

# What can you expect if you have a disciplinary allegation made against you?

## Summary page 1

### Policy



- Our Disciplinary Policy aims to secure a change in behaviour when the conduct of a colleague falls short of our expected values and behaviours.
- We aim to deal with the majority of minor misconduct incidents informally and quickly.
- Subject to the seriousness of the allegation, you may be required to attend a formal investigation meeting.
- Our policy follows ACAS guidance.

### Support



- You will be provided with a nominated support manager responsible for keeping in touch with you.
- You may obtain support and access to a trade union representative if you are a union member.
- You may access a Mental Health & Wellbeing Champion – see list of Champions on People First.
- You may access the confidential Employee Assistance Programme – see People First for contact details.
- HR Direct may be contacted for guidance and answers to queries on policy and process.

### Fact-finding



- You will be notified of the allegation(s).
- There will be an informal discussion about your recollection of events with your manager.
- You are encouraged to write down your recollection whilst you remember the key details.

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### Informal resolution



- We apply the principles of NHS England and NHS Improvement's Just Culture which means we look at whether issues raised about your conduct or behaviour can be dealt with informally.
- All allegations of misconduct are assessed by a triage panel to determine whether disciplinary investigation is necessary.
- If the issues raised are judged as serious or are repeat issues of misconduct the triage panel may recommend a formal disciplinary investigation.

### Formal investigation



- We appoint an independent investigation team of at least two members.
- You may be accompanied to meetings by a trade union representative or a friend not acting in a legal capacity.
- Please use the meeting as your opportunity to provide a full, open, honest and accurate account of your recollection and experiences.
- Where practicable you will remain in the workplace during the investigation.
- If there is a need for you to be redeployed to a different work area or to remain at home on suspension, this will be discussed with you.

### Timeline & communication



- We aim to conclude the investigation and respond back on the findings (including a Panel Meeting, where appropriate) within a period of 12 weeks and we rely on the positive co-operation of all parties to achieve this.
- You and your manager will be kept informed of the timeline for investigation progress by the investigating manager.

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### Confidentiality



- It's important that we respect the confidential nature of the issues for all involved and so we ask that you do not discuss your investigation with colleagues at work outside of the recognised individual(s) you have been allocated for support during the process.
- Ensure that no details are shared verbally, via email, in writing or posted on social media, either internal or external to the organisation.

### Outcomes



- The investigation team will also advise you if there is no case to answer and therefore the matter will not progress; or they will advise you that they conclude your case should be referred for possible disciplinary action.
- Referral for disciplinary action requires attendance at a disciplinary hearing at which an independent panel hears the investigation's findings. You have a right to state your case. The panel decides on the seriousness of the findings and issues a disciplinary sanction.
- If you disagree with the outcome of the hearing and feel you have valid grounds, you may appeal the decision.

### Securing change



- Following the outcome of the formal process, there may be recommendations identified to improve the working relationship or environment and it's important that you work with colleagues to develop and implement these.
- For further more detailed information on the disciplinary process and standards of workplace behaviour please look at the details on People First.