

Northern Ireland Blood Transfusion Service

POLICY DOCUMENT

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This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998.

CROSS REFERENCES

This Policy refers to the following documents:

Doc Type	Doc. No.	Title
GUI	HC009	Code of Conduct for HSC Employees
POLICY	PP:023	NIBTS Absence Management Policy and Procedure
POLICY	FP:002	Fraud Policy
POLICY	PP:038	Whistleblowing Policy
POLICY	PP:007	Conflict, Bullying and Harassment in the Workplace Policy
POLICY	PP:037	Capability Policy and Process
POLICY	PP:026	Grievance Policy Procedure
FORM	DD:2358	Disciplinary Policy Outcome of Screening Form
FORM	DD:2357	NIBTS Record of Informal Structured Conversation Within HSC Disciplinary Policy

Key Change From Previous Revision:

New Regional Policy based on agreement by Anne Speed (Trade Union Side) and Vivienne Toal (Management Side) 1st July 2022.

1. STATEMENT

This document sets out the Northern Ireland Blood Transfusion Service (NIBTS) Disciplinary Policy and Procedure in relation to employee conduct and ensures that just, fair and effective arrangements exist for dealing with disciplinary issues. The Policy should be regarded as a valuable tool to promote positive employee relations, effective partnership working and to improve standards of behaviour through accountability and learning.

NIBTS is committed to our [HSC values of openness and honesty, compassion, excellence and working together](#). These provide the framework for achievement of a Just Culture approach through supportive, constructive and fair evaluation of the actions of employee involved in an incident, error, concern or complaint.

We expect all employees to meet high standards of conduct and behaviour and, where this does not occur, we will encourage improvement and learning through application of our HSC Values to achieve and maintain these standards. We will seek to understand 'what' was responsible rather than 'who' was responsible and identify support for all involved. We will place equal emphasis on accountability and learning and only where appropriate proceed to formal disciplinary investigation.

This policy and procedure applies to all employees of NIBTS including employees on fixed-term and bank contracts. The only exception is Medical employees, where concerns about their conduct are handled through the 'Maintaining High Professional Standards Framework' until a decision is made to progress to a conduct hearing under this Disciplinary Policy. There is no requirement to re-investigate in these circumstances.

2. OVERVIEW

2.1 DISCIPLINARY PRINCIPLES

Fairness

- The application of this procedure will be consistent, prompt, impartial, reasonable and applied without discrimination. All parties will have a responsibility to expediate an outcome. Conflicts of interest at any stage will be declared.

Confidentiality

- Information relating to an allegation of misconduct will not be divulged to any parties not involved in the disciplinary process unless there is a specific need to share on a need to know basis. Information will be strictly confidential to those involved in the disciplinary procedure and records will be kept in accordance with the Data Protection Act 2018.

Equality

- This policy will be applied without any distinction to protected characteristics as defined within equality legislation and its application will be kept under review. In circumstances where any party involved has disability, reasonable adjustments will be considered in accordance Disability Discrimination Act (DDA).

Natural justice

- At every stage of the disciplinary procedure, the employee will be advised of the nature of the complaint, and will be given the opportunity to state their case. There may be occasions where a third party (e.g. PSNI) instructs the employer to share any detail or evidence.

HSC Values

- The HSC Values will be considered at all stages to acheive a Just Culture in which equal emphasis is placed on accountability and learning.

2.2 HSC VALUES APPROACH TO DISCIPLINARY

The HSC Values provide the framework for a Just Culture through supportive, constructive and fair evaluation of the actions of employees involved in an incident, error, concern or complaint. Through the application of the 3-step assessment stage the situation will be stabilised, support provided to those who need it and employees will have the opportunity to respond before screening takes place to determine appropriate next steps.

- Involve employees & recognize their contribution in making a difference/ improvement.
- Engage with employee reps and regulatory bodies as necessary in order to progress an issue

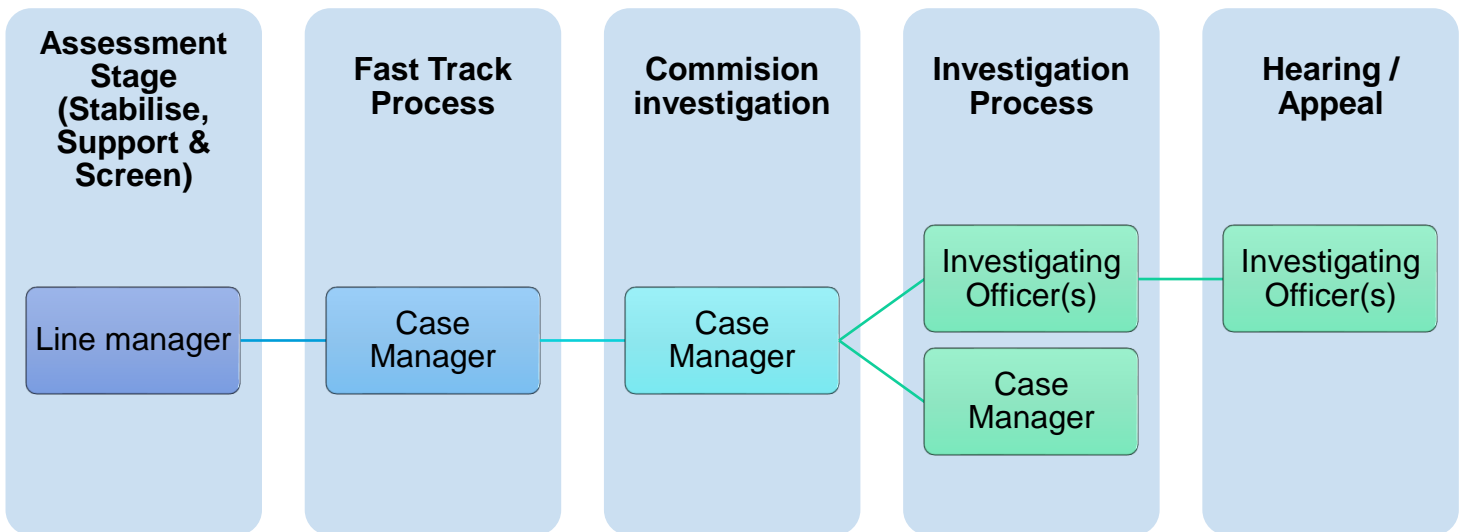
- Identify if (and what) support is needed by those directly and indirectly affected by an event.
- Where systems issues are found, singling out an individual is often unfair and counter-productive.



- Understand why failings occurred and how / if the system contributed rather than who was responsible.
- Identification of how learning leads to improvements across the system

- Employees should be confident to speak up when things go wrong rather than fearing blame.
- Openness about mistakes allows valuable lessons to be learnt so errors are prevented in the future

3. RESPONSIBILITY



*HR Advice and support available throughout all stages. Trades Unions will not normally be involved in the assessment stage but should be involved at all other stages. Employees will be engaged as appropriate throughout the process.

3.1 Employees Responsibilities:

- Ensure conduct is aligned with the Code of Conduct for HSC Employees (GUI HC009) and HSC values.
- Understand and comply with NIBTS standards relating to conduct and carry out duties in accordance with contractual obligations and with appropriate care.
- Participate fully with the disciplinary process including in a witness capacity if required.
- Attend Occupational Health to assess fitness to participate in the disciplinary process if they are unable to attend due to sickness.
- If they cannot attend a meeting / hearing they (or their Trade Union representative / work colleague) must notify the HR Department and provide reasons. Depending on that reason NIBTS may arrange a further meeting / hearing. If they do not attend this rearranged meeting / hearing the disciplinary process may continue in their absence based on the information available. Disciplinary action, up to and including dismissal can be taken in their absence if they fail to attend meetings / hearings. In exceptional circumstances their Trade Union representative / work colleague may attend this hearing on their behalf and / or the employee may make written representations. These exceptional circumstances must be considered jointly on a case by case basis by the employee, HR and Trade Union representative / work colleague.
- In Police / criminal matters inform, and continue to update their line manager immediately of any investigation, charge, caution(s), pending prosecution, and / or subsequent conviction. Failure to inform may result in the initiation of a disciplinary process. Consideration will be given to the relevance of the issue to the duties of the post and / or the role of the employee and the appropriateness of disciplinary action.

