

Document title: Your Behaviour Matters - Disciplinary Procedure
Document number: DN117

Staff involved in Development (job titles):	Director of Workforce and Organisation Development, Deputy Director of Workforce, Head of Employee Relations Medical Director
Document author/owner:	Director of Workforce and Organisation Development
Directorate:	Workforce and Organisation Development
Department:	Employee Relations Development
For use by:	All employees of Royal Papworth Hospital NHS Foundation Trust
Review due:	
<p>This is a controlled document. Whilst this document may be printed, the electronic version maintained on the Trust's Intranet is the controlled copy. Any printed copies of this document are not controlled. ©Royal Papworth Hospital NHS Foundation Trust. Not to be reproduced without written permission.</p>	

Foreword

We are committed to combatting any bias or discrimination in our employment and management practices.

Any allegations of misconduct in the Trust will now start from a different basis: As part of our commitment to developing a just and learning culture cases are thoroughly assessed to ensure there is sufficient understanding of the issues or concerns, and the circumstances relating to them, to justify the initiation of formal action. We will always ask ourselves whether our actions are proportionate and justifiable and whether managing situations informally achieves a more productive outcome.

We need to continually reflect and challenge ourselves to ensure everyone is treated fairly and build a culture of openness and transparency to ensure we are doing the right thing by our people.

Your Behaviour Matters (Disciplinary Procedure) Contents

1. Introduction.....	3
2. Purpose & Scope.....	3
3. Procedure Statement.....	3
4. Informal management of allegations of misconduct	4
5. Investigating allegations of misconduct.....	4
6. Referrals to professional bodies and other agencies.....	5
7. Disciplinary hearing	6
8. FastTrack hearing.....	6
9. Formal disciplinary hearing	7
10. Hearing panel	8
11. Who the employee can bring with them	8
12. Hearing format.....	9
13. Supporting Employees.....	10
14. Formal disciplinary sanctions	10
15. Appeals	11
16. Suspension.....	11
17. Communicating the decision to suspend and support employee.....	12
18. Timescale for suspension	13
19. Pay during suspension.....	13
20. Medical and Dental.....	14
21. Criminal Offences and Offences Committed Outside Work	14
22. Duties	15
23. Misapplication of the Procedure.....	14
24. Procedure Implementation and Dissemination	15
25. Additional sources of reference.....	15
26. Monitoring Arrangements <i>Equality Impact Assessment</i>	16
27. Supporting Information <i>Further Document Information</i>	17
Appendix 1 - Examples of Misconduct/Gross Misconduct.....	18
Appendix 2 - Pre-Investigation Assessment Tool	20
Appendix 3 - Procedure for Disciplinary Hearings.....	27
Appendix 4 - Template Suspension Letter	28
Appendix 5 - Template Follow-up Suspension Letter	30
Appendix 6 - Levels of Authority to take Action	31
Appendix 7 - Key to Roles in Disciplinary process	32

.

1. Introduction

1.1 Royal Papworth NHS Foundation Trust (“the **Trust**”) requires high standards of conduct from everyone and is committed to helping people improve and learn from mistakes. This procedure is designed to ensure a fair, systematic and consistent approach is taken when an employee’s behaviour or action is in breach of workplace rules or falls short of the expected standards of behaviour.

1.2 The fair treatment of employees supports a culture of fairness, openness and learning in the NHS by making employees feel confident to speak up when things go wrong, rather than fearing blame. An objective and prompt examination of the issues and circumstances should be carried out to establish whether there are truly grounds for a formal investigation and/or for formal action. Would training for the employee, support, guidance or informal management be more appropriate and productive?

1.3 This procedure has been developed in consultation with the Trust’s recognised trade unions and is in accordance with the ACAS Code of Practice on disciplinary and grievance procedures. The Trust has implemented the guidance provided in the NHS Resolution Being Fair Report

1.4 Where an employee’s ability to do their job is affected by a lack of skill or knowledge, or ill health, this will be managed by following DN097 Trust Capability Procedure.

2. Purpose & scope

2.1 The Procedure provides a framework to manage concerns about someone’s conduct in a fair and timely way. It aims to help people achieve and maintain required standards of conduct.

2.2 The Procedure applies to all categories of misconduct by non-medical staff.

2.3 The Procedure applies to any non-clinical behavioural misconduct of medical staff (e.g. theft, bullying etc). This policy does not apply to the management of professional misconduct by doctors. The process for managing these matters are covered by the Maintaining High Professional Standards in the Modern NHS framework (“**MHPS**”).

3. Procedure statement

3.1 Managers are responsible for ensuring their team is aware of the required standards of conduct and behaviour and for bringing any concerns to the attention of employees at the earliest opportunity.

3.2 Managers should try to resolve minor matters of concern informally. If informal approaches do not bring about improvement or if misconduct is sufficiently serious, formal stages of this procedure should be followed.

3.3 Managers will ensure that all action taken under this procedure is reasonable and proportionate. At an early stage, employees will be told why disciplinary action is being considered and they will be given the opportunity to respond to

allegations before decisions about formal sanctions are taken.

3.4 Employees can be accompanied and represented, at a disciplinary hearing by a work colleague, trade union representative or representative from the profession organisation not acting in a legal capacity.

3.5 Disciplinary cases will be treated sensitively and confidentially. Information will only be shared with those who have a legitimate right to be informed in accordance with Data Protection Act 2018 and the Common Law Duty of Confidentiality. Breaches of confidentiality by any party may result in disciplinary action. Standard Operating Procedures agreed between Workforce and Information Governance will be followed.

3.6 All managers who Chair or sit on hearing panels will have appropriate and up to date training on managing/chairing disciplinary cases.

4. **Informal management of allegations of misconduct**

4.1 The Trust recognises that cases of minor misconduct are best dealt with informally and quickly. A quiet word is often all that is needed.

4.2 In many cases additional training, coaching and advice may be needed. When there are concerns about conduct and/or behaviour, managers will talk to the person in private as soon as possible, normally within a few days. This will be a two-way discussion, aimed at talking through shortcomings and encouraging improvement.

4.3 Feedback should be constructive with an emphasis on finding ways to improve. The employee's line manager will make sure the employee understands the standards expected and will explain how their conduct and behaviour will be monitored and set a clear timescale for improvement. Managers will discuss with employees any support or training they may need. Managers should keep brief notes of any informal action for reference purposes.

4.4 Where appropriate, Managers may also summarise concerns and expectations in writing, a copy of which will be placed on the personal file of the employee. If informal action does not bring about the required improvement, or the misconduct is too serious to be classed as minor, formal disciplinary action may be considered.

5. **Investigating allegations of misconduct**

5.1 Allegations of misconduct will be carefully assessed by the line manager, with employee relations advice, to decide if the matter can be managed informally where possible or whether there are grounds for further investigation and/or formal action.

