

Fast-Track Disciplinary Procedure

Procedure Number	HR/Pol/043
Target Audience	All Employees with the exception of those on Medical & Dental terms and conditions of employment
Approving Committee	People Committee
Date First Approved	December 2017
Last Review Date	November 2020
Next Review Date	November 2023
Procedure Author	HR Business Partner
Version Number	2.0

Applicable Statutory, Legal or National Best Practice Requirements	Advisory, Conciliation and Arbitration Service (2015) Code of practice on disciplinary and grievance procedures Equality Act 2010 NHS Litigation Authority (2013) NHSLA risk management standards 2013-14 Human Rights Act 1998
---	---

The Trust is committed to an environment that promotes equality, embraces diversity and respects human rights both within our workforce and in service delivery. This document should be implemented with due regard to this commitment.

This document can only be considered valid when viewed via the Trust’s intranet. If this document is printed into hard copy or saved to another location, you must check that the version number on your copy matches that of the one online.

Version Control Sheet

Version	Date	Reviewed By	Comment
0.1	15.7.15	Paula Woods	Draft procedure produced via HR Directors Forum
0.2	July 2016	HRBP	Review of procedure circulated and review of comments submitted by RCN
0.3	Oct 2016	HRBP	Further review following comments submitted by UNISON
0.4	June 2017	Corporate Partnership Forum	Deferred
0.5	June 2017	Lisa McLaren	References updated
0.6	August 2017	Corporate Partnership Forum	Deferred
0.7	October 2017	Corporate Partnership Forum	Procedure formally rejected by the Trade Unions. Procedure adopted for those staff who are not members of a Trade Union.
0.8	October 2017	Policy Approval Group	Not approved – amendments required
0.9	November 2017	J. Cohen	Amendments made
0.10	November 2017	S. Edwards	References updated
0.11	November 2017	Policy Approval Group	Amendments required. Document to be resubmitted for virtual review and approval by chair action.
0.12	December 2017	J. Cohen	Amendments completed.
0.13	December 2017	Policy Approval Group	Reviewed virtually. Amendments made to section 7.1.
0.14	December 2017	J. Cohen	Updated following comments made following virtual review.

Version	Date	Reviewed By	Comment
1	December 2017	S. Arkwright	Approved by chair action.
1.1	September 2020	Elaine Richards	Full Policy Review
1.2	November 2020	Policy Approval Group	Policy reviewed. Amendments made to section 10, Appendix 5
1.3	November 2020	Elaine Richards	Amendments completed
2.0	November 2020		Approved by Chair of People Committee / Paula Woods

Equality impact Assessment completed	By: Ruth Besford	Date: 01 November 2020
Does this policy impact/potentially impact on: <ul style="list-style-type: none"> • Staff • Patients • Family Members • Carers • Communities 	Yes ✓	Please contact the Trust's Equality & Inclusion Manager at: Email: ruth.besford@nhs.net
	No	Please sign and date below: Name: Email Address: Date:

Contents

1	Introduction	5
1.1	Objective	5
1.2	Scope	5
2	Definitions	5
3	Abbreviations	6
4	Other Relevant Procedural Documents	6
5	Roles and Responsibilities	6
6	Equipment List	7
7	Fast Track Procedure	8
8	Fast Track Procedure Agreed – Next Steps	11
9	Process for the Fast Track Hearing (appendix 5)	13
10	After the Hearing and Appeals	13
11	Consultation	14
12	Dissemination and Implementation	14
12.1	Dissemination	14
12.2	Implementation	14
13	Process for Monitoring Compliance and Effectiveness	15
14	Standards/Key Performance Indicators	15
15	References	15
Appendix 1	Disciplinary Fast Track Request Form	16
Appendix 2	Outcome of Fast Track Request Form	20
Appendix 3	Invitation to Fast Track Disciplinary Hearing	21
Appendix 4	Fast Track Interview Transcript / Outcome Template	22
Appendix 5	Process Flow Chart	24

1 Introduction

Bridgewater Community Healthcare NHS Foundation Trust (hereafter referred to as the Trust) is committed to early resolution of formal disciplinary action.

This Fast Track Disciplinary Procedure is designed for use in cases of alleged misconduct that do not constitute gross misconduct and therefore dismissal would not be considered. In these circumstances and where an employee does not wish to contest the allegations, the employee can opt to request that their case be dealt with by way of this Fast Track process.

