



Making your retirement work for you.

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NHS Retirement Fellowship Disciplinary Policy

Purpose

The purpose of this document is to set out disciplinary rules and procedures to be followed when standards of conduct give rise to problems which cannot be resolved by advice and encouragement, training or increased support.

The NHS Retirement Fellowship is committed to the avoidance of formal disciplinary procedures wherever possible by addressing problems as soon as they arise.

This procedure is intended to provide equity, transparency and consistency in the treatment of staff and to ensure matters are dealt with promptly and effectively.

This document follows the ACAS Code of Practice and good practice as laid down in the ACAS Guide on Discipline and Grievances at Work.

Policy

- 1) NHSRF acknowledges that clear disciplinary rules are necessary for promoting good employee relations as well as fairness and consistency in the treatment of individuals.
- 2) The NHSRF recognises the dedication, commitment and hard work of staff and this policy has been developed to ensure that any issues of misconduct are addressed appropriately.
- 3) This policy is intended to address issues of conduct

Issues of capability or sickness should be dealt with under other policies.

General Principles

This procedure is designed to establish facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until a reasonable investigation has been undertaken.

The principles are:-

- a) Fairness
- b) Confidentiality
- c) Natural justice
- d) Representation - the member of staff has the right to be accompanied by a colleague or a friend at every stage of the procedure

Scope

This Disciplinary policy applies to all members of staff.

- 1) Effective use of appraisal should prevent the need for minor issues to be handled within this policy

- 2) The spirit of this policy is to ensure a fair and common sense approach is adopted and that all reasonable steps are taken to resolve alleged failures before invoking the formal policy
- 3) Primarily the aim is to encourage improvement rather than as a means of imposing sanction
- 4) No disciplinary action will be taken without a reasonable and prompt investigation
- 5) The member of staff will be advised of the nature of the complaint/allegation and will be given the opportunity to state their case before a decision is made
- 6) No member of staff will be dismissed for a first breach of discipline except in the case of gross misconduct where if proven the penalty will normally be termination without notice
- 7) The member of staff has the right of appeal against any disciplinary action
- 8) All parties involved must treat any disciplinary matter with absolute confidentiality

Responsibilities and Duties

- 1) Overall responsibility for this policy rests with the Board of Trustees but operational responsibility is delegated to the Chief Executive, who is responsible for:-
 - ensuring that all members of staff are aware of the terms of the policy and the procedures that apply to them.
 - that the policy is implemented and operated effectively
 - that action is fair and equitable
- 2) The power to issue formal warnings and notice of termination is delegated to the Chief Executive. Members of staff have the right of appeal to the Board of Trustees. Specific written procedures will be circulated to staff.

Decision-making process

When deciding whether disciplinary action is appropriate and what form it should take, the Chief Executive will bear in the mind the need to act reasonably in all circumstances. Consideration will be given to relevant mitigation put forward by the member of staff and disciplinary action will reflect a balanced, reasoned response to the misconduct in the light of evidence available.

Stages

Normally there will be 3 stages:-

1) Stage 1 - written warning

The written warning will be confirmed within 7 days, the member of staff has the right of appeal against the warning within 14 days. The written warning will remain effective for 12 months. After 12 months the written warning is "spent" and will be removed from the personal file.

2) Stage 2 - final written warning

The final written warning will be confirmed in writing within 7 days, the member of staff has the right of appeal against the warning within 14 days. The final warning will remain effective for 2 years; any recurrence may lead to dismissal. After 18 months the final warning is "spent" and removed from the personal file.

3) Stage 3 – dismissal

A decision to dismiss can only be taken by the Chief Executive at a formal disciplinary hearing. The Chief Executive will be accompanied. Dismissal may occur where a member of staff's unsatisfactory conduct persists or where a further offence occurs and a previous warning remains active or where an act of gross misconduct is committed.

For accumulative offences, dismissal will be effective immediately with payment in lieu of notice. Where dismissal is a result of gross misconduct it will be immediate dismissal without notice or payment in lieu.

The dismissal decision will be conveyed to the member of staff by the Chief Executive personally (normally face to face) and be confirmed in writing within 5 days.

The dismissal letter will identify the reasons for the dismissal, the date on which the contract is terminated and any other details e.g.; payment in lieu of notice, outstanding annual leave and information on right of appeal.

The member of staff has the right of appeal and, if they choose to exercise this right, they should write to the Chairman of the NHSRF within 21 days.

Appeals

The purpose of an appeal hearing is to determine whether the disciplinary action was appropriate and reasonable in all circumstances.

The appeal hearing is not a re-run of the disciplinary hearing and normally witnesses will not be called. Verbal evidence will normally only be heard from the member of staff and the Chief Executive. The decision of the appeal panel (of Trustees) will be final.

Note

This procedure applies to all staff other than the Chief Executive. The same principles apply to the Chief Executive as to all other staff but the power to dismiss will rest with a sub-committee of the Board of Trustees - chaired by the Chairman (or a nominated deputy in the event of Chairman's absence) with the right of appeal (should this occur) to the full Board of Trustees (other than the members of the 3-person panel making the decision).

Date policy adopted...18.09.19.....

Signed
Chairman of the Board of Trustees

Policy circulated to Staff : 30.09.19

Added to NHSRF website: 30.09.19

