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THIS POLICY IS FOR:	Staff including Agency Workers (temporary workers), Commissioners and Service Users

DISCIPLINARY

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DISCIPLINARY POLICY

This policy sets out the procedures that Nursing Direct Healthcare Limited (hereafter referred to as “Nursing Direct”) will follow when addressing concerns relating to the conduct, behaviour, or performance of any staff including Agency Workers engaged by the organisation. Nursing Direct expects all staff including Agency Workers to uphold high standards of professional conduct, ethical behaviour, and performance in line with our organisational values, regulatory expectations, and contractual obligations.

Nursing Direct recognises that, on occasion, concerns may arise that require the use of disciplinary procedures. This policy ensures that clear, fair, and consistent informal and formal processes are in place to address such matters promptly and appropriately. It outlines the steps to be taken when conduct falls below expected standards and describes the potential sanctions that may be applied following disciplinary action.

While this policy applies specifically to staff and agency workers, its implementation supports positive working relationships with commissioners, service users, and wider stakeholders by promoting safe, professional, and accountable practice in line with the Care Quality Commission (CQC) Quality Statements under the domains of Safe, Effective, Caring, Responsive, and Well-Led.

POLICY AIM

The aim of this policy is to provide Nursing Direct with a structured framework to help and encourage all staff including Agency Workers, to achieve and maintain the required standards of conduct, attendance, professionalism, and job performance. It supports the organisation in addressing disciplinary-related concerns promptly and consistently, ensuring that all matters are thoroughly investigated and considered in accordance with appropriate procedures.

Nursing Direct may resolve concerns informally where appropriate or utilise alternative methods such as mediation or reflective practice. However, where formal disciplinary action is necessary, the organisation will follow a structured process, ensuring fairness and compliance with relevant protocols.

1. PURPOSE

- 1.1 This policy is a framework to provide a recognised channel through which disciplinary offences can be dealt by the management of Nursing Direct by providing staff including Agency Workers with a fair procedure to have their disciplinary offences heard, investigated, and resolved.
- 1.2 To meet the regulatory aspects of Safe and Well-led status as outlined by the Care Quality Commission (CQC) ensuring:
 - Their systems, processes and practices keep people safe and safeguarded from abuse.
 - There are systems in place for assessing Risks to people and they are supported to stay safe respecting their freedom.
 - The governance framework ensures that responsibilities are clear, and that quality performance, risks and regulatory requirements are understood and managed.
 - That freedom to speak up with service users, the public and the staff engaged and involved
- 1.3 To ensure the safe and effective operation of the business and the fair and equal treatment of all its Staff including Agency Workers to ensure continuing high standards.
- 1.4 Nursing Direct views the Discipline Policy and Procedure as a positive contribution to the success of the business for both the organisation and its staff including Agency Workers.
- 1.5 Nursing Direct is committed to encouraging its Staff including Agency Workers to maintain the required standards of behaviour to deliver the best service for Service Users and ensure a healthy and productive working environment.
- 1.6 To support Nursing Direct in meeting the Key Lines of Enquiry/Quality Statements as set out by the Care Quality Commission (CQC).
- 1.7 **Relevant Legislations, Laws, Rules, and Regulations:**
To meet the legal requirements of the regulated activities that Nursing Direct undertake, it has taken into consideration the following legislations when complying with its Disciplinary Policy:
 - Employment Rights Act 1996
 - Data Protection Act 2018
 - UK GDPR

2. SCOPE

- 2.1 The following roles may be affected by this policy:
 - All Staff including Agency Workers

2.2 The following Service Users may be affected by this policy:

- Service Users
- Representatives
- Next of kin/ Family members
- Power of Attorney holders and advocates as duly authorised

