist to ensure compliance with internal and external reporting requirements and policies. Where there is a genuine and reasonable belief that alleged misconduct could be classed as criminal, taking into account the strength and nature of the allegation and concern for other members of staff within our organisation and /or patients, then the Trust may choose to report the matter to the police.

The Trust will also consider whether it needs to report the employee to a relevant professional body, or to other agencies such as the DBS in respect of safeguarding concerns or UK Visas and Immigration in respect of the right to work in the UK. This may be undertaken at any stage in the process.

## **Section 4 – Training and Education**

- 4.1 Human Resources and Senior Managers across the Trust will be responsible for training and education relating to compliance with this policy and procedures in the event that an individual need arises.

## **Section 5 – Development and Implementation including Dissemination**

- 5.1 This policy has been written in accordance with the terms of the Development and Management of Trustwide Procedural Documents Policy and has involved the following who will lead on its implementation within the Trust:
- Director of Human Resources
  - Deputy Director of Human Resources
  - Head of Employee Relations
- 5.2 Advice was sought from the Local Counter Fraud Specialist
- 5.3 This document was submitted to the Trust's Staff Partnership Forum, Policy Sub Group and Joint Union Committee
- 5.4 The document was submitted to the Director of Human Resources and Staff Partnership Forum for approval prior to submission to the Executive Management Committee for ratification.
- 5.5 Once ratified, this document will be made available on the Trust's Intranet. Those managers mentioned in sections 2 and 4.1 will champion its implementation and advise staff accordingly.

## **Section 6 – Monitoring Compliance and Effectiveness**

- 6.1. Monitoring compliance with and effectiveness of this document will be monitored annually by the Deputy Director of Human Resources by case review and feedback from Trust staff involved in managing the policy and procedures. Remedial action for non-compliance with the policy and procedures will be the responsibility of the Division/Line Managers.
- 6.2 This document will be reviewed by the Director of Human Resources (or nominated deputy) and the Policy Sub Group of the Staff Partnership Forum three years from the date of ratification, unless any change is required due to changes in legislation or case law or any other reason.

## **Section 7 – Control of document including archiving arrangements**

- 7.1 Once ratified by the Executive Management Committee, the Responsible Officer will forward this document to the Information Governance Department for a document index registration number to be assigned and for the document to be recorded onto the central hospital master index and central document library of current documentation.
- 7.2 In order that this document adheres to the Hospital's Records Management Policy, the Information Governance Department will:
- Ensure that the most up-to-date version of this document is stored on the documentation library.
  - Archive previous versions of this document.
  - Retain previous versions of this guideline for a period of time in accordance with the NHS Records Retention and Disposal Schedule.

## **Section 8 – Supporting Compliance and References**

- 8.1 This document will support the Trust's compliance with its legal obligations as set out in the following:
- Employment Act 2002
  - Employment Rights Act 1996
  - Equality Act 2010
  - ACAS Code of Practice on disciplinary and grievance procedures

## **Appendix 1 - The Cultural Ambassador Programme**

### Introduction

Sadly, within the NHS, there is an abundance of research evidence to demonstrate that Black, Asian and Ethnic Minority (BAME) employees are more likely to be subject to investigation or disciplinary than any other group. At the Trust, we want to ensure that an employee who may be subject to formal processes, and is also BAME, is provided with reassurance by the involvement (subject to agreement) of a colleague called a Cultural Ambassador.

The Cultural Ambassadors Programme is designed to give BAME employees more confidence in formal processes in NHS organisations and as such, Cultural Ambassadors will be included in all stages of the process. Their role is to identify and challenge any issues of less favourable treatment or unconscious cultural bias, and ensure such elements are taken into consideration within the decision making process.

The Cultural Ambassador programme is a national initiative developed by the Royal College of Nursing (RCN), although it is important to emphasise it is not restricted to nursing staff but is open to members of every staff group.