It can never be used in cases of alleged gross misconduct even if management feel that there is significant mitigation that may mean that the outcome would possibly not be dismissal. This procedure must be read in conjunction with the Trusts' Disciplinary Policy.

1.1 Objective

To fast-track disciplinary matters that do not constitute gross misconduct. This process will be quicker and far less stressful for all those involved.

1.2 Scope

All employees with the exception of those on Medical and Dental Terms and Conditions of Service. However, this procedure is only applied when an employee consents to it being used.

This procedure has not been approved or supported by Staff Side. It should therefore be noted that members of a union may find that there will be no Staff Side Representation if they choose to enter into this process as an alternative to following the Trust's Disciplinary Policy. Staff will have the option to be accompanied by a work place colleague.

Where the employee is on secondment within the Trust from another Organisation advice should be taken from Human Resources. This procedure does not cover agency workers/self-employed contractors - issues with agency workers/self-employed contractors should be flagged to HR and acted upon appropriately.

Where the allegation is in relation to a bank worker again the advice of HR must be sought. There may be some circumstances in which it may be appropriate for this procedure to be applied in relation to a Bank Worker but advice from HR must be sought before any action is taken.

2 Definitions

The definitions applicable to this procedure are as follows:

Employee – someone directly employed by the Trust under a contract of employment and is on the payroll.

Issue Date: November 2020	Page 5 of 24	Document Name: Fast Track Disciplinary Policy	Version No: 2.0
------------------------------	--------------	---	-----------------

3 Abbreviations

The abbreviations applicable to this procedure are as follows:

HR – Human Resources

RCA - Root Cause Analysis

DA - Disciplining Authority

LADO - Local Authority Designated Officer

4 Other Relevant Procedural Documents

This procedure should be read in conjunction with the following documents:

- Disciplinary Policy
- Dignity & Respect at Work Policy.

5 Roles and Responsibilities

5.1 Deputy Director of Workforce

The Deputy Director of Workforce will:

- Receive and consider appeals submitted in line with the process under section 10. If an appeal hearing is required the Deputy Director of Workforce will ensure that this is arranged but this does not mean that they will be in attendance at the appeal hearing.

5.2 Human Resources

Human Resources will:

- Oversee the introduction, operation and monitoring of the procedure
- Provide advice and guidance to managers and employees on the procedure and its links to the Trust's Disciplinary Policy
- Review changes in employment law to ensure that the procedure is relevant and up to date
- Ensure that formal warnings are removed from personal files after the appropriate length of time.

5.3 Managers

Manager will:

- Be responsible for ensuring that this procedure is applied fairly and consistently within their own area
- Ensure that employees are aware of and understand the standards, conduct and behaviour required by the Trust
- Ensure that incidents are dealt with in a timely manner and do not cause any delays in the operation of this procedure – applications under the Fast Track Process should be reviewed and responded to within one week of receipt and in all cases (unless there are exceptional circumstances) within two weeks
- Ensure that the Fast Track Disciplinary Procedure is brought to the attention of the employee where relevant
- Ensure that any learning/improvements and reflections are acted upon with as much importance placed upon this as if they had arisen as actions from a formal disciplinary hearing.

5.4 Employees

Employees will:

- Act within their relevant codes of conduct at all times
- Report issues within the workplace to their line manager in a timely manner
- Act with integrity and professionalism
- When requested, co-operate with disciplinary matters as required
- Not cause any unnecessary delays as the purpose of the process is that it allows for issues to be resolved quickly. Employees should, in most cases, be able to make a decision regarding making an application within 1 week and in all cases (unless there are exceptional circumstances) within 2 weeks.

6 Equipment List

Not applicable.

7 Fast Track Procedure

7.1 Eligibility

For this procedure to be used it is imperative that enough facts are known about the case. This is necessary in order for the allegations to be determined and for an assessment as to whether or not it is potentially gross misconduct (refer to Trusts Disciplinary Policy for further information). A manager must, therefore, know enough information to be able to make a decision as to whether the case is suitable for this procedure to be used.

Methods of determining the facts of the case would be those such as carrying out an investigation, requesting statements or the manager could conduct an initial informal investigation.

