

Healthwatch Cambridgeshire and Peterborough: Disciplinary Policy and Procedure

Purpose of the policy

This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This policy and procedure applies to all employees and to all aspects of Healthwatch Cambridgeshire and Peterborough's work. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.
- Disciplinary action will not be taken until the matter has been fully investigated, but in the event of serious or gross misconduct including a suspicion of abuse of a child or vulnerable adult, the member of staff will be suspended on full pay while an enquiry is carried out
- The employee will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice
- The employee has a right to appeal against any disciplinary action taken against him/her
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

Equality and Diversity

Healthwatch Cambridgeshire and Peterborough promotes equality and diversity as an employer and ensures that no employee receives less favourable treatment or is disadvantaged by conditions or requirements that cannot be shown to be justifiable. Selection, recruitment, training, promotion and employment practices will be subject to regular review to ensure that they comply with the highest standards of Equalities and Diversity practice.

Gross misconduct

The following list provides examples of offences which are normally regarded as gross misconduct, this list is not intended to be exhaustive:

- Theft, fraud, deliberate falsification of records
- Fighting, assault on another person
- Sexual harassment or sexual assault on another person
- Abuse of a child or vulnerable adult
- Deliberate damage to organisational property
- Serious incapability through alcohol or being under the influence of illegal drugs
- Serious negligence which causes unacceptable loss, damage or injury
- Serious act of insubordination, for example repeatedly refusing to follow policies and processes
- Unauthorised entry to computer records
- Deliberate misuse of social media, for example defamation of the organisation or a colleague.

Informal discussions

Before taking formal disciplinary action, the employee's line manager will make every effort to resolve the matter by informal discussions with the employee. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

Following informal discussions the line manager and the relevant senior manager will decide whether an investigation is required.

Investigation

Healthwatch Cambridgeshire and Peterborough may, if necessary, decide that an investigation should take place prior to any formal action. In this case, a manager will be appointed to investigate in order to establish the facts of the case. The investigation should be undertaken promptly and without delay. The employee will be informed about the investigation and the nature of the allegations under investigation. The manager may interview any relevant parties, including the employee. The employee will be advised that a meeting at this stage is investigatory and may lead to disciplinary charges which may be heard at a disciplinary hearing.

In instances of serious misconduct, where the employee resigns before the disciplinary hearing, the hearing will take place in their absence and the outcome recorded in their personnel file.

Suspension (if required)

Suspension is not a disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for example, to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence.

An employee suspended from duty will receive written confirmation within three days of:

- The reason for the suspension
- The date and time from which the suspension will operate
- The timescale of the ongoing investigation.

Suspension is on normal pay.

Formal procedure

- Step 1: a written note to the employee setting out the allegation and the basis for it including any evidence
- Step 2: a meeting to consider and discuss the allegation, this meeting will be held as soon as possible after step one, but not within five working days, allowing time for the employee to consider their response
- Step 3: a right of appeal including an appeal meeting

Before the disciplinary meeting the employee will be advised in writing of the purpose of the meeting and details of the complaint or allegation being considered, covering all issues to be discussed. The individual will be given a minimum of five working days' notice of the disciplinary meeting.

The employee has the right to be accompanied at meetings. The employee must notify their line manager in advance of the details of who will be attending, and in what capacity. Healthwatch Cambridgeshire and Peterborough reserves the right to reject a companion deemed to be unsuitable.

If the employee's representative or work colleague is not available to attend on the date proposed, the Healthwatch Cambridgeshire and Peterborough will endeavour to offer an alternative reasonable date within five working days of the original date.

Note: Except in exceptional circumstances, this meeting will only be re-arranged once.

When the employee fails to attend a disciplinary meeting circumstances for their non-attendance will be considered and a decision made whether to rearrange or to go ahead in the person's absence.

Verbal warning

In most instances, a verbal warning will be the first formal response to a disciplinary matter that has not been resolved through informal discussion. The fact that a verbal warning has been given, will be recorded in the employee's personnel file and kept for six months. Where the first disciplinary issue is sufficiently serious, it may be justifiable to move directly to a first or final written warning.

First written warning

If conduct or performance has not improved within one month, or where the disciplinary issue is sufficiently serious, the employee may be given a first written warning. The employee will be asked to sign a copy of the written warning to confirm they understand it. Such warnings will be recorded in their personal file, but disregarded after six months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change.

Where the disciplinary issue is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.

Final written warning

If the offence is serious, or there is no improvement in standards, or if a further incident of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within a further month, the steps below will be taken. The employee will be asked to sign a copy of the written warning to confirm they understand it.

Dismissal or action short of dismissal

If the conduct or performance has failed to improve the employee will normally be dismissed.

Appeals

If the employee wishes to appeal against any disciplinary action, he/she must appeal in writing, within five working days of the decision being communicated to him/her, to the Healthwatch Cambridgeshire and Peterborough Chair. The employee must set out reasons for the appeal. The Healthwatch Cambridgeshire and Peterborough Chair will review the decision and respond to the employee within 15 days of receipt of the letter.

Grounds for appeal include:

- The correct process not being followed
- Inaccuracies in the decision statement that have a material effect on the decision.

Other grounds may be considered relevant by the CEO, or Chair if they are the most senior manager.

Overlapping Grievance and Disciplinary Cases

Where an employee raises a grievance during a disciplinary process, the disciplinary process should be temporarily suspended in order to deal with the grievance.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both cases concurrently.

Approved by Healthwatch Cambridgeshire and Peterborough Board of Directors

Date: November 2020

For Review

Date: November 2022

Responsible Officer

Chief Executive Officer of Healthwatch Cambridgeshire and Peterborough