The Cultural Ambassador will provide independent support, as a neutral observer in all formal investigations involving staff from a BAME background and may advise the investigating team, disciplinary or grievance panel on equality, diversity and cultural bias issues, particularly where bias (conscious or unconscious), less favourable treatment or discrimination has been identified.

The role supports the Trust to ensure processes are fair, equitable and free from bias and unlawful discrimination. Cultural Ambassadors will have discretion to challenge bias and will provide independent advice and guidance.

### The Process

Where a BAME employee may be subject to allegations, managers are encouraged to seek guidance from a Cultural Ambassador at the earliest stages of the Disciplinary Process.

If a BAME member of staff is subject to formal processes, they will be asked their agreement to involve a Cultural Ambassador into the process. This includes Fast Track.

Where agreed, a Cultural Ambassador will be appointed and will be involved throughout the course of the investigation. Any recommendations made by the Cultural Ambassador in relation to cultural issues will be included for consideration in the main body of the report.

If a case progresses to a hearing or an appeal process, a Cultural Ambassador will be assigned to attend wherever possible. They will be provided with the same paperwork and attend any pre-meetings. The Cultural Ambassador will have the ability to ask questions and provide advice to the panel regarding cultural issues or bias.

Cultural Ambassadors are able to adjourn proceedings if they believe any concerns raised are not being adequately addressed.

The Cultural Ambassador will be 'independent' and will advise on equality, diversity and

cultural issues, particularly where bias (conscious or unconscious) and less favourable treatment or discrimination is identified. Their remit is to ensure that these matters are taken into consideration within the decision making process.

#### Duty of Confidentiality

All Cultural Ambassadors are employees of the Trust and are bound by the same rules regarding confidentiality as all other Trust employees. No information will be shared with anyone outside of the investigation or not present at a hearing.

## Appendix 2 - Gross Misconduct and Misconduct

The following acts and offences of a like nature or a similar gravity, may be regarded as gross misconduct and may lead to an employee being summarily dismissed (i.e., without notice or previous warning) although mitigating circumstances will be taken into account. The list is not exclusive or exhaustive:-

- Theft or fraud, including deliberate falsification of records
- Physical violence, assault or sexual misconduct at work
- Harassment, bullying or discrimination
- Deliberate and serious damage to Trust/contractor property
- Serious misuse of the organisation's property e.g. software and equipment not used for the Trust's intended purpose
- Inappropriate use of the internet or email systems: accessing internet sites containing obscene, pornographic or offensive material, misuse of social media or auction/selling sites
- Serious act of insubordination or insulting, abusive or indecent behaviour.
- Persistent failure of a serious nature to follow reasonable management instruction.
- Conduct that has the potential to bring the organisation into serious disrepute
- Use of, or possession of, illegal substances at work
- Incapacity due to alcohol or unlawful drugs at work
- Causing loss, damage or injury through serious negligence
- Unauthorised disclosure of confidential information
- Professional misconduct in contravention of professional codes of conduct
- Serious neglect of duty, or a wilful act which is contrary to the well-being of a patient
- A serious breach of health and safety rules and/or regulations
- A serious breach of confidence
- A serious failure to comply with Trust policies or procedures

The following are examples of **misconduct** that will result in the appropriate disciplinary action being taken, which may include sanctions up to and including dismissal for repeated offences:

- Lateness, unauthorised absence, failure to attend training or failure to conform with the Trust's absence reporting procedures on a persistent basis
- Conduct that has the potential to bring the organisation into disrepute
- Contravention of Staff Uniform policy
- Failure to comply with the Trust's infection control policies and procedures
- Failure to comply with normal/agreed working practices and procedures

- Failure to maintain a satisfactorily/agreed standard or level of performance
- Incapacity, due to drink or unlawful drugs
- Deliberate refusal to carry out a legitimate management instruction or failure to follow a reasonable management request
- Inciting or engaging in behaviour that constitutes bullying, harassment or discrimination
- Behaviour likely to give offence to customers, suppliers, visitors, or to other employees
- Inappropriate use of internet or email systems
- Smoking in prohibited areas
- A breach of confidence

