

Healthwatch Cambridgeshire and Peterborough: Disciplinary Policy and Procedure

This policy is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. This policy and procedure applies to all employees and to all aspects of Healthwatch Cambridgeshire and Peterborough's work. The aim is to ensure consistent and fair treatment for all in the organisation.

Principles

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues.
- Disciplinary action will not be taken until the matter has been fully investigated, but in the event of serious or gross misconduct including a suspicion of abuse of a child or vulnerable adult, the member of staff may be suspended on full pay while an enquiry is carried out
- The employee will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice
- The employee has a right to appeal against any disciplinary action taken against him/her
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

The organisation recognises there are varying levels of conduct which may be managed under the disciplinary procedures.

1. Gross misconduct

The following list provides examples of offences which are normally regarded as gross misconduct, this list is not intended to be exhaustive:

- Theft/Dishonesty
- Under the influence of drink/drugs which aren't medically prescribed
- Breaches of health and safety procedures (including smoking)
- Deliberate damage or misuse of production / safety equipment
- Breaches of security
- Bringing the company into disrepute
- Unauthorised absence
- Failure to follow reasonable management instruction
- Inappropriate/Unprofessional behaviour
- Any illegal/criminal activity
- Making covert recordings
- Making derogatory/offensive/unprofessional comments
- Computer misuse
- Damage to buildings or property
- Breaches of confidentiality/data protection

- Breaches of special category/personal data
- Bullying/Harassment/Victimisation
- Fighting or threatening behaviour
- Falsification of company documentation
- Gross negligence
- Incapability to fulfill the role employed for, ie loss of driving licence

2. Misconduct:

The following list provides examples of offences which are normally regarded as misconduct, this list is not intended to be exhaustive:

- High levels of absence (conditions apply)
- Poor levels of service
- Poor performance
- Persistent lateness
- Failure to follow standard procedures set out by the company
- Failure to use protective equipment

3. Informal discussions

3.1 Before taking formal disciplinary action, the employee's line manager will make every effort to resolve the matter by informal discussions with the employee. Only where this fails to bring about the desired improvement should the formal disciplinary procedure be implemented.

3.2 The overall aim of the disciplinary procedure is to encourage improvement of poor performance and prevent further incidents/occurrences from taking place. We adhere to current legislation and ACAS code of practice to ensure that a consistent and fair process is undertaken.

4. Investigation

4.1 No notice is required to be given, and you have no right to be accompanied. An investigation process is to allow the investigating chairperson to gain an understanding of the alleged incident. During the investigation you should provide any information and evidence you think supports your position. It may be necessary for the appointed chairperson to adjourn the process to complete any required follow-up investigations.

4.2 The investigating chairperson would normally be a member of the senior management team or a non-executive director.

4.3 An outcome may be no further action, counselling, re-training, or an invitation to attend a disciplinary meeting.

4.4 Please note where there is an alleged act of gross misconduct it may be necessary to suspend you whilst any investigation takes place.

5. Suspension

5.1 Suspension allows for a fair and thorough investigation to take place into an alleged incident and does not imply guilt. Suspension will only take place where no other accommodation can be made. Whilst on suspension you will receive pay in line with your contractual entitlement and you must make yourself available to attend any meetings during your normal working hours. Whilst on suspension you are not allowed to enter the work premises unless directly authorised by your line manager.

5.2 The company reserve the right to withhold pay should you fail to attend a meeting or respond to contact as requested during your period of suspension. At this point you would be deemed as unauthorised absent, and the disciplinary procedure may be further initiated.

5.3 Should you notify your line manager whilst on suspension that you have been signed off by your GP as unfit for work, you will be taken off suspension and placed on to sickness absence. Any suspension pay will cease, and you will be paid in-line with statutory sick pay entitlement subject to your eligibility.

6. Disciplinary stages consist of:

Disciplinary meeting

Once a fair and thorough investigation has taken place you may be invited to attend a disciplinary meeting. As much as possible this will be completed by an independent chairperson. Please note that you will be notified in writing of any invitation to attend a disciplinary meeting. All employee rights in accordance with legislation such as the right to be accompanied will be confirmed in writing within the same invitation. We reserve the right to hold the meeting in your absence. Any outcome made in your absence will be communicated to you in writing.

All available evidence and meeting notes (as applicable) will be provided to you a minimum of 48 hours prior to the disciplinary meeting taking place. Again, you should provide any information and evidence you think supports your position. It may be necessary for the appointed chairperson to adjourn the process to complete any required follow-up.

The outcome of any disciplinary meeting will be confirmed in writing. The outcome of a disciplinary meeting will vary depending on the severity of the alleged act and does not necessarily have to run sequentially. Possible outcomes include:

- **No Further Action or Re-Training**
This may be considered when mitigation demonstrates a lack of skill or experience
- **First Written Warning**
Placed on your file for 12 months, issued as a result of minor misconduct or issued for more serious incidents whereby informal action does not suffice

- **Final Written Warning**
Placed on your file for 12 months, issued as a subsequent result of further minor misconduct where a first written warning has already been issued. Or issued for much more serious incidents whereby a first written warning does not suffice
- **Demotion**
In some circumstances demotion may be a viable option other than dismissal. Demotion to a lesser position of responsibility may directly impact on your salary/rates of pay and terms associated with the demotion position offered
- **Dismissal**
Effective immediately (with pay in lieu of notice) issued as a subsequent result of further minor misconduct where a final written warning has already been issued
- **Summary Dismissal**
Effective immediately issued as a result of gross misconduct. No pay in lieu of notice will be paid

7. Appeals

7.1 If the employee wishes to appeal against any disciplinary action, they must appeal in writing, within five working days of the decision being communicated to them, to the Healthwatch Cambridgeshire and Peterborough Chair. The employee must set out reasons for the appeal.

7.2 The Healthwatch Cambridgeshire and Peterborough Chair will review the decision and respond and, where required, arrange an appeal meeting for the individual to attend.

7.3 Grounds for appeal include:

- The correct process not being followed
- Inaccuracies in the decision statement that have a material effect on the decision.

7.4 Other grounds may be considered relevant by the CEO, or Chair if they are the most senior manager.

Healthwatch Cambridgeshire and Peterborough follow the ACAS code of practice and details can be found on the following link:

[Disciplinary and grievance procedures | Acas](#)

Approved by Healthwatch Cambridgeshire and Peterborough Board of Directors

Date: September 2024

For Review

Date: September 2026

Responsible Officer
Chief Executive Officer of Healthwatch Cambridgeshire and Peterborough