

# Disciplinary Policy & Procedure

1.2

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## **1. INTRODUCTION**

This policy outlines actions to be taken by the manager or a member of staff when a concern arises in relation to staffing issues.

Please refer to Appendix 2 – Policy Route Guidance Flowchart.

This policy does not form part of the employee contract of employment, however outcomes following a formal process may then become relevant to an employee's terms and conditions of employment.

This policy may be amended from time to time. SHPCA may also vary any parts of this procedure, including time limits, as appropriate, depending on the circumstances of particular cases.

## **2. SCOPE**

This policy is applicable to all employed staff working within SHPCA, interim (off payroll) workers (e.g. sessional IPCAS staff) and volunteers.

## **3. ROLES AND RESPONSIBILITIES**

### **Line manager's Responsibilities**

- To ensure that they themselves and employees are aware of this policy.
- To ensure that the policy and its supporting standards and guidelines are built into local processes and that there is on-going compliance
- To adhere to the timescales within the policy to ensure that matters are dealt with quickly, reasonably, and as fairly as possible
- To ensure that the informal stage is used wherever possible prior to any formal action being taken
- To involve SCW HR for advice and support when an issue has been raised.
- To respond to any concerns raised by employees, consider them fully, sympathetically, and fairly in accordance with this policy.
- To treat all employees fairly by applying the policy consistently and ensuring that any personal information is kept in complete confidence in line with the information governance requirements
- To adopt the SHPCA Code of Conduct and work within any Professional Standards as applicable to an individual's Professional Registration (e.g. NMC Code of Conduct).

### **Employee's Responsibilities**

- To ensure they read, understand, and comply with this policy.
- To contact SCW HR, their trade union representative or appropriate professional body for advice and guidance
- To try and deal with matters at the nearest point of origin and where appropriate first approach the manager to discuss the problem informally

- To attend meetings as required
- To maintain confidentiality

### **SCW HR's Responsibilities**

- To assist managers and employees in the fair and consistent application of the policy
- To provide advice to employees and managers concerning individual issues, including advice on the range of options or courses of action that may be taken
- To facilitate informal meetings on request
- To provide coaching and training to managers on the application of this policy
- To provide support at formal meetings
- To provide template letters/documents to managers
- To maintain confidentiality.

## **4. OVERVIEW**

SHPCA always expects employees to adhere to the organisation's values and behaviours and to conduct themselves in a professional manner.

The primary aim of this procedure is to establish fair methods for dealing with disciplinary matters that will be understood and respected, so contributing to sound relationships between the organisation and its employees.

## **5. PRINCIPLES**

Cases of minor misconduct are usually best dealt with informally between the employee and the manager with the aim of providing training, guidance or advice to improve the employee's conduct and so avoid the need for formal steps. Any such discussion will not form part of the Disciplinary Procedure however where appropriate, it may be useful to confirm in writing what has been decided.

If an informal approach has been tried previously and has not brought about improvement, formal action may need to be taken.

Any case which appears to warrant formal action will be dealt with, usually, by the line manager in the first instance.

If disciplinary action is considered for an accredited trade union representative, agreement should be sought with the individual to discuss the matter with a more senior trade union representative or full time trade union official.

Any line manager who has a concern and feels that the appropriate action would be to use the disciplinary procedure, should in the first instance begin by raising their concern with their head of service or associate director. Where necessary, especially where there may be other or complicating factors, the manager taking charge of the disciplinary procedure may be supported by, or commission, an independent investigating officer.

The manager taking charge of the disciplinary will also be supported throughout the process by SCW HR with regard to guidance, training and any other action pertinent to the case.

## **6. DISCIPLINARY PROCESS**

### **Investigation**

Before any disciplinary hearing is arranged, an investigation is required beforehand, even if an employee has admitted to misconduct. Please refer to SHPCA's Investigation Policy.

It may be appropriate to suspend an employee whilst the investigation is taking place. Please refer to Section 8 of this policy.