3.2 Line Manager Responsibility:

- Create and encourage an environment that reflects the [HSC values of working together; excellence; compassion; openness and honesty](#).
- Embed a culture of learning and ensure actions support the aims of this Policy.
- When an incident, error, concern or complaint occurs objectively and expediently undertake the assessment stage to determine appropriate action (Section 4.1).
- Ensure regular communication and ensure the employee's health and wellbeing is considered with the correct support put in place. If directly involved in the incident then allocate another manager to support the employee.
- If the employee is absent due to sickness ensure PP:023 NIBTS Absence Management Policy and Procedure is adhered to. An Occupational Health referral should be made to gain an assessment of the employee's fitness to attend meetings if they feel they are not fit to participate in the disciplinary process.
- Inform the Case Manager, Investigating Officer(s), or allocated HR Adviser of any concerns raised by the employee related to the investigation. Agreement should be sought from the employee prior to disclosing personal information.
- Maintain written records and ensure confidentiality.

3.3 Case Manager Responsibility: (senior level manager with no previous decision-making involvement; in circumstances where no such manager can be appointed HR can undertake this role where appropriate)

- Consider the information provided by the line manager following the assessment stage and if further action is required then decide the next steps with HR.
- If required, commission an investigation and appoint an Investigating Officer(s), giving due consideration to their capacity to conduct the investigation in a timely manner.
- Consider whether alternative working arrangements or suspension is necessary to safeguard donors, employees, the individual or the investigation process. (Section 4.5)
- Agree the Terms of Reference for the investigation jointly with HR and the relevant professional lead if appropriate if new evidence / information is presented by the Investigating Officer(s), agree any necessary amendments to the Terms of Reference. The employee should be advised in writing of amendments to the investigation Terms of Reference.
- Review alternative working arrangements / suspensions to determine if there is a continued need based on the investigations progress.
- Review the progress of investigation and update employee on investigation progress, including any delays and the reasons for these.
- Ensure that the investigation is following due process and conducted in a timely manner, and escalating where appropriate to senior management.
- Decide jointly with HR, and the relevant professional lead if appropriate, if there is a case to answer or not upon completion of investigation.
- Take forward any learning identified.

3.4 Investigating Officer(s) Responsibilities: (appropriate officer(s) who is not a witness, where possible this will not be the immediate line manager)

- Investigate and establish the facts in the case by holding fact-finding meetings and gathering statements and evidence as appropriate.
- Produce an investigation report for the Case Manager which will outline the facts of the case and should state whether the findings indicate if there is a case to answer.
- Make the Case Manager aware of anything additional that arises during the investigation that is not within the scope of the terms of reference. The Case Manager will review and decide whether an amendment to the Terms of Reference are required.
- Keep the Case Manager updated of anything that would mean alternative duties or suspension are no longer required, or required where they were not initially in place.
- Present the case to the disciplinary/ appeal panel if it progresses to hearing stage.

3.5 Human Resources Responsibilities:

- Advise or signpost to well-being support where appropriate.
- Responsible for implementation and management of the Disciplinary Policy including employee training.
- Provide professional advice and guidance to managers following an incident, error, concern or complaint to agree on the appropriate next steps.
- Advise and support both Case Managers and Investigating Officers in disciplinary matters, in order to ensure consistency throughout NIBTS.
- Liaise with Counter Fraud and Probity Services (CFPS), Safeguarding and Police Service of Northern Ireland in respect of parallel criminal / safeguarding and disciplinary investigations.
- On conclusion of the case, ensure retention of all records pertaining to the case in accordance with Department of Health (DoH) Retention & Disposal Schedule and Data Protection 2018.

3.6 Employee Representatives Responsibilities: (Companion in Medical cases)

In the case of non-Medical employees, an Employee Representative is any employee of NIBTS who is an accredited representative of a Trade Union, professional organisation or employee organisation or a full time official of NIBTS or a fellow NIBTS employee. ***Legal Representation will not be permitted at any stage of this Disciplinary Procedure.***

In the case of Medical employees, they have a right to be accompanied in line with Maintaining High Professional Standards in the Modern HPSS, Section 1 paragraph 30; *“At any stage of this process - or subsequent disciplinary action – the practitioner may be accompanied to any interview or hearing by a companion. The companion may be another*

employee of the HSS body; an official or lay representative of the BMA, BDA, defence organisation, or friend, work or professional colleague, partner or spouse. The companion may be legally qualified but they will not, however, be acting in a legal capacity.”

Employee representatives / Companions will:

- Provide advice and / or support to individual employees.
- Work in partnership with NIBTS to ensure conduct and behaviour is in line with the HSC values.
- An employee under investigation for alleged misconduct / gross misconduct or facing formal disciplinary proceedings has the right to be accompanied by an accredited Trade Union representative. Accredited Trade Union representatives can present evidence on behalf of the employee at the Disciplinary Hearing and Appeal Hearing.
- Trades Union representatives who are being investigated have the right to be accompanied by a full time official.

3.7 NIBTS' Responsibility in Particular Cases

3.7.1 Disciplinary action in the case of an employee representative, who is an accredited representative of a Trade Union, Professional Organisation or Employee Organisation.

Normal disciplinary standards apply to the conduct of an employee representative however, if a concern, complaint or incident has occurred in the course of that employee undertaking their Trade Union representative duties then a discussion should take place with a full-time official of the employees' Trade Union, professional organisation or employee association to agree the application of the disciplinary procedure and next steps. Approval must be sought from the employee prior to discussing with the full time official.

If, however the concern, complaint or incident relates to their 'substantive' post / duties then actions will be taken forward by line managers in accordance with this procedure as normal and in line with procedures for all other employees.

3.7.2 Police enquiries, legal proceedings, cautions and criminal convictions not related to employment

Police enquiries, legal proceedings, cautions or convictions relating to a criminal charge shall not be regarded as necessarily constituting either a reason for disciplinary action or a reason for not pursuing disciplinary action. Consideration must be given as to:

- the extent to which the offence, alleged or committed, is connected with or is likely to adversely affect an employee's performance of duties
- calls into question the ability or fitness to perform their duties
- where it could call into question the trust and confidence in an employee
- any action taken by a professional body regarding an employee's registration

In situations where a criminal case is pending or completed, NIBTS reserves its right to take internal disciplinary action. NIBTS will liaise with the PSNI to determine if a parallel internal investigation can proceed.

3.7.3 Allegations of Fraud and the interface with Counter Fraud & Probity Service

Any internal investigation into allegations of potential fraud should be deferred until discussion has taken place with the local Fraud Liaison Officer. This involvement does not necessarily mean a disciplinary investigation will not take place and each situation is to be judged on its own merits.

Any matter referred which raises any suspicion of theft, fraud, bribery or corruption must be dealt with in accordance with the requirements set out in this policy and FP002 Fraud Policy. In cases of alleged theft, fraud or misappropriation of funds, action should include consultation with the Head of Finance, DoH and the PSNI as appropriate.

3.7.4 NIBTS' duty to make referrals

NIBTS is required, where appropriate under the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, to make a referral if a person working with children or vulnerable adults has been dismissed, would have been dismissed, or considered for dismissal had they not resigned, or has been suspended, or transferred from a Child Care or vulnerable adults' position.

Further, NIBTS has a duty to make referrals to relevant professional bodies in certain circumstances e.g. Nursing Midwifery Council (NMC), General Medical Council (GMC), NI Social Care Council (NISCC), Health and Care Professional Council (HCPC) and also to the PSNI and share relevant information at appropriate stages.

3.7.5 Whistle blowing / Your Right to Raise a Concern

When concerns are raised by an employee through PP:038 Whistleblowing Policy management and HR will, on a case by case basis, jointly determine the appropriate way forward, including the most appropriate policy for managing the process.

3.7.6 Conflict, Bullying & Harassment

Any complaints made, in relation to bullying and harassment, will be assessed and if appropriate investigated in line with PP:007 Conflict, Bullying and Harassment in the Workplace Policy. If it is found that there is a case to answer the matter will progress through to informal structured conversation or formal disciplinary hearing where appropriate. There will not normally be a requirement to re-investigate if an investigation has already been conducted under PP:007 Conflict, Bullying and Harassment in the Workplace Policy.