5.2 As part of the Trust's commitment to developing a just and learning culture, cases will be thoroughly assessed, by the line manager with employee relations advice, to ensure there is sufficient understanding of the issues or concerns, and the circumstances relating to them, to justify the initiation of formal action. Managers should always be asking themselves whether the actions are proportionate and justifiable and whether managing situations informally

achieves a more productive outcome.

- 5.3 The employee's line manager will carry out some initial fact finding and meet the employee to establish their version of events.
- 5.4 Where it is decided that further investigation and/or formal action is appropriate, a Pre-Investigation Assessment must be completed by the employee's line manager, using the pre-investigation assessment checklist (appendix 2) and a decision to investigate approved by an appropriate senior manager. The senior manager will have no previous involvement in the case and will provide independent oversight.
- 5.5 Investigations should be undertaken without unreasonable delay. All cases that could lead to dismissal will be investigated by an appropriate investigator. The senior manager will commission/appoint an investigator and will clearly define what is to be investigated.
- 5.6 The employee has the right to be accompanied; employees are encouraged to have support during the process they can select a staff side representative, a workplace colleague employed by the Trust or to be supported by a person not acting in a legal capacity. It is the employee's responsibility to make the necessary arrangements to be accompanied and inform the line manager and panel whom they would like to be accompanied by and that person's part in the process. A disabled employee may be accompanied by a suitably qualified individual, such as a support worker or someone with knowledge of the disability and its effects, who will be allowed to advocate on their behalf.
- 5.7 Once the investigation is complete, the commissioning manager will consider the findings and with employee relations advice decide if further action is required; whether the matter can be dealt with informally or whether formal disciplinary action may be appropriate.
- 5.8 Where the commissioning manager believes there is a case to answer at a formal disciplinary hearing, they will ensure a report is prepared setting out: the case, the investigation findings, all relevant information including background information about the employee is e.g. their work record and any mitigating factors to ensure a full and balanced case is presented for the hearing to consider.

6. Referrals to professional Bodies and Other Agencies

6.1

Depending on the allegations, where an employee is registered with a professional body, such as a registered nurse, midwife or nursing associate, the regulatory body may be notified. This decision will be taken by the most senior professional lead from the directorate, in conjunction with the relevant professional lead for the Trust such as the Divisional Head of Nursing, the Chief Nurse, Chief Pharmacist, and Chief Allied Health Professional. All NMC referrals will be logged and overseen by the Lead nurse for Workforce, regulation & revalidation. For more information, see Professional Registration Policy and Procedure and NMC referrals procedure.

6.2 Where allegations concern the safeguarding of children or vulnerable adults, the Trust's Safeguarding lead must be notified without delay.

6.3 Where appropriate, investigations by the counter fraud team, other agencies such as police or social services, may be carried out separately from investigations under this procedure. The Trust will cooperate as appropriate with an external investigation.

6.4 Where cases include serious personal data breaches likely to result in a risk to the rights and freedoms of data subjects they must be discussed with the Chief information officer and/or the Caldecott guardian.

7. **Disciplinary hearing**

7.1 Once the matter has been investigated and it has been established that there is a case to answer, either a full disciplinary hearing will be arranged or if facts are not in contention the employee will be offered the fast track disciplinary hearing

7.2 The disciplinary hearing will be held as soon as reasonably practicable. The disciplinary hearing will be held in person. Employees and their representatives must make every effort to attend the disciplinary hearing and notify the line manager or employee relations advisor as soon as possible if they cannot attend so that alternative date can be arranged. If an employee is unable to attend a rescheduled disciplinary hearing, alternative arrangements such as virtual hearing, telephone conference call, their representative attending on their behalf or written submissions may be considered. Failure to attend the disciplinary hearing by the employee without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason, or are persistently unable to do so (for example due to health reasons), the Trust may make a decision based on the available information.

8. **Agreed Outcome Process**

8.1 Where the facts are not in contention and the employee accepts responsibility for the misconduct then s/he will be offered the option to move to an agreed outcome process. The aim of the agreed outcome process is to fast track the disciplinary process to a conclusion and sanction avoiding what can often be a long and complex investigation and hearing process. As part of the agreed outcome process, the employee will be advised of the intended sanction (e.g. first/final written warning). If the employee accepts the sanction there will be no right of appeal. Where the employee does not accept the sanction then the matter will revert to the full disciplinary process which has a right of appeal.

8.2 The agreed outcome process cannot be used in cases of gross misconduct or where dismissal is a possible outcome.

8.3 The decision to move to offer an agreed outcome can be made either following the initial fact finding or at any point during the investigation process. In making this decision the case commissioning manager will consider the following factors:

- Are there any facts of the case that are in dispute?
- Was the employee made aware of the offence as soon as it became known?

- Did the employee know and understand the procedures concerned?
- Was the employee provided with sufficient information and training regarding and understand the rules and procedures?
- Are there any mitigating factors?

8.4 The maximum possible outcome of the meeting is a final written warning.

8.5 Upon completion of the above review, and where a commissioning manager is satisfied that there is a clear case to answer, that the evidence supporting the allegation is undisputed by the employee and that the employee accepts responsibility for the allegation, the agreed outcome process will be offered.

8.6 The invitation letter to the employee will state that the meeting has been offered to the employee as an alternative to a full formal disciplinary process.

8.7 The letter will state that while the employee has already accepted responsibility for the allegation they will have an opportunity to give a response to the allegation, and the disciplining Manager will ensure that any mitigating factors are taken into account.

8.8 The letter containing the disciplinary meeting arrangements must contain:

- An outline of the allegation.
- An invitation to the employee to prepare to state their case and any mitigation they wish to be taken into account.
- Notification of the right to representation by a staff side representative or to be accompanied by a work colleague or representative from the professional organisation not acting in a legal capacity.
- The maximum possible outcome sanction that could be given
- Notification that an Employee Relations representative will attend the meeting
- A copy of the fact finding or investigation report where applicable

8.9 The employee will be given 7 days notice of the agreed outcome meeting. S/he may however choose for this to be expedited to bring a rapid conclusion to the process.

8.10 The employee is responsible for ensuring that their representative is able to attend the agreed outcome meeting.

8.11 ***Format of the agreed outcome meeting***

The employee will have an opportunity to give a response to the allegation and they will seek any clarification as appropriate.

As the issues within the agreed outcome process are not in dispute there will be no need for any party to call witnesses.

Once the manager is satisfied that all aspects of the case have been discussed and the employee has been given a full and proper opportunity to state their case and any mitigations there will be an adjournment to consider what action should be taken.

In the event that no other issues come to light, a sanction may be applied in line

with the seriousness of the misconduct. The maximum possible outcome of a disciplinary meeting would be a final written warning.

The meeting will reconvene for the manager to confirm the sanction to be given. Where the employee accepts the sanction, this will be confirmed in writing and placed on the personnel file in the normal manner.

Where the employee does not accept the sanction, the matter will be referred to a full disciplinary hearing.