### Appendix 3 – Fast Track Request Form

Employee Name	
Role	
Division	
Ward/Department/Site	
Managers Name	
Managers Role	
<b>Details of Request to Progress to Investigation (attach the completed form)</b>	
Incident(s)/ Allegation(s)	
Date of completion of the Request to Progress to Investigation report	
Manager decision and rationale:	
<b>Details of Fact Find Assessment (attach the completed form)</b>	
Incident(s)/ Allegation(s)	
Date of completion of Fact Finding Assessment process	
Manager decision and rationale:	
<ul style="list-style-type: none"> <li>• I agree and confirm that I would like to be considered for the Fast Track Procedure.</li> <li>• I accept that there will be an agreed outcome which will be a formal sanction. This will be a written warning of a <b>6/12 months</b>.</li> <li>• I accept that by electing to use the Fast Track Procedure, which has an Agreed Outcome, there will be <b>no right of appeal</b> against the outcome.</li> </ul>	

Employee Signature:

Date:

Managers Signature:

Date:

**Once completed, to be forwarded to the Head of Employee Relations**

I can confirm that the application to be considered for a Fast Track Procedure meets the requirements as set out in the Disciplinary Policy and Procedures

Head of ER Signature:

Date:

## Appendix 4 - Letter to Employee – Outcome of Fast Track Process

PRIVATE AND CONFIDENTIAL

[name]

[address]

Dear [name],

### Outcome of Fast Track Meeting - First Written Warning by Mutual Agreement

Further to our/your meeting/discussion/conversation with on date, I am writing to confirm the content and outcome of our discussion.

As the considering manager of the Fast Track process, I have concluded that there is a case to answer and therefore under the Trust's Disciplinary Policy this matter should now progress to a Disciplinary Hearing. However, during our discussions and throughout the investigation you have admitted to the allegations against you and shown remorse for your actions.

The allegations investigated are as follows:

- INSERT ALLEGATION

INSERT DETAILS OF THE WHAT THE INVESTIGATION FOUND

Therefore due to your admission the allegations are upheld.

I have taken advice from HR who have confirmed that due to the nature of the allegations not being deemed as 'gross misconduct' and your own admission of these allegations, if you agree, there is no requirement to progress to a Disciplinary Hearing if you accept a warning in writing.

During our/your meeting/discussion/conversation you agreed to this and therefore, after full consideration of all the facts and mitigation, I reached the following decision to issue you with a **first written warning**, which will remain in place for 6/12 months., i.e. until date There is no right of appeal as previously informed. You are advised that if you do not reach the standards of conduct / performance expected of you or if any similar issues occur during this period the warning will be taken into account, and you should be aware that this could lead to further disciplinary action; this could in turn lead to a final written warning and /or dismissal from your employment.

If there is no further cause for concern during this period in relation to your work conduct / performance, the warning will be disregarded.

Please sign one copy of this letter and return to the HR Department at [insert address] within 5 working days; alternatively you can email an electronic copy to [email address]. Should you wish not to accept this warning then this will progress to a Disciplinary Hearing where you will be required to attend and present your case.

As advised previously, this matter remains confidential and should not be discussed with anyone other than me, HR or your Trade Union representative.

If you require any further information or have any queries on the disciplinary process please do not hesitate to contact me, the HR Team or your Trade Union representative.

Yours sincerely

XXXX

Manager

cc: [name] [role]

---

I agree to the terms as outlined above in this letter and understand that the warning will expire 12 months after the date of my signature below.

Employee Name	
Employee Signature	
Date	

## Appendix 5 - Letter to Employee – Suspension

### PRIVATE AND CONFIDENTIAL

[name]

[address]

Dear [name],

#### Suspension Pending Investigation

I am writing to confirm your suspension from duty from [date] as notified verbally to you during our meeting on [date]. As advised, you have been suspended from work, on full pay until further notice pending investigation into an allegation that on [date] you [insert incident].

