

POLICY DOCUMENT

Policy Title:	Disciplinary
Policy Group:	Human Resources
Policy Owner:	Human Resources Manager
Issue Date:	22/06/2022
Review Period:	3 year
Next Review Due	22/06/2025
Author:	S. O'Rourke
Cross References:	All written policies and procedures, plus the staff handbook
Evidence:	ACAS, CIPD, Delafield Consulting
How implementation will be monitored:	HR manager's reports to Management Team
Sanctions to apply for breach:	Retraining and/or reallocation of responsibility.
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Policy Accepted by MT	22/06/2022
Sign-off by CEO	

Statement of purpose:

This policy sets out how disciplinary matters concerning both conduct and performance will be dealt with at Holy Cross Hospital.

It is rarely necessary for the hospital to be formal with members of staff. However, it is in every one's interest that the hospital is run in an orderly way and for this reason certain standards of conduct and rules are laid down. They are described in the Staff Handbook under Rules of Conduct. If it is believed that an employee's behaviour or performance is below acceptable standards, the Hospital aims to ensure that the matter is handled in a fair way, following procedures that are laid down and enable the employee to have their side of the case properly considered.

It is hoped that there will be no need to use the disciplinary procedure. However, should such action be deemed necessary, the procedure laid down below should allow all relevant issues to be dealt with fairly and constructively.

Policy Statement:

There are many occasions when small problems arise at work, which can be solved without formal steps being taken. An employee's supervisor or manager may point out something that is felt to be unsatisfactory. Employees are expected to act on such advice and to give evidence that they have understood what is required of them.

Supervisors and managers may make a record of having spoken to an employee if they deem it necessary and may ask the employee to sign the record to confirm their understanding.

When more serious matters arise, or if there is repeated failure to improve conduct or performance following informal actions, it is the hospital's intention that the matter should be investigated and dealt with in the fairest way possible. To be fair to employees, it is important that they should know what steps would be taken and who would take them. This is the purpose of setting out the Disciplinary Procedure.

The Hospital endeavours to ensure that all staff are aware of the standards of conduct and performance expected of them. The Rules of Conduct are provided in the Staff Handbook. In addition all employees are expected to carry out their work by reference to the policies established in the Hospital. They will receive training in these policies during their induction and afterwards and will be asked to sign to confirm that they have read and understood the policy.

Any disciplinary action taken for matters concerning performance, behaviour or absence etc will normally follow the procedure detailed in the disciplinary procedure document at the end of this policy.

The Disciplinary Procedure is not contractual.

DISCIPLINARY PROCEDURE

About the Procedure

The purpose of the procedure is to ensure the fair treatment of individual employees who become liable to disciplinary action. All Managers, Ward Sisters and Departmental Heads are responsible for the proper enforcement of discipline and correct use of the procedure.

The stages below describe what steps will be followed when disciplinary action is deemed necessary. The Hospital reserves the right to use or omit any step in the Procedure should it consider it appropriate, thereby having a flexible yet fair standard of disciplining employees if required. They do not apply to staff with less than two year's continuous service.

Informal Warnings

Minor breaches of discipline, misconduct, failure to maintain job performance standards, poor time keeping, etc will result in an informal warning given by the immediate superior. A note of this warning will be held on the employee's personnel record.

It is hoped that any other further action will not be necessary as in most cases an informal warning will resolve most difficulties.

Formal Warnings

Where there is a more serious breach of hospital discipline or misconduct or an employee fails to improve and maintain that improvement in relation to conduct or job performance formal disciplinary action will be taken.

Initiating an Investigation

Alleged misconduct or unsatisfactory performance will be considered by the employee's manager in order to establish whether or not there is a case to answer.

The employee will be informed of the concerns, the nature and seriousness of the allegations and that an investigation is to be carried out. The results of the investigation will be presented in the form of a written report. If there is no evidence to substantiate the allegations, the employee will be informed, if appropriate, in writing and no further disciplinary action will be taken.