In the agreed outcome process, where the employee accepts the outcome, there is no right of appeal.

If the outcome is a first or final warning the employee must be informed that their next pay step will not be awarded (or an annually earned pay point removed) in that appraisal year.

9. **Formal disciplinary hearing**

9.1 The employee will be given at least seven working days' notice of the disciplinary hearing in order to give them time to prepare. The employee will be provided with a copy of the management report (investigation report) and any related documents including witness statements to be presented at the disciplinary hearing. Any personal patient information will be redacted.

9.2 Prior to the disciplinary hearing, the employee should be warned of the potential outcome.

The invitation letter to the employee to a full formal hearing will contain the disciplinary meeting arrangements and

- An outline of the allegation.
- The opportunity for the employee to state their case and any mitigation.
- The right to representation by a staff side representative or to be accompanied by a work colleague or to be supported by a person not acting in a legal capacity
- The maximum possible outcome sanction
- That an Employee Relations representative will attend the meeting
- A copy of the case investigatory report

10. **Hearing panel**

10.1 All disciplinary cases will be heard by a panel with at least one member who has been trained to conduct disciplinary hearings.

10.2 Cases that may result in a formal warning will be heard by a Panel of two people: the Line manager and a member of the employee relations team one of whom has been trained to conduct disciplinary hearings.

- 10.3 Cases that may result in dismissal will be heard by a Panel of two the Chair and an employee relations representative.
- 10.4 If the employee is a Senior Divisional Manager or Consultant-level appointment, the Panel will always be chaired by an Executive Director with a senior member of Workforce & OD team and if required an appropriate Senior Manager or Clinician with knowledge skills and experience relevant to the case.
- 10.5 The Trust is committed to ensuring Panels are diverse in representation, have appropriate seniority and knowledge, skills, experience and training that are relevant to the case in question bearing in mind factors such as BME, disability, etc. Where possible, panel members will be selected to achieve this, and where appropriate additional panel members will be recruited.
- 10.6 Panel members will have no previous involvement in the case or any conflict of interest that could influence decision making.

11. Who the employee can bring with them

- 11.1 The employee has the right to be accompanied by a staff side representative or a workplace colleague employed by the Trust or other companion, of whatever professional background but not acting in a legal capacity. Employees are encouraged to have support during the process and they can select a staff side representative, a workplace colleague employed by the Trust or to be supported by a person not acting in a legal capacity. The employee will arrange this and inform the Commissioning Manager and panel who they would like to attend and the person's part in the process.
- 11.2 The employee may, at the Trust's discretion, be accompanied by someone who is not a staff side representative or a workplace colleague employed by the Trust, if this will help overcome a disability, or if the employee has problems understanding English.
- 11.3 Where action is proposed involving an accredited trade union representative, the appropriate full time officer will be contacted before action is taken.
- 11.4 If the employee's companion/representative is unable to attend the disciplinary hearing, the employee must suggest an alternative date so that the disciplinary hearing takes place and can be re-arranged, if possible, within five working days from the original date.

12. Hearing Format – (Appendix 3)

- 12.1 At the disciplinary hearing, the investigating manager will present the case and where applicable invite any witnesses.
- 12.2 The employee will be given the opportunity to set out their case, respond to the allegations, ask questions, present evidence and respond to any information given by witnesses. The employee's companion may make representations and

ask questions, but should not answer questions on their behalf.

- 12.3 In considering the sanction, the hearing Panel will take account of the employee's previous work record and any mitigating factors.
- 12.4 If statements from Trust employees are presented as evidence, every reasonable effort will be made to ensure that they attend the disciplinary hearing, unless it is agreed with the employee that the facts are not in dispute and/or the presence of one or more witnesses would serve no material purpose. The employee may ask relevant witnesses to appear at the disciplinary hearing, provided sufficient advance notice is given. The employee is responsible for arranging their witness's attendance. In cases where this is difficult the Trust may support the employee in arranging the witnesses attendance
- 12.5 The disciplinary hearing may be adjourned, if panel need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have raised at the disciplinary hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the disciplinary hearing is reconvened.
- 12.6 The outcome of a hearing will be notified, where possible and unless agreed otherwise, in person by the Chair of the panel.
- 12.7 The outcome of the hearing will be confirmed in writing within seven calendar days wherever possible.
- 12.8 It is not the Trust's policy to record formal meetings. The employee must not make any electronic recordings of any meetings or hearings conducted under this procedure. In circumstances where reasonable adjustments are required the Trust may agree to electronic recordings

13. **Supporting Employees**

- 13.1 Being subject to allegations of misconduct can be very upsetting and stressful for the employee and other colleagues affected.
- 13.2 It is important throughout the procedure for the employee and those affected to be kept in touch with; employee relations will identify an appropriate manager or member of the workforce directorate who will provide clear, regular and confidential communication; will ensure employees and those affected are kept informed of what is happening, have the opportunity to ask questions and can avoid stress and other mental health issues.
- 13.3 The employee will be given the name and contact details of the person who will keep in regular contact with them and update them on progress of the investigation.
- 13.4 The employee and witnesses if required will be supported by a named employee and will have full access to counselling and support services provided by the Trust.
- 13.5 An appropriate Manager is responsible for maintaining communications. They

will make every effort to ensure employees receive regular progress updates on any investigation until concluded.

- 13.6 Where there are concerns about an employee's health or wellbeing, Occupational Health advice will be obtained.

14. **Formal Disciplinary Sanctions**

- 14.1 Once all the facts have been considered by the disciplinary hearing panel a decision will be taken on the appropriate action. Depending on the findings, this may result in no action being taken, informal management action or a disciplinary sanction.

- 14.2 The severity of the misconduct will determine the level of disciplinary action to be taken. Examples of misconduct can be found at Appendix 1. This list is not exhaustive. The procedure may be entered at any stage.

- 14.3 **Stage 1 - First Written Warning:** If the employee fails to meet required standards following informal action or if the offence is sufficiently serious to warrant moving straight to the formal stages, a First Written Warning may be given. A First Written Warnings will be confirmed in writing setting out the nature of the misconduct, the change in behaviour required, and the likely consequences of further misconduct whilst the warning remains live. A First Written Warning will apply for 6 months after which time it will lapse.

- 14.4 **Stage 2 - Final Written Warning:** If the failure to meet required standards continues or if the offence is one of sufficiently serious (but not gross misconduct) a Final Written Warning may be given. A Final Written Warning will be confirmed in writing setting out the nature of the misconduct, the change in behaviour required, and the likely consequences of further misconduct whilst the warning remains live. A Final Written Warning will apply for 12 months after which time it will lapse.

- 14.5 **Stage 3 – Dismissal:** If conduct remains unsatisfactory or if the offence constitutes gross misconduct, dismissal will normally result. Examples of gross misconduct can be found at Appendix 1. This list is not exhaustive. Except in cases of gross misconduct, dismissal will be with notice. Gross misconduct will result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in appendix 1. Dismissals may be reported to the relevant professional body as appropriate.