### **Formal Procedure**

If it is decided that there is a disciplinary case to answer, the employee will be required to attend a disciplinary hearing. SHPCA will write to them:

- Setting out sufficient information about the alleged misconduct and its possible consequences to enable the employee to prepare to answer the case at a disciplinary hearing
- If appropriate, enclosing copies of any written evidence, which may include any witness statements (except where a witness's identity is to be kept confidential, in which case the organisation will give as much information as possible while maintaining confidentiality)
- To ask the employee to provide details of any witnesses they wish to call
- Inviting them to attend a disciplinary hearing to discuss the matter, giving details of the time, date and venue for the hearing and
- Advising of the right to be accompanied by a workplace colleague or appropriate trade union representative at the hearing.

The disciplinary hearing should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.

The employee and their representative (if any) should make every effort to attend meetings (including any appeal). If the employee and their representative (if any) cannot attend at the time specified, they should let SHPCA know immediately who will seek to agree a reasonable alternative time. SHPCA will look to provide a maximum of two alternative dates/times in the event of an employee and/or representative being unable to attend the first date set, so long as it is reasonable and is not more than five working days after the day proposed by the . This five day limit may be extended by mutual agreement. If the employee fails to attend without good reason, or is persistently unable or unwilling to do so, this may result in the meeting being conducted in the employee's absence and a decision made on the information available.

If the individual is unfit to attend the meeting due to a medical condition, medical advice will be sought from the occupational health department to determine when they will be fit to attend. If they are unlikely to be fit to attend in a reasonable time, a decision will be made to proceed with the disciplinary hearing in their absence. In these circumstances the individual will be able to submit a written statement to be considered by the hearing panel.

While it is acknowledged that employees may find procedural action contributes to feelings of stress, this will not normally be a reason for delaying such action.

At all formal stages of this procedure, employees have the right to be accompanied by a trade union representative or work colleague.

It is the responsibility of the parties concerned to arrange for the attendance of their witnesses. In the case of witnesses who are employees of SHPCA, time off work with pay will be granted for them to attend. Witnesses will only be present at the hearing whilst giving evidence.

At the disciplinary hearing, the panel will consist of the disciplining manager (head of service or associate director) who will act as chair, an SCW HR representative and professional advisor if applicable.

The investigating officer will be required to present their case to the disciplinary hearing panel.

Please refer to Appendix 1 for Proceedings of a Formal Disciplinary Hearing.

The chair (as above) of the hearing will decide whether or not disciplinary or any other action is justified and will inform you of the decision at the conclusion of the disciplinary meeting or afterwards in writing if further investigation is required.

The outcome of the hearing should be confirmed to the employee in writing, usually within seven days of the hearing (which includes notification of their right to appeal and to whom such appeal should be addressed).

## **Disciplinary Action**

Where it is considered that disciplinary action is necessary, the usual penalties are set out below. Any warning should contain the details set out below.

### **First Written Warning**

If there is a failure to meet SHPCAs' required standards or a further incident of misconduct occurs, the employee should be given a first written warning.

A note of the first written warning will be made on the employee's personnel file but will normally be disregarded for disciplinary purposes after a period of 12 months.

This note will also explain the change in behaviour required and the consequences should these fail to be achieved.

### **Final Written Warning**

If the employee's misconduct continues or is repeated, or if the misconduct is sufficiently serious, but not serious enough to justify dismissal, a final written warning will normally be given.

A note of the final written warning will be made on the employee's personnel file but will normally be disregarded for disciplinary purposes after a period of 18 months. This note will also explain the change in behaviour required and the consequences should these fail to be achieved.

### **Content of Warnings**

Warnings will set out:

- The nature of the misconduct
- The change in behaviour or improvement in performance required (with timescale)
- How long the warning will remain current
- The consequences of further misconduct within the set period following a warning (for example, that it may result in a further warning/final written warning or, if the penalty given is a final written warning, that it may result in dismissal or some other penalty, such as demotion or loss of seniority) and
- Your right of appeal.

## **7. DISMISSAL**

If either the employee's conduct remains unsatisfactory or there is further serious misconduct before any warning is disregarded or if they are found to have committed gross misconduct or gross incompetence, dismissal will normally result.

Gross misconduct or gross incompetence will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Some examples of gross misconduct are given in section 8 below. Their contract of employment may include further examples of situations in which employees may be summarily dismissed.

A decision to dismiss should only be taken by a manager who has the authority to do so. This will usually be vested in a head of service/ associate director or equivalent. As soon as practicably possible, the employee will be provided with written notice setting out:

- The reasons for dismissal
- The date on which their employment contract will end
- The appropriate period of notice and
- Their right of appeal.

