PRESCRIPTION PRICING AUTHORITY

DISCIPLINE

1. POLICY STATEMENT

1.1 The Disciplinary procedure is designed to encourage employees to achieve and maintain the required standards of conduct, performance and attendance. It ensures fairness and consistency in the treatment of individuals. In cases where employees fail to attain the required standards the disciplinary procedure will be instigated and this may result in disciplinary action.

2. PRINCIPLES

2.1 Alleged breaches of conduct, performance or attendance will be fully investigated before any disciplinary action is taken and wherever possible, the manager will attempt to resolve the matter through informal discussion with the employee.

2.2 Employees are entitled to be represented at all formal disciplinary meetings by a Trade Union Representative or fellow employee.

2.3 The employee will have the right of appeal against any disciplinary warning or sanction.

2.4 Employees will be informed in writing of the issues causing concern and must be given the opportunity to present their views before any final decision is reached.

2.5 The procedure may be instigated at any stage according to the seriousness and nature of the alleged misconduct, as determined by the manager and an HR Adviser. Once the procedure has been initiated subsequent misconduct within the warning period will lead to the next appropriate stage of the procedure. This is not automatically the next level of warning.

2.6 No employee will be dismissed for the first occurrence of misconduct, except in the case of Gross Misconduct.

2.7 In accordance with the PPA's Equal Opportunities policy, this procedure will not discriminate, either directly or indirectly, on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or religious beliefs, age, trade union membership, disability, offending background or any other personal characteristic.

2.8 Verbal warnings are normally active for 6 months and written warnings for 12 months (see section 7.1).

2.9 Data is held and destroyed in line with the Data Protection Act 1998.

2.10 This procedure will not apply to employees in their probationary period.

2.11 The PPA will ensure that all managers who are responsible for disciplinary issues are suitably trained and have the necessary knowledge and skills.

2.12 The policy and procedure will be reviewed periodically by the Human Resources Department and UNISON giving due consideration to legislative changes.

3. PROCEDURE

3.1 If an employee fails to meet the required standards of performance, conduct or attendance in their job they will be subject to this disciplinary procedure. At all stages the employee will be told of the reason for using the procedure. Management will ensure that the changes in performance, conduct or attendance required, the timescales involved and the improvement required are reasonable, achievable and where possible agreed by all parties. Further misconduct, or expiry of the review period without improvement may lead to progressive disciplinary action.

Managers Authorised to Take Disciplinary Action:-

3.2 The employee's line manager in consultation with an HR Adviser will normally lead the disciplinary interview. Where dismissal is a possibility, the interview will be conducted by a nominated senior manager (to be agreed) and an HR Adviser.

Investigation

3.3 Before any disciplinary meeting is held, a full investigation will take place. This will normally be in the form of an interview. However in exceptional circumstances and with advice from an HR Adviser, other forms of evidence may be sufficient.

3.4 To ensure fairness and impartiality, another manager, rather than the employee's line manager, will conduct the investigation. A recommendation as to whether a disciplinary hearing is required will then be made.

3.5 The outcome of a disciplinary hearing must fall into one of the following categories: -

- No action required (this could include offering counselling)
- Verbal warning
- First written warning
- Final written warning
- Dismissal

Verbal Warning

3.6 In cases of an initial or minor issue, a verbal warning will normally be issued. This will be confirmed in writing.

First Written Warning

3.7 If the issue is more serious **or** if there is a still an active Verbal Warning in place and insufficient improvement has been made or an offence has been repeated or further misconduct occurs, a First Written Warning will normally be issued.

Final Written Warning

3.8 If the issue is even more serious **or** if there is a still an active First Written Warning in place and insufficient improvement has been made or an offence has been repeated or further misconduct occurs, a Final Written Warning will normally be issued.

Dismissal with Notice

3.9 If within 12 months of the issue of a Final Written Warning an offence has been repeated, further misconduct occurs or insufficient improvement has been made **or** an issue sufficiently serious to warrant termination of employment (but which does not fall into the definition of gross misconduct as detailed in *Appendix L*) arises, the employee will normally be dismissed with notice.

3.10 The employee will be provided with written reasons for dismissal, the date on which the employment will terminate, their entitlement to pay, and the right of appeal.