- 14.6 **Additional action as a result of being issued with a disciplinary warning:** If a First or Final Written Warning is issued, the employee will not be awarded an annual pay increase on the pay step date in the twelve months after the issue of a warning. For employees commencing NHS employment or those who moved to a higher banded role on or after 1 April 2019, if a First or Final Written Warning is issued, the employee will not progress to the next pay step point if the warning is live on their pay step date. In those situations, the line manager should initiate a pay step review meeting before the expiry of the First or Final Written Warning and if all other requirements have been met, the employee will progress to the next pay step effective from the date after the warning expires.

14.7 Alternatives to dismissal. In some cases the Trust may at our discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:

- Demotion
- Transfer to another department
- Loss of seniority
- Reduction in pay
- Loss of future pay increment
- Change in working pattern
- Loss of overtime.

15. **Appeals**

15.1 Other than in the agreed outcome process, employees will have the right to appeal against any formal disciplinary sanction. Appeals will be handled in accordance with the Trust's Appeals Procedure, a copy of which can be found on the Intranet.

16. **Suspension**

16.1 In most cases, suspension from work will not be necessary and the employee will be able to continue doing their normal job while the alleged misconduct is investigated.

16.2 Suspension is not a disciplinary sanction and there is no assumption of guilt.

16.3 The decision to suspend will only be taken if genuine risks are identified and all alternative options have been ruled out.

16.4 Suspensions will be managed sensitively and confidentially.

16.5 When considering suspension, managers must assess the risks of the employee remaining at work and seek advice from employee relations team. Where a manager wishes to suspend an employee, they must seek approval from a senior manager (8a or above) and Director of Workforce & Organisational Development or Deputy Director of Workforce & Organisational Development

16.6 If a sufficiently senior manager is not available when an incident occurs which appears to warrant suspension, the most senior employee on duty may ask the person to go home pending an appropriate senior manager taking charge of any subsequent action no later than the next working day.

16.7 Suspension will only normally be considered if there is a serious allegation of misconduct and:

- working relationships have severely broken down; and/or
- there is a risk of the employee tampering with evidence, influencing witnesses and investigation; and/or
- there is a risk to the employee themselves, other employees, property or patients; and/or
- The employee is the subject of criminal proceedings which may affect whether they can do their job.

- 16.8 Alternatives to suspension must be considered, with Workforce advice where appropriate and could include the employee temporarily:
- being moved to a different area of the workplace
 - changing their working hours
 - being placed on restricted duties including having reduced access to Trust systems where appropriate
 - working under supervision
 - being transferred to a different role within the organisation (the role should be of a similar status to their normal role, and with the same terms and conditions of employment) or
 - working remotely from home or
 - carrying out other activities such as audits, research or teaching.

17. **Communicating the Decision to Suspend and Supporting Employees**

- 17.1 Every effort will be made for the manager to meet with the employee to inform them of the decision to suspend. This will be followed up in writing within three working days of the suspension meeting (Appendix 4).
- 17.2 Employees can be accompanied by a trade union representative or companion when informed of suspension. However, the unavailability of a representative will not prevent suspension from taking place.
- 17.3 The Manager communicating the decision to suspend will:
- Explain the reasons for suspension and how long it is expected to last;
 - Explain the employee's responsibilities during their suspension;
 - Provide a point of contact (usually the Line Manager) that they can contact if they have any concerns
 - If it is necessary to explain the employee's absence, the manager will discuss with the employee how this will be communicated to colleagues and/or patients.
- 17.4 The terms of the suspension and the employee's obligations will also be provided and will include:
- not doing anything that could have detrimental effects on the investigation
 - treating the matter confidentially
 - seeking permission from their line manager to contact colleagues;
 - if they wish to contact witnesses to support their case, they should do this via their line manager or the manager dealing with the matter or their Trade Union representative or companion;
 - except for medical appointments, they must not visit Trust premises unless given permission by their line manager or a named deputy to attend for a specific purpose, e.g. a meeting a representative, an investigation meeting, a counselling appointment, a medical /OH consultation
 - the requirement to remain available between 9.00 am to 5.00pm, Monday to Friday, excluding public holidays, to attend meetings
 - permission for any periods of absence, e.g. annual leave, must be requested.

17.5 If deemed necessary, the suspending manager may ask the employee to hand in Trust property such as keys, ID card, Trust mobile phone, bleep, laptop or any other mobile device at the time of exclusion. The manager may also temporarily revoke remote access if in use or remove / restrict access to Trust systems by referral to the Information Governance Manager. In these circumstances, the manager and employee must agree methods of keeping in contact.

18. **Timescales for Suspension**

18.1 Suspension will be for the minimum time necessary to undertake an investigation and will be reviewed every 10 days and lifted when the reason for the suspension no longer exists. The suspending manager will make a note they have reviewed the suspension and that it is necessary to remain in place

18.2 Most investigations should be concluded within four weeks of suspension. Where this is not possible the employee should be informed that they remain suspended and told when the investigation is likely to be completed. This should be followed up in writing (see Appendix 5). Managers should make themselves available to meet employees to discuss the progress of the investigation.

18.3 If the employee wants to go on holiday during their suspension, they must request this in the normal way.

19. **Pay during Periods of Suspension**

19.1 Suspension is on normal pay. That is the pay the employee would have received if they had been at work based on a 12 week reference period (excluding pay for bank shifts).

19.2 The employee will be suspended without pay where they have allowed their professional registration to lapse or because they have lost their entitlement to work under the Immigration and Asylum Act.

19.3 Workers on zero hours/bank contracts will receive no pay during suspension.

19.4 If on suspension with pay, the employee must not undertake any paid work during the hours for which they are contracted to work. Employees suspended for clinical / professional reasons must not undertake any work, paid or unpaid, without prior permission from the appropriate line manager. Where an employee holds employment outside of the Trust and is suspended from the Trust, the employee is obliged to declare their alternative place/s of work and the employee's suspension may be shared with another employer if it is in the public interest.

20. **Medical and Dental**

20.1 Exclusion arrangements for Medical & Dental employees are outlined in MHPS.

21. **Criminal Offences and Offences Committed Outside Work**

- 21.1 If an employee is charged or convicted for an offence, whether committed on or off duty, the Trust will consider whether the offence renders the employee unsuitable for continued employment and may take formal action up to and including dismissal. The Trust reserves the right to take action independently of any legal proceedings.
- 21.2 Where the offence or police investigation relate to mistreatment of a child or an “at risk” adult, the line manager should inform the Trust safeguarding team who will consider whether it is necessary to make a report to the Local Authority Designated Officer (LADO).
- 21.3 If an employee is subject of a police investigation, they are obliged to inform their line manager so that the line manager can consider whether any steps are required. For example, to protect the safety of others.
- 21.4 Where allegations that occur outside of the Trust are brought to the attention of the Trust, and those allegations have the potential to bring the reputation of the Trust into disrepute or may affect the suitability of the employee to continue in Trust employment, the Trust will investigate as soon reasonably as is practical. If after an investigation, it is found that the actions of the employee may have damaged the relationship of trust and confidence with the Trust, formal action may be taken.

