**NHSBT DISCIPLINARY TRIAGE REVIEW**

**This document should be completed ahead of any decision to undertake a formal disciplinary investigation or offer a disciplinary sanction.**

**Please anonymise as much as possible, using initials or case number**

We recognise the importance of and expect managers to have informal conversations with colleagues to raise concerns regarding their behaviours or working practices. This is good day to day management practice and supports a culture where the focus is on learning and improvement rather than formal disciplinary investigations which tend to focus on finding who is to blame.

We recognise however, there will be occasions where formal investigation is appropriate and to support in the decision-making for this, we triage all referrals into the Disciplinary Policy **BEFORE** a decision to escalate to a formal disciplinary investigation OR where a manager is considering the issue of a disciplinary sanction (including an Improvement Note).

The Triage commences with the joint completion of this document (manager with HR support). Its intention is to provide prompts to take time for consideration and reassurance that:

* all colleagues are treated equally,
* we are promoting a positive, open and fair culture
* we are taking into consideration the overall well-being of individuals involved in the disciplinary process
* alternative options to reach a resolution or bring about a change in behaviours we need are explored
* any decisions are not based on unconscious bias.

Alongside this, it is also important that we consider the ‘Just Culture’ guidance (which is now referenced in our updated Disciplinary Policy). Just Culture considers the relevance/impact on a case of any cultural or environmental factors in the workplace that are a contributing influence. This is particularly important in cases of referrals where the alleged misconduct is connected with SOP, quality and clinical mistakes/errors.

Cases involving safeguarding concerns, may involve NHSBT’s Safeguarding Lead. Further information is available on [People First](https://peoplefirst.nhsbt.nhs.uk/Policies/safeguarding.htm).

Once completed, please review with your local HR consultant who will then organise for peer review by the Disciplinary Triage Panel as a check and balance and endorse or challenge the recommendation for a formal investigation. at the initial commissioning stage. The Panel may contact the referring manager or HR contact to respond to follow up questions or asked to join the discussions to aid decision-making.

**DISCIPLINARY TRIAGE REVIEW**

Manager’s Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Contact number \_\_\_\_\_\_\_\_\_\_\_\_

HR Support Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Contact number \_\_\_\_\_\_\_\_\_\_\_

Directorate/Department/Location\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SN Query Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please confirm if the individual has a known protected characteristic (this information is used for monitoring purposes and to enable insight of any potential impact: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| Brief description of the alleged incident. Please include the date the alleged incident took place. |
| Summarise relevant circumstances, discussions with individual on and around the time of the incident. (Looking for reassurance that reasonable actions have been taken to prevent/resolve the issue)  |
| Please confirm the specific allegation for investigation:  |

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| Is suspension being considered? If Yes, please confirm* Reason why suspension is considered appropriate – confirm the risk to retaining individual on site/at work.
* Alternatives to suspension considered – for example: redeployment to alternative work/location? removal of part duties?
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*Please respond below – document will expand.*

1. Have you had any previous dialogue with the individual to seek to address their conduct/performance issue?
* When?
* Impact?
* Relevance for this incident?

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1. Does this incident link to any current live sanction?
* If yes, what and how long does this remain live?

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1. Is the nature of the alleged misconduct able to be addressed through informal means?

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1. Is it obvious that the employee should have been aware that the nature of the alleged misconduct is unacceptable?

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1. Considering the circumstances, have other potential responses and remedies, short of formal intervention, been fully assessed before being discounted? Please advise on options considered and rationale for discounting them. For example:
* Informal facilitated meeting?
* Formal mediation?
* Team building / Team charter work?
* Adjustment of duties or desk to avoid friction?
* Adjustment of duties for other reasons?

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1. Could there be an underlying training issue?

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1. Has the Just Culture Guide been followed? Please summarise the discussion against the few key Just Culture questions [Just Culture guide](https://peoplefirst.nhsbt.nhs.uk/Policies/just-culture.htm)

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| **Deliberate Harm Test**: **Health Test**:**Foresight Tes**t:**Substitution Test**:**Mitigation**: |

1. Following your informal fact finding/exploration and consideration of the issue/concern and its associated circumstances, does the application of a formal procedure represent a proportionate and justifiable response (i.e. have other potential responses and remedies, short of formal intervention, been fully assessed before being discounted)?

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**Triage Call date:**

Is referring the case into a disciplinary investigatory process consistent with other cases colleagues and is the disciplinary investigatory route the right course of action?

Outcome:

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Rationale for the decision:

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Notification date to referring HR Consultant / Manager:

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