4. POLICY

4.1 ASSESSMENT STAGE (Stabilise, Support & Screen)

When an incident, error, concern or complaint comes to the line manager's attention, they should endeavour to stabilise the situation by providing support to those who need it and complete screening to determine the appropriate next steps.



STEP 1: STABILISE

It is important that the situation is stabilised so that immediate needs are addressed following an incident, error, concern or complaint. The purpose of this is to:

- Provide immediate care to those who need it.
- Put any immediate measures in place to prevent a similar incident happening again.
- Comply with duties to report internally and where appropriate externally.

To stabilise the situation formal suspension may not be required however in some circumstances there may be the need to remove one or more persons temporarily from a situation for their own safety, others safety, for recovery or a period of reflection.

STEP 2: SUPPORT

Following an incident, error, concern or complaint it is important to identify anyone who been hurt. This may be physical, emotional or financial. Those identified may include donors / service users, employees, managers, the organisation or another external organisation.

Once identified it is important to establish what is their need and whose obligation is it to meet that need.

Relevant information should be established quickly and may include:

- Details of the issue from the employee's perspective;
- Establish date / time of incident;
- Witness accounts (where appropriate);
- Explore the impact (where applicable) on donor care or others;
- Explore all associated pattern or repeated behaviours/ actions;
- Circumstances at the time, including resources, service challenges, health and well-being and personal issues etc.

To gather this information line managers may need to ask the employee involved for their account. This is not an investigation and there is no right to be accompanied at this step. Notes of this discussion will be made available to the employee at the earliest opportunity and must be shared prior to or at the beginning of a formal meeting if the matter moves to formal investigation. These will be reviewed with the employee and any necessary amendments will be made in agreement before being used for the formal process.

STEP 3: SCREENING

Screening should be completed jointly by the line manager and HR, including the relevant professional lead when appropriate using DD:2358 Disciplinary Policy Outcome of Screening Form.

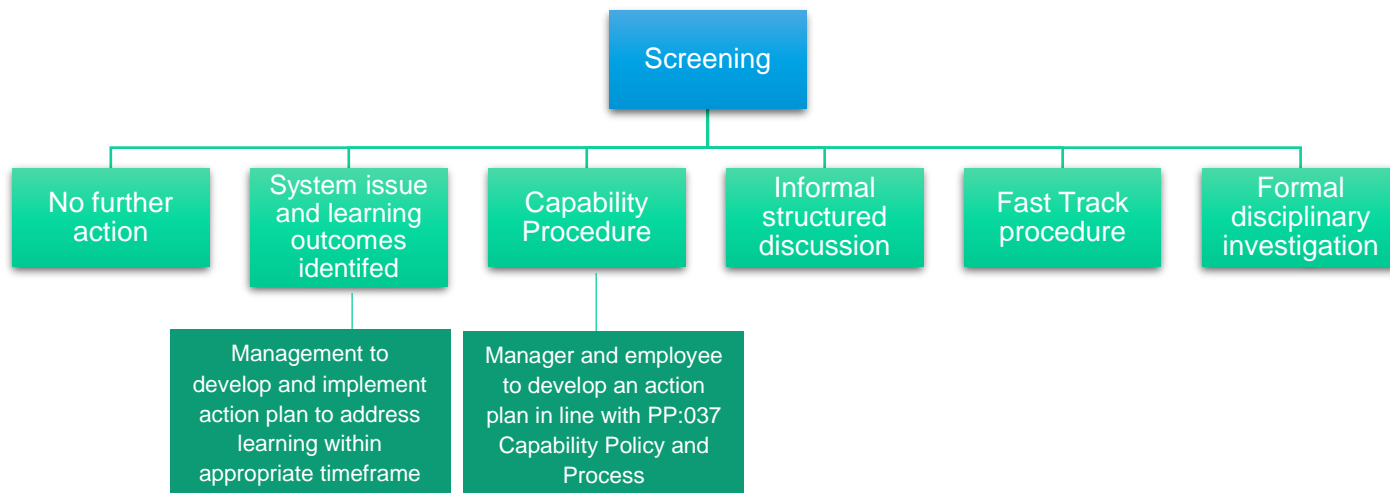
Screening helps to identify the appropriate course of action and is designed to explore how and why the employee acted in a particular manner and to identify and understand why failings occurred and how/if or to what extent the system or a process contributed to this.

Once details have been established the following questions should be answered to determine the next steps.

Are the rules (policy, procedure, standards) known?	Are the rules acceptable / practical in the circumstances?	Was there any impact on a service user or others?	Is there a concern that there was a deliberate intention behind the actions/inactions?
Is there evidence that this is a skills/ knowledge/ training issue?	Would another employee with same knowledge/ experience training acted differently?	Do the local systems and processes provide appropriate governance in the area?	Is there evidence of sufficient supervision?

The screening steps should be completed as quickly as possible with management treating this as a high priority. As a guide this should not take any longer than 3 working days however this is not a strict timeframe as it will depend on the specific circumstances.

The potential outcomes of the screening are outlined below. It is possible that more than one outcome is identified.



4.2 INFORMAL STRUCTURED CONVERSATION

Following the assessment stage where evidence shows that a formal investigation is not required then an informal structured conversation may be appropriate. Most concerns can often be addressed effectively and swiftly by the employee's immediate line manager having a structured discussion with the individual regarding the standards expected and the required improvement in their conduct within a timescale. This discussion should take place as soon as practicable following assessment and be treated sensitively and empathetically. It should be viewed as an opportunity to discuss NIBTS' values and behaviours and allow employees to provide any reasons or additional information to the line manager.

In circumstances where it not appropriate or not possible for the immediate line manager to undertake this, then the next level manager or a suitable deputy should undertake the conversation.

The conversation should be scheduled with the employee in advance, ensuring that this takes place in private, on a one to one basis to ensure confidentiality can be maintained.

Record the conversation on form DD:2357 NIBTS Record of Informal Structured Conversation Within HSC Disciplinary Policy.

During this meeting the Manager should:

- Explain that the meeting is informal in approach and is to discuss concerns;

- Discuss the incident, error, concern or complaint with the employee and explain that the reason for holding an informal meeting is to reflect on concerns. Seek to understand what happened, what if any contributory factors could have caused the issue and provide the employee with the opportunity to offer their thoughts, suggestions and reflection.
- Inform the employee of the standards expected by NIBTS, and the level of improvement needed within an agreed timescale, identifying any required support. Refer to sections 2.1 and 2.2 within this policy.
- Take a note of the meeting using form DD:2357 NIBTS Record of Informal Structured Conversation Within HSC Disciplinary Policy, and share a copy with the employee for agreement and signature. This is retained locally by the manager.

It is important for the manager to review the actions agreed and the timescales for this in order to determine if all actions have been completed to the agreed standard.

There may be a range of reasons the agreed actions have not been completed within the original agreed timescales, e.g. manager / mentor / employee is absent, or other operational reasons. The circumstances should be considered, recorded and where an extension is needed this should be agreed between the line manager and the employee.

If there is repeated misconduct or no evidence of improvement within the agreed timescales discussed, then the manager should give careful consideration to escalation through formal processes, this may not necessarily be a disciplinary process and may be addressed under PP:037 Capability Policy and Process or PP:023 NIBTS Absence Management Policy and Procedure in consultation with HR. It is the responsibility of the manager to review with the employee their progress against required improvements.

4.3 FAST TRACK PROCEDURE

The Fast Track process is applicable only in cases of misconduct and cannot be used in cases of Gross Misconduct (Appendix A provides non-exhaustive list). Where the disciplinary outcome of a particular case is anticipated to result in a formal warning only, consideration can be given to move directly to that conclusion without either completing a full investigation or holding a formal hearing. This approach can speed up the disciplinary process.

The Fast Track Procedure will be considered in the following circumstances:

- There should be sufficient information or evidence available to determine appropriateness of a formal warning sanction;

- The employee must admit to misconduct, have learnt from the experience and be unlikely to repeat their behaviour;
- The employee must agree to use of the Fast Track Procedure.