22. **Duties**

- 22.1 Managers must ensure that the employee is aware of the required standards of conduct and behaviour and handle disciplinary concerns compassionately, fairly and promptly in accordance with this procedure. They are responsible for promoting a culture in which concerns are dealt with openly and fairly, with an emphasis on learning from mistakes. This links to behaviour frame work.

As employees we are all responsible for displaying positive attitudes and behaviour, and to comply with the Trusts values and behaviours framework.

[146701_RPH_OurValues_Framework_A3_FINAL_FINAL.indd](#)

Employees are encouraged to speak up and raise concerns about colleagues' behaviour to an appropriate manager, especially where there could be consequences for patient safety.

- 22.2 The Employee Relations team will advise and coach managers to develop the skills necessary to deal with cases confidently and effectively. The employee relations team will, with trade union representatives, ensure that the procedure is regularly reviewed and monitored.
- 22.3 Staff side representatives will work in partnership with managers to ensure that this procedure is applied in a fair and consistent manner. Where an allegation arises, trade union representatives will work with other stakeholders to ensure that decisions are taken promptly, thereby minimising employee anxiety. If an accredited Staff Side representative's request for time off to attend a meeting under the Your Behaviour Matters - Disciplinary Procedure is refused and they believe the refusal to be unreasonable, they should raise the matter with the Deputy Director of Workforce and OD.

23. **Misapplication of the Procedure**

23.1 If an employee believes that the procedure has not been applied properly, they can raise a concern. If the concern relates to an on-going disciplinary process, the concern raised will be addressed as part of that disciplinary process.

24. **Procedure Implementation and Dissemination**

24.1 The procedure will be published on the Trust Internet.

24.2 Advice and support on the application of this procedure can be obtained from employee relations team and Staff Side representatives.

24.3 Managers will ensure that the Your Behaviour Matters - Disciplinary Procedure is applied fairly. The application of the formal procedure by ethnicity, gender, disability and age is monitored by the Director of Workforce and Organisation Development. Data on the application of the procedure will be discussed at the Joint Staff Council and reported in the Trust's annual Workforce Equality Information Statistical Report.

25. **Additional sources of references**

- Advisory, Conciliation and Arbitration Service (ACAS) <https://www.acas.org.uk>
- NHS Improvements Dido Harding letter 24 May 2019 with guidance relating to the management and oversight of local investigation and disciplinary procedures [Letter template \(emlfiles4.com\)](#)
- NHS Resolution "Being fair - Supporting a just and learning culture for staff and patients following incidents in the NHS" [NHS-Resolution-Being-Fair-Report-2.pdf](#)
- Royal Papworth Values and Objectives and Our Values framework [146701_RPH_OurValues_Framework_A3_FINAL_FINAL.indd](#)

Equality Impact Assessment

Element(s) need(s) monitoring as per local approved policy/ Procedure or guidance?	Who will lead on this aspect of monitoring? Name the lead and what is the role of the multidisciplinary team or others.	What tool will be used to monitor/check/ observe/assess/ inspect/ authenticate that everything is working according to this key element from the approved policy/ Procedure?	How often is the need to monitor each element? How often is the need complete a report? How often is the need to share the report?	Who or what committee will the completed report goes to. How will each report be interrogated to identify the required actions and how thoroughly should this be documented in e.g. meeting minutes.	Which committee, department or lead will undertake subsequent recommendations and action planning for any or all deficiencies and recommendations within reasonable timeframes?	How will system or practice changes be implemented the lessons learned and how will these be shared?
Element to be monitored	Lead	Tool	Frequency	Reporting arrangements	Acting on recommendations and Lead(s)	Change in practice and lessons to be shared
Number of disciplinary hearings, warnings, dismissals and exclusions	Director of Workforce and Organisation Development	Spreadsheet detailing all cases recorded in Employee Relations	Monthly monitoring / Quarterly reporting	Executive Directors Board of Directors	Required actions will be identified and completed in a specified timeframe	Required changes to practice will be identified and actioned within a specific timeframe. The Director of Workforce and Organisation Development will take each change forward. Lessons will be shared with all relevant stakeholders

Further document information

Approved by Executive Director/local committee (required for all documents):	Joint Staff Council Operational Executive Group								
Approval date (<i>this version</i>):									
Approved by Board of Directors or Committee of the Board (required for Strategies and Policies only):	N/A								
Date:									
This document supports: <i>standards and legislation – include exact details of any CQC & NHSLA standards supported</i>	Equality Act 2010 The Employment Act 2002 Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002, 2006 & 2009 Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 Working Time Regulations 1998 Work and Families Act 2006								
Key related documents:	Grievance Procedure Dignity at Work Procedure								
Equality Impact Assessment: Does this document impact on any of the following groups? If YES, state positive or negative, complete Equality Impact Assessment form from DN756 and attach.									
Groups:	Age	Disability	Pregnancy & maternity	Ethnicity /Race	Gender Re Assignment	Sex	Sexual orientation	Religion & belief	Marriage and Civil Partnership
Yes/No:	Y	Y	Y	Y	Y	Y	Y	Y	y
Positive/Negative	Neutral	Negative	Neutral	Negative	Neutral	Negative	Neutral	Neutral	Neutral
Counter Fraud In creating/revising this document, the contributors have considered and minimised any risks which might arise from it of fraud, theft, corruption or other illegal acts, and ensured that the document is robust enough to withstand evidential scrutiny in the event of a criminal investigation. Where appropriate, they have sought advice from the Trust's Local Counter Fraud Specialist (LCFS).									

Appendix 1

Examples of Misconduct

The following list gives examples of the misconduct that could lead to disciplinary action (this list is not exhaustive).