3.11 The PPA reserves the right to make a payment in lieu of notice.

Summary Dismissal

3.12 Where behaviour or misconduct is sufficiently serious to constitute gross misconduct (as *Appendix L*) the employee will normally be summarily dismissed - i.e. without notice. This action will only be taken after a full investigation and after hearing the employee's version of the matter.

3.13 The employee will be provided with written reasons for dismissal, the date on which the employment will terminate and the right of appeal.

Potential Additional Sanctions

3.14 Additional sanctions may be included after full discussion with an HR Adviser and can include:-

- Demotion or transfer to another job
- Deferred increment
- Loss of privileges e.g. removal of right to self-certificate absence and the requirement for all absences to be covered by a medical certificate, removal of flexi-time.

4. SUSPENSION

4.1 This does not constitute disciplinary action or sanction. Suspension is only to be invoked when an individual's continued presence at work places themselves/other person(s) at risk, or hampers any investigation and will therefore happen as soon as possible. Suspension will always be on full pay and should be for a brief a period as possible. It is expected that suspension will be no longer than three weeks, but may be extended by mutual agreement (in exceptional circumstances this agreement may not be possible). Employees who are suspended will be informed in writing of the reasons for the suspension. The letter at *Appendix B* should be used when suspension is necessary. Managers must discuss the necessity or otherwise for suspension with an HR Adviser.

4.2 Should it be concluded that no further action is necessary following investigation, a briefing session should be held between the individual, their trade union representative if required, and their manager prior to a return to work.

5. THE MEETING

(See Appendix A).

5.1 Before the meeting the employee will be advised in writing of the purpose of the meeting and details of the complaint or allegation being considered. An outline letter is attached at *Appendix D.* The individual will be given a minimum of 48 hours notice of the meeting. If the individual's representative is not available to attend on the date proposed, the PPA will offer an alternative reasonable date within five working days of the original date.

5.2 All relevant facts and evidence will be made available to the employee before the meeting. Either party may present evidence including witness statements and may call witnesses.

5.3 An adjournment will be held to consider what action, if any, is to be taken. Where possible, the employee will be verbally informed after the adjournment of the outcome.

5.4 The employee will be advised in writing of the outcome of the meeting within 7 working days unless a longer period is specified and can be justified. If disciplinary action is taken, the employee will be informed what improvements are necessary, the timescale of the warning and the consequence of a failure to improve performance as required, in line with Section 3.1. The right of appeal will also be included.

5.5 Appropriate outline letters are attached at *Appendices E-J.*

6. APPEALS

6.1 Any employee in receipt of a disciplinary warning or notice of dismissal has the right of appeal.

6.2 Appeals must be lodged in writing to the HR Adviser within 10 days of the receipt of the written notice of disciplinary action or dismissal.

6.3 Appeals will be heard within five weeks of the receipt of the appeal but either party may, with the consent of the other and in exceptional circumstances, be entitled to extend this period.

6.4 The employee must be given at least 5 working days notice of the date of the appeal hearing.

6.5 The Appeal Procedure *(Appendix K)* must be followed.

6.6 Appeals arising from the issue of disciplinary warnings up to and including a Final Written Warning will normally be heard by the line manager of the manager who issued the warning (provided that individual has not been involved previously). Appeals against dismissal will be heard by the Chief Executive except in cases of dismissal of a Director in which case the appeal will be heard by a panel of Authority members. All appeals will include a representative of the Human Resources Department wherever possible.

6.7 The decision of the appeal is final.

7. DURATION OF WARNING / RECORDS

7.1 The duration of warnings will normally be as follows:-

Verbal warnings	6 months
First and Final warnings	12 months

In exceptional circumstances and in conjunction with advice from an HR Adviser, a longer timescale may be specified at the outcome of the disciplinary hearing.

7.2 As part of the PPA's equal opportunities monitoring, all disciplinary hearings are monitored on a rolling annual basis. Subsequently information may be held on the disciplinary monitoring register longer than the duration of the warning itself.

7.3 Warnings will be made void at the end of the warning duration subject to no further disciplinary action being taken during this period.

APPENDIX A

CONDUCTING A DISCIPLINARY INTERVIEW

A disciplinary interview can be held by an employee's line manager, who must be accompanied by (where possible), or consult with, an HR Adviser who will advise as necessary.