The fast track procedure can be suggested or requested by any party involved in the disciplinary process at any stage. The Case Manager alongside HR will determine the case as being appropriate for Fast Track. If the 'fast track' approach is deemed to be inappropriate the formal disciplinary investigation procedure will be initiated.

Where appropriate the Case Manager will convene a fast track meeting within 3 weeks, from date agreed suitable, to discuss the details of the case, template invite letters can be found in Appendix B. Employees will be allowed the right of representation at this meeting. No witnesses will be called to attend this meeting.

In the event that the Case Manager considering the facts decides there is no case to answer based on the detail / evidence provided, this should be discussed with HR. In exceptional circumstances, the Case Manager may decide that the matter should be referred for further investigation and/or to a full disciplinary hearing if an investigation has already taken place.

Fast Track Meeting	The Case Manager outlines the nature of the allegation(s) accepted by the employee and advises that they may be awarded the agreed sanction of formal warning.
	The Case Manager confirms with the employee that they accept the allegations previously stated.
	The employee or their representative will have the right to put forward any comments relating to the incident.
	The Case Manager may wish to question the employee for any points of clarity and will consider the case.
	The Case Manager will then communicate their decision to the employee and their representative and confirm this decision in writing. Template letter can be found in Appendix B.

It is expected that the issuing of a formal warning sanction under the Fast Track procedure would conclude the disciplinary process however the employee maintains the right of appeal. An appeal of a formal warning issued under the Fast Track process will result in the formal warning being immediately removed from the employee's record and the matters will instead be progressed through the standard formal investigation process. An employee wishing to appeal the fast track sanction should write to the Head of HR & Corporate Services stating the grounds of their appeal within 7 calendar days of receipt of the letter containing the fast track Disciplinary decision.

4.4 WORKING ARRANGEMENTS DURING AN INVESTIGATION

It may be appropriate to consider alternative working arrangements if feasible and appropriate during an investigation. Examples may include temporary transfer, modified or alternative duties. Consideration should be also given to whether these alternative working arrangements are applicable to any other contracts held within the organisation.

Alternative working arrangements, which would allow an employee to remain at work, should always be considered prior to precautionary suspension.

4.5 PRECAUTIONARY SUSPENSION

In some exceptional circumstances it may be appropriate to suspend an employee with pay for a period of time in order to carry out the investigation. Suspensions should only be considered when an employee's continued presence at work places themselves, other employees or donors / service users at risk or when there is a risk they may hamper the investigation.

Suspension is precautionary and should not be regarded as disciplinary action or sanction, nor as an indication of blame or guilt but as a temporary measure. It does not imply that any decision has already been made about the incident, error, concern or complaint. Suspension therefore carries no right of appeal however an employee has the right to state their response to the suspension decision.

Precautionary suspension must be authorised by the appropriate Senior Manager or the Chief Executive.

The reason for precautionary suspension should be made clear to the employee and confirmed in writing. When the reason for suspension is being conveyed to the employee, where possible, they should be accompanied by an employee/ Trade Union representative. The unavailability of a Trade Union representative however will not delay the meeting from taking place.

Any decision to precautionary suspend from work must be for the minimum necessary period of time. The decision must be reviewed, by the Case Manager, when further information is gathered which would allow a change but no later than every four weeks.

The Case Manager must maintain regular contact with the suspended employee, in order to keep them informed of any progress in the investigation. The Case Manager will agree with the employee what will be reasonable contact for the duration of the suspension. If agreed the update will also be shared with the nominated Trade Union representative.

During the suspension, the employee remains on full pay as though they were at work, this will include any unsocial enhancements and on-call / sleep in availability allowances. Where an employee can demonstrate, based on previous working patterns that they would have undertaken work done while on-call or overtime had they not been suspended payment will also be considered in accordance with terms and conditions. Bank only employees who have regularly worked over the previous 13 weeks should be paid in accordance with their average earnings within that reference period.

The employee must not discuss details of the case with other employees other than their Trade Union Representative, the Case Manager / Investigating Officer(s) or HR Representative. An employee on suspension must not enter NIBTS premises, other than to meet with their Trade Union representative, attend employee support or with prior agreement from the Case Manager / Investigating Officer(s).

Employees who are suspended should not undertake any other work, within or outside the HSC, without discussing with the Case Manager and receiving authorisation to do so. This discussion needs to cover the type of work, what the role is and whether the reason for suspension would impact on this other workplace.

NIBTS will honour annual leave which has been pre booked prior to suspension. Employees should advise the Case Manager / Investigating Officer(s) of further annual leave required during the period of suspension. It is expected that employees will be available for any meetings / appointments whilst on precautionary suspension. Employees should use their annual leave within the current leave year during which times they will be unavailable to attend meetings / hearings.

4.6 FORMAL INVESTIGATION PROCESS

An appropriate senior manager will be appointed as a Case Manager in all formal investigation processes. The Case Manager will agree the terms of reference at the commencement of the investigation with the Investigating Officer(s). If new issues come to light during the course of the investigation, the terms of reference will be reviewed and amended if appropriate.

The Case Manager / HR will appoint an Investigating Officer(s) whose role it is to establish the facts. The investigation will be conducted as quickly as is reasonable taking account of the extent and seriousness of the allegations. The Case Manager / Investigating Officer(s) will meet with the employee who may be accompanied and / or represented by an employee representative, to advise them that they are the subject of a formal investigation and that they will receive the Terms of Reference and a copy of the Disciplinary Policy in writing.

When conducting investigation interviews the Investigation Officer(s) should:

- Briefly explain the purpose of the investigation (a witness may not need to specifically know the allegations just the area in which they may be able to assist in)
- Clarify the roles of the parties present
- Detail the format of the interview
- State that written notes will be taken which the interviewee will be asked to read and sign at the end as an agreement of their content
- Explain the need for confidentiality in the process
- Emphasise that this meeting is only an investigatory meeting to gather facts not a disciplinary hearing
- At the end of the interview the interviewee should be asked if there is anything further they would like to add, this should be recorded on any notes taken.

Further guidance on Investigations can be found in Appendix C “Conducting a Workplace Investigation Guidance” as well as [Advice on Conducting Employment Investigations | Labour Relations Agency - Official \(lra.org.uk\)](#) And [ACAS Guide - Conducting Workplace Investigations](#)

The Investigating Officer(s) should ensure that any relevant witnesses are interviewed and that all relevant documentation is examined before a decision is made on the appropriate course of action.

All individuals interviewed as part of the investigation will be provided with a summary note of the meeting. They will be given the opportunity to confirm that it is an accurate reflection of what has been said, and return to the Investigating Officer(s).

The Investigating Officer(s) must update the Case Manager regularly within a mutually agreed timeframe. Regular contact must also be maintained with the employee within a mutually agreed timeframe not exceeding four weeks. The format of this contact, e.g. letter, email, should be agreed at the outset of the investigation.

The Investigating Officer(s) must provide a report outlining the investigation finding(s), conclusion(s) and recommendation(s) to the Case Manager. The Investigation Officer(s) will not determine the category of misconduct. The Case Manager should consider the report with HR, including the relevant professional lead, where appropriate, and jointly decide, whether there is a case to answer and if it should proceed to disciplinary hearing prior to confirming next steps. The employee should be verbally advised of the decision by the Case Manager as soon as practicable and this should then be confirmed in writing, refer to letter templates in Appendix D. If the case has not been recommended for a Disciplinary Hearing, any alternative steps which must be taken should be communicated in writing to the employee’s line manager or appropriate deputy for action.

It should be noted that, if an issue has already been investigated under another agreed investigatory procedure and disciplinary action has been agreed as the most appropriate way forward, then there is no requirement to reinvestigate under this Disciplinary Procedure.

4.7 WHERE AN EMPLOYEE LEAVES EMPLOYMENT DURING AN INVESTIGATION

Where an employee leaves before an investigation is completed they should be advised in writing that any reference provided for them will state they left whilst under investigation and there is an unresolved investigation into alleged misconduct. In some cases, it may be necessary to conclude the investigation following resignation of an employee. If the case indicates that it is serious enough to warrant a referral to the Disclosure and Barring Service (DBS) or a professional body (if not already completed) the employee will also be notified of this and the referral made.