Examples of what can constitute misconduct and what can constitute gross misconduct is detailed in the Disciplinary Policy, however the lists are not exhaustive.

For the Fast Track Procedure to apply all of the following must apply:

- It is a case of alleged misconduct where dismissal is NOT an option (it is not, in any circumstances, for cases where the allegation constitutes gross misconduct), and
- The employee does NOT have a live final warning on file (conduct agreements and first written warnings may be in place and if relevant this will be brought to the attention of the disciplining authority who will confirm if they took them into account in making their final decision), and
- The employee does not wish to contest ANY of the allegations (the Employee may feel that they have mitigation to be put forward but admits in full to the allegation). In all cases where an employee admits the initial allegations put to them in full and states that they have learnt from the experience the manager should consider offering them the opportunity to access the fast track process (unless there is evidence to the contrary), and
- The employee agrees that they do not wish to proceed with a full disciplinary investigation/hearing in line with the trusts' Disciplinary Policy, and
- The employee completes the Fast Track Request Form at Appendix 1.

7.2 Instigating the Fast Track Procedure

The Procedure can only be instigated by the employee making a request using the form at Appendix 1.

However, this action could be taken following any of the circumstances below:

Issue Date: November 2020	Page 8 of 24	Document Name: Fast Track Disciplinary Policy	Version No: 2.0
------------------------------	--------------	---	-----------------

- A manager may offer the employee the opportunity to access the fast track procedure and suggest that the employee may like to apply by completing the Fast Track Request Form (Appendix 1) which the employee then does
- An employee may apply for the procedure to be used by completing Appendix 1 even if the manager has not suggested they do so. Equally a work place colleague supporting the employee may suggest this option to the employee. It must, however, be the employee that applies
- If a full investigation has commenced in line with the Trust's Disciplinary Policy, the employee may still elect at a later stage, up until the point that the investigation is completed, to complete and submit a fast-track request form. In this situation the investigation will not proceed to a formal hearing (an investigating officer may choose to suspend the investigation temporarily) pending a management decision regarding the application. It is envisaged that applications are reviewed and a decision made and communicated back to the employee ideally within one week of receipt and in all cases (unless there are exceptional circumstances) within two weeks. It must be stressed that once the investigation is completed it is then too late for a fast track request to be made
- Please note that instigating this procedure does not preclude a manager from making a referral to an employees' professional registration body or bodies such as Local Authority Designated Officer (LADO) or the Disclosure & Barring Service. This decision is made as in any other case taking advice from all relevant parties
- An employee can opt out of this process at any point, for any reason, up until the Disciplinary Meeting commences
- If at any point an employee makes a decision to use this procedure or not to use this procedure and a manager has concerns that a health impact is affecting the employee's ability to make an informed choice, advice should be taken from HR and support can be provided via Occupational Health Services.

7.3 Completing the Fast Track Request Form – Appendix 1

Employees must sign a statement detailing their involvement in the alleged misconduct, accepting all the allegations put to them and requesting a fast track hearing on the understanding that 'limited sanction(s)' (the employee has three choices to consider; conduct agreement, first written warning or final written warning) can be imposed. The employee can opt for one of the sanctions or select a range of the sanctions. This signed information will be presented on a 'fast track request form' (Appendix 1).

The employee must submit the form to their manager or the manager who wrote to them stating the allegations or a Senior Manager or Human Resources where this is not possible. Employees must disclose all relevant information at this stage. It should be noted that there is no guarantee of acceptance and that applications will not be able to be accepted until the initial fact finding is completed.

Issue Date: November 2020	Page 9 of 24	Document Name: Fast Track Disciplinary Policy	Version No: 2.0
------------------------------	--------------	---	-----------------

7.4 Advice and Support

- Work place colleague
- Human Resources
- Line Manager / Senior Manager
- Occupational Health – staff can self-refer at any time and the Trust offers counselling services. Details are on the Trusts Intranet site.

