



Disciplinary Policy

Scope of Policy

The policy applies to all employees of Priory Medical Group.

Priory Medical Group recognise that a disciplinary policy is required to help support an employee whose performance or conduct falls below the standard expected of them in their role.

Here at PMG we also need to ensure that the correct procedure is used when a disciplinary hearing takes place and that an individual is fully aware of the standards of performance, action and behaviour required. Disciplinary action, where necessary, should be taken in a timely, fair, and consistent manner. An individual will only be disciplined after a full investigation of the facts including an opportunity to present their side of the case.

Informal Process

Informal action conducted by the relevant Line Manager should always be considered in the first instance to resolve minor conduct or performance issues. If this is the case, then a note should be recorded as to what the issue was and any action that was agreed to resolve it or improve and kept on the individual's HR file.

However, if at any stage the issues transpire to be more serious, then the Line Manager should contact Human Resources for guidance and the formal procedure should be followed.

Team Leaders and Supervisors are encouraged to discuss day-to-day issues informally with their team members and it is good practice to document when appropriate such issues on their HR file.

This helps concerns to be heard and responded to as soon as possible and can also allow the employee an opportunity for problems to be resolved before they escalate further.

At informal discussions, Line Managers should alongside the individual

- **Explain the nature of the problem**
- **Reach a mutual understanding of the problem with an openness to view it from all parties' perspectives.**
- **Agree on what action is required to resolve the issue concerned.**

Formal Process

If in the eventuality that informal action does not resolve the issue or the issue is of a serious nature, then formal steps may need to be taken of which HR can provide guidance and support with.

The Investigation

As part of the disciplinary process a full investigation should take place to gather all the evidence available and establish the facts from all relevant parties. Where possible the Investigating Officer should be independent to enable a fair and objective process to take place.

HR will advise the details of appropriate candidates who will be able to undertake this important role.

HR will notify the employee concerned in writing of the allegations, appointment and contact details of the Investigating Officer and next steps.

In some instances, a decision may be made to suspend the individual concerned on full pay whilst the investigation takes place. This is in no way a punitive measure, nor does it imply that a pre-determine decision has already been made about the outcome of the investigations.

If you are to be suspended, then you will be notified in person by your Line Manager/HR and will be provided with a suspension letter detailing the reasons why you have been suspended.

In all circumstances you will also be provided with a proposed timescale as to when the investigation will be concluded. If there is any delay in the investigation being concluded, then you will be notified as soon as possible and given an alternative date for completion.

The Investigating Officer will then be in touch arrange meetings directly with the relevant parties as soon as is reasonable to do so and to avoid unnecessary delays in the investigation process. There is no legal requirement to give a minimum period of notice of an investigation meeting taking place.

The investigation will be dealt with in the strictest confidence and must not be discussed with any parties not directly involved unless absolutely necessary and anyone found to have breached this may find themselves subject to further action.

Whilst there is no legal requirement that allows for the individual concerned to be accompanied to the meeting, requests to be accompanied will be considered.

Any physical data/evidence, that can aid the investigation will be sought out by the Investigating Officer.

In all cases a standardised investigation report template will be used by the Investigating Officer to present their findings, which will include any physical evidence collected, witnesses interviewed as well as the Investigating Officer's final recommendations.

The final recommendations in the report will include one or a combination of the following outcomes depending on the extent of the issues concerned.

- **No Further Action required.**
- **Informal Action required – e.g. Further Training or Support.**
- **Formal Action required – Disciplinary Meeting**

A written copy of the final investigation report and its recommendations will be provided to the individual concerned.

However, in order to protect the confidentiality or anonymity of witnesses interviewed it may in some circumstances be necessary to redact elements of the final report sent.

Formal Disciplinary Meeting

Should the outcome of the investigation be that formal action in the form of a disciplinary is required to take place, then you will be notified by letter at least 5 working days prior to the meeting date.

The letter will also include the following.

- **The nature of the concern/allegations**
- **▪ Date, time, and venue of the hearing**
- **▪ The name and position of the person conducting the hearing as well as the name of the HR Representative present at the meeting**
- **▪ The right to be accompanied by a work colleague or trade union representative**
- **▪ The potential outcomes of the hearing**
- **▪ The facts and evidence obtained as part of the investigation process, and to which will be considered in the meeting, will also be enclosed with the invitation letter.**
- **Copy of the disciplinary policy**

In order to maintain a fair and independent process the person conducting the meeting will be someone different to the investigating officer and unrelated to the allegations/issues concerned.

Employees unable to attend the meeting at the proposed date and time should where possible provide reasonable notice of non-attendance and try to make any necessary arrangements to attend another meeting as soon as possible.

Should you continuously fail to attend a disciplinary meeting without good cause and without notice of your non-attendance then the meeting may still be held, and a decision may be made in your absence.

Reasonable adjustments will be made for anyone who has a disability as defined by the 2010 Equality Act.

