

1.19.13 Disciplinary Procedures

Please provide a copy of your policies to ensure that any disciplinary action, sickness management; referrals to professional bodies or regulatory organisations; any criminal convictions either current or pending and any previous history of poor performance can be identified for all staff and managed appropriately

(Maximum Word Count – no limit but be concise)

Vocare has included copies of our disciplinary related policies with this submission.

1.19.13.1-Disciplinary policy management

All our disciplinary-related policies are under the direction of our Director of HR. They have a 3-yearly review cycle, which may be triggered early by e.g. legislative changes or updates to best practice (i.e. considerations to case law).

1.19.13.2-Disciplinary policies to manage issues appropriately

The whole organisation is required to have awareness of these policies and procedures. They are covered during staff induction (and appraisals where relevant) and are available to all via our company intranet.

a)-Taking disciplinary action

Disciplinary action is only undertaken by line management and leadership teams. Our disciplinary procedure may be implemented at any level, as appropriate to any alleged misconduct. Time limits in the procedure are for guidance and may be amended where adherence is not practicable. Consideration will be given to the personal circumstances of all parties involved.

Managers are responsible for addressing conduct and behaviour issues as early as possible and for taking appropriate action. Minor conduct issues can often be resolved informally between staff and their line manager. Such discussions are held in private and without undue delay whenever there is cause for concern. Where appropriate, notes of such informal discussions are placed on in personnel files but are ignored for the purposes of any future disciplinary hearings.

In some cases, we may issue a Letter of Concern, which will not form part of their disciplinary records.

Formal steps will be taken under our procedure if informal discussions fail to resolve the problem or if we feel that approach is inappropriate in the circumstances (e.g. because of the seriousness of the allegation).

Before disciplinary action is taken, an investigation is normally undertaken. If there is no disagreement concerning the facts of the case because misconduct is admitted, investigation may not be necessary before a disciplinary hearing is arranged.

We will not take disciplinary action without inviting staff to a formal meeting. Depending on the circumstances, that meeting may be the only meeting we invite

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them to attend. In other words, there may not be separate meetings for the investigation and disciplinary stages. Staff are required to take all reasonable steps to attend formal disciplinary meetings. Failure to attend a meeting without good reason may be treated as misconduct.

With the exception of cases of gross misconduct, staff will not ordinarily be dismissed for a first disciplinary offence. They will have the right of appeal against any disciplinary warning or sanction issued in the formal stages of the disciplinary procedure.

If a grievance is raised during a disciplinary process, the process may be temporarily suspended to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

Complaints staff may have about any disciplinary action taken against them should be dealt with as an appeal under the disciplinary procedure. All information relating to any disciplinary proceedings will be retained on a confidential basis in accordance with the Data Protection Act 2018.

b)-Managing sickness

Sickness is managed in line with the Attendance and Wellbeing Policy.

As an organisation, we raise awareness to help staff maintain good levels of health and wellbeing, enabling everyone to contribute fully through regular attendance at work. Our policy ensures staff health and wellbeing is a priority. It encourages managers and colleagues to clearly identify and understand causes of sickness absence and pledges timely, appropriate and responsive interventions that support return to work at the earliest opportunity.

Vocare encourages a culture where employees are aware that regular attendance at work and contribution to their team is valued. We put in place strategies that minimise the impact of non-attendance on the individual, their colleagues and on operational services. We are committed to supporting colleagues, as far as reasonably practicable, with underlying medical conditions impacting ability to perform their role and where they are committed to recovery and rehabilitation.

Staff are required to take personal responsibility to fulfil the requirements to attend work in accordance to their contract of employment and we encourage healthy lifestyle choices. Recognising that everyone is different, all of our workforce will be treated in a fair and reasonable manner with fair consideration given to each person's individual circumstances. We recognise that no two cases of sickness absence are the same and, in all cases, we assume that sickness absence is genuine. We believe that colleagues should always be treated with empathy, understanding and compassion.

The provisions of the Equality Act 2010 and other appropriate employment legislation will also apply. We are committed to equality, diversity and human rights and the implementation of our Attendance and Wellbeing Policy and its impact will be monitored across all equality strands and reported through our divisional structure.

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We work closely with Occupational Health, Access to Work, internal and external staff support programmes and offer an Employee Assistance Programme to support all of our staff.

Sickness is generally managed between an individual and their line manager in a supportive manner. We aim to support regular attendance through our policy and always aim to resolve sickness through three stages:

- Informal.
- Stage 1 formal.
- Stage 2 ill health capability hearing.