2.3 The following stakeholders may be affected by this policy:

- Commissioners
- Local Authorities
- NHS / ICB

3. OBJECTIVES

- 3.1 To recognise that, from time to time, issues may arise which may cause the Management of Nursing Direct to follow disciplinary procedures regarding disciplinary offences of their Staff including Agency Workers.
- 3.2 To ensure that there are clear informal and formal processes for the Management of Nursing Direct to follow when their Staff including Agency Workers face disciplinary matters.
- 3.3 To ensure that the policy meets the following objectives:
- It understands the fundamentals of Disciplinary offences and Disciplinary procedures within the workplace
 - It gets support from appropriate resources
 - It implements fair and consistent processes when dealing with disciplinary matters deal with grievance.
 - It explains how to handle disciplinary matters in the best possible way both informally and formally.
 - It sets out a comprehensive procedure that Nursing Direct should follow.
- 3.4 To ensure that managers are aware of the disciplinary process, the sanctions available and the steps to be taken at each stage.
- 3.5 To ensure transparency for staff who are subject to the disciplinary process.
- 3.6 To ensure that Nursing Direct follows best practice and acts in accordance with the ACAS Code of Conduct when required.

4. POLICY

- 4.1 This policy applies when there is a disciplinary issue of staff including Agency Workers only.
- 4.2 Action may be taken where Nursing Direct believes staff including Agency Workers behaviour, actions or omissions constitute misconduct. The seriousness of the misconduct matter will determine the severity of any sanction imposed. Misconduct can range from minor misconduct through to gross misconduct, the latter justifying dismissal without notice.
- 4.3 Nursing Direct reserves the right to disapply all or part of this policy where the circumstances dictate that this is appropriate.
- 4.4 If there is difficulty at any stage of the procedure because of a disability, then staff including Agency Workers should discuss the situation with Nursing Direct as soon as possible
- 4.5 As a general principal the management of Nursing Direct must make clear to staff including Agency Workers the rules, regulations and standards of conduct and work performance which they are expected to observe.
- 4.6 The disciplinary procedure should be used primarily to help and encourage staff, including Agency Workers, to improve rather than just as a way of imposing a punishment action by the management.
- 4.7 Staff including Agency Workers, have a right to know the complaint(s) against them and the policy applies to all staff including Agency Workers, irrespective of their position within the Nursing Direct. Also, Staff including Agency Workers have the right to be accompanied by a colleague, companion or a Trade Union Representative at any of the meetings relating to disciplinary meetings. If staff including Agency Workers need any reasonable adjustments, for any of their limited abilities or disability, they should let the Nursing Direct office know about it in advance.
- 4.8 Sometimes when a serious complaint or disciplinary allegation is made, it is necessary to remove the alleged staff including Agency Worker, from the place of work immediately.
- 4.9 Disciplinary action will not be taken until the facts of the case have been established. Where disciplinary action is taken it must be reasonable, in the circumstances, Staff including Agency Workers will not be dismissed for a first offence, except in cases of gross misconduct.
- 4.10 Staff including Agency Workers are entitled to a written explanation for any formal disciplinary action taken. Staff including Agency Workers have a right to appeal against any formal disciplinary decisions.
- 4.11 Disciplinary as well as performance matters should be dealt with as thoroughly, consistently, and promptly, as soon as practicable and free from any forms of unacceptable discrimination.

4.12 If it is discovered that staff including Agency Workers have used this procedure for any improper reason, for example maliciously, for personal gain, or by raising allegations which are manifestly untrue, they may be subject to disciplinary action themselves.

4.13 **Minor Conduct Issues**

Minor conduct issues can often be resolved informally between staff including Agency Workers and management. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on the staff including Agency Workers personal file.

Formal steps will be taken under this policy if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

4.14 **Confidentiality**

Nursing Direct aims to manage all disciplinary matters sensitively, fairly, and with full respect for the privacy and dignity of the individuals involved. All staff, including Agency Workers, are required to maintain confidentiality and must not disclose any information shared with them during an investigation or disciplinary process, except where authorised or legally required.

Staff including Agency Workers, including any accompanying representatives or witnesses, are not permitted to make electronic recordings of any meetings or hearings held under this procedure.

In most cases, the staff Agency Worker subject to disciplinary proceedings will be informed of the names of any witnesses whose evidence is relevant to the case. However, Nursing Direct may withhold a witness's identity if they believe that their identity should remain confidential.

4.15 Nursing Direct recognise that there are few types of disciplinary offences that can occur within the care service. Such Disciplinary Offences can be as follows:

4.15.1 **Misconduct**

The following non-exhaustive list sets out some of the types of misbehaviour that constitutes misconduct.