4.8 WHERE A GRIEVANCE IS RAISED

Where a formal grievance is raised during a disciplinary process, the appropriate action will be determined on a case by case basis jointly by the Case Manager and HR.

4.9 ARRANGING A DISCIPLINARY HEARING

If it has been established that the matter should be referred to a formal disciplinary hearing, then arrangements for this should be made without delay.

The Disciplinary Panel is made up of 2 managers at an appropriate level, please refer to Appendix E. The Disciplinary Panel should not have had any prior involvement in the formal investigation. If the incident, concern, complaint or error relates to a professional issue, and the panel does not include a member from the employee's professional background, an assessor may be identified to provide professional advice to the panel. In cases of professional misconduct involving medical employees, the Disciplinary Panel must include a member who is medically qualified who is not currently employed by NIBTS (see Maintaining High Professional Standards in the Modern HPSS (Nov 2005) Section III Para 1). The advice of the appropriate local representative body should be sought. A note taker may be present during the Disciplinary Hearing if felt necessary.

The Investigating Officer(s) will present the case. In hearings involving medical employees, the MHPS Case Manager will present the case.

In exceptional circumstances where an employee requests the postponement of a disciplinary hearing this will be considered on its own merits. If the employee does not attend a second hearing there is no obligation on NIBTS to rearrange it again and the Disciplinary Panel may decide to proceed with the hearing in the absence of the

employee. The letter confirming the rearranged meeting should inform the employee that the matter may be dealt with in their absence.

Whilst all reasonable efforts will be made to accommodate an employee's preferred representative if they are unavailable at the time a meeting is scheduled and will not be available for more than 7 calendar days afterwards, NIBTS may ask the Trade Union to choose someone else to represent the employee so as not to cause further delay. Legal representation is not permitted at any stage of the disciplinary process.

Both the employee under investigation and the Investigating Officer(s) will be given the opportunity to request witnesses to attend the disciplinary hearing. Their subsequent evidence should clearly demonstrate why their attendance is relevant. Character witnesses should not attend disciplinary hearings but may provide a statement.

The onus is upon the Investigating Officer(s) and the employee / Trade Union representative to ensure that any witnesses are informed of dates, times and venue of the hearing. NIBTS will ensure every effort is made to facilitate their availability at the hearing.

In the majority of cases, investigatory meetings and hearings will proceed without the need for digital recording of proceedings. However, where there is mutual agreement or in cases where this is deemed necessary to facilitate a reasonable adjustment, virtual recording can proceed in accordance with the Memo of Understanding on Digital Recording of Hearings and Investigations 2015. Covert recording is not permitted under any circumstances.

4.10 FORMAL DISCIPLINARY HEARING

A letter containing details of the allegation(s) and setting out the date and time of the Disciplinary Hearing, together with, if not already sent, copies of the investigation report and **all** documentation that will be used or referred to during the disciplinary hearing, should be sent, to the employee as soon as available and at least within 10 working days of the hearing. Refer to Appendix F for template letter. Additional documentation can be submitted for inclusion up to 5 working days before the hearing date unless otherwise mutually agreed. Should either party wish to rely upon any document or call any witness where advance notice was not provided to the other party, then that evidence shall only be admitted at the Disciplinary Hearing at the discretion of the Disciplinary Panel who shall take into account the relevance of the proposed evidence and any extenuating circumstances.

If the Disciplinary Hearing could result in dismissal, the individual must be advised of this in the letter.

The employee shall normally be present during the Disciplinary Hearing of all the evidence put before the Disciplinary Panel; however, they may choose not to attend the Disciplinary Hearing. It should be made clear that the Disciplinary Hearing will proceed in their absence. Any written / video submissions by the employee in writing or by his or her representative will be considered. NIBTS reserves the right to proceed to hear a disciplinary case in the absence of the employee where no adequate explanation is provided for the employee's absence. Any witnesses required to attend the Disciplinary Hearing should be granted the appropriate time off from work. The employee representative cannot be a witness or potential witness to the disciplinary process.

At the Disciplinary Hearing, the Investigating Officer(s), should set out the evidence in line with the allegations and the employee / representative should set out their case to answer the allegations.

Witnesses may be called by either party and can be questioned by the other party and / or by the Disciplinary Panel. Where professional competence / conduct is in question, the Disciplinary Panel may invite a suitably qualified and experienced senior officer in the same profession from NIBTS or outside NIBTS to attend the Disciplinary Hearing as an assessor. The assessor will be present in an advisory role only and has no decision making responsibility.

The Investigating Officer(s) and the employee / representative will have the opportunity to make a final submission to the Disciplinary Panel at the end of the Disciplinary Hearing with the Investigating Officer(s) going first. The Disciplinary Panel has the right to recall any witnesses and both sides and their representatives have the right to be present.

The Disciplinary Panel will review all the evidence presented before taking its decision. Firstly, the Disciplinary Panel will determine on a balance of probability whether the allegations were or were not proven. Then in determining the sanction to be applied the Disciplinary Panel will take into consideration the following:

- the seriousness of the disciplinary breach in question;
- the relevance and context of facts/information presented;
- issues relating to fairness, consistency and the substantial merits of the information presented;
- any currently live relevant disciplinary sanctions;
- any mitigation.

The decision should be communicated in writing to the employee normally within 10 working days of the date of the Disciplinary Hearing or as soon as reasonably practicable. In the case of formal or final warnings, the timescale of any sanction should be specified. The employee should be advised of the consequences of further breaches of discipline and informed of the right and method of appealing the decision.

4.11 DISCIPLINARY SANCTIONS

The sanctions for misconduct are set out below. A sanction cannot be imposed without a hearing unless the fast track process has been followed. All warnings will set out the nature of misconduct, the change of behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

In addition to any formal sanction applied, there may be a range of other recommendations, which a Disciplinary / Appeal Panel may wish to stipulate, such as supervised practice, training and development, additional supervision, mentoring or other relevant means of supporting corrective behaviour. In circumstances where it has been proven NIBTS has suffered a financial loss the Disciplinary Panel may recommend that monies are recouped from the employee (HR advice should be sought in these cases). Additionally, all parties are required to act in accordance with the Department of Health Counter Fraud Strategy with regards to effective methods for seeking recovery of monies in these circumstances.

The Disciplinary / Appeal Panel may also wish to make recommendations to the relevant manager or professional lead in relation to review of current policies, procedures or systems where learning has been identified.

Formal Warning

- ***A formal warning will remain live for a period of 12 months and may be given in the following circumstances:***
 - In cases more serious than would warrant informal action, but not serious enough to require another sanction.
 - In cases of repetition by the employee of minor acts of misconduct which have been the subject of previous informal structured discussions.
 - Fast Track process

Final Warning

- ***A final warning will remain live for a period of 24 months and may be given in the following circumstances:***
 - Misconduct where there is already an active warning on the employee's record; or
 - Misconduct considered sufficiently serious to warrant a final warning even though there are no other active warnings on the employee's record.

Dismissal

- Dismissal will apply in situations where previous warnings issued have not produced the required improvement in standards or in some cases of Gross Misconduct. Pay in lieu of notice is appropriate in these circumstances.

Summary Dismissal

- In some cases where Gross Misconduct has been established, an employee may be summarily dismissed i.e. without payment of contractual or statutory notice.

Transfer or Downgrading

- The Disciplinary Panel may at their discretion consider alternatives to dismissal and these will usually be accompanied by a final written warning. For example, a downgrade or transfer may be offered as an alternative to dismissal.

4.12 MANAGEMENT OF SANCTIONS

The outcome of the Disciplinary Hearing / Appeal should be communicated to the line manager following completion of the disciplinary process. It is the responsibility of the employee's line manager to monitor the conduct and performance of the employee on an on-going basis but specifically as outlined in any warning immediately following its issue. Line managers will also ensure that any remedial action as set out in a warning is actioned. Records of such reviews and progress will be maintained by the manager and discussed with the employee up to and including the end of the period stipulated in the warning. If an employee has been on sick leave during the period of a sanction the manager should ensure that any remedial action required is discussed on return to work.

