

DISCIPLINARY POLICY AND PROCEDURE

Management of Employee Conduct

Responsible Director	Director of Human Resources
Approved By	Area Partnership Forum
Equality Assessed 	We are working to ensure that no-one is treated in an unlawful and discriminatory manner in the workplace because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity status, race, religion or belief, sex, sexual orientation and/or socio-economic status.
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Other Relevant Policies	Attendance Management Policy Employee Capability Policy and Procedure

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1. Introduction

- 1.1 This document sets out the NHS Greater Glasgow and Clyde ¹ policy and procedure in relation to employee conduct matters. It is designed to clarify the rights and responsibilities of management, staff and Trade Unions/Professional Organisations in respect of employees who become liable to disciplinary action resulting from failure to meet the required standard of performance or conduct relating to their work or profession.
- 1.2 The intention of the policy is to ensure that the principles of fairness, equality, reasonableness and justice are applied in dealing with matters that may warrant disciplinary action.
- 1.3 In most cases, the Disciplinary Policy and Procedure need only be used if supported improvement measures have failed to have a satisfactory effect. The use of counselling in the early stages of a problem cannot be over emphasised. Most employees will respond positively to advice, thus avoiding the use of the formal stages of the Disciplinary Policy and Procedure.
- 1.4 The Disciplinary Policy and Procedure should not be used on its own to deal with smoking, alcohol and drug abuse related problems; rather it should be used in conjunction with the policies designed to address these specific matters.
- 1.5 The disciplinary action taken will depend on the seriousness of the misconduct, misbehaviour or lack of performance at work.
- 1.6 Due to the serious implications of disciplinary action, especially dismissal, it is the policy of the Board to ensure that the fullest consideration is given to the employee's circumstances.
- 1.7 This agreement covers all staff directly employed or seconded by the Board and will apply to all Medical and Dental staff employed by the Board in case of personal misconduct as stated in NHS Circular PCS (DD)2001/9.
- 1.8 This agreement does not apply to matters concerning the professional conduct or competence of medical staff, which are covered by national agreements as set out in section 10.1.1 and 10.4.1 of the 2004 Terms

¹ NHS Greater Glasgow and Clyde is the common title of Greater Glasgow Health Board.

and Conditions of Service for Consultants, and for other grades as set out in the following circulars:

- NHS Circular 1990(PCS)8, as amended by NHS Circular 1990(PCS)32
- NHS Circular PCS(DD) 1994/11
- NHS Circular PCS(DD) 1999/7
- NHS Circular PCS(DD) 2001/9
- MEL 1993(149) Annex B, Paragraph 9

2. Supported Improvement

2.1 Where improvement in conduct is necessary this will, where appropriate, be sought at an early stage through supported improvement. The aim of this method of support is to ensure every effort is made to assist employees and encourage their improvement. This should be conducted by the employee's manager.

2.2 Supported improvement should normally be an informal, private, one to one discussion, designed to offer advice and guidance on expected future behaviour and to support the employee achieving the standards required. It should not normally be necessary for a staff representative to be present at this stage. This is not part of the disciplinary procedure although managers are encouraged to counsel employees, when necessary, in order to avoid recourse to the disciplinary procedure. Supported improvement should not be confused with the Capability Policy.

2.3 However there will be occasions where a problem, although not considered to be either serious or gross misconduct, is considered to require resolution in a form that is more formal and supportive in approach. In such circumstances the following steps should be taken before disciplinary procedures are instigated:

- Problems identified should be discussed with the employee as soon as possible. Managers and Trade Union / Professional Organisation representatives should share responsibility to define the problem, agree a course of action to resolve it and agree what monitoring mechanisms will be used. The employee will be given the opportunity to improve with clear objectives, which will be agreed with the employee. Support mechanisms will be introduced with realistic

timescales agreed. Consideration will also be given to mentoring, training and coaching, where appropriate.

- Actions agreed will be confirmed in a letter to the employee who should confirm that they understand what is expected of them.
- There should be regular review of conduct and constructive feedback should be given. The employee will also be provided with the opportunity to give feedback on the benefits of any support mechanisms provided.
- The employee will be made aware of likely outcomes if they fail to improve to the standard required including the possibility of disciplinary action. A copy of the letter and associated documents will be removed from the personal file after six months from the date of the letter if there has been no further incident or no further cause for concern.