As advised, your suspension does not constitute disciplinary action nor does it imply any assumption that you are guilty of any misconduct. Please be aware that the decision to suspend you from work was not taken lightly and alternatives to suspension were considered such as..... However, it has been decided to suspend you because...(state the reason why suspension is considered appropriate in this case).

Your suspension is for an initial period of 14 days. We will keep the matter under review and will aim to make the period of suspension no longer than is necessary. Your suspension may be lifted at any time and with immediate effect.

During your suspension you must refrain from all work-related duties until further notice. You will continue to be employed by the Trust throughout your suspension and you remain bound by your terms and conditions of employment. Whilst you are suspended you should remain contactable at your home address and you must be available to attend the workplace for any investigatory/disciplinary interviews during your normal working hours. You should not attend the workplace unless authorised by [insert name] to do so, unless you are attending Occupational Health or as a Trust patient or visiting a Trust patient or meeting with your trade union representative.

During the period of exclusion, you may not take up or continue with other employment during the hours that you would have been working for the Trust. You confirmed that **you do /do not** have another job.

You are also advised not to discuss the alleged disciplinary matter with any other member of staff other than a Trade Union representative or your agreed support. This may be prejudicial to the investigation and may amount to misconduct and lead to a further disciplinary matter.

I appreciate that this is a very difficult time for you and that you may feel the need to seek extra support. I have therefore asked that [name and designation] contact you and ensure that you are supported through the process by keeping you up to date on the progress of the investigation; you can discuss the details of the process with them and I recommend that you share dates of meetings as they will be able to provide you with support ahead of these taking

place. Their contact details are [provide]. The Trust has access to a number of confidential services which can offer you independent support or make contact for you on your behalf. If you feel that this might be helpful, the details are as follows:

- Occupational Health - telephone: 01206 745284 (Colchester or 01473 704011 (Ipswich) or email: occupational.health2@nhs.net
- CIC service – the employee assistance programme – Telephone 0800 085 1376, email:assist@cic-eap.co.uk, on line/live chat: well-online.co.uk. please use the following: Username: esneft, Password: wellbeing

The wellbeing hub on the staff intranet also contains additional resources and information

[https://intranet.esneft.nhs.uk/pages/your\\_wellbeing\\_hub](https://intranet.esneft.nhs.uk/pages/your_wellbeing_hub)

If you are a member of a trade union you may also wish to contact them for advice and support.

Or

As agreed during the meeting, I will refer you to Occupational Health as a measure of support.

**If known:** I can advise that [name, job title of Investigating Officer], has been commissioned to lead the investigation. [insert name] will be in touch with you under separate cover to confirm the details of your investigatory meeting.

If you require access to the premises or computer network for this purpose, please let [Investigating Officer or name of agreed contact] know as we may agree to arrange this under supervision.

Finally, can I assure you that the investigation into this allegation will be dealt with as quickly as possible and you will be kept regularly informed of progress. [name], will regularly review your suspension. If you have any queries about either your suspension from duty or the content of this letter or you require support during this time, please do not hesitate to contact myself or [name].

Yours sincerely,

**Name**

**Title**

cc: [name] [role]

## Appendix 6 - Letter to Employee - Alternative to Suspension

### PRIVATE AND CONFIDENTIAL

[name]

[address]

Dear [name],

#### Working Arrangements Pending Investigation

I am writing to confirm the outcome of our meeting on [date]. The meeting was convened following the allegation made that on date you [insert incident(s)].

As advised the allegation(s) will require a full investigation and during this time it has been concluded that it would be appropriate for you to remain at work with the following adjustments:

[Detail the type of adjustment e.g. removing duties, restrictions to duties, supervision, change of shift pattern or a change of work area].