4.13 APPEALS

An employee wishing to appeal disciplinary action should write to the Head of HR & Corporate Services stating the grounds of their appeal within 10 working days of receipt of the letter containing the disciplinary decision. The appeal hearing will be arranged as early as practicable and the employee will have the right to be represented. The employee will normally receive 10 working days' notice of the date of the appeal hearing.

The Appeal Panel, will comprise of 2 managers from NIBTS who have had no previous involvement in the case and who are normally at a more senior level than the Disciplinary Panel. In professional misconduct appeals involving medical employees, the Appeal Panel will comprise one additional medically qualified panel member who is not employed by NIBTS or has not been previously involved in the disciplinary case.

Where the employee's professional competence / conduct is in question, the Appeal Panel may invite a suitably qualified and experienced senior officer in the same profession from NIBTS or outside NIBTS to attend the hearing as an assessor. The assessor has no decision making role.

The Appeal Panel will permit additional evidence not available or provided at the Disciplinary Hearing to be considered only if it is considered relevant to the original allegation. Employee's should speak to the Investigating Officer(s) should they require access to such information and submit any relevant additional evidence 5 working days prior to the appeal hearing.

In most cases, the Appeal Hearing will be a full rehearing of the case, unless agreed by all parties that only the grounds for appeal will be considered. This should be discussed and agreed ideally prior to the appeal hearing date or at the outset of the appeal hearing.

The Appeal Panel will have the authority to confirm, set aside, or reduce the decision of the Disciplinary Panel. It will not have the right to increase the decision of the Disciplinary Panel. Where the decision of the Appeal Panel involves a variation of the original disciplinary decision, it should state the reasons and any operative date. The decision of the Appeal Panel is final and will be conveyed in writing to the employee within 10 calendar days after the hearing. In the event of delay a written explanation will be provided.

In the event of reinstatement following an appeal the appropriate back payment will be made. Where an employee who is re-instated following an appeal can evidence a financial detriment, as a consequence of dismissal they may make a case for reimbursement of loss of earnings. This will be managed on a case by case basis.

5 EQUALITY SCREENING OUTCOMES

This policy has been drawn up and reviewed in light of the statutory obligations contained within Section 75 of the Northern Ireland Act (1998). In line with the statutory duty of equality this policy has been screened against particular criteria. If at any stage of the life of the policy there are any issues within the policy which are perceived by any party as creating adverse impacts on any of the groups under Section 75 that party should bring these to the attention of the Head of HR & Corporate Services

The Northern Ireland Blood Transfusion Service is committed to the promotion of equality of opportunity for employees, donors and service users. We strive to ensure that everyone is treated fairly and that their rights are respected at all times. We believe that it is important that our policy is understood by all those whose literacy is limited, those who do not speak English as a first language or those who face communication barriers because of a disability. On request it may be possible to make this policy available in alternative formats such as large print, Braille, disk, audio file, audio cassette, Easy Read or in minority languages to meet the needs of those not fluent in English.

6 TRAINING REQUIREMENTS

All employees are required to make themselves familiar with this policy.

APPENDICES

APPENDIX A

The following are examples of what may be considered as misconduct & gross misconduct. Please note that these lists are not exhaustive.

Misconduct	Gross Misconduct
<ul style="list-style-type: none"> • Failure to comply with a reasonable request; • Abusive, objectionable or insulting behaviour; • Foul or abusive language; • Minor Breach of Professional Code of Conduct • Repeated failure to maintain registration with appropriate professional body; • Communication of any unauthorised written material; • Failure to maintain the required standard of dress or presentation; • Minor breaches of employment contract • Negligent conduct; • Minor breaches of NIBTS Policies; • Breach of NIBTS' Standing Financial Instructions (SFIs), Standing Orders (SOs), and/or Scheme of Reservation and Delegation (SoRD); standards of Business Conduct • Failure to comply with HSC Code of Conduct and HSC Values and Behaviours • Failure to renew professional registration • Accessing inappropriate materials on the Internet during working hours • Inappropriate use of internet and social network sites 	<ul style="list-style-type: none"> • Theft / Misappropriation – any instance of unauthorised removal of property from NIBTS or from a service user, carer or employee • Physical Assault – Physical assault upon a service user, donor, a fellow employee or member of the public; • Threatening / Menacing Behaviour towards a service user, donor, a fellow employee or a member of the public; • Recklessness / Negligence in work – any action, or failure to act wilful non-compliance, which threatens the health and safety of a service user, donor, member of the public or another employee; • Serious Damage – to HSC property, property of service users'/donor, or employee; • Breach of the Anti-Fraud and Corruption (F06) – Acceptance of gifts, money, goods, favours or excessive hospitality in respect of services rendered; • Confidentiality – loss of confidential information, unauthorised access to confidential information, disclosure or breach of confidence in relation to information regarding a service user/donor or employee except where such a breach constitutes a protected disclosure • Discrimination or harassment; • Breach of Professional Code of Conduct • The concealment or destruction of evidence; • Inappropriate or Unprofessional relationship with any service user. • Deliberately accessing or downloading material from any site that is of a pornographic, discriminatory or of an offensive nature. • Possession or attempt to supply alcohol /substances (may or may not be illicit); • Being under the influence of alcohol /substances (may or not be illicit), prior to reporting for duty or whilst on duty, and has impaired ability to undertake duties; • Communicating any material which breaches NIBTS Equality and Diversity policies; • Committing a serious act, which is deemed to be prejudicial to the interests of NIBTS or its employees; • Knowingly taking carers /parental /paternity /adoption leave for purposes other than supporting a child /dependant; • Making malicious or vexatious allegations against NIBTS, managers, colleagues, donors or service users; • Victimising an employee who has raised concerns under PP:038 Whistleblowing Policy, PP:007 Conflict, Bullying and Harassment in the Workplace Policy, PP:026 Grievance Policy Procedure, PP:014 Disciplinary Policy and Procedure; • Serious breach of NIBTS Standing Financial Instructions (SFIs), Standing Orders (SOs), and/or Scheme of Reservation and Delegation (SoRD); • Misrepresentation at any time, including at the time of appointment or when applying for any post in NIBTS, e.g. previous positions held, qualifications held, declaration of health, or failure to disclose a criminal offence or pending criminal action, subject to the provisions of Rehabilitation of Offenders Act 1974. • Deception- giving false information including qualifications, health, immigration status, failure to disclose a criminal conviction or caution in order to gain employment or other benefits.

APPENDIX B

Fast Track Procedure – Template 1: Informing the Employee

Dear X

In line with the NIBTS Disciplinary Policy and Procedure, your disciplinary case has been identified as being appropriate for Fast Tracking.

X will be in contact to convene a Fast Track meeting within 3 weeks to discuss the details of the case. You will be allowed the right of Trade Union representation or a work colleague at this meeting. No witnesses will be called to attend this meeting.

I appreciate that workplace investigations can be a difficult experience for some employees. Should you feel that counselling would be beneficial to you, you can avail of the support of Inspire Workplaces, (Tel No: 0808 800 0002) a confidential counselling service available to NIBTS employees.

Please find enclosed a copy of the Disciplinary Policy and Procedure for your information.

If you have any queries please contact me, X or /HR to discuss.

Yours sincerely

Fast Track Procedure – Template 2: Invite to Meeting

Dear X

Re: Fast Track Disciplinary meeting

You are requested to attend a Fast Track Disciplinary meeting on **(date at time in venue)**. The meeting is to discuss **(insert brief overview of the allegations which you will be discussing with the employee)**.

You have the right to be accompanied at this meeting by a Trade Union representative or a work colleague. Should you require any adjustments or special requirements for our meeting please contact me in advance on **(contact details)**.

Yours sincerely

Fast Track Procedure – Template 3: Outcome

Dear X

I refer to the Fast Track Disciplinary meeting held on **date** to consider the following allegation(s):
(Detail allegations - Brief summary)

As communicated and accepted by yourself at the meeting, you have been issued with a **formal warning that will remain on your record for 1 year with effect from (date of meeting)**.

