

**Disciplinary Policy Statement of Intent: Agreed May 2021**

A fundamental aspect of the strategic Value Our Colleagues improvement programme at Walsall Healthcare NHS Trust is to adopt a restorative just and learning culture which encourages colleagues to speak up following adverse events in the faith that they will be treated fairly and that the Trust will place equal emphasis on accountability and learning.

Our approach to investigation and disciplinary processes continues to evolve as we reflect and challenge ourselves to ensure everyone is treated fairly and build a culture of openness and transparency to ensure we are doing the right thing by our people aligned to our organisational values of Respect, Compassion, Professionalism and Teamwork.

This statement of intent outlines the core principles upon which investigation and disciplinary processes are applied, improving on the current disciplinary policy and working towards an improved policy document focusing on managing misconduct.

Any allegations of misconduct in the Trust will start from a different basis: As part of our commitment to developing a just and learning culture, cases are thoroughly assessed to ensure there is sufficient understanding of the issues or concerns, and the circumstances relating to them, to justify the initiation of formal action. We should always be asking ourselves whether our actions are proportionate and justifiable and whether managing situations informally achieves a more productive outcome.

Through the ongoing development of our processes to manage misconduct, the Trust will continue to combat any bias or discrimination in our employment and management practices. Just culture helps to reduce the role of unconscious bias when making decisions and will help ensure all individuals are consistently treated equally and fairly no matter what their staff group, profession, ethnicity or background. This, together with the emerging role of Cultural Ambassadors will ensure that colleagues from a Black, Asian and minority ethnic are not disproportionately subjected to disciplinary procedures.

The core principles of the developing Disciplinary Policy are:

- The Trust is committed to ensuring that exclusions from the workplace are applied only when all other options have been exhausted and only then with Executive Director sign off.
- No disciplinary hearing will be held without a level of investigation taking place. The colleague will be advised of the nature of the allegations against them from the beginning and be given the opportunity to state their case prior to any decision being made.
- Any colleague investigated under the policy will be afforded the right to representation, (by a trade union representative, an official employed by a trade union or supported by a fellow worker) at disciplinary hearings where there may be a formal disciplinary warning applied.
- Except in a case of gross misconduct a colleague will not be dismissed for a first breach of misconduct.

- In the event that the alleged misconduct is accepted by the colleague, undisputed and does not constitute gross misconduct, colleagues will have the opportunity to agree to the application of the fast track process and accept a sanction without a disciplinary hearing.
- Where the facts are in dispute, no disciplinary penalty will be imposed until the case has been fully investigated and it is concluded based on the facts provided that on the balance of probability that the allegations are substantiated and proven.
- The disciplinary process will be dealt with as swiftly as is reasonably possible
- Confidentiality will be observed at all stages of the disciplinary process by all parties including witnesses. Failure to maintain confidentiality is in itself a disciplinary offence.
- Employees have the right of appeal against any formal sanction applied under the disciplinary policy, including the Fast Track process.

The Trust is committed to ensuring that the updated disciplinary policy will be supported by training for managers on how to apply the principles of restorative just and learning culture (RJLC) and to highlight key changes to the policy. The training will be embedded within the *managers development framework* to introduce RJLC principles and clarify the responsibility of managers to use RJLC to minimise the negative impact of unnecessary investigation and disciplinary processes on individuals and teams and in doing so supporting the development of a culture that focuses on health and wellbeing, compassion, restoration and learning.