Suspension during Investigation

At any stage of the disciplinary procedure a member of the Senior Management Team may decide that the employee be suspended with pay, normally for up to five working days, or longer if required, whilst the circumstances of any complaints are being investigated. This does not constitute disciplinary action.

Preparing for a Hearing

If after appropriate investigation the manager responsible is satisfied that a case exists, he/she will arrange a formal disciplinary hearing. The employee will be given advance notice of no less than 24 hours, of any disciplinary hearing.

Prior to the hearing the employee will be sent a copy of this procedure and told the following in writing:

- The date time and place of the hearing

- The nature of the allegations (including supporting documentation)
- The right to be accompanied by a colleague or a Trade Union Representative
- The right to call witness(es) and to produce documentary evidence
- Any report from the manager to be used as evidence at the hearing
- Who will attend the hearing.
- The potential outcome e.g. formal warning

Disciplinary Action

The issues of concern will be explained at the hearing and the employee will be invited to respond, presenting any supporting information.

Once the concerns have been discussed, in most instances there will be an adjournment, which may vary in length of time, to allow consideration of the matters. The hearing will be reconvened for the decision taken to be confirmed. In certain cases, it may be appropriate to confirm the decision in writing without the need to reconvene the hearing.

First Written Warning

If a disciplinary warning is deemed necessary, the employee will be given a First Written Warning and a record of this will be kept on the personnel file and will not be considered spent until 12 months has elapsed.

Final Written Warning

Where, following the issuing of a First Written Warning, misconduct continues or there is a failure to improve to agreed levels or within an agreed time frame, or where the misconduct is considered to be of a more serious nature, a Final Written Warning may be issued.

A record of this will be kept on the personnel file and will not be considered spent until 12 months has elapsed. In exceptional circumstances, an indefinite final written warning may be given.

Outcome of Disciplinary Hearings

At each stage of the disciplinary procedure, the employee may be told verbally but will receive written confirmation of the outcome of the disciplinary hearing. Where formal disciplinary action is being taken, the employee will be advised:

- Of the details of the misconduct, poor performance or other matter that has occasioned the warning;
- Of the necessary action to remedy the situation, outlining what standard is required and any period of review, extra training, etc., decided on;
- That any further misconduct, or expiry of the review period without significant and sustained improvement, may result in further disciplinary action, according to the level of warning issued or the seriousness of the misconduct or performance.

Dismissal

The decision to dismiss can only be taken by a member of the senior management team or a nominated manager. The employee will receive a letter detailing the reasons why he/she has

been requested to attend a disciplinary meeting together with any supporting documentation and advising of the time, date and place of the interview and of the right to be accompanied.

The employee will be interviewed and given an opportunity to explain his/her case.

If disciplinary action warranting dismissal is deemed necessary, notice of termination will be served. In the case of gross misconduct the employee will be summarily dismissed without notice and without the necessity of issuing warnings.

In considering the penalties where dismissal is an option some alternatives short of dismissal may be considered. They are as follows:

1. suspension without pay up to a maximum of seven days;
2. demotion and associated loss of pay to a more suitable job, if available.
3. transfer to another department.