Any additional breaches of misconduct may lead to further disciplinary action.

You have the right to appeal this decision. If you wish to do so, an appeal should be made in writing to the Head of HR & Corporate Services within seven working days from the date of receipt of this letter stating the grounds of your appeal.

If an appeal is received, the warning will be immediately expunged from your record and a formal investigation process will be commenced.

Yours sincerely

APPENDIX C

CONDUCTING A WORKPLACE INVESTIGATION GUIDANCE

Each investigation is different and the approach taken will be determined upon the nature of the allegations. The process outlined below is designed to act as a guide only.

The Investigation Team

The Investigation Officers having received the brief of the case can produce an investigation plan to aide them in preparing for the case, this can include:

- Terms of reference/ objectives of the investigation
- Relevant legislation and or organisational policies against which the investigation is set
- Details of the person(s) being investigated
- Proposed investigation activities in chronological order, timescales etc.
- Physical resources /arrangements e.g. practicalities of setting up meetings, venues
- Details of potential interviewees/ witnesses and their contact details
- Identified data and evidence to be collected

What is defined as evidence:

- Oral / verbal
- Witness of facts
- Expert / professional
- Real evidence e.g. a material object
- Documentary
- Photographic
- Witness statements
- Circumstantial e.g. workload / pressure / stress / personal stress, health, relationships, change of circumstances/ teams.

Pre-Investigatory Interview:

- Make sure all paperwork is in order, documents, evidence, originals and copies, etc.
- Only bring what is needed to an investigation meeting
- Note that if someone gives evidence but certainty cannot be established of how it was obtained it can't be used
- Note that If the investigators are given witness names they can evaluate whether they need to speak to them or not
- Note that it is a requirement to ask for confirmation of who will be accompanying the interviewee to the interview; an employee's solicitor cannot sit as support.
- Meetings do not need to be delayed for a specific union representative; any union representative can accompany the interviewee.
- Note if someone is off sick during an investigation there is a duty of care for everyone involved, the investigation should be continued to a point and occupational health assessment sought for the sick individual to ascertain whether they would be fit to attend and investigatory interview.

When taking interview notes at an investigation:

- Notes should be clear intelligible and accurate
- Notes should be completed in pen not pencil so that the record is permanent
- The margins of the page should not be written on
- The date and time should be recorded on the notes
- Names of those present should be recorded on the notes with the roles of each person
- It is not possible to capture all answers and questions word for word but the individual taking notes should attempt to write down as much as they can during the interview.
- Statements should be written in the first person "I told her..." "I said..."
- A "Q" and "A" should be noted to show where the question "Q" and answers "A" start.
- To save time initials can be used when the full name has been written once.
- Unused lines should be ruled through and all pages should be numbered.
- Any non-verbal communication or observations can be recorded e.g. if the interviewee nods their head in answering a question
- Name and signature of the author of the record should be at the bottom of each page

At the end of the interview:

- At the end of the interview the interviewee should be asked if there is anything further they would like to add, this should be recorded on any notes taken.
- At the end of the interview the individual should be given the opportunity to re-read the entire record, the interviewee should be asked to sign the notes as an agreement of their content. If there is no agreement on the accuracy of the notes the individual should add any comments onto the end of the record or an amended sheet which should also be numbered and signed by the interviewer. Any refusal to sign the interview record should be recorded.
- The interviewee is entitled to a copy of their notes
- Notes are not required to be typed up; if they are the original record of the notes must be kept and attached to the typed notes. The typed notes must be the same no additions even if the sentence does not make sense.

Writing the Report:

The report should be factual it should not contain sentences with "I feel" "I believe".

When thinking of recommendations note that the burden of proof in an employment law investigation rests on the balance of probabilities / more likely than less likely.

Proposed headings for an investigation report are as follows:

- Induction
- Background/context
- Investigators names
- Scope and coverage of investigation / Terms of Reference
- Approach / Methodology
- Findings of the allegations
- Mitigating Circumstances / contributory factors
- Conclusion
- Recommendations

APPENDIX D

Formal Investigation – Proceed to Disciplinary Hearing

Dear X

I write further to a formal investigation under the NIBTS Disciplinary Policy and Procedure in relation to an allegation of **(detail allegation / terms of reference)**.

Consideration has been given to the investigation report and a decision has been made to proceed the case to a formal Disciplinary Hearing.

In accordance with the NIBTS Disciplinary Policy and Procedure the Disciplinary Hearing will be concerned to establish the facts and hear your explanation before considering if a disciplinary sanction is appropriate. However, you should be aware that the Disciplinary Panel considering the case is constituted to take disciplinary action up to and including dismissal.

I will be in contact to convene a Disciplinary Hearing with you very soon. You will be allowed the right of Trade Union representation or a work colleague at this Disciplinary Hearing.

I appreciate that a Disciplinary Hearing can be a difficult experience for some employees. Should you feel that counselling would be beneficial to you, you can avail of the support of Inspire Workplaces, (Tel No: 0808 800 0002) a confidential counselling service available to NIBTS employees.

A copy of the NIBTS Disciplinary Policy and Procedure, and the Investigatory Report, are enclosed for your information.

If you have any queries please contact me, or HR to discuss.

Yours sincerely

Formal Investigation – No Disciplinary Hearing

Dear X

I write further to a formal investigation under the NIBTS Disciplinary Policy and Procedure in relation to an allegation of **(detail allegation / terms of reference)**.

Consideration has been given to the investigation report and a decision has been made not to proceed the case to a formal Disciplinary Hearing.

The following recommendations and steps will however be put in place **(detail any requirements e.g. supervised practice, training and development, additional supervision, mentoring or other relevant means of supporting corrective behaviour, etc.)**

Your Line manager will discuss with you arrangements regarding these recommendations and steps in due course.

A copy of the Investigatory Report is enclosed for your information.

If you have any queries please contact me, your line manager or HR to discuss.

Yours sincerely

APPENDIX E

PANELS FOR HEARINGS AND APPEALS

Misconduct & Gross Misconduct		
	Hearing	Appeal
Employee at 5th Level or below	Level 4	Level 3
Employee at 4th Level	Level 3	Level 2
Employee at 3rd Level	Level 2	Level 2
Employee at 2nd Level	Level 1 / Level 2	Chair / Level 1 / Level 2

Level 1 – Chief Executive

Level 2 –Senior Manager / Medical Director

Level 3 –Band 8 A Manager / Medical Consultant

Level 4 –Band 7 Manager / Specialty Doctor

Level 5 – Band 6 Employee and below

A suitable nominated deputy may be considered in some circumstances.

*In cases of professional misconduct involving medical employee, the Disciplinary Panel must include a member who is medically qualified who is not currently employed by NIBTS (see Maintaining High Professional Standards in the Modern HPSS (Nov 2005) Section III Para 1).

APPENDIX F

Invite to Disciplinary Hearing

Dear X

Further to my letter on **DATE**, informing you that following a Formal Investigation a decision to proceed to a Disciplinary Hearing was made, I wish to advise you that a Disciplinary Hearing has been arranged to take place on **DATE, TIME, LOCATION**.

The Disciplinary Panel for this Hearing will be **NAMES, JOB TITLES**.

The terms of reference for this hearing are in regards to the following allegations:

(detail allegation / terms of reference)

In accordance with the NIBTS Disciplinary Policy and Procedure the Disciplinary Hearing will be concerned to establish the facts and hear your explanation before considering if a disciplinary sanction is appropriate. However, you should be aware that the Disciplinary Panel considering the case is constituted to take disciplinary action up to and including **(insert the maxim level of sanction which could be applied for the case)**.

You will be allowed the right of Trade Union representation or a work colleague at this Disciplinary Hearing. If you choose not to attend this hearing, NIBTS will have no other option but to reach a decision in your absence.

A copy of **X (detail and enclose all documents that will be referred to in the Hearing, witness lists)** which will be referred to in the Hearing is enclose for your information. Should you wish for any additional evidence to be examined at the Hearing or other witnesses to attend please submit this to me by **DATE**.

I appreciate that a Disciplinary Hearing can be a difficult experience for some employees. Should you feel that counselling would be beneficial to you, you can avail of the support of Inspire Workplaces, (Tel No: 0808 800 0002) a confidential counselling service available to NIBTS employees.