3. Conducting an Investigation

- 3.1 Prior to any disciplinary action or hearing, an investigation of allegations of misconduct must be carried out as set out below. Any employee that is the subject of an investigation must be informed, in writing, of the allegations prior to the investigation and their right to representation.
- 3.2 The purpose of carrying out investigations is to gather all the relevant facts relating to the allegations, promptly. The manager, if not implicated in the allegations will be responsible for ensuring a thorough investigation into any allegation of misconduct. The manager will appoint an Investigatory Officer (who will be supported by Human Resources). In certain circumstances where the issue of concern is entirely a matter of recorded fact (e.g. persistent poor timekeeping or regular failure to attend work) then it will not be necessary to appoint an Investigatory Officer. Where a manager is implicated in the allegations then another manager requires to be identified to oversee the investigation. Advice from Human Resources should be sought in these circumstances.
- 3.3 The Investigatory Officer will normally interview those individuals who may be able to provide information. When interviewing witnesses the following points should be adhered to:

- Witnesses must be advised that the information they provide may be used as evidence should the issue proceed to a disciplinary hearing and that they may be asked to attend any hearing as a witness. A meeting may be required to elaborate on the content of statements provided.
- The witness must be offered the opportunity to be represented by their Trade Union/Professional Organisation representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff, friend or relative not acting in a legal capacity.
- Ensure that the questions are clear, open and not leading.
- Witnesses should be asked to provide a written statement (which must be dated and signed) and advised that a copy of this may be given to the person being investigated or their Trade Union/Professional Organisation representative. The individual should be given the opportunity to consult with their representative regarding the content of their statement.

3.4 As part of the investigation the employee against whom the allegations have been made should be interviewed to ensure that they are clear about the allegations/complaints that have been made against them. In these situations the following points should be considered:

- The employee must be offered the opportunity to be represented by their Trade Union/Professional Organisation representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff, friend or relative not acting in a legal capacity.
- The manager must advise the employee of the allegations/complaints that have been made against them and that they will be subject to an investigation, further indicating that dependant on the investigation they maybe involved in a disciplinary hearing. The employee should then be asked for their response to the allegations/complaints.
- The employee should be given the opportunity to provide a written response/statement to the allegations/complaints (which should be dated and signed) and to consult with their representative regarding the content of their written response/statement prior to it being submitted.

- The employee must be advised of a likely timescale to conclude the investigation. The investigation should not be unnecessarily prolonged or delayed.
- The Investigatory Officer will conclude the interview by affording the employee the opportunity to present any final information pertinent to the investigation.
- Should an employee need help to understand issues or help to complete paperwork, then assistance will be provided.

3.5 Once all the information has been gathered the Investigatory Officer should collate the information and, on the basis of this, decide if there is any substance to the allegations/complaints. If there appears to be a case to answer then the Investigatory Officer will pass their recommendations to the appropriate manager and the employee and their representative will be advised that the matter will be considered at a disciplinary hearing. If there appears to be no case to answer then the Investigatory Officer should advise the appropriate manager accordingly. The manager will then advise the employee of this in writing giving reasons for the decision.

3.6 In some circumstances the Investigatory Officer may conclude that although there is not enough evidence to recommend the issue being considered at a disciplinary hearing there are enough concerns to suggest other action such as further training, support/input from Occupational Health. In these circumstances the Investigatory Officer will be required to meet with the manager to brief them of the findings within 2 working weeks of investigation being concluded. In turn the manager will be responsible for ensuring that all employees involved in the investigation are adequately briefed.

4. Criminal Offences

4.1 Disciplinary action should not be taken automatically against an employee because they have been charged with or convicted of a criminal offence. Each situation requires to be considered individually on the basis of whether the employee's conduct warrants action because of its employment implications.

4.2 In situations where it is considered that the conduct warrants investigation under the disciplinary procedure the following should be considered:

- An investigation into the facts of the case should be undertaken, this should include meeting with the employee where possible.
- It is not necessary to await the outcome of any prosecution before taking any action.
- If the employee refuses to co-operate with internal disciplinary investigations this does not stop the employer from taking action. In these situations the employee should be advised in writing that unless further information is provided a decision will be taken, up to and including dismissal, on the basis of the information available and in their absence.

4.3 In some cases the nature of the offence may have no bearing on the employee's employment but the employee may not be available for work because they are in custody or remand. In these circumstances the Board will need to decide whether, considering the needs of the service, the employee's job can be kept open.