I appreciate that this is a very difficult time for you and that you may feel the need to seek extra support. I have therefore asked that [name (line manager or case manager) and designation] contact you and ensure that you are supported through the process by keeping you up to date on the progress of the investigation; you can discuss the details of the process with them and I recommend that you share dates of meetings as they will be able to provide you with support ahead of these taking place. Their contact details are [provide details]. The Trust has access to a number of confidential services who can offer you independent support or make contact for you on your behalf. If you feel that this might be helpful, the details are as follows:

- Occupational Health - telephone: 01206 745284 (Colchester or 01473 704011 (Ipswich) or email: occupational.health2@nhs.net
- CIC service – the employee assistance programme – Telephone 0800 085 1376, email:assist@cic-eap.co.uk, on line/live chat: well-online.co.uk. please use the following: Username: esneft, Password: wellbeing

The wellbeing hub on the staff intranet also contains additional resources and information

[https://intranet.esneft.nhs.uk/pages/your\\_wellbeing\\_hub](https://intranet.esneft.nhs.uk/pages/your_wellbeing_hub)

If you are a member of a trade union you may also wish to contact them for advice and support.

Or

As agreed during the meeting, I will refer you to Occupational Health as a measure of support.

If known: I can advise that [name and job title], has been commissioned to lead the investigation. [name] will be in touch with you under separate cover to confirm the details of your investigatory meeting.

You are also advised that to discuss the alleged disciplinary matter with any other member of staff other than a Trade Union representative or your agreed support may be prejudicial to the investigation and may amount to misconduct and lead to a further disciplinary matter.

Finally, can I assure you that the investigation into this allegation will be dealt with as quickly as possible and you will be kept regularly informed of progress. [name], will regularly review your suspension. If you have any queries about either your suspension from duty or the content of this letter or you require support during this time, please do not hesitate to contact myself or [name].

Yours sincerely,

**Name**

**Title**

cc: [name] [role]

## Appendix 7 - Letter to Employee – Invite to Disciplinary Hearing

### PRIVATE AND CONFIDENTIAL

[name]

[address]

Dear [Name]

I refer to the investigation into the following allegations that

- Allegation 1

- Allegation 2

*(\*Note –the allegation should match the allegation in the invite to investigation letter, if the allegation has changed due to the findings of the investigation, this should be explained).*

I can advise that [name] Case Manager for the Investigation has reviewed the Investigating Officer's report, and has decided to refer the matter to a disciplinary hearing. I have been nominated as the Hearing Officer. I will be the chair of the disciplinary panel and I will be supported during the hearing by [name] from HR and [refer to third panel member if applicable].

The hearing will take place on [date] at [time] in [venue] which is situated [address or location]. I have also booked a meeting room for you to use from [time] beforehand and I would ask that you wait in that room until I call you to begin the hearing.

**Or**

The hearing will take place on [date] at [time] via a Microsoft Teams meeting. You will be sent the invite to your email address in the coming days. Please ensure that you have the meeting in a private room.

Please let me know if any reasonable adjustments are required to facilitate your attendance at this meeting.

I have enclosed a copy of the Investigation Report along with all the documents that will be referred to at the hearing.

[name], [job title] will be presenting the management case.

[You are entitled to be accompanied at the hearing by a Trade Union representative or workplace colleague (not acting in a legal capacity). If you feel you have a health issue or specific emotional need, in addition, you may also request to be supported by a family member or friend who can provide emotional support. I understand you will be accompanied at by [names/roles]. They will be sent a copy of this letter and the Investigation Report. If you have not already done so, I would advise you to contact your representative to discuss your case in preparation for the hearing.]

I can confirm that no witnesses will be called/ Management will be calling the following witnesses [name], [job title].

Please inform me of the details of any witnesses you wish to call to the hearing in support of your case. Please note it is your responsibility to arrange their attendance and as such you may discuss the case with them ensuring that your witness understands the need to keep the matter confidential.

In preparation for the hearing, you should submit a written statement of case in advance outlining your response to the allegation/s and any mitigation you wish for the panel to consider. In order to make the necessary administrative arrangements, please can you submit them to me no later than 2 working days prior to the hearing.

[If serious misconduct or following previous warnings: You should be aware that due to the serious nature of the allegations made against you, formal disciplinary action up to and including the termination of your employment could be an outcome of the hearing.]