- Abusive behaviour
- Breaching of the professional code of conduct
- Breaching policies including poor performance as a result of Staff including Agency Workers own carelessness, negligence
- Failure to treat fairly or discourtesy towards service users, or Staff including Agency Workers
- Failure to inform the company that you as Staff including Agency Worker are taking prescribed medication which may affect your ability to perform your duties.
- Harassment, intimidation, or bullying
- Disorderly conduct
- Infringement of health and safety rules
- Misuse of or damage to the service users or companies' property (or that of other staff including Agency Workers)
- Poor Time Keeping
- Refusal to carry out reasonable management instruction.
- Unauthorised absence

Each of these offences may also be considered as gross misconduct if they are sufficiently serious.

4.15.2 **Gross Misconduct**

- Whilst the offenses mentioned in misconduct as above can be considered as gross misconduct in sufficiently serious cases, the list below sets out particular offences which will be considered as gross misconduct; Breach of duty of good faith or dishonesty (including isolated breaches) Committing any act of physical violence
- Making threat of physical violence,
- Conduct that brings the company's name into disrepute
- Deliberate and/or serious damage or misuse of the company's property
- Dishonesty including for example the falsification of reports, accounts, expense forms, or self-certification, forms and qualifications which may be stated as requirements of employment or promotion.
- Harassment or acts of discrimination on the grounds of a person's age, colour, fixed term status, flexible or part time working arrangements, or against any protective characteristics set out in Equality Act 2010
- Smoking and using e cigarettes in non-designated areas
- Professional disqualification by virtue of which it is not reasonably practicable for the Staff including Agency Worker to continue on the job role that they perform
- Serious breach of company's rules, including but not restricted to, privacy standards, rules on data protection, and health and safety rules
- Inappropriate use of social media in work and private time
- Taking, being in possession of, supplying or being under the influence of illegal drugs or alcohol at work
- Theft or unauthorised possession of property belonging to the company, our service users, or suppliers or to any other Staff including Agency Worker
- Unauthorised disclosure of confidential information or information in regard to which we owe a duty of confidence to anyone This list is not exhaustive, and other offenses may be considered by the Company to be serious enough to constitute gross misconduct.

4.16 **Investigations**

The purpose of an investigation is a fact-finding exercise. It is an opportunity for Nursing Direct to establish a fair and balanced view of the facts relating to any disciplinary allegations against Staff including Agency Worker, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the Staff including Agency Worker and any witnesses, and/or reviewing relevant documents.

The Staff including Agency Worker must co-operate fully and promptly in any investigation. This will include informing Nursing Direct of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

Before any formal disciplinary action is taken, the authorised person will carry out a full investigation to establish the facts. The investigation will normally include a meeting with the staff including Agency Worker. Investigatory meetings are not disciplinary meetings, and the Staff including Agency Worker will not necessarily be offered the right to be accompanied. Investigation meetings may take place in person or remotely, using remote working platforms or technologies as appropriate.

Even in the most serious allegations of gross misconduct, a full investigation will be held. In any alleged case of gross misconduct, the Staff including Agency Worker may be suspended pending the outcome of the investigation if there is no alternative option available to Nursing Direct Staff including Agency Worker to protect the effectiveness and independence of the investigation.

Before any disciplinary meeting, the Staff including Agency Worker will be:

- Told in writing of the allegations/complaints against them, and the basis of those allegations
- Given a reasonable opportunity to consider their response to that information
- Offered the opportunity to be accompanied by a work colleague or a trade union representative
- The Staff including Agency Worker must take all reasonable steps to attend the meeting. At the meeting, they will be given a full opportunity to comment on the allegations, to put forward any defence or arguments, and to comment on what disciplinary sanction (if any) is appropriate.

4.17 **Informal Disciplinary Action**

Cases of minor misconduct or unsatisfactory performance are usually best dealt with informally.

After establishing the facts, Nursing Direct may consider that there is no need to resort to the formal procedure, and that it is sufficient to talk the matter over with the Staff including Agency Worker. A note of the informal warning may be kept on the Staff including Agency Workers personnel file. However, the informal warning would not normally be taken into account in the event of subsequent disciplinary procedures.