We make reasonable adjustments to sickness absence trigger points where applicable and implement other reasonable adjustments via this policy on a case-by-case basis. We work closely with occupational health and other services to fully support staff with long-term conditions within the workplace.

c)-Referrals to professional bodies and regulatory organisations

We make referrals where appropriate following relevant disciplinary or capability procedures where Vocare feels there have been breaches of the relevant professional standards/codes of practice.

A Risk Panel will be convened in line with our Professional Risk Review Panel Standard operating procedure by the HR Business Partner when decisions need to be made that cannot be made via normal channels, e.g., through the weekly compliance meeting or as part of routine recruitment, or by concerns raised by or on behalf of staff (whistle blowing). All records pertaining to the case will be provided to enable full consideration by the panel.

Escalation to risk panel may be for the following reasons (not exhaustive):

- As a result of non-compliance with DBS requirements of the job role.
- A caution or warning noted on pre-existing registration details.
- Practising without required registration.
- A criminal conviction while in the role.
- As a result of a whistle-blowing incident.
- A decision made by a regulatory body that affects fitness to practice.
- Concerns regarding the National Performers List.
- No evidence of indemnity insurance where required to practice, or where CNSGP/CNST does apply.
- Little or no evidence of compliance with our Statutory and Mandatory Training policy.

d)-Convictions

Staff have a contractual obligation to inform us of any current or pending cautions or convictions both on appointment of employment and during employment.

All cautions and convictions will be risk assessed on a case-by-case basis with consideration to the role being undertaken and in line with the Rehabilitation Act (1974) and a Risk Panel will be convened by the HR Business Partner.

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If a decision is made to continue with appointment or employment, a copy of the risk assessment will be retained by the HR department in line with GDPR requirements.

If a decision is made that we are unable to continue with appointment or employment, the conditional employment offer will be rescinded on the basis of level of risk. If an employee notifies us of a pending conviction during employment and there is an increased risk that cannot be mitigated, employment will cease under a substantial reason criteria. If an employee has not fulfilled their obligation to disclose a current or pending caution or conviction, our disciplinary process will be applied.

Our risk panels will review and decide on current or pending convictions by assessing and balancing the risk to the organisation (and patients), deciding on appropriate action to take in line with the Rehabilitation of Offenders Act (1974). Risk Panels will be convened in line with our Professional Risk Review Panel SOP.

The HR Business Partner will initiate the panel comprising clinical, safeguarding, HR and Subsidiary representatives. The HR/Recruitment Teams will hold the information securely in line with relevant GDPR regulations. Associated information will only be accessed and shared with relevant parties to enable a decision-making process on a need-to-know basis in line with our SOP.

e)-Previous history of poor performance

Poor performance will be identified through performance data analysis, incident and complaint investigations, clinical and non-clinical audit and staff and stakeholder feedback.

Poor performance is generally managed in line with the relevant performance/capability policy and procedure. If there are concerns around clinical/medical negligence that are substantiated, then the disciplinary procedure will apply.

Information regarding poor performance is held on the employee's file along with action that has been taken and documented. It will be held in line with GDPR data retention timeframes and will only be accessed and shared with relevant parties to enable a decision-making process on a need-to-know basis.

Disciplinary Policy

Document Control

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Essential Reading for:	

NB: The version of this policy posted on any Totally Subsidiary web site must be a PDF copy of the approved version.

DOCUMENT STATUS: This is a controlled document. Whilst this document may be printed, the electronic version posted on the x is the controlled copy. Any printed copies of the document are not controlled.

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1. Overview

Totally plc expects professional and responsible standards of conduct from all its employees, in accordance with our values, rules and procedures and the requirements of the relevant professional codes of conduct that apply to specific professions.

The aim of the Disciplinary Policy is to set out the standards of conduct expected of all staff and to provide a framework within which managers can work with staff to maintain those standards and encourage improvement where necessary, rather than to be a means of punishment.

The Disciplinary Policy provides a framework for dealing with instances where employees are alleged not to have met the required standards of conduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases, reference should be made to the appropriate policy or procedure

It is our policy to ensure that any disciplinary matter is dealt with fairly, promptly and consistently and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.

This Policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

2. Related documents

These documents will provide additional information to the reader:

REFERENCE NUMBER	DOCUMENT TITLE	VERSION
	Grievance Policy	
	Anti- Fraud, Bribery and Corruption Policy	
	Equal Opportunities Policy	

3. Equality Statement

Totally plc values integrity and embraces diversity as an essential component in the way we carry out our work. We are committed to creating and promoting a positive culture of respect for all individuals including staff, patients, their families and carers.