4.4 Where following a criminal conviction, leading for example to the loss of a driving license, the continuation of employment in a particular job would be illegal, the Board should consider whether suitable alternative work is available.

4.5 Where there is prima facie evidence of fraud the Board has a duty to report to the procurator fiscal and the Counter Fraud Services. Please refer to the Board's Standing Financial Instructions and HDL (2005)5 for details.

5. Suspension

5.1 The use of suspension is not part of the disciplinary procedure and careful consideration must be given to its use. It is recognised that there may be occasions when it is considered inappropriate for an employee to be at work and where the use of suspension to respond to employee conduct problems may be considered.

- 5.2 On occasions suspension may be used to protect the individual's best interest. However in some circumstances it may be appropriate to consider redeployment of the employee as an alternative to suspension.
- 5.3 The following situations provide examples where suspension might be used:
- Where a disciplinary offence is alleged to have taken place and an investigation is required. It may be that a person against whom allegations have been made could be seen to either interfere with or influence an investigation if they were at work.
 - Where a manager feels that an individual is unfit for duty and that they may be a danger to patients, themselves or to others and believes it is in everyone's best interest, then an assessment should be carried out by the Occupational Health Service.
 - Where it is suspected that an individual is under the influence of either alcohol or drugs. In these circumstances it might be inappropriate for the manager to attempt to investigate the circumstances immediately.
- 5.4 Suspension will normally be carried out by the employee's manager; however, in exceptional circumstances in the absence of the employee's manager, another manager may suspend the employee on the basis of the above criteria.
- 5.5 Advice should be sought prior to suspension from an appropriate Human Resources Manager or as soon as practicably possible afterwards.
- 5.6 When it is considered that suspension is essential there will be a designated contact (a neutral person) for anyone who has been suspended. The nature of suspension is such that the individual is unable to enter the premises or contact others within the Board without prior authorisation from the appropriate manager (unless as a patient or patients' visitor). In consequence undertaking work through the Board's Workforce Bank is not permitted whilst on suspension. The designated contact will have responsibility for keeping the suspended employee up to date on the progress of any investigation and to act as a recognised point of contact for any issues the employee may wish to raise, e.g. forwarding pay slips etc.
- 5.7 Suspension will always be on full pay.

- 5.8 Suspension will always be for as short a period as is possible and any extensions beyond that which the employee is originally informed will be confirmed in writing. If a suspension is to continue for more than 6 weeks the advice of an appropriate Human Resources Manager must be sought.
- 5.9 Written confirmation must be given to the employee as soon as possible and no later than 5 working days, stating the reasons for suspension and making clear that undertaking work through the Board's Workforce Bank is not permitted whilst on suspension.
- 5.10 An employee who is suspended should be available to attend an interview at short notice if required. Employees who are suspended must not work for another employer during their normal working hours.

6. Disciplinary Procedures/Formal Process

- 6.1 The employee will have the right to a disciplinary hearing prior to a decision on what disciplinary action shall be taken.
- 6.2 All employees are entitled to be offered the opportunity to be represented by their Trade Union/Professional Organisation representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff, friend or relative not acting in a legal capacity.
- 6.3 Prior to the disciplinary hearing an investigation must be carried out by a manager not involved in the allegations, supported by Human Resources. The employee will have at least one working week's notice, and wherever possible a mutually agreed date of a disciplinary hearing and the reasons for the hearing must be put to them in writing. One working week prior to the hearing the employee and their representative will have management's stated case, the written report of the investigation, and all other evidence including statements from witnesses, or as otherwise agreed. Where possible, documentation from the employee and their representative and names of witnesses should be provided in advance of the hearing.
- 6.4 At the disciplinary hearing the employee will be advised of the case against them and will be given the opportunity to state their case.

- 6.5 The manager hearing the case will make a decision based on the information presented at the hearing and will also consider any mitigating circumstances put forward by the employee. The manager will advise the employee in writing, within one working week of the hearing of the decision. The employee will be required to acknowledge receipt of the letter.
- 6.6 No disciplinary action will be taken against an accredited staff representative until the matter has been discussed with their Full Time Officer. An accredited staff representative will have the right to be represented by their Full Time Officer.
- 6.7 The Scheme of Delegation for disciplinary matters is attached at Appendix 1.