Notes will be made during the Disciplinary Hearing to ensure that records of the case are maintained. To ensure hearings are accurately recorded the Trust now digitally records hearings and you will be entitled to a copy of the digital recording. However, if for any reason you object to the hearing being recorded please can you contact me by (date) so that a note taker can be arranged. If we receive no objection then we will assume that you are happy for a digital recorder to be used. Any covert recording of a meeting is prohibited and will be considered to be a disciplinary matter.

You should contact [name] on [number] on receipt of this letter, to confirm you will be attending the hearing. Please be aware that the hearing may continue in your absence should you or your representative fail to attend without advance notification to me and without good reason.

I would also like to remind you of the importance of confidentiality and ask that you do not discuss any aspect of this case with anyone other than me, a member of the HR Team, Trade Union representative or the person you have chosen to accompany you.

I would also like to take this opportunity to remind you about the wellbeing support available as follows:

- Occupational Health - telephone: 01206 745284 (Colchester or 01473 704011 (Ipswich) or email: occupational.health2@nhs.net
- CIC service – the employee assistance programme – Telephone 0800 085 1376, email:assist@cic-eap.co.uk, on line/live chat: well-online.co.uk. please use the following: Username: esneft, Password: wellbeing

The wellbeing hub on the staff intranet also contains additional resources and information

[https://intranet.esneft.nhs.uk/pages/your\\_wellbeing\\_hub](https://intranet.esneft.nhs.uk/pages/your_wellbeing_hub)

If you are a member of a trade union you may also wish to contact them for advice and support.

Finally, if you have any queries regarding the above please contact me by telephone

[number] or email: [email address]

Yours sincerely

[name]

[job title]

cc: [name] [role]

## Appendix 8 - Disciplinary Hearing Format and Outcome Considerations

The procedure at the hearing will be as follows, although the Chair has discretion to amend this if necessary whilst maintaining the overall fairness of the proceedings:

- The Chair will undertake the introductions and explain the process for the hearing, they will also state the allegations that have been made against the employee.
- The Investigating Officer will put the alleged case to the panel explaining the events, circumstances and facts and may call upon witnesses.
- The Investigating Officer will explain the investigatory process, the evidence gathered and the findings and conclusions as set out in the management statement of case and call such witnesses as they consider necessary for the panel to reach a decision.
- Witnesses called by the Investigating Officer will be questioned firstly by them, then by the subject of the disciplinary hearing and or their representative on their behalf, followed by the panel.
- If the employee does not dispute the content of the witness statements, then by mutual agreement, witnesses may not need to attend the hearing.
- There will be occasions, when not all of the witnesses who have provided statements, will be required to attend the hearing.
- Witness statements will be considered provided that the witness has signed and dated the statement presented to the disciplinary hearing or provided an alternative form of their agreement e.g. covering email.
- The employee and/or their representative may question the Investigating Officer or any witness called. The Investigating Officer may then re-examine their witnesses.
- The panel members may ask questions of the Investigating Officer or the witnesses at any time during the hearing.
- The employee or their representative will put their case and may call witnesses.
- The Investigating Officer may question the employee and/or their representative and may question any witness called, the employee or their representative may then re-examine their witnesses.
- The panel members may ask questions of the employee, their representative or witnesses at any time during the hearing.
- Witnesses must only be present during the hearing when they are giving evidence or being questioned.
- Both the Investigating Officer and the employee or representative must then be given the opportunity to summarise their case.
- The Panel may ask any final questions of the Investigating Officer and the employee.

The manager conducting the hearing must then ask the Investigating Officer, the employee and their representative to leave the hearing to enable them to consider the case. Only the panel members may remain in the room along with the note-taker (if present).

If the Panel wishes to recall either the Investigating Officer or the employee or any of the witnesses to clear a point of uncertainty, then both the Investigating Officer and the employee and their representative must be recalled together.