We will not discriminate against anyone for reasons of age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation or for any other reason.

If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your line manager or a member of HR as soon as possible.

4. Aims

To give a clear and straightforward explanation of the standards of behaviour expected of all Totally plc employees and to set out the procedure for dealing with breaches of these standards.

To help and encourage all employees to achieve and maintain satisfactory standards of conduct and behaviour.

To ensure that in all cases of a complaint about an employee, the facts are established and the procedure applied in a fair and consistent manner.

5. Scope

This policy and procedure applies to all employees (including doctors) of Totally plc who have passed their probationary period. It does not apply to clinicians employed on a self-employed or sessional basis, self-employed contractors, workers or agency workers.

This policy does not form part of your employment contract and we may update it at any time. We will normally follow it in a disciplinary situation but are not obliged to do so (particularly if you are in your probationary period).

6. When we will take informal action

Minor conduct issues can often be resolved informally between you and your line manager. 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 your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases, we may issue a Letter of Concern, which will not form part of your disciplinary records.

Formal steps will be taken under this procedure if a discussion fails to resolve the problem or we feel that approach is inappropriate in the circumstances (for example, because of the seriousness of the allegation).

7. General Principles

Managers are responsible for addressing conduct and behaviour issues as early as possible and for taking appropriate action.

The disciplinary procedure may be implemented at any level, as appropriate to your alleged misconduct.

Time limits provided in the procedure are for guidance only and may be amended if it is not practicable to adhere to them. Consideration will be given to the personal circumstances of all parties involved in the procedure.

Before disciplinary action is taken, an investigation will normally be undertaken. If there is no disagreement concerning the facts of the case because misconduct is admitted, an investigation may not be necessary before a disciplinary hearing is arranged.

We will not take disciplinary action without inviting you to a formal meeting. Depending on the circumstances, that meeting may be the only meeting we invite you to attend. In other words, there may not be separate meetings for the investigation and disciplinary stages.

You must take all reasonable steps to attend formal disciplinary meetings. Failure to attend a meeting without good reason may be treated as misconduct.

With the exception of cases of gross misconduct, you will not ordinarily be dismissed for a first disciplinary offence.

You will have the right of appeal against any disciplinary warning or sanction issued in the formal stages of the disciplinary procedure.

If you lodge a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

Complaints you may have about any disciplinary action taken against you should be dealt with as an

appeal under the disciplinary procedure.

All information relating to any disciplinary proceedings will be retained on a confidential basis in accordance with the Data Protection Act 2018.

8. Confidentiality

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. Any contravention of this may be regarded as misconduct.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure without our consent. We may deal with covert recording as a disciplinary matter.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

9. Suspension

In some circumstances we may need to suspend you from work. These circumstances include where:

- there are reasonable grounds for concern that evidence may be tampered with or destroyed, witnesses may be influenced and/or the investigation into the disciplinary allegation may be swayed;
- working relationships have severely broken down to the point that there is a genuine risk to other employees, property, customers or other business interests if you remain in the workplace;
- there is a potential risk to patients, the organisation (including our reputation), employees or third parties in allowing you to remain at work; or
- you are the subject of criminal proceedings which may affect whether you can do your job.

However, we will carefully consider, on a case by case basis, whether suspension is appropriate and/or if there are alternatives available, such as changes to your working pattern, modification of duties, change of location or redeployment.

Any suspension will be for no longer than is necessary to investigate any allegations of misconduct against you or so long as is otherwise reasonable while any disciplinary procedure against you is outstanding.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.

If we suspend you:

- You must stay away from work and must not visit any Totally plc premises or make contact with any of our staff, clients, customers, suppliers or contractors, unless we authorise this in writing.
- If you would like a work colleague to accompany you at a disciplinary hearing and/or be a witness in your defence, you should:
 - write to us and seek permission to contact the individual;

- explain why contact is necessary during your suspension; and
- wait for confirmation from us that you are allowed to contact the individual, before doing so.
- You will continue to receive your full salary and benefits during the period of suspension unless your contract says otherwise.
- Any pre-approved holidays which fall during a period of suspension will still count as holiday leave and will be deducted from your holiday entitlement as normal.

10. Employee Rights

You should be informed in writing of the allegation(s) against you and given the opportunity to state your case before any decision is reached.