### **Alternatives to Dismissal**

In some cases, the organisation may at its discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include, but are not limited to: demotion; transfer; loss of seniority; reduction in pay or loss of future pay or bonus.

### **Professional Registration**

Registration is a requirement of certain NHS employment, and where employees fail to renew their registration, disciplinary action, including dismissal, may be considered. The onus is on the employee to review their registration, which should be recorded by the employer. Mitigating circumstances regarding the reason for non-renewal should always be considered. For further information, please refer to SHPCA Recruitment and Exit Policy and the Nursing & Midwifery Council (NMC) Revalidation: A policy to support registrants and their families.

In all cases involving dismissal of professional staff, SHPCA's will inform the relevant professional body. It will then be a matter for them to consider if further action is required.

Where disciplinary action by a professional body results in a member of staff's name being erased by the appropriate professional register, then this will provide sufficient reason for termination of his/her contract, irrespective of any previous disciplinary action or decision taken by SHPCA. In addition any disciplinary action taken by SHPCA may result in the professional body being informed.

### **Appeal Process**

If the employee feels that a decision about action under this procedure is wrong or unjust they should appeal in writing, stating their full grounds of appeal, to SCW HR within one week of the date on which they were informed in writing of the decision.

They must stipulate their full grounds of appeal in writing, which should be one or more of the following:

- New evidence that was not previously obtainable
- Failure to follow the procedure
- The level of sanction received.

It is not sufficient merely to disagree with the decision made.

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if their appeal is successful they will be reinstated with no loss of continuity or pay.

If they raise any new matters in their appeal, SHPCA may need to carry out further investigation. If any new information comes to light SHPCA will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing.

The employee will be given written notice of the date, time and place of the appeal hearing. The appeal hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time to prepare their case.

At all formal stages of this procedure, employees have the right to be accompanied by a trade union representative or work colleague

The appeal hearing will normally take the form of a review of the formal stage and not a complete re-hearing.

Where possible, the appeal hearing will be conducted by another manager at a more senior level, this will be a Chief Officer within the organisation or the accountable officer and who has not been previously involved in the case. A member of the SCW HR team will also be present, and if appropriate along with the presence of a lay member of the organisation. The employee may bring a trade union representative or a workplace colleague with them to the appeal hearing.

A hearing may be adjourned if there is a need for SHPCA to gather any further information or give consideration to matters discussed at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing SHPCA may:

- Confirm the original decision
- Revoke the original decision or
- Substitute a different penalty.

SHPCA will inform the employee in writing of the final decision as soon as possible, usually within seven days of the appeal hearing. Where possible this will also be explained in person. There will be no further right of appeal.

## **8. GROSS MISCONDUCT AND OTHER EXAMPLES**

The following are examples of actions which constitute gross misconduct and are likely to lead to summary dismissal (this list is non-exhaustive):

- **Refusal to carry out reasonable instructions** from a superior or serious insubordination
- **Theft**, either from SHPCA, its employees, clients, customers or agents (including the unauthorised possession or use of any of the organisation's goods, materials, or products)
- **Fraud: any deliberate falsification of records or any deliberate attempt to defraud** SHPCA, fellow employees, clients, customers, or agents. Fraud can include falsification of time sheets, travel claims, self-certification forms and obtaining employment by

deception. This may also include falsely claiming sick pay or engaging in outside employment during hours contracted to work for SHPCA