The purpose of an informal warning is to provide an opportunity for improvement or for the matter to be corrected without the necessity for formal disciplinary procedures to be enacted.

4.18 **Formal Disciplinary Action**

Formal disciplinary action commences with a letter to Staff including Agency Worker confirming in writing what they are alleged to have done wrong. The letter must contain enough information for the Staff including Agency Worker to be able to understand.

A formal warning may be for any duration up to a maximum of one year, depending upon the seriousness of the offence and any other factors that may be relevant.

A final warning will be for a minimum of one year and a maximum of 2 years depending upon the seriousness of the offence and any other factors that may be relevant.

A record of any warning will be kept on the Staff including Agency Workers personal file; however, it will be disregarded for disciplinary purposes following its expiry.

4.19 **Suspension**

Suspension is not a disciplinary action and is without any implication of guilt. Suspension may be appropriate in the following cases:

- a) Where it is desirable to remove Staff including Agency Worker from the workplace to enable a full investigation to take place.
- b) Where the gravity of offence warrants it (in case of possible misconduct)

Suspension will be on full pay (basic pay, annual allowances, and an element to reflect normal enhancement) however, it will not include any regular overtime. In some circumstances Nursing Direct may need to suspend the Staff including Agency Worker from work. The suspension will be for no longer than is necessary to investigate any allegations of misconduct or so long as is otherwise reasonable while any disciplinary procedure is outstanding. Nursing Direct will confirm the arrangements to the Staff including Agency Worker in writing.

While suspended, the offending staff including Agency Worker should not visit Nursing Direct premises or contact or visit any of Nursing Direct service users, or other Staff including Agency Workers, unless they have been authorised to do so by management. Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The Staff including Agency Worker will continue to receive full basic salary and benefits during the period of suspension.

4.20 Dismissal

After a formal warning, this action can be taken after a thorough investigation and a few hearings being done for an allegation of a gross misconduct of a sufficiently serious nature, against Staff including Agency Worker i.e. in an event of a gross misconduct. In such an event the Staff including Agency Worker gets a chance to appeal against a decision of a dismissal. When it is found that Staff including Agency Worker is guilty of a gross misconduct, Staff including Agency Worker can be dismissed without notice.

4.21 Criminal Allegations

Where the Staff including Agency Workers conduct is the subject of a criminal investigation, charge, or conviction; Nursing Direct will investigate the facts before deciding whether to take formal disciplinary action.

Nursing Direct will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where the Staff including Agency Worker is unable or has been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, Nursing Direct may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if Nursing Direct consider that it is relevant to Nursing Direct's service provision.

4.22 Data Protection

Any data collected as part of this policy will be processed in accordance with current Data Protection legislation, the Privacy Notice issued to staff including Agency Workers and the Data Security and Data Retention Policy and Procedure at Nursing Direct.

4.23 Applicability and variation

This policy does not form part of the contract of employment pertaining to staff including Agency Workers, and it may be amended at any time. Nursing Direct may also vary this policy, including any time limits, as appropriate in any case.

5. PROCEDURE

The procedure pertaining to formal disciplinary process is outlined in this section as follows;

5.1 Formal Disciplinary Process

If Nursing Direct considers there are grounds for taking formal action, the Staff including Agency Worker will be required to attend a disciplinary hearing. The Staff including Agency Worker will be provided with a notification of the hearing and the following information:

- A summary of the evidence gathered as part of an investigation.
- A copy of all relevant documents to be used at the hearing; and
- Copies of any witness statements

As part of the disciplinary hearing, Nursing Direct will look to confirm the following with the Staff including Agency Worker:

- Details of the conduct issues and the evidence which suggests the conduct or behaviour has fallen below the standards required.
- Provide the Staff including Agency Worker with an opportunity to ask questions and to present evidence on their own behalf.
- Establish the likely causes of the conduct issues.
- Identify whether any further measures can be taken to assist with the conduct issues.
- Discuss the standard of conduct expected; and
- Issue the Staff including Agency Worker with an appropriate warning.
- This process is to be used when staff including Agency Workers have committed an act of misconduct. It should not be used when the staff including Agency Worker is absent on long-term sick leave or if there are performance issues.