You are entitled to be accompanied by a work colleague, trade union representative or an official employed by a trade union at any disciplinary hearing or appeal hearing under this procedure. (A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker). If we are holding informal meetings or separate investigation and disciplinary meetings, then your right to be accompanied only applies to the disciplinary meeting.

If you want to exercise this right, you should tell us who you want to accompany you, in good time before the hearing. It is your responsibility to arrange for them to attend. A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so. If you choose a work colleague, we will not prevent them from attending but we may rearrange the meeting if their absence from work could cause operational problems.

If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

Your companion can make representations to us and ask questions but should not answer questions on your behalf or try to prevent us asking questions or outlining our arguments. You can also confer privately with them at any time during the meeting.

You will have the right of appeal against any disciplinary warning or sanction issued in the formal stages of the procedure.

11. The Disciplinary Procedure

11.1. Investigations

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. You will be informed as soon as possible of the investigation and when it has been concluded.

The amount of investigation required will depend on the nature of the allegations and will vary from case to case. However, the investigating officer (normally your line manager) may interview and take statements from you and/or any witnesses and/or review relevant documents.

You may be invited to attend an investigatory interview. However, Totally plc reserves the right to dispense with an investigatory interview if appropriate and to proceed directly to a formal disciplinary hearing.

Investigatory interviews are solely for the purpose of fact-finding, and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

You do not normally have the right to bring a companion to an investigatory interview. However, we may allow you to bring a companion if it helps you to overcome any disability or any difficulty in understanding English.

You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigatory interviews if required.

The outcome of an investigation may be:

- There is no case to answer- no disciplinary action is taken;
- The matter is dealt with informally, if appropriate with support and/or training;
- A letter of concern is issued and remains active for 12 months; or
- There is a disciplinary case to answer- disciplinary hearing to be arranged.

11.2. Notification of a hearing

Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing.

We will inform you in writing of the allegations against you, the basis for those allegations and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

- a summary of relevant information gathered during the investigation;
- a copy of any relevant documents which will be used at the disciplinary hearing; and
- a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time normally five days, to prepare your case based on the information we have given you.

We will also confirm your right to be accompanied by a work colleague, trade union representative or trade union official (see section 11 above).

If you would like relevant witnesses to appear at the hearing, please give us sufficient advance notice to arrange their attendance. You must also let us know as soon as possible if you want to bring your own witnesses to the meeting and/or you have documents or other evidence you want to present.

We will give you advance notice if we intend to call relevant witnesses.

11.3. Attendance at a Disciplinary Hearing

If you or your companion cannot attend the hearing, you should inform us immediately and we will try to arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

If your chosen companion is unable to attend on the date scheduled for the meeting, it will be rescheduled, provided that you propose a reasonable alternative time and date within two to seven working days of the original date.

11.4. Disciplinary Hearing

The disciplinary panel will comprise the disciplining officer (usually the investigating officer's line manager) and an HR representative. It may also be appropriate to have a professional advisor present to provide advice to the disciplining officer on their specialist field. In cases of professional competence, the relevant professional lead/deputy should advise the disciplining officer. A note taker will also attend where possible.

At the disciplinary hearing, we will go through the allegations against you and the evidence that has been gathered or the investigating officer will present the management case and may call witnesses, after which you and/or your representative will be given the opportunity to state your case and call any witnesses.

At appropriate points in the process, the employee, management, representatives and the panel will have the opportunity to seek clarification or challenge the evidence provided and question any witnesses.

We will give you the time you need to respond to the allegations made against you and to put your own case. We will also give you the opportunity to ask us questions, present your own evidence, call your own witnesses and respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise. If there are any questions you want us to put to the Company's witnesses, please tell us and (unless there is a good reason not to) we will make sure they are asked.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

At the end of the disciplinary hearing, the panel will adjourn, and the disciplining officer will consider the facts of the case and any mitigating circumstances before deciding on the appropriate action.

The disciplining officer will either reconvene the meeting and inform you of the outcome or communicate the outcome in writing, usually within two weeks. You will be notified of your right of appeal under this procedure.

If you have misgivings about either the process or the managers leading it, you should tell us openly so that we can address your concerns.

11.5. Appeals

If you feel that disciplinary action taken against you is wrong or unjust, you should appeal in writing, stating your full grounds of appeal, within one week of the date on which you were informed of the decision to whoever is named in the appeal outcome letter.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the appeal hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event, the appeal will be dealt with as impartially as possible.