7. Disciplinary Hearings

Setting

- 7.1 Disciplinary hearings should be held in suitable accommodation for the purpose, free from interruptions and with facilities for employees with a disability if necessary. A room should be available for the employee under investigation to use prior to and during the hearing to discuss matters with their representative or companion.

Communications

- 7.2 Letters to employees inviting them to attend a disciplinary hearing must:
- Advise the employee of the allegations made against them;
 - Advise them of their right to be represented at the hearing by their Trade Union/Professional Organisation representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff, friend or relative not acting in a legal capacity;
 - Inform them who will be sitting on the panel for the hearing and who will chair the hearing;

- Indicate the witnesses that are to be called or will be available to be called and the right of the employee to call witnesses;
- Include any relevant evidence and statements, which have not previously been shared;
- Identify the possible disciplinary actions, which may be taken as a result of the hearing.

The employee or their representative should advise the employer in good time, of any witnesses to be called to ensure that the witnesses are available and have facilities at the hearing.

Each side is responsible for ensuring that its witnesses attend and, subject to notice being given, management will release potential witnesses from duty.

Letters will generally be copied to the employee's representative.

Representative

- 7.3 Employees have a right to be represented by their Trade Union/Professional Organisation representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff, friend or relative not acting in a legal capacity. The representative or companion must be allowed to address the hearing and be permitted to respond at the hearing on behalf of the employee.
- 7.4 Where the employee or representative is unable to attend a hearing on the date identified then an alternative date should be agreed which is suitable for all parties.
- 7.5 This policy is an internal management procedure. Lawyers and other legally trained representatives are not permitted to participate in any internal management process undertaken as part of this policy.

Failure to Attend

- 7.6 Where an employee fails to attend a disciplinary hearing without prior notification then the manager may offer a further date for the hearing

under the conditions set out above. Any communication to the employee should be sent by recorded delivery and should advise the employee that if there is a further failure to attend without due cause the meeting will proceed and could result in disciplinary action being taken against them in their absence.

Attendance at the Hearing

- 7.7 The following parties will be present throughout the hearing; the panel, the employee and their representative together with the Investigatory Officer. On occasion, it may be necessary for a manager or other individual to attend where there is a need for professional opinion. In each circumstance it must be clear that any decision to take disciplinary action is the responsibility of the panel chair. Witnesses will attend only for the period of time when they are being asked to present their evidence and respond to questions. Witnesses have the right to be accompanied at the hearing. These companions have no right to address the hearing unless by the agreement of all parties.

8. Process for the Hearing

- 8.1 The Manager (who will be the chair of the panel) will introduce those present and confirm that the hearing is of a disciplinary nature within the terms of the Board's disciplinary procedure and could lead to disciplinary action being taken against the employee. The chair or the Human Resources Representative will then explain the procedure for the hearing.
- 8.2 Both parties must be given the full opportunity to present cases verbally and call any witnesses.
- 8.3 The management representative shall state their case and may call witnesses.
- 8.4 The members of the panel, the employee and their representative shall have the opportunity to ask questions of management representatives and witnesses.

- 8.5 The employee or the employee's representative shall state their case in the presence of the management representative, responding to the management investigation including presenting any mitigating circumstances. The employee or their representative may call witnesses to support their case.
- 8.6 The panel members and management representative shall have the opportunity to ask questions of the employee/representative and witnesses.
- 8.7 Witnesses will only be present whilst giving evidence.
- 8.8 Any party will be permitted to have an adjournment for a reasonable period of time for any reason approved by the chair. The chair will not unreasonably refuse such a request.
- 8.9 Once all the evidence has been presented the chair may then ask supplementary questions to ensure their understanding of the respective positions and then both the Investigatory Officer and employee/representative will sum up.
- 8.10 There should be an adjournment for the panel to consider the evidence.
- 8.11 The employee should be advised of the timescale for communication of the chair's decision. Where this is likely to be relatively short, the employee and their representative may wait to be called back to hear the decision. In these cases the Investigatory Officer should also be present. In more complex cases, the decision may be conveyed in writing only. If there is a need for a delay in communicating the decision, the employee must be notified in writing with reasons for the delay and likely timeframe for receiving the delayed decision.
- 8.12 Where disciplinary action has been taken the employee should be informed of their right of appeal against the decision. This should state to whom the appeal should be addressed and the time allowed to lodge an appeal, which is 2 working weeks from receipt of the letter.