7.5 Receipt of a Fast Track Request Form

On receipt of a Fast Track Request Form from an employee, a manager should accept it providing that:

- The eligibility criteria detailed within Section 7.1 are met
- The manager has taken advice from Human Resources. This is important as it will ensure that there is a consistent approach across the Trust and will also help to identify any actions and any organisational learning that the case highlights
- Sufficient facts about the case are known
- There is an agreement with the limited sanction stated by the employee as a maximum that should be imposed
- There is belief that the employee has learnt from the experience and is unlikely to repeat the misconduct
- If other employees are involved in the alleged misconduct the fast-track process should only be agreed to if it would not complicate the other cases; advice **must** be taken from HR
- Where the application is from a clinician and concerns an issue that relates to matters that are clinical or professional regulatory matters the form will be reviewed by an appropriate member of the senior governance team before a final decision as to whether the application is approved or not is made. Therefore the manager must ensure that this review takes place when relevant.

7.6 Options

Therefore the potential decisions following the application being reviewed are:

7.6.1 No Agreement

If the Fast Track application is rejected then the matter can be dealt with under the Disciplinary Policy as normal. The manager reviewing the request will write to the employee using the template letter in Appendix 2.

Issue Date: November 2020	Page 10 of 24	Document Name: Fast Track Disciplinary Policy	Version No: 2.0
------------------------------	---------------	---	-----------------

7.6.2 Still Potential Agreement

If the 'limited sanctions' suggested by the employee are not considered sufficient but all other considerations are positive this should be discussed with the individual and the employee has then got the option of resubmitting their request form.

Employees can take advice from a work colleague or Human Resources if applicable.

The application should be resubmitted within 1 week and in all cases (unless there are exceptional circumstances) within 2 weeks. Once this time frame has lapsed the Trusts Disciplinary Policy will be applied.

7.6.3 Agreement

If the fast-track application is accepted there will be no need for a formal investigation report although a sufficient and reasonable examination of the known facts must have taken place. The manager who notifies the employee of the allegations can, and in most cases will be, the manager who makes the decision as to whether or not approve the application. This manager will usually be the employees' line manager.

The manager reviewing the request will write to the employee using the template letter in Appendix 2. Refer to Section 8 once approved.

8 Fast Track Procedure Agreed – Next Steps

The manager agrees to employee's request to draw up a Conduct Agreement (including where an employee puts a range of options from conduct agreement to a warning on their form but the manager is in agreement that a conduct agreement is sufficient).

Where a Conduct Agreement is agreed to by the manager there will be no need to refer on to a fast track hearing. There may be further actions to be considered to support this e.g. training, supervision as well as learning for the organisation or management which must still be addressed.

Refer to the Trusts' Disciplinary Policy for further information about Conduct Agreements including a template.

Where a fast track hearing is required (i.e. where a conduct agreement is not considered sufficient) the process is detailed below:

8.1 The Invite (Template Invite Letter to be found at Appendix 3)

The invite to the fast track hearing will be in writing giving a minimum of two working days' notice. This invite will set out the allegations the employee has admitted to (or have the details in an attached copy of the fast track request form), the right to be accompanied by a work colleague and the potential outcome(s) (this will be the outcomes that the employee stated on the fast-track application that was approved).

8.2 When the employee receives the invite

On receipt of this invite the employee has a final opportunity to pull out of the fast track process and have their case dealt with in line with the Disciplinary Policy.

An employee must not suffer any detriment if they choose to pull out of the fast track process – by this it is meant that the employee will not receive any unfair treatment purely and simply due to the fact that they did not continue with this process. It does not mean that they cannot be given a greater sanction in a full hearing (should one take place) than was cited in the terms of their fast track request form. The fast track request form will be passed to the Investigating Officer.

An employee is responsible for arranging for a work place colleague to attend if required.

8.3 Who will be present at the Fast Track Hearing?

Under the fast track process there is one single Disciplining Authority hearing the case. The Disciplining Authority will not be the manager who approved the fast track application. The Disciplining Authority may request that the manager who reviewed the fast track request form attends if they feel that they may be required. There will not be any witnesses or an investigating officer (if there was one appointed at any stage) or a note taker (a very brief summary will be noted on the template). There will not normally be any HR representation in attendance.

8.4 Who can be a ‘Disciplining Authority’?

As per the level required to issue a warning under the Trusts’ Disciplinary Policy.

8.5 What will be covered in the Fast Track Hearing?

At a fast track hearing an employee has the opportunity to present any information contained within the fast track request form.

Where mitigation was referred to in the request form the employee has the opportunity to present this in further detail during the hearing. Whilst it can be presented in further detail ideally no brand new information should be put forward at this stage.

