

Walton Parish Nursing - Employee Disciplinary Procedure

1. Statement of commitment

Walton Parish Nursing aims to have clear guidance for staff regarding setting work objectives, time frames and work appraisal systems. However, where issues concerning staff conduct arise, the Trustees believe that the fairest way to resolve issues with conduct or performance is to have a well structured disciplinary procedure. The procedure is designed to help employees attain the organisation's standards of conduct, attendance and performance.

It should be noted that Walton Parish Nursing is a small charity with a slim hierarchy consisting of a Management Team within which is the Line Manager, and a group of Trustees. To facilitate appropriate appeals and management procedures, members of the Management Team not involved in direct line management of staff and Trustees other than the Chairman of Trustees may need to become involved in order to provide objective decisions.

2. Employees' rights

In addition to an informal verbal warning, employees have the following rights in relation to disciplinary action:

- To be informed of the allegations of misconduct or poor performance which have been raised and are to be discussed at any disciplinary hearing.
- To be accompanied by a work colleague or a member of the Management team.
- To make an appeal against any action taken.

3. Procedure

Formal verbal warning

If an employee's conduct, attendance or performance does not reach the standard required by Walton Parish Nursing, and this has not been resolved through standard appraisal and support systems, a disciplinary hearing will take place. The issues will be discussed between the designated Line-Manager and the employee concerned who will have the opportunity to offer an explanation. If the explanation is not considered to be satisfactory the employee will be issued with a formal verbal warning and clear targets and timetable for improvement. This discussion will be confirmed to the employee in writing and the verbal warning will remain on file for six months.

[Note: should the reasons underlying the matter being discussed involve the Line Manager then another member of the Management Team will conduct the interview and recommend appropriate action.]

Written warning

A written warning will be issued if sufficient improvement is not made following a disciplinary hearing where there is already a formal verbal warning in place on the employee's file, or where the misconduct has been sufficiently serious as to warrant bypassing the verbal warning stage. A written warning will remain on file for 12 months, again with clear targets and time frames for improvement.

Final written warning

If there is still insufficient improvement in conduct or performance, a further disciplinary hearing will take place. If no satisfactory explanation is offered but misconduct is not serious enough to warrant dismissal a final written warning will be issued and will remain on file for 12 months. The final written warning will inform the employee that any further misconduct or failure to meet the required level of performance will result in dismissal.

Dismissal

If the employee still fails to reach the required standards of conduct or performance then they will normally be dismissed. The employee will be given every opportunity to provide an explanation of their failure to meet required standards at a final disciplinary hearing. As with all stages of the disciplinary procedure the employee has the right to appeal and to have a witness present.

If the employee is dismissed they will be provided with the reasons for dismissal, a date of termination of employment and details of how they may appeal.

Appeals

Appeals will be made to the Chairman of Trustees, who will designate another Trustee to hear the appeal and make recommendations.

Additional information

- The employee will always be given as much information as possible regarding the accusation of misconduct or the records detailing failure to achieve the required performance standards.
- They will be given reasonable notice of the date and time of any hearing which should be held during normal working hours.
- Any action will be taken after full consideration of the facts and if this process necessitates the employee being absent from work during this time they will be suspended on full pay.

(Note: Suspension is not disciplinary action. It is 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 either for their own or others protection.
- To prevent them influencing or being influenced by others.
- To prevent possible interference with evidence.

Only the Line Manager or the Chairman of Trustees has the authority to suspend an individual. 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 proposed timescale of the ongoing investigation; and the right of appeal to the Chairman of Trustees should the suspension last more than seven days.)

Walton Parish Nursing may vary the disciplinary procedure depending on the seriousness of the issues or the length of time of service of the employee in question. If an employee is still within the probationary period of their employment they may not necessarily be issued with warnings before dismissal.

Dismissal due to Gross Professional Misconduct

Dismissal at any stage can be made in following an act of Gross misconduct. (See list below, which although comprehensive does not cover all eventualities that may be considered at Gross Misconduct.)