- **Failure to comply with the provisions of SHPCA's financial procedures** (incurring expenditure on behalf of SHPCA in excess of their authority) or being in breach of any guidelines on business conduct, guidance on conflict of interest, trading rules or other important organisation rules, policies or procedures
- **Regulatory compliance: failure** to comply with rules or regulatory requirements established by any regulatory body to which SHPCA is subject or other conduct which causes SHPCA to be in breach of its regulatory responsibilities
- **Violence:** any fighting or violence involving any fellow employee or any other person that takes place on any of SHPCA's premises or while on SHPCA's business
- **Bullying, harassment or discrimination:** racial and sexual harassment or harassment on the grounds of disability, sexual orientation, religion or belief, victimisation and bullying of staff or members of the public
- **Reckless behaviour:** an act of recklessness or incompetence sufficiently severe to break down trust and confidence in the employee's ability to undertake their job.
- **Malicious damage,** deliberate damage to or unauthorised removal of the organisation's property or to the property of fellow employees, clients, customers or agents
- **Being unfit for duty** through intoxication on the organisation's premises or those of clients, customers or agents; or the bringing of intoxicants or illegal drugs onto the organisation's premises at any time; or being asleep on duty
- **Gross carelessness, incompetence or negligence,** including any action or failure to act which threatens the health and safety of any fellow employee or member of the public including any disregard of safety rules which jeopardises the safety of those on the organisation's premises
- Bringing the organisation into serious disrepute **through grossly unprofessional or unbecoming behaviour** or other serious action likely to bring SHPCA into disrepute
- **Breach of confidence; disclosure or misuse of confidential information** or data about SHPCA, other organisations in the sector, patients, or staff.
- **Corporate compliance:** failure to comply with the provisions of the organisation's health and safety policy; whistleblowing procedure or failure to comply with the organisation's equality and diversity policy
- **Misuse of equipment:** obtaining unauthorised access to, making unauthorised use of or making unauthorised amendments to information stored on computers, computer software or computer hardware or any failure to comply with the organisation's email, internet and telephone use guidelines, confidentiality / data protection policy; introduction of unauthorised third party computer software into the working environment.

- **A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.** Consideration should be given to what effect the investigation, charge or conviction has on the employee's suitability to the job and their relationship with the organisation, colleagues, and customers/clients. If the employee's conduct is the subject of a criminal investigation, charge, or conviction, we will investigate the facts before deciding whether to take formal disciplinary action. We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where an employee is taking part in a criminal investigation (i.e. as a witness, rather than the subject of), no disciplinary action will be taken. Where the employee is unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence. Where an employee is exonerated, or the criminal investigation/charges are subsequently dropped any action that was taken (i.e. suspension) will be reviewed and revised accordingly.

## 9. SUSPENSION PROCEDURE

### Introduction

This procedure aims to provide a framework to assist managers who consider it necessary to suspend an employee in order that an act of gross misconduct may be investigated. Suspension is considered in cases of misconduct when an employee may have been negligent, careless, or has potentially committed a wilful act that results in the breach of contract/disciplinary rules and potentially puts themselves, patients or other employees at risk.

Managers and employees should remain aware that the suspension does not constitute a disciplinary action. It should not be used by managers as a punitive measure. The overall purpose of suspending an employee on full pay will be to complete an investigation without compromise or risk to either the employee or SHPCA.

### Principles

Suspension of staff should not be carried out without due consideration. A member of staff should be suspended after seeking advice from SCW HR and only if alternative courses of action would put any of the following in jeopardy:

- Client's or colleague's well-being or safety
- The implicated staff member's well-being or safety
- Other staff member's well-being or safety
- The integrity of witnesses
- The security of SHPCA financial or physical resources
- SHPCA's reputation.

In addition in all but exceptional cases, staff members must have been implicated in or accused of:

- An act of gross misconduct and/or
- An act of gross incompetence or negligence.

### **Alternative Action**

Suspension should only be used for reasons stated above and to give the organisation an opportunity to determine the most appropriate course of action. As such, alternative action should be taken wherever possible which includes:

#### **Restricted duties**

If an employee has been implicated in misconduct or incompetence connected with a particular part of their duties but it is still possible to usefully employ them, they may continue to be employed as usual, except with explicitly restricted duties until the findings of an investigation or hearing are known. Pay will not be affected.

#### **Transfer of workplace**

If it is possible to temporarily resolve an issue by transferring the employee to an alternative workplace then this should take place. The employee should be encouraged to transfer with due consideration given to travel arrangements and so on.

#### **Close supervision**

Closer supervision of employee, for example by ensuring they do not have access to resources belonging to SHPCA, can avoid suspension until appropriate action can take place.

#### **No action**

Where a risk can reasonably be managed or reduced by taking no action until the matter is resolved or an investigation/disciplinary hearing takes place then suspension may not be necessary.

### **Suspension Process**

#### **Initial Discussion and Confirmation:**

Authority to suspend an employee rests with the senior manager for the function or in their absence the nominated deputy. Exceptionally, however, in the absence and unavailability of managers at that level, the most senior manager available at the time may suspend an employee. Suspension will always be confirmed in writing as soon as practicable - normally on the next working day - by the authorised manager.