If this is the case the Disciplining Authority may need an adjournment to consider if it is relevant, and if it requires any validation of any sort, the Disciplining Authority can attempt to undertake this (which may require the hearing to reconvene on another day which should be avoided where possible). To this end if the manager is not part of the Hearing it may be advisable to ensure that they are contactable should any questions arise to enable hearings to be concluded on the day.

However, employees must be aware that the onus for providing all relevant information falls with them and if they wish to ensure that it is covered they are advised to refer to it within their fast track request form.

9 Process for the Fast Track Hearing (appendix 5)

Process for the fast track hearing will be as follows:

- Introductions
- If no work place colleague present check that the employee was aware that they were entitled to have one present
- The Disciplining Authority outlines the nature of the allegation(s) accepted by the employee and advises that it (they) may result in disciplinary action up to and including the limited sanction
- The Disciplining Authority confirms with the employee that they accept the allegations previously stated
- The employee or their work colleague will have the right to put forward any comments or statements relating to the incident (including any mitigation)
- The Disciplining Authority may wish to question the employee
- The Disciplining Authority may adjourn briefly to give consideration to the case
- The disciplinary sanction imposed will have the same weight and be current for the same period of time as a comparable warning issued at a full disciplinary hearing. Details can be found in the Trust's Disciplinary Policy
- The Disciplining Authority will then communicate their decision to the employee. The penalty will not exceed the previously stated limited sanction but in exceptional circumstances (e.g. the employee denies some of the allegations, does not appear to have learnt their lesson, is clearly in denial about the seriousness of the misconduct, it is clear that not enough information is known or other facts come to light) the Disciplining Authority may decide that the matter should be referred as a case to be dealt with in line with the Disciplinary Policy.
- The Disciplining Authority will inform the employee that there is a right to appeal as per the section below.

10 After the Hearing and Appeals

The Disciplining Authority will send a copy of Appendix 4 to the employee once it has been reviewed by Human Resources. They will also send a signed copy to Human Resources instructing the document to be placed on the employee's personal file for the relevant time frame.

The employee can elect to appeal only if they consider that the fast track hearing has not been conducted in a fair manner i.e. in accordance with the procedure. Therefore they cannot appeal against the severity of sanction imposed

Issue Date: November 2020	Page 13 of 24	Document Name: Fast Track Disciplinary Policy	Version No: 2.0
------------------------------	---------------	---	-----------------

including how much, if any, of any mitigation put forward was accepted by the Disciplining Authority.

It is not foreseen that an employee will appeal as both the use of this process and the scope of outcome were agreed by both parties prior to the hearing. Therefore, for an appeal to be accepted, it must clearly state which part of the process was not followed and demonstrate that this flaw in the process could have directly impacted the outcome. As stated it is not considered a flaw in a process that the Disciplining Authority did not consider that the mitigation should have reduced the sanction as that is within the decision making scope of the Disciplining Authority.

Any appeal must be submitted in writing to the Deputy Director of Workforce within 7 days of the date that Appendix 4 was sent to the employee.

The Deputy Director of Workforce will determine if the appeal contains valid points that meet the requirements required in order to warrant an appeal. An appeal will not automatically rehear all the information. Instead the appeal will focus on the process points put forward within the appeal and whether those are valid flaws in the process and whether the flaws could impact on the outcome.

The person hearing the appeal will be a different Senior Manager to the one present at the original hearing. However, when the circumstances require it based on the information within the appeal, the Deputy Director of Workforce has the right to insist that the matter is referred back into the normal Disciplinary Policy and a full investigation and hearing take place e.g. it is now evident that the conditions within Section 7.1 regarding eligibility are not met. This would mean that the fast track process is no longer relevant to the case in question.

11 Consultation

Key individuals/groups involved in the development of the document to ensure it is fit for purpose once approved.

Name	Designation
	Senior Managers
	HR Policy Group

12 Dissemination and Implementation

12.1 Dissemination

The HR Business Partner will disseminate this procedure using the Trust bulletin and intranet (the Hub) and to Senior Management.

12.2 Implementation

HR will provide advice and guidance on the procedure in operation.

Issue Date: November 2020	Page 14 of 24	Document Name: Fast Track Disciplinary Policy	Version No: 2.0
------------------------------	---------------	---	-----------------

13 Process for Monitoring Compliance and Effectiveness

Via Human Resources as per the number of cases that use this process and the outcome of those cases.