The Panel must consider all the circumstances before deciding whether disciplinary action is appropriate and, if so, what level of disciplinary sanction to apply. In particular, the following factors will need to be considered:

- the seriousness of the offence
- any relevant current disciplinary actions;
- how similar incidents across the Trust have been treated; and
- whether the disciplinary procedure has been complied with
- any mitigating factors

Where the person is from a BAME background and the Cultural Ambassador attends the hearing, they will have the ability to ask questions and provide advice to the panel regarding cultural issues or bias. They are able to adjourn proceedings if they believe any concerns raised have not been adequately addressed. (Refer to Appendix 1)

The manager should, at the end of their deliberations, call both the Investigating Officer, the employee and their representative back and advise them of their decision. If they are unable to do this in a reasonable time from the completion of the hearing then they must advise both parties and will usually reach a decision within 24 hours of the hearing. There may be instances when the Investigating Officer is not present when the decision is notified to the employee.

## Appendix 9 - Letter to Employee – Outcome of Disciplinary Hearing

### PRIVATE AND CONFIDENTIAL

[name]

[address]

Dear [Name]

I write to provide you with the outcome of the disciplinary hearing held under the Trust's Disciplinary Policy on [date]. This outcome was conveyed to you at the end of the hearing. I chaired the hearing and I was accompanied by [name], [role] for appropriate HR advice. Management's case was presented by [name], [role] and they were supported by [name], [role]. You were accompanied at the hearing by [name], [role] and emotionally supported by [name], [role].

The hearing was convened to consider the following allegations, that you

- Allegation 1
- Allegation 2

*(If the decision was delayed for further consideration, this should be included and the timescale it took to reach the decision)*

Serious consideration was given to the issues raised in the evidence throughout the hearing including your statement, the summing up and information gained during questioning of all parties.

- *Include a Brief Summary of the main issues considered*
- *Explanation/response offered to each allegation*
- *Acceptability of explanation/response*
- *What was concluded*
- *Reason for decision/outcome/witnesses comments*

In view of the above, you were issued with a

In cases of a warning

**first/final written warning, which is valid for 6/24 months.** You are advised that if you do not reach the standards of conduct / performance expected of you or if any similar issues occur during this period, the warning will be taken into account, and you should be aware that this could lead to further disciplinary action; this could in turn lead to dismissal from your employment.

If there is no further cause for concern during this period in relation to your work conduct /

performance, the warning will be disregarded.

or The panel were of the view that there was no case to answer/or the matter should be dealt with thorough management action as follows:

- [detail required actions].

**Or in cases of Summary Dismissal/Dismissal:**

- *To include* details of the events and facts leading to the dismissal and the reason for the dismissal
- What other alternatives were considered
- Deal with any additional matters such as accrued holiday pay

The panel concluded that your actions and behaviour was so serious that they constituted Gross Misconduct.

Taking into account the above, and the very serious nature of the allegations found, the Panel has taken the decision to summarily dismiss you from employment. This is with immediate effect without notice and therefore your employment terminates on [insert date]and you are require to immediately deliver to the Trust all books, documents, papers, drawings and copies as well as keys and other property of the Trust which may be in your possession or under your control.

May I remind you that the termination of your employment means that you cannot work for the Trust in any capacity, including Bank or through an Agency.

**As required:** The Panel will also be referring this case to the [name of professional body] [and the Disclosure and Barring Service].

*(if warning issued or dismissal)*

You have the right of appeal against the above decision. If you wish to appeal you must write within 7 calendar days of receiving this letter to [name], [role], [address] outlining the grounds for your appeal. Pleaser find enclosed a copy of the Appeal Policy

If you have any queries regarding the above please contact me by telephone on [number] or via email: [email address].

Yours sincerely

Name

Job Title

cc: [name] [role]

## EQUALITY IMPACT ASSESSMENT FORM

The purpose of this Equality Impact Assessment form is to determine the extent to which policies, procedures and practices impact upon individuals and groups in relation to one or more of the equality categories.