Only where it is practicable, an employee may be accompanied at an interview where suspension is being contemplated. The decision to suspend cannot be delayed in order for the employee to arrange to be accompanied. The employee has the right to be accompanied at any subsequent discussion and review.

At the interview where suspension is considered necessary and, in the confirmation, letter the following points should be included:

- Why suspension is necessary and its likely duration
- The communication methods in place between the employee and the manager, including the named point of contact for the employee during the suspension period
- That suspension is not a punitive measure
- That the employee should not visit SHPCA's premises or contact any of its employees regarding work-related issues
- To maintain strict confidentiality at all times
- To be available to SHPCA throughout the period of suspension, either for duties or meetings
- Not to work for any other employer whilst suspended
- That payment will continue
- The support mechanisms available to the staff member during the suspension period, such as occupational health, trade union, EAP counselling services
- If they should fall ill during the suspension period, the appropriate policy for managing the absence will be applied.

### **Suspension and Illness**

If the employee is medically certified while suspended from work, the suspension may revert to sickness absence while investigations take place. If an employee is signed fit for work during ongoing investigations the situation will need to be reviewed to establish if reverting back to suspension from work is appropriate. If an employee is signed off sick whilst on suspension, advice should be sought from SCW HR

### **Communications during Suspension**

A suspended employee is expected to be available to attend further meetings or take part in the investigation during normal working hours unless any other arrangement has been agreed at the time of suspension (for example, honouring a holiday commitment).

Suspension if enacted means suspension from all employments with SHPCA, including bank contracts.

During a period of suspension an employee will be asked to stay away from the place of work and may only visit SHPCA premises by arrangement with their manager. Such permission shall not be unreasonably withheld or delayed, and in particular where the purpose of the visit is to meet with the suspended employee's representative or to investigate the allegations.

During a period of suspension, and in order to maintain confidentiality and prevent harm to the investigation, the employee is required not to communicate with colleagues about work-related matters, and in particular not to discuss the investigation with them. However in order

to avoid feelings of isolation experienced by the suspended employee, the manager will arrange weekly contact with the employee. If contact by the manager would harm the investigation process, an appropriate manager will be designated to maintain communication.

### **Duration of Suspension**

The **maximum duration of the suspension period is eight weeks, other than as a result of exceptional circumstances.** Such circumstances could include sickness of an employee or witness and/or a need to obtain information/advice from a third party. SHPCA has a duty to commence investigation procedures as promptly as possible, following the suspension taking place.

### **Reviews of Suspension Decisions**

The suspension will continue until a decision has been made on the action to be taken concerning the allegation. If necessary, a formal review of the suspension will take place after two weeks and thereafter at periods of no longer than two weeks, and the member of staff informed of the outcome of the review.

### **Conclusion of an Investigation**

Once the investigations are complete the employee should be sent an employment declaration to be completed and either return to normal duties, without any adverse record on their personal file, or, if the allegations are confirmed, a formal procedure will apply.

## **10. EQUALITY AND DIVERSITY**

In applying this policy, SHPCA will have due regard for the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

Where English is not the first language or there are difficulties in reading this policy, employees should contact their line/other appropriate manager or senior officer within their organisation, SCW HR or staff representative for advice and guidance.

If there are likely to be understanding or language difficulties during meetings, it may be necessary for an interpreter or friend to be made available. The employee will be responsible for making arrangements for this, or where appropriate, Access to Communications will be contacted with the support of SCW HR.

In line with SHPCA's policy, an Equality Analysis has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or Trade Union membership or non-membership in relation to the application of this policy.

## **11. POLICY MONITORING AND REVIEW**

The effectiveness of this policy will be monitored by the Chief Operating Officer in liaison with SCW HR to ensure the correct procedures have been followed and timescales met.

Any learning points and trends will be identified by SCW HR who will make recommendations to the Chief Operating Officer about changes which need to be made. The application and impact assessment of this policy will be monitored by SHPCAs Combined Assurance Group.

This policy may be reviewed at any time but will be reviewed automatically in the event of new legislation or guidance emerging or annually.