Where possible, the appeal hearing will be conducted impartially by a more senior manager who has not been previously involved in the case. The Investigating Officer and/or a member of HR and/or the manager who conducted the disciplinary hearing will also usually be present. You may bring a companion with you to the appeal hearing (see paragraph 11).

We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

The manager hearing the appeal will look at all aspects of the case and will determine whether the correct level of sanction was issued. The possible outcomes are to:

- confirm the original decision;
- substitute a different penalty; or
- uphold your appeal and revoke the original decision.

We will inform you in writing of our final decision as soon as possible, usually within two weeks of the appeal hearing. There will be no further right of appeal.

12. Disciplinary Authority

Formal hearings will be chaired by a disciplining officer. The operation of the disciplinary procedure is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority taking any action at any stage of the disciplinary process.

Totally plc reserves the right to allow third parties to chair any formal meetings.

PERSON AUTHORISED TO TAKE DISCIPLINARY ACTION IN THE CASE OF:

	MANAGEMENT	OTHER EMPLOYEES
First written warning	Totally plc Manager	Service Manager
Final written warning	Totally plc Director	Totally plc Director
Dismissal	Totally plc Director	Totally plc Director

13. Unsatisfactory Conduct and Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure. This list is intended as a guide and is not exhaustive list:

- minor breaches of your employment contract;
- minor breaches of Totally plc's policies;
- minor breaches of our health and safety rules and procedures;

- obscene language or otherwise offensive behaviour, including rudeness towards service users, members of the public or other employees;
- being careless/negligent when carrying out your duties;
- wasting time during your contracted working hours and /or unsatisfactory standards or output of work;
- failure to carry out reasonable instructions or follow rules and procedures;
- smoking in designated non-smoking areas;
- consumption of alcohol on work premises;
- poor timekeeping;
- unauthorised absence from work;
- excessive use of our telephones for personal calls;
- using the internet or email for personal purposes, other than on an occasional basis OR excessive use of the internet or email for personal purpose;
- damage to, loss or unauthorised use of Totally plc's property;
- refusing to follow instructions, where it is not serious enough to be gross misconduct.
- covertly recording your colleagues or any management (or other) meeting where the participants do not know you are recording it;

14. Gross Misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between us.

Gross misconduct will be dealt with under our Disciplinary Procedure and will normally warrant summary dismissal, which is dismissal without notice or payment in lieu of notice, even in the absence of any prior disciplinary warnings.

The following list provides examples of matters which Totally plc will normally regard as gross misconduct. The list is not set out in any order of seriousness nor is it intended to be exhaustive:

- theft, or unauthorised removal of our property or the property of a colleague, contractor, customer or member of the public;
- fraud, forgery or other dishonesty, including fabrication or falsification of records, including recruitment documentation, timesheets, hours, absence records, expense claims or Totally plc company records;
- actual or threatened violence, or behaviour which provokes violence;
- fighting or unlawful assault on a patient, fellow employee or member of the public;
- viewing, receiving or sending anything that breaches our Dignity at Work Policy or Equal Opportunities Policy;
- deliberate damage to Totally plc's buildings, fittings, property or equipment or to the property of a colleague, contractor, customer or member of the public;
- serious misuse of our property or name;
- serious disruptive or abusive behaviour;

- repeated or serious failure to obey instructions or any other serious act of insubordination;
- harassment of, or discrimination against, employees, contractors, clients or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age contrary to our Equal Opportunities Policy;
- conduct that violates common decency, or engaging in behaviour that might bring Totally plc's name into disrepute;
- being under the influence of illegal drugs or other substances during working hours;
- being under the influence of alcohol, unless this is with your Manager's express knowledge and permission, for example, where you are involved in entertaining on the Company's behalf;
- serious negligence or carelessness, particularly if it leads to us losing confidence and trust in you or causes loss, damage or injury;
- serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures;
- serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- accepting or offering a bribe or other secret payment or other breach of our Anti-Fraud, Bribery & Corruption Policy;
- accepting a gift above the value of £[VALUE] from a customer, supplier, contractor or other third party in connection with your employment without prior consent from your line manager;
- deliberate or wilful ill treatment of patients;
- breach of any relevant professional code of conduct, e.g. GMC, NMC, HCPC, or statutory rules affecting your work;
- serious misuse of our information technology systems, including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet [contrary to our [Information and Communications Systems Policy]], including but not limited to deliberately accessing websites containing offensive, obscene or pornographic material and the storage and /or transmission of obscene, illicit or undesirable material;
- serious breach of data protection legislation or unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy;
- conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, customers or the public, or otherwise affects your suitability or ability to continue to work for us;
- possession, use, supply or attempted supply of illegal drugs;
- malicious misuse of any of our procedures;
- making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- making untrue allegations in bad faith against a colleague;
- victimising a colleague who has raised concerns, made a complaint or given evidence or information under our [Whistleblowing Policy, Anti-corruption and bribery policy, Dignity at