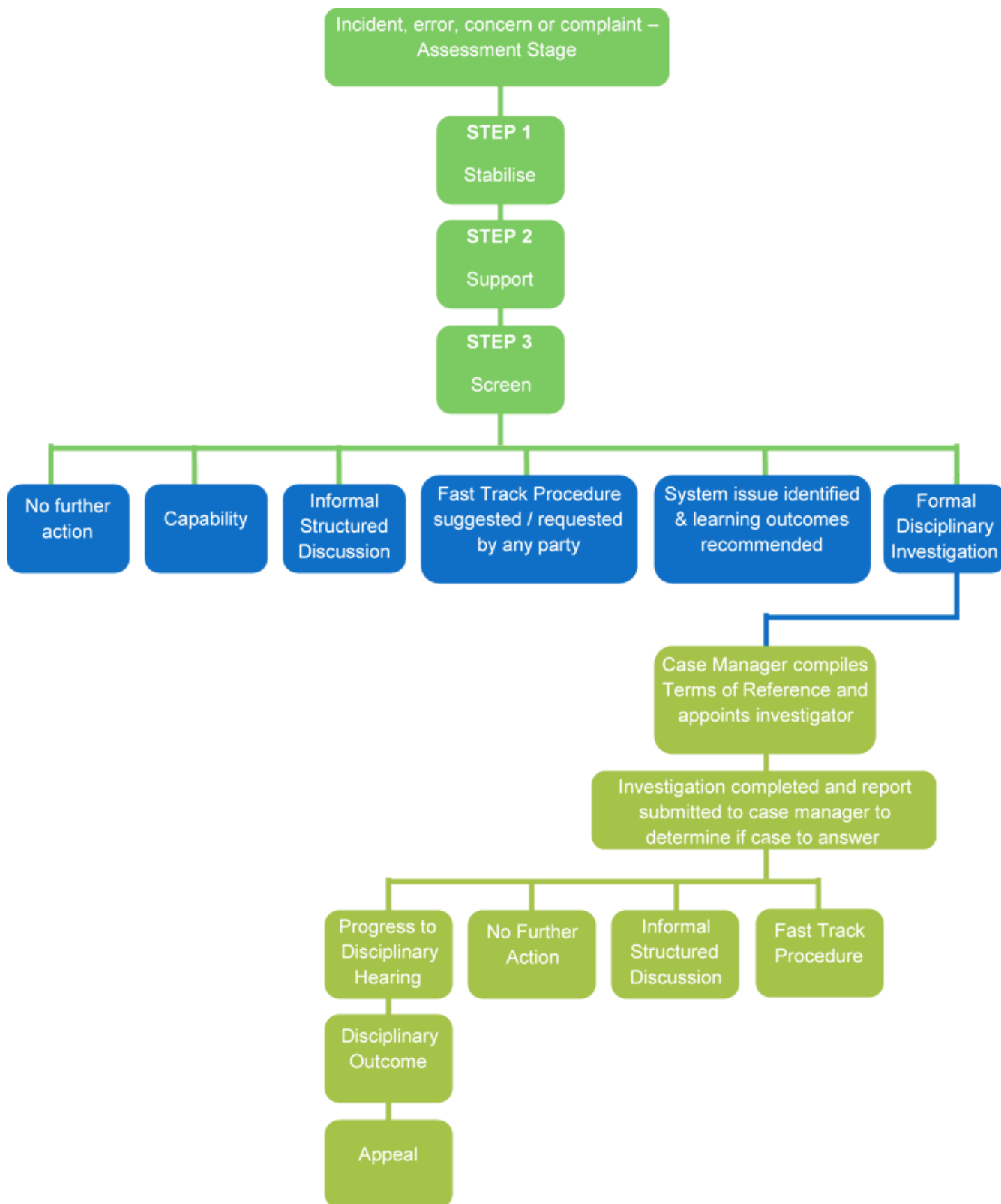
Please contact me on **X** by **X** to confirm you will attend or if for any unavoidable reason you cannot attend.

If you have any queries please contact me, or HR to discuss.

Yours sincerely

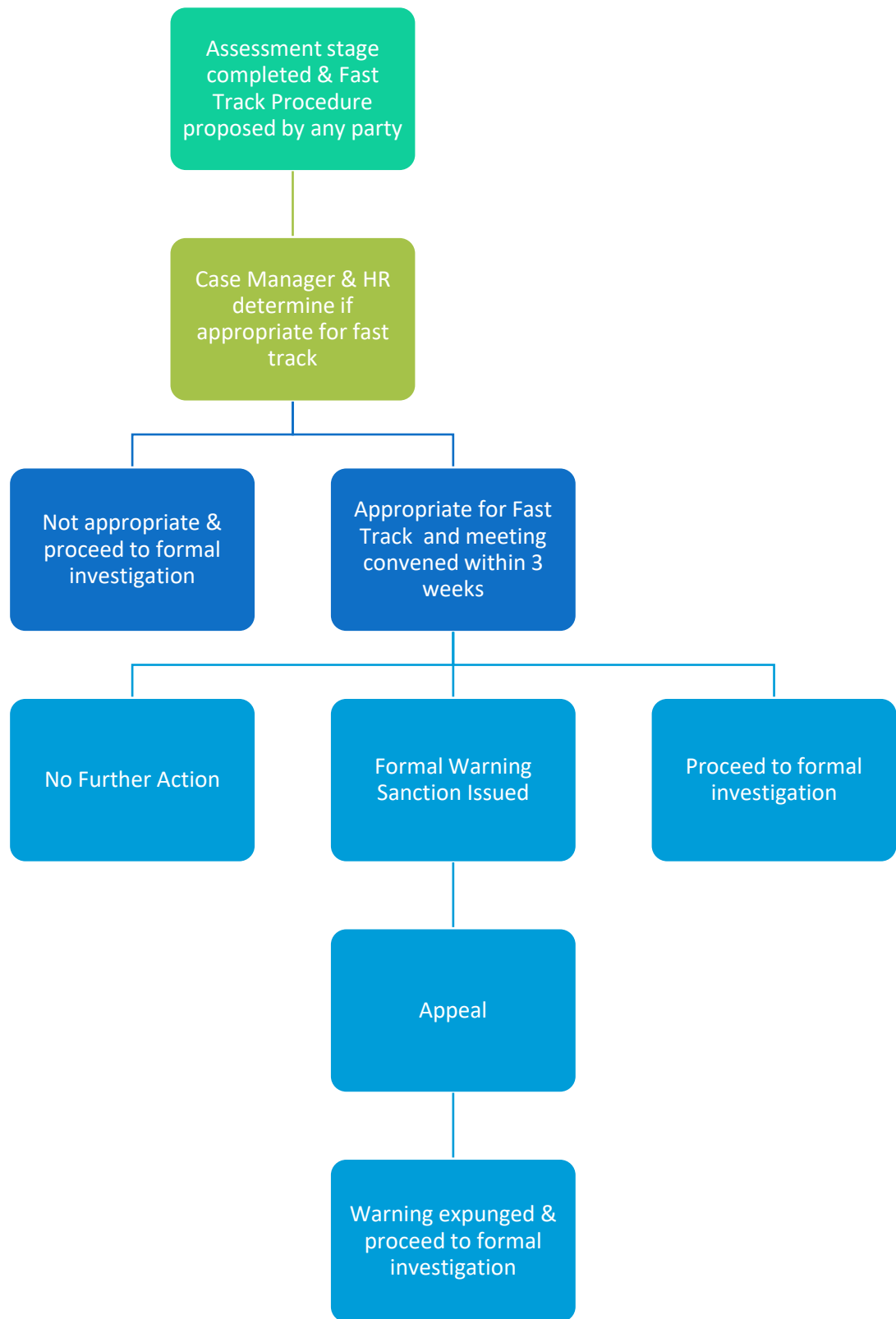
APPENDIX G

Disciplinary Procedure Flowchart



APPENDIX H

Fast Track Procedure Flowchart



APPENDIX I

HSC Code of Conduct

[click here](#)