5.2 Right to be Accompanied

At all stages of the formal disciplinary process, the staff including Agency Worker has the right to be accompanied by a single companion who is either:

- A work colleague; or
- A full-time official employed by a trade union.

The representative has the right to explain and sum up the staff including Agency Workers case, and to respond to any views expressed at the hearing. They may not answer questions on the staff including Agency Worker's behalf.

If the representative cannot attend on the date Nursing Direct has set for the hearing, the staff including Agency Worker must inform Nursing Direct immediately and we will arrange an alternative time for the hearing to take place.

If the companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, Nursing Direct may ask the staff including Agency Worker to choose someone else. The staff including Agency Worker must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If the staff including Agency Worker fails to attend without good reason or is persistently unable to do so (for example for health reasons), Nursing Direct may have to take a decision based on the available evidence.

5.3 Procedure at the Disciplinary Hearing

The hearing will be chaired by the Disciplinary Officer authorised by Nursing Direct's Management. A note-taker will also be present, and this person will be confirmed prior to the hearing date.

At the disciplinary hearing, the Disciplinary Officer will go through the allegations and the evidence that has been gathered. The Staff including Agency Worker will be able to respond and present any evidence of their own. The companion may make representations to us and ask questions but should not answer questions on the Staff including Agency Workers behalf. The Staff including Agency Worker may confer privately with their companion at any time during the hearing. The Disciplinary Officer may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in light of any new points raised at the hearing. The Staff including Agency Worker will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

The Disciplinary Officer will inform the Staff including Agency Worker in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing.

5.4 **Stage 1: Written Warning**

If it is decided that the Staff including Agency Workers conduct or performance is unsatisfactory, the Disciplinary Officer may give a written warning.

This will state the nature of the complaint, the required standards that must be met and, where appropriate, a time limit for improvement. It will also state that further disciplinary action will follow if the required standards are not met or if there is further misconduct.

The Staff including Agency Worker will be informed of their right of appeal, and how and where this should be made. A record of the warning and related discussions will then be placed on their personnel file. It will normally cease to have effect after 12 months.

If the Staff including Agency Workers conduct is sufficiently serious, Nursing Direct may omit stage 1 and proceed straight to stage 2.

5.5 **Stage 2: Final Written Warning**

For more serious matters, or where the Staff including Agency Worker has failed to meet the required standards after already receiving a formal warning which has not yet expired, they may be given a final written warning. This will state the nature of the complaint, the required standards that must be met and, where appropriate, a time limit for improvement. It will also state that the Staff including Agency Worker will be dismissed if the standards are not met or if there is further misconduct.

Again, the Staff including Agency Worker has the right to appeal. A record of the warning and a note of all related discussions will be placed on the personnel file. A final written warning will normally cease to have effect after 12 months.

5.6 **Stage 3: Dismissal**

If there is still no improvement in the Staff including Agency Workers conduct, where further misconduct occurs whilst the final written warning is active, or the Staff including Agency Workers conduct amounts to gross misconduct, they may be dismissed. The Staff including Agency Worker will be invited to a stage 3 disciplinary hearing following which the authorised Disciplinary Officer will consider a range of options including dismissal, redeployment, or extension of a final written warning. Where dismissal is appropriate, this will normally be on full notice and/or payment in lieu of some or all of the Staff including Agency Workers notice unless your conduct amounts to gross misconduct, in which circumstances, the Staff including Agency Worker will not be entitled to notice, or payment in lieu of notice.

This will be confirmed in writing and will include details of the appeals procedure.

5.7 **Dismissal Without Notice ('Summary Dismissal')**

Nursing Direct regards certain issues as serious enough to warrant 'summary dismissal' without prior warning. These issues would constitute gross misconduct, which is a single act of misconduct that is sufficiently serious to break the employment contract between the staff including Agency Worker and Nursing Direct.