If the policy, procedure or practice is found to have an adverse impact, the author/s must consider all other alternatives, which may more effectively achieve the promotion of equality of opportunity. This may include the development of specific measures to mitigate the adverse impact.

This Equality Impact Assessment form must be completed and forwarded to Human Resources Administration Office, Post Point N020 attached to the draft document prior to it being considered for approval. The Responsible Officer must retain the original. In the event that the document appears to be discriminatory, please refer to your Human Resources Manager/Adviser who will be able to advise you in accordance with employment legislation.

<b>DOCUMENT TITLE:</b>	Disciplinary Policy
<b>DIVISION:</b>	Human Resources
<b>NAME AND JOB TITLE OF RESPONSIBLE OFFICER</b>	Clare Adams

1. SERVICE USERS – Check for <u>DIRECT</u> discrimination against any minority group						
Does your document contain any statements which may exclude people from using services who otherwise meet the criteria under the grounds of:	Response		Action Required		Resource Implication	
	Yes	No	Yes	No	Yes	No
Age		X		X		X
Disability		X		X		X
Gender reassignment		X		X		X
Marriage and Civil Partnership		X		X		X
Pregnancy and maternity		X		X		X
Race		X		X		X
Religion or Belief		X		X		X
Sex		X		X		X
Sexual Orientation		X		X		X
<b>If yes is answered to any of the above, the document may be considered discriminatory and requires review and further work to ensure compliance with legislation</b>						

2. EMPLOYEES – Check for <u>DIRECT</u> discrimination against any minority group						
Does your document contain any statements which may exclude employees from operating under the grounds of:	Response		Action Required		Resource Implication	
	Yes	No	Yes	No	Yes	No
Age		X		X		X
Disability		X		X		X
Gender reassignment		X		X		X
Marriage and Civil Partnership		X		X		X
Pregnancy and maternity		X		X		X
Race		X		X		X
Religion or Belief		X		X		X
Sex		X		X		X
Sexual Orientation		X		X		X
<b>If yes is answered to any of the above, the document may be considered discriminatory and requires review and further work to ensure compliance with legislation</b>						

3. SERVICE USERS – Check for <u>INDIRECT</u> discrimination against any minority group						
Does your document contain any conditions or requirements which are applied equally to everyone, but may disadvantage certain individuals or groups because they cannot comply due to:	Response		Action Required		Resource Implication	
	Yes	No	Yes	No	Yes	No
Age		X		X		X
Disability		X		X		X
Gender reassignment		X		X		X
Marriage and Civil Partnership		X		X		X
Pregnancy and maternity		X		X		X
Race		X		X		X
Religion or Belief		X		X		X

Sex		X		X		X
Sexual Orientation		X		X		X
<b>If yes is answered to any of the above, the document may be considered discriminatory and requires review and further work to ensure compliance with legislation</b>						

4. EMPLOYEES – Check for <u>INDIRECT</u> discrimination against any minority group						
Does your document contain any statements which may exclude employees from operating under the grounds of:	Response		Action Required		Resource Implication	
	Yes	No	Yes	No	Yes	No
Age		X		X		X
Disability		X		X		X
Gender reassignment		X		X		X
Marriage and Civil Partnership		X		X		X
Pregnancy and maternity		X		X		X
Race		X		X		X
Religion or Belief		X		X		X
Sex		X		X		X
Sexual Orientation		X		X		X
<b>If yes is answered to any of the above, the document may be considered discriminatory and requires review and further work to ensure compliance with legislation</b>						

5. Check for ACCESS Discrimination						
Is your document accessible:	Response		Action Required		Resource Implication	
	Yes	No	Yes	No	Yes	No
In a variety of languages		X				
To specific disabled service users/employees		X				
<b>If no is answered to any of the above, the document may be considered discriminatory and requires review and further work to ensure compliance with legislation</b>						

<b>Name of group/s consulted with on document:</b>	Staff Partnership Forum
<b>Signature of Responsible Officer:</b>	Head of Employee Relations
<b>Date:</b>	