- The number of Fast Track Applications received.
- The number of Fast Track Applications approved.
- The number of cases concluded using this process.

14 Standards/Key Performance Indicators

Not applicable.

15 References

Advisory, Conciliation and Arbitration Service (Acas) (2015) Code of practice on disciplinary and grievance procedures [online]. Available at:

<http://www.acas.org.uk/index.aspx?articleid=2174>

Equality Act 2010, c.15 [online]. Available at:

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Royal College of Nursing (2017) Discipline [online]. Available at:

<https://www.rcn.org.uk/get-help/rcn-advice/discipline>

UNISON (2017) Discipline [online]. Available at: [https://www.unison.org.uk/get-](https://www.unison.org.uk/get-help/knowledge/disputes-grievances/discipline/)

[help/knowledge/disputes-grievances/discipline/](https://www.unison.org.uk/get-help/knowledge/disputes-grievances/discipline/)



Appendix 1

Disciplinary Fast-Track Request Form

For the Fast Track process to be applied, all eligibility criteria in Section 7.1 must be satisfied. Completing this form fully will allow for your request to be considered.

It is strongly advised that you should read this Procedure in full and seek advice from a Work Colleague or HR before completing this form.

Personal Details – to be completed in full by the Employee

Name

.....

Department/Team/Service.....

.. Immediate Line

Manager.....

Date.....

.... Declaration – all elements to be individually signed

I declare that:

I do NOT have a live final warning on file

Signature

I admit in full to all of the allegations put forward and have reflected and learnt from the experience

Signature.....

I understand that by completing this form this case will not be addressed under the Trusts Disciplinary Policy with a full investigation and full disciplinary hearing but will be dealt with under this Procedure

Signature.....

Please detail the allegation(s) of misconduct that you understand the manager has informed you of and state that you are fully accepting (NB you will only be able to complete this once allegations have been confirmed in writing to you. Please copy the wording exactly from your letter from the Manager confirming the allegations so that all parties are clear – alternatively, and especially useful where there are multiple allegations, attach a copy of the letter and note that you understand the allegation by each allegation if you prefer. Please expand this box as much as is necessary.

Please provide a full explanation of the incident(s) (including any mitigation) that led to these allegations of misconduct. PLEASE NOTE THAT YOU SHOULD INCLUDE DETAILS ON THIS FORM OF ANYTHING THAT YOU WOULD RAISE AT THE FAST TRACK HEARING ON THE FORM TO AVOID NEW INFORMATION BEING RAISED DURING THE HEARING (THIS DOES NOT PRECLUDE A MORE DETAILED DISCUSSION TAKING PLACE AT THE HEARING SO IT CAN BE A BRIEF SUMMARY). Please expand this box as much as it necessary.

Please detail the lessons you have learnt from this situation and your intentions for the future:

NB You are advised to seek advice from a Line Manager, Human Resources or a Work Colleague before completing this section should you require any advice.

I confirm my acceptance of the allegation(s) of misconduct against me and am making this request for my case to be considered under the fast track disciplinary process on the strict understanding that I would only accept one of the following sanctions:

Conduct Agreement / First Written Warning / Final Written Warning (delete as applicable).

I understand that in the event that my request is declined the information contained in this form can be used in any formal disciplinary investigation process instigated.

Signed.....

Date.....

To be completed by the Manager

Manager should seek advice from HR

Do the allegations constitute gross misconduct?

Please circle YES NO If 'Yes' this form must NOT be approved.

Outcome – Please tick one of the options below

- *Request declined as not all of the conditions within Section 7.1 have been met.**
- *Request declined but only on the basis of the range of sanctions proposed – employee to be advised that if they wish to reapply with a bigger range of sanctions then the form would be re-considered**
- *Request approved and I agree to a conduct agreement being issued**
- *Request approved and a Fast Track Hearing will take place**

Once this form is complete please complete the letter within Appendix 2 and pass a copy of both documents to your HR Business Partner as soon as possible. If the employee has a conduct agreement or first written warning already in place please provide details along with this form.