Examples of misconduct

- Absenteeism or lateness
- Failure to follow absence reporting procedures
- Poor effort or sub-standard work
- Misuse of Hospital equipment or failure to follow instructions given for use of equipment
- Failure to comply with health and safety requirements
- Damage to plant, equipment or material caused by carelessness
- Failure to report damage to or loss of Hospital or Patient's property or equipment.
- Misuse of Hospital's E-mail, Internet or internal mailing facilities
- Failure to comply with a reasonable management instruction
- Being under the influence of alcohol or illegal drugs while on duty or consumption of alcohol while on duty unless during a function organised by management
- Smoking within Hospital grounds
- Sleeping whilst on duty
- Foul or abusive language
- Disorderly conduct
- Wilful or excessive wastage of Hospital time or materials
- Providing dishonest information
- Non-intentional, non-serious breach of administration of drugs procedure
- Careless talk likely to lead to confidential information being disclosed improperly
- Bullying or consistently poor conduct towards other persons at work
- Inappropriate conduct likely to cause offence or nuisance
- Giving unauthorised favours to patients, visitors or colleagues
- Failure to attend booked training on 3 occasions without a valid reason, and without informing non-attendance to the L&D Co-Ordinator or Hospital Reception by email, phone or in-person
- Unauthorised carrying of a personal mobile device, whilst on duty
- Posting photographs, videos or other media taken in clinical areas of the Hospital, on personal social media sites
- Taking photographs, videos or other media in a clinical area on a personal mobile device or camera
- Failure to follow the Hospital control measures in respect of COVID-19 or any other infectious diseases Risk Assessment.

Examples of Gross Misconduct

- Absenteeism
- Sleeping on duty which may lead to serious neglect
- Negligence or neglect of duty which might expose the Hospital to a serious claim
- Failure to attend and/or not successfully complete mandatory training
- Deliberate misuse of Hospital equipment which incurs risk of harm to persons or property
- Serious breach of or non-compliance with health and safety instructions likely to put self or others directly at risk of harm
- Malicious damage to Hospital property
- Malicious misuse of Hospital's E-Mail, Internet or internal mailing facilities likely to cause harm or distress to other person(s)
- Deliberately accessing Internet sites containing pornographic, offensive or obscene material.
- Refusal to carry out reasonable management instructions
- Supplying, possessing and/or taking illegal drugs and/or alcohol on Hospital premises or being unable to work safely as a result of taking alcohol or drugs, or attending for work under the influence of illegal drugs and/or alcohol.
- Smoking within any building of the Hospital
- Neglect of professional duties likely to put other persons at risk of harm
- Intentionally abusive or threatening behaviour towards other person(s)
- Fighting or physical assault
- Theft of others' possessions from the Hospital's premises, whoever the owner
- Fraud, bribery or falsification of records
- Deliberately disregarding the of administration of drugs procedure and/or the wilful mal-administration of drugs
- Unauthorised release of confidential or commercially sensitive information relating to the Hospital's business
- Harassment, bullying or discrimination
- Gross immorality or indecent behaviour
- Solicitation and/or acceptance of money, gifts, services or other inducements for personal gain or the gain of family or friends
- Deliberate lying leading to a serious breach of confidence
- Breach of professional duty of candour.
- Obstruction of another in exercising their duty of candour
- Posting photographs, videos or other media taken in clinical areas of the Hospital that identify patients, Holy Cross Hospital or staff – without their consent, leading to breaches Data Protection legislation, on personal social media sites.
- Serious neglect through failure to follow the Hospital control measures in respect of COVID-19 or any other infectious diseases Risk Assessment

Both lists identified as misconduct and gross misconduct above are not intended to be exhaustive or restrictive. Other issues not previously identified may also be considered as warranting disciplinary action being taken.

Making an appeal

If you have two or more years' service you have the right to appeal against any disciplinary/dismissal decision being made by the Hospital. Any appeal should be put in writing within five days of confirmation of the disciplinary action and submitted to the

appropriate Senior Manager. Appeals should normally be submitted to a level of management senior to that which carried out the original disciplinary or dismissal decision.

In the absence of a Senior Manager to whom an appeal can be submitted, then the appeal should be lodged in writing to Sister Trustee at Holy Cross Hospital, Haslemere, Surrey GU27 1NQ within five working days of the date of receiving notice of disciplinary action or termination of employment, or within a reasonable period thereafter.

Review

This policy has been checked for overt or implied discrimination within the scope of the Hospital's policies on equality and diversity and none was found.

The policy will be reviewed annually to ensure that the system described continues to provide an effective framework for disciplinary.