- Employees are expected to combine prompt and efficient service with respect for the feelings of others, including patients, visitors and colleagues, whatever their background.
- Bullying and harassment
- Refusing to work
- Employees must be honest, open and truthful in all their dealings with patients, colleagues and the public.
- Employees are expected to attend for duty for the hours laid down in their contracts of employment and as agreed with their managers.
- Being absent without permission. In cases of sickness or sudden domestic emergency, employees must inform their manager in accordance with departmental notification rules.
- During sickness absence, employees are expected to keep their manager informed of their progress and submit sickness certificates promptly.
- Misuse of social media affecting the reputation of the Trust or causing colleagues distress/offence
- Employees must carry out reasonable instructions.
- Anyone undertaking other employment outside their contractual hours must ensure that it does not hinder or conflict with the interests of their employment with the Trust or their duty to abide by relevant professional codes of conduct or have any adverse effect upon their work performance. Employees should inform their managers of employment outside working hours.
- Breach of confidentiality
- Misuse of authorised access to information and systems, unauthorized access to information and systems, and any activity that could breach the security of the Trust ICT Infrastructure and any other breach of the Trust Information Security Policy
- Sleeping on duty (this does not include sleeping during agreed breaks or out of hours arrangements)
- Employees are expected to comply with health and safety requirements.
- Employees are expected to treat Trust facilities and property with respect.
- Employees must inform their managers of any charge, caution or conviction, relating to acts committed on or off duty, at the earliest possible opportunity.
- Failure to maintain professional registration where it is a requirement of the job (see requirements as per Trust Professional Registration policy)
- Employees should at all times undertake their work in accordance with Trust and departmental policies and procedures and, where appropriate, their professional codes of conduct.
- People are expected to display positive attitudes and supportive behaviours in line with Trust values in their interactions with other people
- Breaches of professional codes of conduct and Trust policies
- Behaviour outside of work that could affect the professional reputation of the individual or the reputation or operations of the Trust.

Examples of Gross Misconduct

Examples of gross misconduct could include (this list is not exhaustive):

- Serious lack of care to duties or other people which could result in serious loss, damage or injury ('gross negligence')
- Theft
- Fraud
- Deliberate falsification of records or documents
- Working without valid "Right to Work" documentation
- Working without statutorily required qualifications
- Working elsewhere whilst on sick leave
- False declarations made during the recruitment process
- Receipt of money, goods, favours or excessive hospitality in respect of services rendered while a Trust employee
- Physical violence
- Verbal abuse
- Harassment or bullying
- Unlawful discrimination
- Being unfit for duty through the effects of alcohol or drugs
- Abuse, misuse or deliberate damage of Trust property or equipment
- Serious breach of data security requirements, any activity that could breach security of the Trust ICT Infrastructure and any other serious breach of the Trust Information Security Policy including serious misuse of authorised access / unauthorised access to information and systems.
- Serious breach of Health and Safety and other statutory rules
- Serious breach of a professional code of conduct as determined by the professional body
- Failure to act impartially or to declare interest in a contract or business in which the Trust is engaged or considering
- Scientific Misconduct - Fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting results of research
- Serious breach of trust and confidence - Any act which causes irreparable damage to the relationship of trust and confidence between the employee and the Trust

Appendix 2 Pre-Investigation Assessment Checklist

To reduce inequalities, the Trust needs to ensure that there is no differential experience for any employee working at Royal Papworth Hospital and that regardless of age, race, disability, or any other protected characteristic, no employee is treated less favourably than another.

A review of our disciplinary process has been undertaken internally and a pre-disciplinary checklist has been developed in order to mitigate the 'rush to judgement' in entering an employee into the disciplinary process. This checklist is to be used by the reviewing manager before a decision to formally investigate an employee.

The Trust will implement the "pause and review" prior to any disciplinary action being taken. This is in recognition of the disproportionate number of BAME employees currently going through the Royal Papworth Hospital NHS Foundation Trust's disciplinary process as identified in its' Workforce Race Equality Standard (**WRES**) metrics.

As a result of using the checklist, it is envisaged that issues are addressed appropriately prior to escalation of them to a formal stage which will improve overall employee well-being, reduce cost of absence, improve employee relations, the reputation of the Trust and reduce Management costs and time.

Section 1:

Employee Name:	
Job Title:	
Employee Number:	
Line Manager	
Reason for possible investigation: <i>Description to be clear and concise</i>	
Date of incident/issue:	
Date employee relations team informed:	

Is the employee from a background covered under the Equality Act	Yes / No
If yes, the Chair of the most appropriate network must sign off this form	

Network chair:

Has the network Chair had appropriate checks for conflict of interest or unconscious bias been undertaken?	Yes / No / N/A
Comments:	

Section 2:

1. Have you asked yourself the following questions before making a decision to formally investigate the individual concerned?

a. Did the employee intend to cause harm?	Yes / No / Unsure
b. Are there indications of physical ill health?	Yes / No / Unsure
c. Are there indications of mental ill health?	Yes / No / Unsure
d. Is the employee aware of the relevant safe operating procedures?	Yes / No / Unsure
e. Were the protocols/accepted practice workable and in routine use?	Yes / No / Unsure
f. Would another similar trained and skilled employee in the same situation act in a similar manner?	Yes / No / Unsure
Comments: <i>Include all relevant information to assist in decision making</i>	

**2. Have you reviewed the employee's knowledge against their behaviour?
And determined if the employee knew of the rule of performance standard?**

Has the employee had the relevant training to perform their roles and responsibilities?	Yes / No / Unsure
Comments: <i>Include all details, relevant types and dates of training</i>	

3. The Trust emphasises improvement and learning and not a blame culture.

Have you sought to have informal compassionate conversations and discussions with the employee about this issue? If not, why not?	Yes / No
Have you had similar issues with the employee leading up to this specific issue that you have had to deal with formally or informally irrespective of whether they are the subject of a live warning or not which adds to the consideration of a disciplinary investigation?	Yes / No
Issues previously discussed: <i>Include outline of discussion dates, specific issues</i>	

OUTCOME MEASURES:

a. If, based on the above, has training or learning deficiency been identified such that a period of supervision or more training would be a more appropriate step rather than formal disciplinary action?	Yes / No
Comments: <i>Include details of plans</i>	
b. If, based on the above, a training or learning deficiency has not been identified, is an informal conversation with a Senior Manager required in the first instance?	Yes / No
Comments: <i>Outline of conversation plan</i>	
c. Due to mitigating circumstances, are there alternatives that need to be looked at e.g. <ul style="list-style-type: none"> - Change of line management support/supervision - Review of department practises - Health issues – referral to OH - Other (please specify) 	Yes / No
Comments: <i>Give details relating to mitigating circumstances</i>	
d. If, based on the above, the issue has reached the threshold for a formal investigation is there any other information not detailed that needs to be considered?	Yes / No
Comments: <i>Any information not previously mentioned</i>	

ACTION TO BE TAKEN:

Additional Training/Development (including coaching) (go to section 4)	
Informal Management (go to section 4)	
Formal Investigation (go to section 3)	
Other (go to section 4)	

Does the above action/s require discussion / advice from the NMC/ GMC or other regulatory body?	Yes / No
Comments	

Section 3 – Formal Investigation:

Having determined that a formal disciplinary investigation is appropriate - is this consistent with how other employees have been treated for the same or similar misconduct/action? If not, why is it considered that formal disciplinary investigation is appropriate in this case?	Yes / No
Comments:	

Case Manager:

Has a Case Manager been nominated and have the appropriate checks for conflict of interest or unconscious bias been undertaken?	Yes / No
Comments:	
Case Manager confirmed as:	

Nominated NED (in accordance with MHPS for medical):

Has a NED been nominated and have the appropriate checks for conflict of interest or unconscious bias been undertaken?	Yes / No
Comments:	
NED confirmed as:	