The Disciplinary interview must follow the following stages:

1. Opening the interview
2. Consideration of the facts
3. Consideration of the future
4. Adjournment
5. Action to be taken (if any)
6. Establishment of a review date (if appropriate)

Opening the interview

All employees are entitled to be accompanied by their Trade Union representative or a fellow employee. Where an employee is not accompanied, the employee must be reminded of this right, and if declined, this must be recorded.

The Manager 'hearing' the disciplinary must introduce those present and outline the reasons for the hearing taking place (the reason/s outlined in the invite to disciplinary letter) and the format the interview will take.

Consideration of the facts

At this stage the manager who conducted the investigation must present the case on behalf of management. The manager presenting the case must stick to the facts and not introduce opinions, hearsay or issues that have not previously been mentioned. All documentation that will be used as evidence (including witness statements where applicable) will already have been made available to the individual, and their representative prior to the interview taking place (copies will have been sent with the invite to disciplinary interview letter).

New issues cannot be introduced. For example, if the hearing is to consider an employee's misuse of the flexi system, other issues such as sickness cannot be discussed, unless the invite letter, and investigation, have addressed both of these issues.

The aim of the meeting is to seek verification and clarification about the issues of concern, through questions. Where it is appropriate to call witnesses, either party may call and question them.

After the manager has stated the case the employee and/or their representative will be given the opportunity to ask questions and state their case.

If the hearing is dealing with multiple issues, each issue should be addressed in turn and the employee and/or their representative be allowed to state their case in relation to each issue as it is addressed.

Exploration of any differences in facts, as they appear to the manager and employee should be carried out in a constructive manner in order to gain an understanding of the facts which are, as far as possible, acceptable to both manager and employee.

Summing Up
Both parties will have the opportunity to sum up their cases, but will not introduce any new information. The management representative will go first, followed by the employee or their representative.

Adjournment
Before any decision is taken, it is necessary to adjourn the hearing to give adequate consideration to the facts as they have been presented and the responses that have been given to the allegations, including any mitigating circumstances. At this stage both parties will be asked to leave the room and the manager must decide, with advice from an HR Adviser, whether the behaviour requires disciplinary action to be taken and if so, at what level.

Where possible, an indication of the length of time of the adjournment should be given, including the reasons for the adjournment, i.e. to consider what action to take, if any.

The meeting may also be adjourned to consider other issues, e.g. to investigate matters further or new information/facts brought to light.

Either party may also take this time to investigate any new facts that are introduced to the case.

There is no set time for an adjournment and adjournments can be called at any time during the interview, by either party, if clarification of a particular issue or fact is required.

Taking disciplinary action is not a matter to be taken lightly and should be only be taken if it is to be constructive in attempting to produce the desired behaviour. Managers will also need to consider, if disciplinary action is to be taken, whether any other sanctions will be attached to the warning (see Section 3.10).

Action
When the meeting is reconvened the manager should explain that consideration has been given to all of the issues raised at the beginning of the interview, and all of the facts and issues raised during the course of the interview. The manager must then outline what action, if any, will be taken including any sanctions.

It is important that the employee is informed of the length of time the warning will remain on their record, their right of appeal, the procedure that will be followed in relation to confirming the action in writing and any arrangements for the review of sanctions imposed.

Meeting Notes
The notes of the meeting will be typed and held in the Human Resources Department. All of the documentation in relation to a Disciplinary Hearing is subject to the principles of Data Protection.

APPENDIX B

SUSPENSION LETTER

Dear

IN STRICTEST CONFIDENCE

SUSPENSION FROM DUTY

Further to your interview held on (date) this letter is to confirm that you are suspended from duty with effect from (date).

You are suspended as a result of the following alleged incident/allegation made against you:

(Details of the allegation/incident to be included here)

Your suspension is necessary in order to allow a full investigation to take place.

You are suspended subject to the following conditions:

1. The suspension will be for a short a time as possible. Should your period of suspension extend beyond three weeks, we will advise you of this fact and give you an indication of the likely length of your suspension.

2. Suspension does not constitute disciplinary action.

3. Suspension will be on full pay (including contractual allowances).

4. You are obliged to keep us informed of your whereabouts during your suspension so that we can contact you to assist any investigations or to advise you of the next steps.

5. At the and of your suspension, you will be sent a letter, either advising you to return to work on a specific date or to inform you of the arrangements for a disciplinary interview.

6. During the period of suspension, you are expressly forbidden from entering any of the PPA's premises or contacting people at work unless to contact your trade union representative or have a meeting with them. Any queries on this suspension should be made to the Human Resources department on 0191 203xxxx.