9. Outcomes/Actions of a Disciplinary

9.1 Outcomes of a disciplinary hearing may be as follows:

- No case to answer and the allegation(s) made against the employee is removed from the record. There may be occasions where there is no case to answer, however, it may be deemed appropriate to offer support/counselling and/or training.
- The employee is considered to be in breach of discipline and a warning, as appropriate, is issued in writing and a record kept in the employee's personal file for the appropriate period.
- For serious acts of misconduct, the employee may be dismissed, with or without notice, depending on the nature and severity of the offence. The employee may also be given pay in lieu of notice.

10. Disciplinary Sanction

Stage 1 - Verbal Warning

10.1 An employee, whose conduct or behaviour at work is considered by management to be unsatisfactory, may first receive a verbal warning from the appropriate manager of the employee.

This may be deemed appropriate where the employee has no current previous warning. In issuing the warning the manager will point out where the employee's conduct or behaviour falls short of expected standards, advising where necessary and giving the employee an opportunity to correct them. The employee will be warned that, if unsatisfactory conduct or behaviour persists, further disciplinary action may be taken.

10.2 The contents of the hearing will be confirmed in writing to the employee within one working week and a copy of the letter signed by the employee as a correct record of the meeting, placed in their file. The letter should contain details of the employees' right to appeal. A copy of the letter will also be sent direct to the employee's representative, unless otherwise requested by the employee.

Stage 2 – First Written Warning

- 10.3 If, despite the verbal warning, the employee's conduct or behaviour at work does not improve sufficiently, or improves only for a short temporary period, following further investigation a first written warning may also be issued. Where the seriousness of the offence merits it, a first written warning may be issued without the need for a verbal warning.
- 10.4 The outcome of this hearing will be confirmed in writing to the employee normally within one working week and a signed copy acknowledging receipt and understanding of the letter's content should be obtained from the employee. The letter should contain details of the employees' right to appeal. This signed copy will be placed in the employee's personal file. A copy of the letter will be sent to the management representatives and also be sent to the employee's representative, unless otherwise requested by the employee.

Stage 3 – Final/First and Final Written Warning

- 10.5 If, despite the first written warning, the employee's conduct or behaviour at work does not improve sufficiently, or improves only for a short temporary period, following further investigation a final written warning may also be issued. Where the seriousness of the offence merits it, a first and final written warning may be issued without the need for a first written warning and/or a verbal warning.
- 10.6 At this stage, after the hearing, the employee will be told by the line manager the reason for this further warning and that if their conduct or behaviour does not improve, it may result in their dismissal. The detail of this hearing will be confirmed in writing to the employee within one working week and a signed copy acknowledging receipt and understanding of the letter's content should be obtained from the employee. The letter should contain details of the employees' right to appeal. This signed copy will be placed in the employee's personal file. A copy of the letter will be sent to the management representatives and also be sent to the employee's representative, unless otherwise requested by the employee. Management's expectation for future behaviours/standards/conduct will be specified in the letter.

Stage 4 - Dismissal

10.7 Only managers, as per the scheme of delegation have the authority to dismiss employees. No decision to dismiss will be taken without an authorised officer conducting and chairing a disciplinary hearing. The advice of the Head of Human Resources must be sought in disciplinary cases that may result in dismissal. Following the decision to dismiss the employee will be advised as soon as is reasonably practicable, but in any case no later than 2 working weeks, of the reason for the dismissal. This should be by letter and should include the following:

- details of who was present at the disciplinary hearing, excluding witnesses;
- details of the allegations;
- reasons why the decision to dismiss was taken;
- the date on which the employment will terminate;
- information on the appeals procedure, including details of timescale.

A copy of the letter will also be sent direct to the employee's representative, unless otherwise requested by the employee.

10.8 As an alternative to dismissal, the manager with authority to dismiss may consider transferring the employee to another area/post within the Board or down grading an employee. The appropriateness of this will be dependant on individual circumstances but may be particularly appropriate where the main reason for dismissal relates to capacity or job performance.

11. Period of Warning

11.1 Any record placed on an employee's file taken as a result of a formal disciplinary hearing shall not be taken into account and the warning letter and associated documents will be removed and destroyed after the following time limits have expired:

- Verbal Warning – 3 months
- First Written Warning – 6 months
- Final Written Warning – 12 months
- First and Final Written Warning – 12 months

Where it is deemed appropriate a final warning may be extended from 12 months up to 18 months as an alternative to dismissal in extenuating circumstances. This will be explained at the time the warning is issued.