Matters that may justify summary dismissal, include, but are not limited to:

- Actions which may harm the well-being of a Service User ("abuse")
- Acts of dishonesty where the Staff including Agency Workers conduct affects their ability or suitability for continued employment, for example, theft, fraud, the deliberate falsification of records or expenses, a relevant criminal warning or conviction, or inclusion on the DBS register
- Serious insubordination or rudeness to service users, their family members or other Staff including Agency Workers
- Deliberate damage to property
- A serious breach of Health & Safety policies
- Physical violence or aggressive behaviour
- Indecent or immoral acts
- Being under the influence of, or possessing, alcohol or illegal drugs during working hours
- Bringing Nursing Direct into serious disrepute
- Any breaches of confidentiality requirements in the Staff including Agency Workers contract of employment, other than minor breaches
- Harassment or bullying, other than minor breaches
- Breaches of our Equality and Diversity Policy and Procedure, other than minor breaches
- Wilful misrepresentation at the time of appointment, including:
 - Previous positions held
 - Qualifications held
 - Falsification of date of birth
 - Declaration of health; and
 - Failure to disclose a criminal conviction/caution within the provision of the Rehabilitation of Offenders Act

- Abuse of the protected disclosure provisions
- Serious failure to abide by the professional code of conduct which applies to the Staff including Agency Workers work, a copy of which was issued on engagement, a revised copy of which will have been issued if it has changed since engagement, and a copy of which is also available for inspection in the office.
- Deliberate disclosure of privileged confidential information to unauthorised people
- Negligent or deliberate failure to comply with the legal requirement for the policy & procedure concerning medicines at Nursing Direct
- Working whilst contravening an enactment or working in such a way that is in breach of rules laid down by statutory bodies, e.g. erasure from the register of the Nursing & Midwifery Council
- Serious breach of data protection and/or failure to adhere to the policy.
- Failure to notify Nursing Direct of an actual or suspected data breach; or
- Covertly recording internal meetings with Nursing Direct without consent

5.8 **Other Disciplinary Matters**

Matters which may justify invoking the disciplinary procedure but which do not amount to gross misconduct include, but are not limited to, the following:

- Refusal to obey a legitimate instruction.
- Refusal to answer a question during the course of a properly constituted investigation.
- One occasion of absence without permission, or persistent unauthorised absence without any evidence-based illness or issue.
- Poor timekeeping
- Failure to report damage to the property of Nursing Direct
- Failure to carry out duties adequately.
- Breach of our policies, procedures, and practices
- Continued poor work performance, or a persistent failure to keep up to date with technical developments.
- Improper use of our equipment
- Harassment or bullying (in ways that are not deemed serious enough to constitute gross misconduct)
- Breaches of our equal opportunities policy (in ways that are not deemed serious enough to constitute gross misconduct)
- Actions bringing Nursing Direct into disrepute (in ways that are not deemed serious enough to constitute gross misconduct); and
- Minor breach of data protection or minor failure to adhere to the Data Protection and Confidentiality Policy and Procedure

5.9 **Alternatives to Dismissal**

In some cases, Nursing Direct may, at its discretion, consider alternatives to dismissal. These may be authorised by a manager of sufficient seniority and will usually be accompanied by a final written warning. Examples include:

- Demotion
- Transfer to another department or job
- Loss of seniority
- Reduction in pay

5.10 **Right to Appeal**

If the Staff including Agency Worker is not satisfied with a disciplinary decision, they may appeal, in writing, within five working days. All appeals must set out the grounds on which the appeal is being made.

On receipt of an appeal, arrangements to hear the appeal will normally be made within seven working days. If the decision being appealed was a decision to dismiss, the date of dismissal will not be delayed pending the outcome of an appeal.

Nursing Direct will invite the Staff including Agency Worker to an appeal hearing and remind them of their right to be accompanied. The appeal hearing will, where possible, be held by someone other than the person who held the original hearing.

The outcome of the appeal will be confirmed in writing and will take one of three forms:

- The original decision will be upheld, in which case any disciplinary sanction will be confirmed.
- The original decision will be overruled, in which case any disciplinary sanction will be rescinded; or
- The original decision will be substantially confirmed but a less severe sanction will be substituted for that originally imposed (usually in cases of appeals based on extenuating circumstances)

Once the appeal process has concluded, there is no further right of appeal.