Policy monitoring and review will include analysis of the available equality characteristics of people applicants, interviewees and successful candidates, in order to identify and differential treatment or bias during recruitment. The equality characteristics of leavers will also be monitored.

## **12. TRAINING IMPLICATIONS**

All employees need to be aware of this policy and their responsibilities. This will be achieved by:

- New employees will be directed to where policies are located on the SHPCA's website
- Promoting the policy through the staff newsletter on publication and each time it is reviewed
- Line managers will be provided with coaching and training on the application of this policy.

This policy is made available to all staff via SHPCA's Intranet site.

## **APPENDIX 1 - PROCEEDINGS OF A FORMAL DISCIPLINARY HEARING**

The checklist below is for guidance purposes only, as it is recognised that the Chair will need to determine how best to manage any hearing given the individual circumstances of the case.

### **INTRODUCTIONS**

- Welcome attendees.
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting.
- Introduce those present and their roles, (see guidance re: roles/responsibilities); this may include panel members, any HR member supporting panel, note-taker, management representative, support for management side etc.
- Representation of Employee – If accompanied confirm the role of the companion, i.e. that they will be able to address the hearing in order to: put the employee's case forward; sum up the case; respond on the employee's behalf to any view expressed at the hearing; and confer with the employee. However, the representative will not usually answer questions on behalf of the employee but may do so with the agreement of the panel.
- If not accompanied note that the employee has been advised of their right to be accompanied but has chosen to attend unaccompanied.
- Ask the employee to introduce themselves and any companion they may have with them. Check whether the participants are happy with use of first names.
- Confirm with the employee that they have received the letter notifying them of the hearing and the associated documentation providing advanced disclosure of the case.
- Confirm with the employee that they understand that it is a formal disciplinary hearing which will be conducted in line with SHPCAs' Disciplinary Policy. [If appropriate, having first sought advice from SCW HR, subject to previous action/warnings, advise that one potential outcome of the hearing could be dismissal – however in such as case it is essential that delegated authority is provided beforehand]
- Ask that all communications go through you as the Chair during the hearing.

### **OUTLINE PROCEDURE**

- Advise of the procedure or if appropriate invite an SCW HR representative (if applicable) to outline the procedure.
- Confirm documentation provided – Identifying, if appropriate, any other documentation the panel has at their disposal for reference purposes. Also confirm if the panel received any additional information/evidence from the employee.
- Adjournments - Advise that should any party consider an adjournment necessary requests should be made via the chair. Identify the location of the rooms available to both management and employee.
- Taking of Notes – Advise that the note-taker will take summary notes to support the panel's consideration. Should the employee want a summary of these notes these can be

provided on request. Advise that both the employee and their representative would be welcome to make their own notes.

- Respond to any procedural concerns/queries that may arise.

### **RUNNING ORDER**

1. The management representatives will be invited to present the allegation(s) against the employee and the evidence upon which this is based, which may include calling witnesses.
2. The staff member, their representative if applicable and the panel will be given the opportunity to ask questions of the management representatives and any witnesses, and to query the evidence provided.
3. The staff member and their representative are then invited to present their case, which again may rely on witnesses.
4. The panel and the management representatives will correspondingly be allowed to ask questions of the employee and any witnesses.
5. Both the management representatives and the employee will be asked to provide a brief concluding statement.
6. The Panel will adjourn for the Panel to consider the decision.

### **ADJOURNMENT AND DECISION**

- Panel either adjourns or closes the hearing to consider the case.
- If the panel is unable to make a decision as further information/time is required, inform the employee as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail).
- When closing the hearing, ensuring that everyone understands what is going to happen.
- Panel makes a decision (See 6.3 above for potential outcomes).
- Advise that the outcome of the hearing should be confirmed to the employee in writing, usually within seven days of the hearing (which includes notification of their right to appeal and to whom any such appeal should be addressed).

### **RECORD**

- Record summary of the discussions, (including any agreed actions and timescales for improvement etc).
- Ensure that the records are factual, unambiguous, and constructive (assume that the staff member may see these).
- Write to employee summarising the outcome of hearing and any next steps.
- Store records securely, as these may be subsequently required within later procedural stages and shared with all relevant parties, including the employee.

## APPENDIX 2 - POLICY ROUTE GUIDANCE FLOWCHART