12. Appeals

Verbal Warning

- 12.1 An employee who is aggrieved at being issued with a verbal warning has the right to appeal to the manager senior to the manager who issued the warning and this decision will be final. Any appeal should be lodged in writing with the appropriate manager within 2 working weeks of receipt of the outcome letter giving full reasons for the appeal.

First Warning

- 12.2 An employee who is aggrieved at being issued with a first warning has the right to appeal to the manager senior to the manager who issued the warning and this decision will be final. Any appeal should be lodged in writing with the appropriate manager within 2 working weeks of receipt of the outcome letter giving full reasons for the appeal.

Final/First and Final Written Warning

- 12.3 An employee, who is aggrieved at receiving a final or a first and final written warning, has the right to appeal to the manager senior to the manager who issued the warning and this decision will be final. Any appeal should be in writing and should be lodged with the appropriate manager within 2 working weeks of receipt of the outcome letter giving full reasons for the appeal.

Dismissal

- 12.4 An employee who is aggrieved at being dismissed has the right to appeal as set out in the Scheme of Delegation at Appendix 1. Any appeal, which should be in writing, should be submitted to the Director of

Human Resources and be received within 2 working weeks of receipt of the outcome letter giving full reasons for the appeal.

Arrangements for Appeals against Dismissal

- 12.5 The appeal hearing will be held within four working weeks of receipt of the appeal unless otherwise agreed by both parties.
- 12.6 The employee and their representative will be informed in writing of the date, venue and time of the appeal hearing. They will also be advised of the names of those who will hear the appeal.
- 12.7 The employee has a right to be to be represented by their Trade Union/Professional Organisation representative (including full-time Trade Union Officers) or accompanied by a fellow member of staff, friend or relative not acting in a legal capacity.
- 12.8 The employee and the dismissing manager will be asked to submit a written case at least one working week prior to the appeal hearing. They will also be required to submit the names of any witnesses to be called.
- 12.9 It is the responsibility of the employee and the dismissing manager to inform any witness of the arrangements for the appeal hearing.
- 12.10 At least one working week before the appeal hearing copies of the written case along with the names of any witnesses to be called will be circulated to the panel, the employee and the dismissing manager.
- 12.11 Should an employee need help to understand issues or to help to complete paperwork, then assistance will be provided.

13. Reasons for Disciplinary Action

- 13.1 Normally grounds for disciplinary action will relate to either misconduct or failure to perform tasks and requirements of the post to an acceptable standard. Examples of less serious misdemeanours, which may result in the issue of a verbal or first written warning, are listed below, although this list is not exhaustive.

- **Performance:**
Substandard and/or careless work;
Poor timekeeping.
- **Capability:**
Lack of capability (excluding health reasons), to fulfil the requirements of the post. (see Capability Policy).

13.2 Examples of serious misconduct which if proven may result in a final warning or, in some case, summary dismissal without previous warnings being given are detailed below. Some of the examples might not construe a serious misconduct on their own, however, if there is a cumulative contribution of 2 or more, then the problem could be construed as a serious misdemeanour. The examples listed below are not intended to be exhaustive.

- Theft, attempted theft or unauthorised possession of property belonging to patients, employees or the Board.
- Fraud or attempted fraud, including deliberate falsification of accounts, financial statements or records (it is essential to refer to the Board's Standing Financial Instructions and HDL (2005)5 for all fraud cases).
- Being incapable of performing duties by being at work not free from the effects of alcohol or illegal substances.
- Violent, threatening or indecent behaviour including, ill treatment of and/or behaviour of a sexual nature to patients, visitors or other employees.
- Serious acts of insubordination or deliberate failure to follow reasonable management instructions.
- Wilful or negligent failure to comply with legal or other statutory requirements.
- Serious negligence which causes unacceptable loss, damage or injury.