Case Investigator(s):

Has a Clinical Case Investigator been nominated and have the appropriate checks for conflict of interest or unconscious bias been undertaken?	Yes / No
Comments:	
Has the Case Investigator been nominated? Have the appropriate checks for conflict of interest or unconscious bias been undertaken?	Yes / No
Comments:	
Have employee relations or non-workforce support been nominated and have the appropriate checks for conflict of interest or unconscious bias been undertaken?	Yes / No
Comments:	
Case Investigation Team confirmed as:	

Individuals support:

Has named support been offered to the individual and have the appropriate checks for conflict of interest or unconscious bias been undertaken?	Yes/No
Does individual require/accept nominated support?	Yes/No
Has named support been offered to witnesses and have the appropriate checks for conflict of interest or unconscious bias been undertaken?	Yes/No
Do witnesses require/accept nominated support?	Yes/No

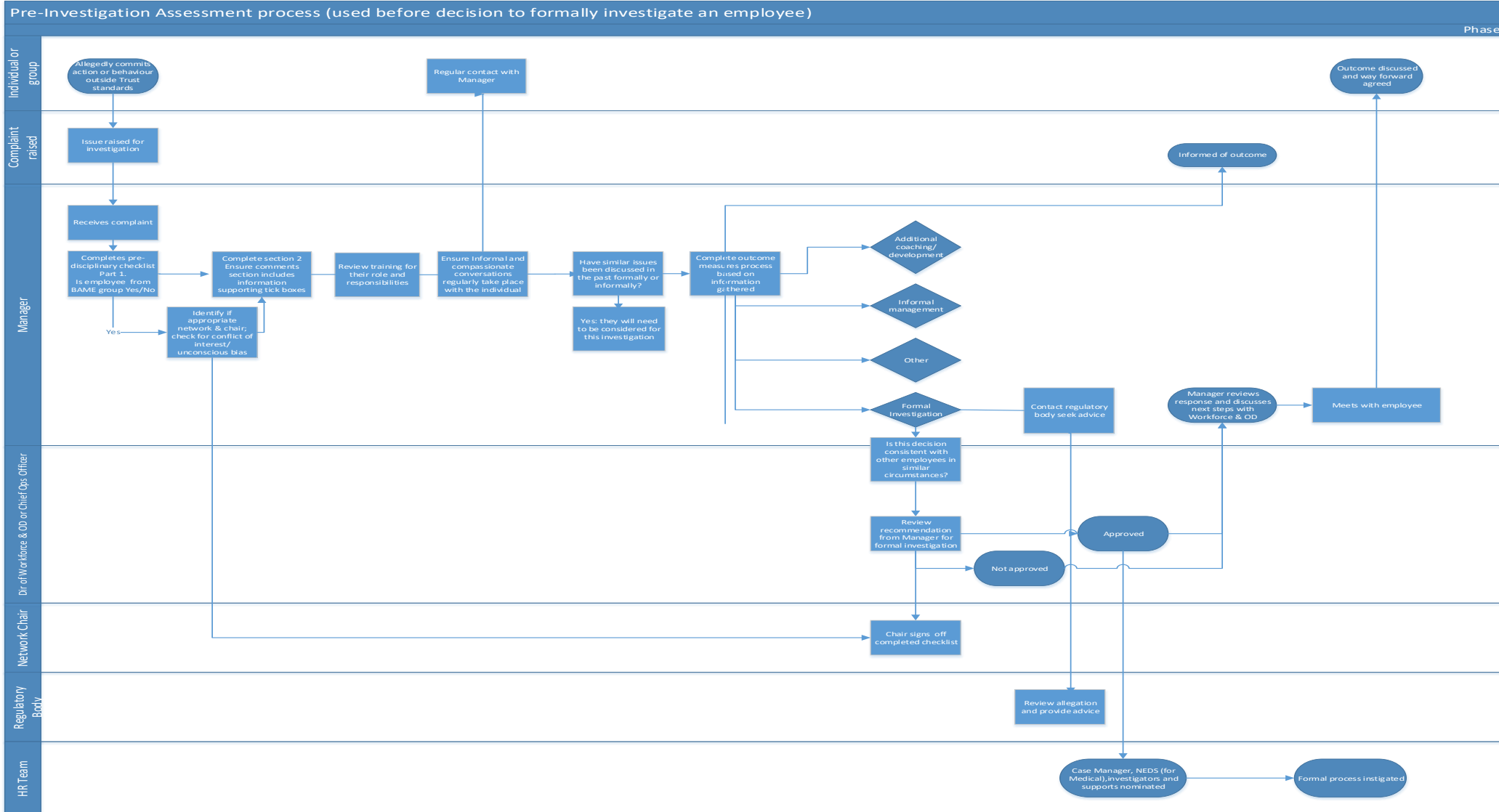
Section 4 – Sign Off:

Director of Workforce and OD or Chief Operating Officer or Executive of the Trust	
Signed:	
Date:	
Comments:	

If required:

Name of Network Chair:	
Title of Network:	
Signed:	
Date:	
Comments:	

FOR ADMIN USE ONLY:	
Logged by	
Signed:	



Appendix 3

Procedure for Disciplinary Hearings

1. Introduction by Chair of the disciplinary hearing

- Introduce those present
- Confirm purpose of the disciplinary hearing is to consider whether disciplinary action should be taken in accordance with the Your Behaviour Matters - Disciplinary Procedure
- Confirm that all parties have received the necessary paperwork
- Outline procedure for the disciplinary hearing

2. Line Manager or Investigator presents case

- Manager outlines findings
- Manager calls any witnesses
- Employee/representative/ accompanying person and chair/ employee relations advisor may question the witnesses
- Manager may re-examine the witnesses
- Employee/representative, Chair or employee relations advisor may ask questions about the case in order to clarify facts

3. Employee/representative responds to the management case

- Employee/representative/ accompanying person responds to the allegation, offers an explanation for the alleged misconduct and/or raises any special or mitigating circumstances to be taken into account
- Employee/representative calls any additional witnesses
- Manager/Chair or employee relations advisor may question the witnesses
- Employee/representative may re-examine the witnesses
- Manager/Chair or employee relations advisor may ask questions of the employee in order to clarify facts

4. Summing up – [assuming] no new evidence presented at this stage

- Line Manager sums up
- Employee/representative/ accompanying person sums up

5. Adjournment for Panel to consider case

- Agree with all parties how and when the decision will be notified to the employee / representative if time does not permit decision to be given in person following the adjournment.
- Where the conduct of more than one employee is being considered in relation to the same incident, the adjournment between the disciplinary hearing and the outcome letter may be a few days, until all the disciplinary hearings have been completed.