In the event that the appeal is successful and the decision to dismiss is revoked, the Staff including Agency Worker will suffer no loss of continuity or pay.

5.11 **If Staff including Agency Worker has Less than 2 Years' Continuous Service**

If Staff including Agency Workers have less than 2 years' continuous service, Nursing Direct retains its discretion to vary or to not follow the disciplinary process as set out above.

If Nursing Direct decides to terminate a short serving staff including Agency Workers employment without any prior written warnings, Nursing Direct will write to that staff including Agency Worker confirming the reasons for dismissal. The dismissal may be with or without any prior notice.

6. DEFINITIONS

6.1 Staff including Agency Workers

6.1.1 Staff

Denotes the employees of Nursing Direct Healthcare Limited.

6.1.2 Agency Workers

Refers to individuals who are contracted with Nursdoc Limited or another employment business as an Agency Worker (temporary worker) provided to Nursing Direct Healthcare Limited to perform care services under the direction of Nursing Direct.

6.2 Nursing Direct

Nursing Direct, also known as Nursing Direct Healthcare Limited, is the entity regulated by the CQC (Care Quality Commission) and responsible for the care service provision, contracted to provide homecare services to service users in their homes, in placements, essential healthcare facilities and in the community.

6.3 Nursdoc Limited

As the sister company to Nursing Direct Healthcare Limited, Nursdoc Limited acts as an employment business, specialising in providing staffing solutions to the healthcare sector.

6.4 CQC (Care Quality Commission)

CQC throughout this policy, the term "CQC" refers to the Care Quality Commission (CQC) which is the independent regulator of health and social care in England.

6.5 Disciplinary Officer

An individual authorised by Nursing Direct with appropriate seniority who chairs and conducts the disciplinary hearing. The individual will be impartial and have had no prior involvement in the matter.

6.6 Summary Dismissal

Exiting Staff including Agency Worker from the business without notice pay, usually as a consequence of a gross misconduct as set out within this policy

6.7 ACAS Code of Practice

The non-statutory guidance from the Arbitration and Conciliation Service which outlines how an employer should approach a disciplinary process with Staff including Agency Worker. A failure to follow the ACAS Guidance can lead to an uplift of up to 25% in any Employment Tribunal award

6.8 Representative

A fellow colleague or Trade Union Representative

6.9 Gross Misconduct

Misconduct which is so serious as to justify dismissing the Staff including Agency Worker without notice.


6.10 Demotion

Moving Staff including Agency Worker to a lower-level job role or removal of some duties

OUTSTANDING PRACTICE

To be 'outstanding' in this policy area Nursing Direct aims to provide evidence that:

- Ensure at all times that three individual managers, unconnected with the facts of the disciplinary and of appropriate seniority, oversee each aspect of the disciplinary process.
- Follow not only the mandatory statutory guidance from the ACAS Code of Practice but also the non-statutory ACAS Guidance on disciplinary and grievance procedures
- Consider allowing Staff including Agency Worker to be accompanied by someone other than a fellow Staff including Agency Worker or trade union representative when the circumstances require it
- Ensure that each stage of the process is undertaken in a timely fashion
- Ensure that there are standard sets of forms in place within Nursing Direct's Disciplinary process for various stages i.e.:
 - Agenda to Appeal Hearing
 - Agenda to a Disciplinary Hearing
 - A detailed guidance for a disciplinary process
 - Letter Confirming Dismissal Following Previous Warnings
 - First Written Warning Letter –after first instance of misconduct.
 - Final Written Warning Letter
 - Letter Confirming Outcome of Appeal
 - Letter Confirming no Disciplinary Action Following Investigation
 - Letter Confirming Suspension
 - Disciplinary Invite Letter- To commence a disciplinary process
 - Appeal Invite Letter- To commence an appeal process following the employee's appeal against disciplinary sanction
 - Investigation Invite Letter-
 - Letter Confirming Dismissal
 - Flowchart – How to Conduct a Disciplinary

COMPLETED DATE:	01.12.2025
SIGN OFF DATE:	01.12.2025
REVIEW DATE:	01.12.2026
SIGNED:	 Marc Stiff – Group Managing Director