The person conducting the meeting will:

- **explain the employee's alleged misconduct or performance issue.**
- **go through the evidence.**
- **make sure someone takes notes and provides a copy of the notes to the employee after the meeting.**

The employee concerned will be given the chance to:

- **set out their case.**
- **answer any allegations.**
- **ask questions.**
- **show evidence.**
- **call relevant witnesses (with good notice).**
- **respond to any information given by witnesses.**
- **choose if their companion can speak for them at the hearing.**

The employee's companion will be allowed to:

- **set out the employee's case.**
- **respond for the employee to any comments or points made at the meeting.**
- **talk with the employee during the hearing.**
- **take notes.**
- **sum up the employee's case at the end of the hearing.**

Outcome/Decision

Where practical a decision will be made as soon as possible and if applicable the meeting will be adjourned and reconvene within 1 hour so that a decision can be given verbally to the employee at the reconvened meeting.

If the decision can't be made within 1 working day then a reasonable timeframe for the decision will be communicated to the employee

In all cases, the decision/outcome will be given in writing in a letter to the employee . If there is to be no further action this will be explained in the letter, otherwise it will include one of the following.

Informal/ Formal Warning

- **The level of warning being issued (Verbal, 1st Written Warning or Final Written Warning)**
- **What improvements are expected.**
- **The period of time in which improvements should be made.**
- **The consequences of failure to achieve these improvements (i.e. next level or warning or dismissal in the case of final written warning).**
- **The period of time this remains active on their file, after which time will be disregarded provided conduct and/or performance have been satisfactory.**

Dismissal

- **The reason for dismissal**
- **The dismissal effective date**
- **The terms on which dismissal will take effect (i.e. whether the notice, or pay in lieu of notice)**

Demotion

- **The reason for demotion.**
- **What impact if any, to pay and benefits.**
- **Standards and expectations set within the new role.**
- **The consequences of failure to meet these standards in the new role.**

Demotion will normally not be considered unless the following applies:

- **All reasonable steps have been taken to support and encourage the individual to meet the standards and/or levels of performance required.**

- **It is believed the individual has a reasonable opportunity to meet the requirements of the new role.**
- **When dismissal for serious or sustained failure in performance and/or conduct is the only other viable alternative.**

In all the above the individual will receive details of their right to appeal and how it should be made and to whom it should be addressed to.

Right to Appeal

An employee a right to appeal a decision if they feel.

- **the outcome is too severe.**
- **any stage of the disciplinary procedure was wrong or unfair.**
- **New information/evidence has come to light which may impact the outcome.**

Should an employee wish to appeal then it must be made in writing to the HR within 5 working days of receipt of the outcome of the disciplinary meeting. The appeal must detail the reason for the appeal and what the employee would like to happen next.

where possible the person conducting the appeal meeting, will.

- **not have been previously involved in the employee's case.**
- **be more senior than anyone who carried out any part of the case previously.**

Examples of unsatisfactory conduct and misconduct

These are examples only and not an exhaustive list.

- **Failure to abide by minor general health and safety rules and procedures.**
- **Smoking in designated non-smoking areas.**
- **Persistent absenteeism and/or lateness.**
- **Unsatisfactory standards or output of work.**

- **Rudeness towards patients, members of the public or other employees, objectionable or insulting behaviour, or bad language.**
- **Failure to devote the whole of your time, attention and abilities to our business and its affairs during your normal working hours.**
- **Unauthorised use of E-mail and Internet.**
- **Refusal or Failure to carry out all reasonable instructions or follow our rules and procedures.**
- **Unauthorised use or negligent damage or loss of our property.**
- **Failure to report immediately any damage to property or premises caused by you.**
- **Loss of driving licence where driving on public roads forms an essential part of the duties of the post.**
- **(If you are an apprentice) failure to attend an examination or assessment.**
- **(If you are an apprentice) failure to pass an examination or assessment.**

Serious Misconduct

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation; you may be issued with a final written warning in the first instance.

You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

Gross Misconduct

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms

that irrevocably destroys the trust and confidence required for employment relationship to continue may be considered as gross misconduct.

- **Theft or fraud.**
- **Physical violence or bullying.**
- **Gross negligence and/or insubordination.**
- **Unauthorised and/or planned absence from work.**
- **Deliberate damage to property.**
- **Unlawful acts of discrimination, harassment, bullying or victimisation.**
- **Possession, or being under the influence, of illegal drugs at work.**
- **Major Breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person.**
- **Breach of confidentiality.**
- **Wilful misrepresentation of qualifications held.**
- **Serious breach of mutual trust and confidence such as lying or dishonesty.**

Table of Disciplinary Informal and Formal Actions

OFFENCE	1st OCCASION	2nd OCCASION	3rd OCCASION	4th OCCASION
UNSATISFACTORY CONDUCT	Verbal warning	Written warning	Final written warning	Dismissal
MISCONDUCT	Written warning		Final written warning	Dismissal
SERIOUS MISCONDUCT	Final written warning		Dismissal	
GROSS MISCONDUCT			Dismissal	

Period disciplinary warning will be on the individual's HR File.

- **Verbal Warning – 6 months**
- **First Written Warning – 12 months**
- **Final Written Warning – 12 months**

Latest Review Date: Feb 2025

Reviewed & updated by: Joanne Fox, Human Resources Manager

Next Review Feb 2026