6. Reconvene for decision

Panel Chair verbally informs employee/representative of employee of:

- The outcome
- The right of appeal
- The outcome of the hearing to be confirmed in writing within five working days of the date of the hearing

Appendix 4
Template Suspension Letter
To be sent within 3 days following suspension

Name

Address

Date

Dear *****

RE: Suspension from duty

Further to our meeting on [DATE] I am writing to confirm your suspension with effect from [DATE]. You have been suspended from duty because it is alleged that [INSERT REASON AND WHY SUSPENSION IS NECESSARY].

I would like to reassure you that suspension is not a form of disciplinary action or an assumption of guilt, but is necessary to allow a full investigation to be carried out. You should however realise that once the investigation has been completed, the allegations may be considered at a disciplinary meeting.

I do not expect your suspension to last longer than is necessary to undertake an investigation and I will keep you updated as appropriate.

I OR **** NAME/TITLE [DELETE AS APPROPRIATE] will carry out an investigation over the next few days. NAME/TITLE [Normally line manager] will keep in regular contact with you and update you on progress of the investigation.

EITHER

You are invited to a meeting on **** at *** in *** to discuss the allegations against you. If you find it helpful you can submit a written statement in advance of the meeting.

OR

I OR **** NAME OF INVESTIGATOR will contact you shortly to invite you to a meeting to discuss the allegations against you. If you find it helpful you can submit a written statement in advance of the meeting

Whilst you are suspended you should bear in mind the following conditions:

- You must not do anything that might interfere with the investigation.
- You are not allowed to contact your work area or approach anyone involved, or likely to be involved, in the case.
- If you would like to contact any witnesses in support of your case you should contact me, or ***** NAMED DEPUTY, or your trade union representative, in the first instance.
- Except for medical appointments, you are required to remain off Trust premises

unless you have my permission to attend a meeting with your trade union representative, an investigation meeting, a counselling appointment or a medical /OH consultation.

- You have to be available Monday to Friday from 9.00 am to 5.00pm to attend meetings, except during periods of annual leave already agreed.
- If you would like to request annual leave or other types of leave during your period of suspension, you should do so in line with normal departmental procedures.
- You must immediately notify me of any changes to your contact details.
- You are not allowed to undertake any paid work during the hours for which you are contracted to work for the Trust.
- If you become ill, you must notify me and follow agreed reporting procedures.

Whilst suspended you will receive your normal pay / you will not receive pay [DELETE AS APPROPRIATE] – please see the section 20 of the disciplinary procedure for more information.

I appreciate that the position is a stressful one. If you would like support from our employee assistance programme - Health Assured, call: 0800 783 2808 (lines open 24 hours 7 days Week including bank holidays) or contact them through the portal at www.healthassuredeap.com or let me know if you would like me to arrange for them to contact you.

I will endeavour to conclude the investigation within a reasonable timescale and ensure you are kept informed of progress.

Yours sincerely,

**NAME OF
MANAGER
JOB TITLE**

**(To be
suspending
Manager)**

Cc Name of Trade Union Representative if known

Appendix 5

Template Follow-up Suspension Letter To be sent if employee still suspended after two weeks

Name
Address

Date

Dear

RE: Suspension from Duty

Further to my letter of [INSERT DATE], I am writing to advise you that the investigation has not yet been completed and it is therefore necessary for you to remain suspended from duty.

I appreciate that this is particularly stressful for you. I hope the investigation will be completed by [INSERT DATE].

In the meantime, should you wish to discuss the progress of the investigation I am happy for you to telephone me on the above number. Alternatively, we can meet if you would find this more helpful.

I appreciate that the position is a stressful one. If you would like support from our employee assistance programme - Health Assured, call: 0800 783 2808 (lines open 24 hours 7 days a week including bank holidays) or contact them through the portal at www.healthassuredeap.com or let me know if you would like me to arrange for them to contact you.

Yours sincerely,

**NAME OF
MANAGER
JOB TITLE**

Cc Name of Trade Union Representative if appropriate

Appendix 6 - Table Indicating Levels of Authority to take Action

	Comment	Action taken by	Appeal
Counselling		Line manager/team leader/supervisor	None
Exclusion	Where immediate action needs to be taken the Directorate Manager or Directorate lead must be informed at the earliest opportunity	<ul style="list-style-type: none"> • Directorate /Service Manager • Senior Manager (Band 8a or above) • Head of Department • Senior 'on call' manager • Clinical Director 	None
Investigation	A member of the senior management team will commission an investigation and nominate a manager who has not previously been involved in case to undertake investigation	<ul style="list-style-type: none"> • Line manager & employee relations advisor (plus additional expert e.g. clinician/ local counter fraud specialist, where appropriate) • OR • Nominated investigation manager & representative from employee relations team 	None
Reporting to Professional /Statutory bodies		<ul style="list-style-type: none"> • Divisional Head of Nursing • Chief Nurse, • Chief Pharmacist, • Chief Allied Health Professional • Medical Director 	None
Disciplinary Meeting (Stages 1 & 2)	Maximum outcome is likely to be formal verbal/ written warning	<ul style="list-style-type: none"> • Senior line manager PLUS • Representative from employee relations team 	<ul style="list-style-type: none"> • Head of Department or Senior Manager <p style="text-align: center;">PLUS</p> <ul style="list-style-type: none"> • Representative from employee relations team
Disciplinary Meeting (Stage 3)	Maximum outcome is likely to be final written warning	<ul style="list-style-type: none"> • Head of Department or Senior Manager or Clinical Director • PLUS • Representative from employee relations team 	<ul style="list-style-type: none"> • Directorate Manager or Senior Manager <p style="text-align: center;">PLUS</p> <ul style="list-style-type: none"> • Representative from employee relations team
Disciplinary Meeting (Stage 4)	Maximum outcome is likely to be dismissal. The level of employee within the Trust will determine who should Chair the disciplinary meeting	<ul style="list-style-type: none"> • Trust's Chief Executive; OR • Executive Director; OR • Any Senior Manager/Directorate Manager/Clinical Director who deputises for, or who has been given delegated authority by, the Chief Executive or Executive Director • PLUS • Representative from employee relations team 	<ul style="list-style-type: none"> • Chief Executive; OR • Executive Director <p style="text-align: center;">PLUS</p> <ul style="list-style-type: none"> • Representative from employee relations team
Fast Track	Maximum outcome	<ul style="list-style-type: none"> • Senior manager PLUS 	None

	is likely to be formal verbal/ written warning	<ul style="list-style-type: none"> • Representative from employee relations team 	
--	--	---	--

Appendix 7

Key to Roles in Disciplinary process

- Line manager – of the employee involved in the process, first to review allegation, then discusses with Senior manager
- Senior manager - normally the line manager's manager, can be the investigation manager depending on case
- Commissioning Manager – normally the Senior manager
- Investigator – a Trust manager with training and/or experience appointed to investigate allegations, report to Senior manager and attend hearing
- Employee relations team – part of workforce department who advise and support the above roles. They will also ensure employees and witness are allocated an appropriate person who will provide support