Yours sincerely

APPENDIX C

EXTENSION OF SUSPENSION LETTER

Dear

IN STRICTEST CONFIDENCE

NOTICE OF EXTENSION OF SUSPENSION FROM DUTY

Further to my letter of (date) and following our discussion on (date), I am writing to inform you that the initial three week period of suspension, due to end on (date) will be extended.

The extension to your period of suspension is due to the fact that investigations are still being carried out.

This extension to your suspension will be for a further three week period in the first instance, and is due to end on (date). Should I need to extend your suspension again, I will notify you of that fact prior to (date).

This further period of suspension is subject to the conditions outlined in my letter of (date).

Yours sincerely

APPENDIX D

NOTIFICATION OF DISCIPLINARY INTERVIEW

Dear

IN STRICTEST CONFIDENCE

NOTIFICATION OF DISCIPLINARY INTERVIEW

Further to (include details of the incident including the date) you are required to attend a disciplinary interview on (date time venue).

The disciplinary interview will be conducted by (name and title of manager) accompanied by (name and title of HR representative or accompanying manager). Also in attendance as witnesses will be (names of management side presenting officer and any witnesses should be included here).

You are advised of your right to be represented by your union representative or a colleague if you so wish.

I enclose the documents, which will be referred to at this interview.

I would be grateful if you would contact me to confirm that you will be attending.

On arrival please report to (reception/a particular individual).

Yours sincerely

(Manager)

APPENDIX E

LETTERS TO BE ISSUED FOLLOWING A DISCIPLINARY INTERVIEW

NO FURTHER ACTION REQUIRED

Dear

IN STRICTEST CONFIDENCE

At your disciplinary interview held on (date), we considered the facts surrounding the following incident (give details of the incident).

Having considered all the relevant information relating to this matter, I can confirm the decision made verbally to you on (date) that no action is to be taken and you will not be issued with any disciplinary warnings.

Yours sincerely

(Manager)

APPENDIX F

LETTERS TO BE ISSUED FOLLOWING A DISCIPLINARY INTERVIEW

VERBAL WARNING

Dear

IN STRICTEST CONFIDENCE

VERBAL WARNING

Further to the disciplinary interview held on (date), I am writing to confirm the issue of a verbal warning.

The warning was issued (date), following (describe the incident)

This warning will remain active for a period of 6 months from the date of the hearing. Should you be found to repeat the type of behaviour leading to this incident during this 6 month period, you are warned that further disciplinary action, including dismissal, could be taken, for recurring problems. Should there be no repeated or similar actions within the next 6 months, the warning will be made void.

You have the right of appeal against this verbal warning. If you wish to exercise this right, you should write to XXXXXX Human Resources, Sandyford House, PO Box 831, Archbold Terrace, Newcastle Upon Tyne, NE99 2PA, detailing the grounds of you appeal within 10 days of this letter.

Yours sincerely

(Manager)

APPENDIX G

LETTERS TO BE ISSUED FOLLOWING A DISCIPLINARY INTERVIEW

FIRST WRITTEN WARNING

Dear

IN STRICTEST CONFIDENCE

FIRST WRITTEN WARNING

Further to the disciplinary interview held on (date), I am writing to confirm the issue of a first written warning. The warning was issued (date), following (describe the incident)

This warning will remain active for a period of 12 months from the date of the hearing. Should you be found to repeat the type of behaviour leading to this incident during this 12 month period, you are warned that further disciplinary action, including dismissal, could be taken, for recurring problems. Should there be no repeated or similar actions within the next 12 months, the warning will be made void.

You have the right of appeal against this first written warning. If you wish to exercise this right, you should write to XXXXXX Human Resources, Sandyford House, PO Box 831, Archbold Terrace, Newcastle Upon Tyne, NE99 2PA, detailing the grounds of you appeal within 10 days of this letter.

Yours sincerely

(Manager)

APPENDIX H

LETTER TO BE ISSUED FOLLOWING A DISCIPLINARY INTERVIEW

FINAL WRITTEN WARNING

Dear

IN STRICTEST CONFIDENCE

FINAL WRITTEN WARNING

Further to the disciplinary interview held on (date), I am writing to confirm the issue of a final written warning. The warning was issued (date) following (describe the incident).

