

## **DISCIPLINARY POLICY & PROCEDURE**



All reference to personnel includes both paid employees and volunteers.

The primary objective of the Anglia Care Trust's Disciplinary Procedure is to ensure that all disciplinary matters are dealt with fairly and consistently and, where there has been a breach of discipline, to encourage an improvement in individual conduct or performance.

To ensure this is adhered to the Director of Business Support is responsible for providing full instruction and guidance to those involved in disciplinary investigations and hearings.

When deciding on the outcome of an investigation or hearing, Anglia Care Trust recognises the importance of taking into account good employment practice. We undertake therefore to ensure that in addition to making clear the nature of any improvement required, that constructive advice and support are offered to help the individual to make that improvement.

Anglia Care Trust reserves the right to discipline or dismiss a member of personnel with less than 24 months' continuous service without following the Disciplinary Procedure.

For personnel with 24 months' continuous service or longer the company will follow the Disciplinary Procedure set out below.

### **DISCIPLINARY PROCEDURE**

**NB** All meetings provided for in this Procedure will be arranged as quickly as possible. The purpose of this Procedure is to resolve at the earliest opportunity any issues raised. While Anglia Care Trust will make every effort to settle issues within the time limits indicated, this may not be possible on occasions. In these circumstances an extension of time may be arranged.

#### **Investigation**

In all but a few straightforward cases, Anglia Care Trust will first investigate allegations of potential disciplinary offences to establish the facts before deciding whether to invoke the Disciplinary Procedure.

The decision as to who is to carry out the investigation will be made by the Director of Operations or the Director of Business Support as appropriate. Any disciplinary investigation will be carried out by a member of personnel more senior to the member being investigated and wherever possible, by an independent manager with no line management responsibility for the member being investigated. Such

personnel will have undertaken training in handling this investigation and the subsequent procedure.

In the case of either the Director of Operations or the Director of Business Support being the subject of a disciplinary investigation, any such investigation would be carried out by a Board member as decided by the Chair or Vice Chair as appropriate.

## **Suspension**

It may be necessary for Anglia Care Trust to suspend the member of personnel whilst an investigation is taking place. Any suspension will be kept to a minimum and in the case of salaried personnel, will be on full pay. Suspension does not in itself constitute disciplinary action.

If Anglia Care Trust has decided to suspend a member of personnel following an allegation of abuse, or harm to, a vulnerable adult, young person or child, our Allegations Policy and Procedure will then be followed.

## **Disciplinary Meeting**

Where Anglia Care Trust decides to invoke the Disciplinary Procedure following the initial investigation, it will write to the member of personnel, setting out the grounds for potential disciplinary action and inviting the member of personnel to a disciplinary meeting. Anglia Care Trust will give personnel reasonable notice of this requirement to attend the meeting to allow them to prepare his or her case.

Personnel are entitled to be accompanied by a fellow member of personnel or by a trade union official at the disciplinary meeting and Anglia Care Trust encourages them to make use of this entitlement. Where a member of personnel wishes to take advantage of this right, they must notify Anglia Care Trust of the name and position of his or her chosen companion 48 hours in advance of the meeting being held. Anglia Care Trust may refuse to allow the companion to attend the meeting if we consider there may be a conflict of interest. If so, Anglia Care Trust must allow the member of personnel to choose a different companion

The meeting will be conducted by the Director of Operations or of Business Support or by someone appointed by one of them to do so. If either of these directors is the subject involved then the meeting will be conducted by the Chair of the Trust or by his or her appointee.

Anglia Care Trust will give the member of personnel the opportunity to state his or her case at the disciplinary meeting before it decides whether or not to take any disciplinary action.

Following the disciplinary meeting, Anglia Care Trust may take disciplinary action against the member of personnel. In any event, personnel will be informed of the outcome of the meeting as soon as possible.

## **Disciplinary Action**

The severity of the disciplinary action, if any, will be determined by the severity of the offence. For relatively minor first offences Anglia Care Trust will normally impose a verbal warning. If the member of personnel persists with the offence in question, Anglia Care Trust may, having followed the Disciplinary Procedure in each instance, apply a Written Warning followed by Final Written Warning and eventually dismiss the employee.

For more severe first offences Anglia Care Trust may apply a Written Warning or Final Written Warning. In cases of gross misconduct Anglia Care Trust will normally dismiss the employee summarily without notice.

A summary of the disciplinary actions that may be imposed is set out below:

**Informal Warning:** Anglia Care Trust will advise the member of personnel that his or her standard of conduct or performance has been unacceptable and that a failure to improve will result in further disciplinary action. The required standard will be outlined. The warning will be given verbally and subsequently confirmed in writing.

**Written Warning:** As for an Informal Warning, but normally applied following a second disciplinary offence (but may be applied after a more serious first offence). The member of personnel will be advised in writing that a failure to improve the standard of conduct or performance will result in further disciplinary action.

**Final Written Warning:** As for a Written Warning, but normally applied following a third disciplinary offence or an offence of such gravity as to warrant it. The member of personnel will be advised in writing that a failure to improve the standard of conduct or performance will result in dismissal.

**Dismissal:** In the case of salaried personnel, this can be with or without notice. Dismissal without notice is referred to as 'summary dismissal' and is normally restricted to cases of gross misconduct.

### **Disciplinary and Dismissal Appeals**

Personnel have the right to appeal against any disciplinary action taken against them or in the event of their dismissal.

All appeals must be made in writing no later than the end of the fifth working day after the member of personnel has been notified in writing of the disciplinary action or dismissal. The first of these working days is the day on which the member of personnel received written confirmation of Anglia Care Trust's decision.

Personnel should submit the written appeal to the Director of Business Support or of Operations. This Director will then nominate another independent manager to attend to the appeal. If the appeal is against a decision by the Director of Operations or Business Support or in an exceptional circumstance decided by them, it must be passed to the Chair who will nominate a member(s) of the Board or an external third party to hear the appeal.

If the appeal is from the Director of Operations or of Business Support, they should submit the written appeal to the Chair of the Board of Directors. The Chair will then nominate to attend to the appeal one or more member(s) of the Board unaware of the detail of the disciplinary action to ensure their impartiality.

Anglia Care Trust will arrange and hold an appeal meeting as quickly as possible. The member of personnel will be entitled to attend the appeal meeting and will be given an opportunity to state his or her case. Personnel must take all reasonable steps to attend this meeting. They also have the right to be accompanied by a fellow employee or trade union official. Where a member of personnel who wishes to take advantage of this right must notify Anglia Care Trust of the name and position of his or her chosen companion 48 hours in advance of the meeting being held. Anglia Care Trust may refuse to allow the companion to attend the meeting if we consider there may be a conflict of interest. If so, Anglia Care Trust must allow the member of personnel to choose a different companion.

Anglia Care Trust will inform personnel in writing of its decision in response to the appeal as soon as reasonably practical. The decision at this stage will be final.

## **EXCLUSION LISTS**

In cases of dismissal due to instances of abuse of vulnerable adults or children, Anglia Care Trust is obliged to refer details of the circumstances and the member of personnel to the appropriate governing body including the Independent Safeguarding Authority and will also follow published procedures for referring to any relevant Exclusion List.

Date of next review – October 2019