- Conviction of a criminal offence inside or outside the working situation which makes the employee unsuitable for his or her type of employment.
- Serious breaches of confidentiality (this does not affect the rights of those medical staff covered under Para 330 of the Hospital Medical & Dental Terms & Conditions of Service or the relevant paragraph in the Doctors' in Community Medicine and the Community Health Service Scotland, Terms and Conditions).
- Accessing computer records or files with no authority or breach of codes on the use of the Internet or E-mail.
- Any breach of the Dignity at Work Policy including inappropriate behaviour.
- Blatant and serious breach of the Board Policies and Procedures.
- Action which is likely to bring the NHS into disrepute.
- Deliberate damage to or fraudulent misuse of NHS property.
- Serious infringement of Health & Safety rules:
 - Failure to take all reasonable care for personal health and safety and that of others who may be affected by an individual's acts or omissions;
 - Engage in working practices that consistently disregard health and safety standards and/or place themselves or others at risk of injury;
 - Failure to adequately discharge legal duties as specified by the Health & Safety at Work Act (1974) and all subsequent legislation.

14. Monitoring and Review

The application of this policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.

The Board is required by Law and under the European Union Employment regulations, to gather monitoring information relating to ethnicity, religion and faith, sexual orientation, age, disability and gender for all aspects of employee relations. Employees may be asked for information relating to the above in connection with this policy.

Employees do not have to give the monitoring information if they do not wish to. However, for some of the above diversity strands it is a legal requirement that employees are asked for it, and good practice to ask for monitoring information for all diversity strands.

Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this policy.

The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation and formally no later than 30th June 2014.

Disciplinary Policy and Procedure

Scheme of Delegation

1. FORMAL WARNINGS

The authority to issue a formal warning to an employee is vested in the employee's next-in-line manager or above.

2. DISMISSAL

The authority to dismiss an employee is vested in direct reports to Directors.

3. APPEALS

Appeals against a formal warning will be heard by a line manager at least one level above the manager who issued the formal warning. The manager hearing the appeal must be impartial with no previous involvement in the matter.

In instances of dismissal, the right of appeal will be to a panel consisting of 2 Non-Executive Board members and one of the following –

Chief Executive
Other Executive or Corporate Director
Chief Operating Officer
Acute Director
Partnership Director

(A senior member of the Human Resources function will be in attendance to provide advice and support to the panel.)



Equality and Diversity Monitoring Information

The information on this form, should you choose to give it, will be held separately to any correspondence in relation to the disciplinary process by the Head of Human Resources within your directorate. At no point will any of the information on this form be used in any proceedings in relation to the disciplinary.

The Race Relations Amendment Act (2000) makes it a requirement that we monitor the make-up/background of individuals and gather statistical information relating to all aspects of employee relationships, for example people joining/leaving the organisation, people accessing training, getting promotion, and also in relation to bullying and harassment, grievances and disciplinaries.

From the answers to the questions on this form we are able to gather statistical information to ensure that potential unlawful discrimination in relation to ethnicity, religion or faith beliefs, age, gender, disability or sexual orientation is detected early and eliminated.

The information from this form will only be accessible at an organisational level to the Executive (and HR) teams within the Acute Services Division and Community Health Partnerships (CH(C)Ps), Mental Health Partnerships, NHSGGC Board, the Scottish Government and the Equalities Commissioning Bodies. The information gathered will be solely used by these teams for audit and monitoring purposes and as evidence that as an organisation NHSGGC are monitoring equality and diversity in relation to 'grievance and disputes'.

You do not have to give the monitoring information if you do not wish to, but it is a legislative requirement that we ask you for it.

Whether you choose to give, or choose not to give, any of the information on the attached form, would you please date and return it in the envelope provided as evidence that you have had the opportunity to do so.

Equality and Diversity Monitoring Information Form

Ethnic Origin

White

Scottish Other British Irish

Any other white background

(Please specify).....

Mixed

Any mixed background

(Please specify)

.....

Asian, Asian Scottish or Asian British

Indian Pakistani Bangladeshi Chinese

Any other Asian background

(Please specify)

Black, Black Scottish or Black British

Caribbean African

Any other Black background

(Please specify)

.....

Other Ethnic Background

Any other Ethnic background

(Please specify)

.....

Choose not to give this information

Religion/Faith/Belief

(Please specify)

.....

Have no religion/faith/belief

Choose not to give this information

Gender

Male Female Transgender

Other (please specify).....

Choose not to give this information

Age

What age are you?.....

Choose not to give this information

Sexual orientation

Heterosexual Gay Lesbian Bisexual

Choose not to give this information

Do you have any form of disability?

Yes No Choose not to give this information

If Yes Please give brief details of the nature of your disability.....

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Please detail the nature of the disciplinary process you are involved in

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Choose not to give this information

Directorate CHP

Choose not to give this information

Date.....