This warning will remain active for a period of 12 months from the date of the hearing. Should you be found to repeat the type of behaviour leading to this incident during this 12 month period, you are warned that further disciplinary action, including dismissal, could be taken, for recurring problems. Should there be no repeated or similar actions within the next 12 months, the warning will be made void.

You have the right of appeal against this final written warning. If you wish to exercise this right, you should write to XXXXXX Human Resources, Sandyford House, PO Box 831, Archbold Terrace, Newcastle Upon Tyne, NE99 2PA, detailing the grounds of you appeal within 10 days of this letter.

Yours sincerely

(Manager)

APPENDIX I

LETTERS TO BE ISSUED FOLLOWING A DISCIPLINARY INTERVIEW

DISMISSAL

Dear

IN STRICTEST CONFIDENCE

DISMISSAL

At the disciplinary interview held on (date) the following matter was considered:

(describe the incident)

I am writing to confirm the panel's decision to dismiss you from your post of (post title) with effect from the date of the hearing.

You are entitled to (number) weeks notice. This will be paid at full pay together with payment for any annual leave to which you are entitled. You will also receive your P45.

OR

You are entitled to (number) weeks pay in lieu of notice. This will be paid at full pay together with payment for any annual leave to which you are entitled. You will also receive your P45.

You have the right of appeal against this dismissal. If you wish to exercise this right, you should write to XXXXXX Human Resources, Sandyford House, PO Box 831, Archbold Terrace, Newcastle Upon Tyne, NE99 2PA, detailing the grounds of you appeal within 10days of this letter.

Yours sincerely

(Manager)

APPENDIX J

LETTERS TO BE ISSUED FOLLOWING A DISCIPLINARY INTERVIEW

SUMMARY DISMISSAL

Dear

SUMMARY DISMISSAL

At the disciplinary interview held on (date) the following matter was considered:

(describe incident)

I am writing to confirm the panel's decision to summarily dismiss you from your post (post title) with effect from the date of the hearing.

This matter is considered to be so serious as to warrant summary dismissal – ie dismissal without notice. However, you will be made a payment for any untaken annual leave due to you and this will be forwarded in due course, together with your P45.

You have the right of appeal against this dismissal. If you wish to exercise this right, you should write to XXXXXX Human Resources, Sandyford House, PO Box 831, Archbold Terrace, Newcastle Upon Tyne, NE99 2PA, detailing the grounds of you appeal within 10 days of this letter.

Yours sincerely

(Manager)

APPENDIX K

APPEALS PROCEDURE

An appeal against a warning will be heard by the line manager of the manager who issued the warning. The Chief Executive will hear an appeal against dismissal except in cases of dismissal of a Director in which case the appeal will be heard by a panel of Authority members. All appeals will include a representative of the Human Resources Department wherever possible.

The procedure for an appeal hearing is as follows:

1. The management side will present their case first, explaining the reasons for the action they have taken.

2. The appellant/representative will then be able to ask any questions about the case management side have presented.

3. The appeal panel members will also have an opportunity to ask any questions.

4. The appellant/representative will then be asked to present their case to the panel.

5. The management side may then wish to ask the appellant any questions about their case.

6. The appeal panel members will also have the opportunity to ask any questions.

7. There will then be an adjournment when both sides will be asked to leave the room while the appeal panel consider the information they have heard and reach their decision.

8. The decision of the panel will be communicated to the appellant verbally, following the adjournment wherever possible, and in any case will be confirmed later in writing. The management side will also be informed of the outcome.

APPENDIX L

Examples of Gross Misconduct

Please note: this list is not exhaustive and simply gives examples. There may be other examples of gross misconduct.

- Behaviour bringing the PPA into disrepute
- Physical violence
- Contravention of the PPA's Equal Opportunities policy, including bullying and harassment
- Fraud or falsification of records (e.g. application forms, CV's, sickness forms, overtime and expenses claims)
- Theft of fraudulent misuse of the PPA's property or name (e.g. phones, cars or computers)
- Deliberate damage to PPA property
- Incapability to work through drug or alcohol abuse
- Negligence which causes loss or damage to PPA property or injury to other personnel
- Illegal activity on PPA premises or with PPA property
- Infringement of health and safety rules
- Breaches of confidence
- Soliciting or accepting a bribe or secret commission
- Improper use of email or Internet facilities or other methods of communication.