4. Time Scales and content of Letters of Warnings

Timescales

Warnings issued to employees shall be deemed to have expired after the following periods of time.

- Verbal Warnings: 6 months
- First Written Warnings: 12 months
- Final Written Warnings: 18 months (or as agreed and recorded at the hearing)

These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

Letter of Warning

All Warnings must contain the following information:

- The letter must be issued within 7 days of the date of the disciplinary hearing.
- The nature of the offence and where appropriate, a warning that if further misconduct occurs, more severe disciplinary action will be taken.
- The period of time given to the employee for improvement.
- The employee's right to appeal.
- A copy of the warning and any supporting documentation must be attached to the individuals personnel file.
- The employee must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to whom they can make that appeal.

The letter confirming dismissal will contain the following information:

- The reason for dismissal and any administrative matter arising from the termination of their employment.
- The employees right of appeal and to whom they should make that appeal

5. Appeals

Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that Walton Parish Nursing's Procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.
- that the need for disciplinary action was not warranted.
- that new information regarding disciplinary action has arisen

An appeal should be put in writing to the Chairman of Trustees. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

An appeal shall be arranged within 20 working days of receipt of the letter of appeal.

Appeals against Verbal and First Warnings

In the case of verbal and first warnings, the appeal will be heard by a designated member of the Management Team other than the Line Manager.

Appeals against Final Warnings and Dismissal

The hearing and determining of appeals against final warnings and dismissal will be heard by the Designated Trustee. They may also involve another member of the Management Team.

When dealing with an appeal against a Final Warning or Dismissal written statements of case may be submitted no later than 2 days prior to the date of Appeal Hearing. No additional written evidence will be admitted on the date of the Hearing.

Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness. Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under consideration.

It is the responsibility of the management representative and for the appellant to each arrange for the availability and attendance of any witness they wish to call.

6. Examples of Misconduct

Minor Misconduct

Below are listed examples of misconduct which may warrant either a Verbal Warning or a First Written Warning. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issue of a warning.

- Persistent lateness and poor time-keeping.
- Absence from work, including going absent during work, without valid reason, notification or authorisation.
- Smoking within unauthorised areas.

- Failure to work in accordance with prescribed procedures.
- Incompetence.
- Unreasonable standards of dress or personal hygiene.
- Failure to observe Walton Parish Nursing's regulations and procedures.

A First Written Warning may be considered more appropriate when:

- A verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- An offence is of a more serious nature for which a written warning is more appropriate.
- The recurrence or accumulation of offence/offences, if left, will lead to more severe disciplinary action.

Gross Misconduct

Listed below are examples of misconduct which may be considered to be Gross Misconduct and may warrant a Final Warning or Dismissal. It is stressed however that this list is not exhaustive and that on all occasions a full and proper investigation must take place prior to the issuing of a Final Warning, Demotion or Dismissal.

- Theft, including unauthorised possession of Walton Parish Nursing's property.
- Breaches of confidentiality, prejudicial to the interest of Walton Parish Nursing,
- Being unfit for duty because of the misuse/consumption of drugs or alcohol.
- Refusal to carry out a management instruction which are within the individuals capabilities and which would be seen to be in the interests of Walton Parish Nursing.
- Breach of confidentiality / security procedures.
- Physical assault, breach of the peace or verbal abuse.
- Inappropriate sexual behaviour.
- False declaration of qualifications or professional registration.
- Failure to observe Walton Parish Nursing rules, regulations or procedures.
- Wilful damage of property at work.
- Incompetence or failure to apply sound professional judgement.
- Bribing or attempting to bribe another individual, or personally taking or knowingly allowing another person to take a bribe.
- Professional misconduct as defined by the Professional Body of registration of an individual

A Final Written Warning may be considered more appropriate when:

- An employee's offence is of a serious nature falling just short of one justifying dismissal.
- An employee persists in the misconduct which previously warranted a lesser warning.