Work Policy,] Grievance Procedure, Disciplinary Procedure or otherwise;

- unauthorised absence due to a failure to report for duty and/or attendance for a scheduled shift without substantial reason;
- breach of patient confidentiality or unauthorised disclosure of information;
- sleeping on duty;
- misuse of Totally plc company vehicles such as speeding;
- refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;
- giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- undertaking unauthorised paid or unpaid employment during your working hours; or
- unauthorised entry into an area of the premises to which access is prohibited

15. Allegations of Fraud, Bribery or Corruption

All incidences of suspected fraud must be referred to the Director of Finance or the Local Counter Fraud Specialist (LCFS) before any internal disciplinary investigation takes place.

Definitions of Fraud can be found in Appendix C of our Anti-Fraud, Bribery & Corruption Policy.

In cases of fraud, there are a range of sanctions available including criminal, civil and disciplinary sanctions.

Bribery is defined as "Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other privileges".

Corruption is broadly defined as the offering or the acceptance of inducements, gifts or favours, payments or benefit in kind which may influence the improper action of any person; corruption does not always result in a loss.

For further details, please see the Anti- Fraud, Bribery and Corruption Policy.

16. Criminal Allegations

Where your alleged misconduct concerns a potential criminal offence, it may be necessary to inform the Police. In such cases, the line manager should contact the Police to inform them of the alleged misconduct. The manager should also notify the HRD /HRBP.

Where your conduct is the subject of a criminal investigation, charge or conviction, we will investigate the facts before deciding whether to take formal disciplinary action.

There is nothing to prevent us conducting a disciplinary investigation if criminal charges are being considered or a criminal investigation is in progress, as long as the process is conducted fairly and in accordance with Totally plc's disciplinary procedure.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we 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 we consider that it is relevant to your employment.

For staff who are members of a professional body, there may also be a need to make a referral to that organisation. The HR Lead, in consultation with the LCFS, will be responsible for liaising with the appropriate Director to ensure that this is carried out in accordance with Totally plc's disciplinary procedures and the requirements of the various bodies' codes of practice.

17. Levels of Disciplinary Procedure

Offence	First occasion	Second occasion	Third occasion
Unsatisfactory conduct or misconduct	First written warning	Final written warning	Dismissal
Serious misconduct or further instance of misconduct	Final written warning	Dismissal	
Gross misconduct	Summary Dismissal		

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct.

There are three stages of our procedure for dealing with cases of misconduct. Progressing from one stage to the next is not dependent on offences/misconduct being related.

First stage- first written warning. This will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

Second stage- final written warning. This will usually be appropriate for:

- misconduct where there is already an active written warning on your record; or
- misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

Third stage- dismissal. This will usually only be appropriate for:

- any misconduct during your probationary period;
- further misconduct where there is an active final written warning on your record; or
- any gross misconduct, regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in paragraph 16 above.

In some cases we may, at our discretion, consider other actions short of dismissal. These may include transferring you to another department or job, demoting you, a period of suspension without pay, loss of seniority, reduction in pay, loss of future pay increment or bonus, loss of overtime and/or extending your final written warning period to allow us further time to review how you respond. Redeployment or demotion may result in a reduction in pay.

Written warnings will set out the nature of the misconduct, the change in behaviour required, the

period for which the warning will remain active and the likely consequences of further misconduct in that active period.

A first written warning will usually remain active for 12 months and a final written warning will usually remain active for 12 months.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

In exceptional cases verging on gross misconduct or dangerous breaches of health and safety, a final written warning may state that it will remain active indefinitely. Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently we may decide to extend the active period.

18. Implementation and Training

New employees are informed of the disciplinary procedure and signposted to this policy during their induction period. Existing employees have access to the disciplinary policy on Totally plc's Intranet or via their line manager and/or HRBP.

Managers who may be required to be involved in the formal stages of the disciplinary process should contact the HRD and/or HRBP for advice and guidance.

19. Review

The policy will be reviewed every two years unless legislative changes arise prior to that date.