Appendix 2

Outcome of Fast Track Request Form

Date

Private & Confidential

Dear

Re: Fast-Track Disciplinary Hearing

I am writing regarding your Disciplinary Fast-Track Request Form dated

DELETE 3 OUT OF THE FOLLOWING 4 OPTIONS (i.e. from 1a, 1b, 2 or 3) – ensure all irrelevant parts are deleted before sending.

OPTION 1 TO BE USED WHEN REQUEST DECLINED

a) I regret to inform you that your request has been declined on the basis that the eligibility criteria laid out in Section 7.1 has not been fully met and satisfied. The criteria that I do not consider to have been met is.....

Or

b) I regret to inform you that your request has been declined on the basis that the range of sanctions that you have stated as being acceptable has not been deemed to have been appropriate. Should you wish to revisit the sanctions that you stated as acceptable we would be happy to receive a revised application for consideration.

Or

OPTION 2 TO BE USED WHEN REQUEST APPROVED AND MANAGER AGREES TO CONDUCT AGREEMENT

I am writing to confirm that your request has been approved and I accept your request for a sanction of a Conduct Agreement. This means that a Fast Track Hearing is not required. I will meet with you to put the Conduct Agreement into place and its effective date will be from the date that it is developed and signed. As part of this process it is also important that we consider any other actions that may be relevant e.g. supervision, training, reading Trust policies etc and we can discuss this also in our meeting.

Or

OPTION 3 TO BE USED WHEN REQUEST APPROVED AND A FAST TRACK HEARING WILL TAKE PLACE

I am writing to confirm that your request has been approved and a Fast Track Disciplinary Hearing will take place shortly. You will receive a further letter confirming these arrangements (or include details if known at this stage (ensure all details from Appendix 3 included) which would remove the need for Appendix 3 to also be used).

Kind Regards

Name
Job title

Issue Date: November 2020	Page 20 of 24	Document Name: Fast Track Disciplinary Policy	Version No: 2.0
------------------------------	---------------	---	-----------------

Appendix 3

Invitation to Fast Track Disciplinary Hearing

Date

Private & Confidential

Dear

Re: Fast-Track Disciplinary Hearing

I am writing following the approval of your Disciplinary Fast Track Request Form. I therefore confirm that you are invited to attend a Fast Track Disciplinary Hearing with me to consider the following allegation(s) of misconduct the basis of which you signed as accepting on your form:

.....
.....
.....

This hearing will be conducted under the Trusts' Fast-Track Policy (copy enclosed).

Detailed below are the arrangements for this meeting

Location:
Date:
Time:

You have a right to be accompanied at this hearing by a work based colleague.

Under the fast-track process no witnesses can be called.

Also in attendance will be.....(or delete if none)

You should be aware that the outcome of this hearing could be that you receive a *conduct agreement/first written/final warning** which is in compliance with the maximum limited sanction you confirmed as acceptable on your Disciplinary Fast Track Request Form.

You now have a final opportunity to pull out of the fast-track process and request a full disciplinary investigation takes place which could result in a formal disciplinary hearing. If you elect to take this course of action you should inform us prior to the day of the hearing by emailing xxxxxx at xxxxx@bridgewater.nhs.uk.

If you have any queries in advance of the hearing please contact me.

* *Delete as applicable*

Appendix 4

CONFIDENTIAL

DISCIPLINARY FAST-TRACK INTERVIEW TRANSCRIPT (to be attached to Fast Track Request Form)

To be completed prior to Hearing by the Disciplining Authority

Name of Employee.....

Department.....

To be completed at the Hearing

Date of Hearing.....

Disciplining Authority.....

Work place colleague

Anyone else in attendance.....

Confirm that the allegation(s) in the form attached were accepted by the employee and that he/she confirmed that he/she understood the hearing may result in disciplinary action up to and including the maximum limited sanction detailed on the Fast-Track Request Form.

Yes / No (delete as applicable)

Note briefly any comments or statements relating to the incident including any mitigation put forward by the employee or their work place colleague. There is no requirement to note anything that was stated on the Fast Track Request Form.

(ADJOURNMENT IF REQUIRED)

Outcome (delete as appropriate)

Conduct Agreement – advise Employee that Line Manager will make arrangements for this

First Written Warning – read wording from Disciplinary Policy

Final Written Warning – read wording from Disciplinary Policy

Advise if any current Conduct Agreements or First Written Warnings have been taken into account.

Confirmed right to appeal

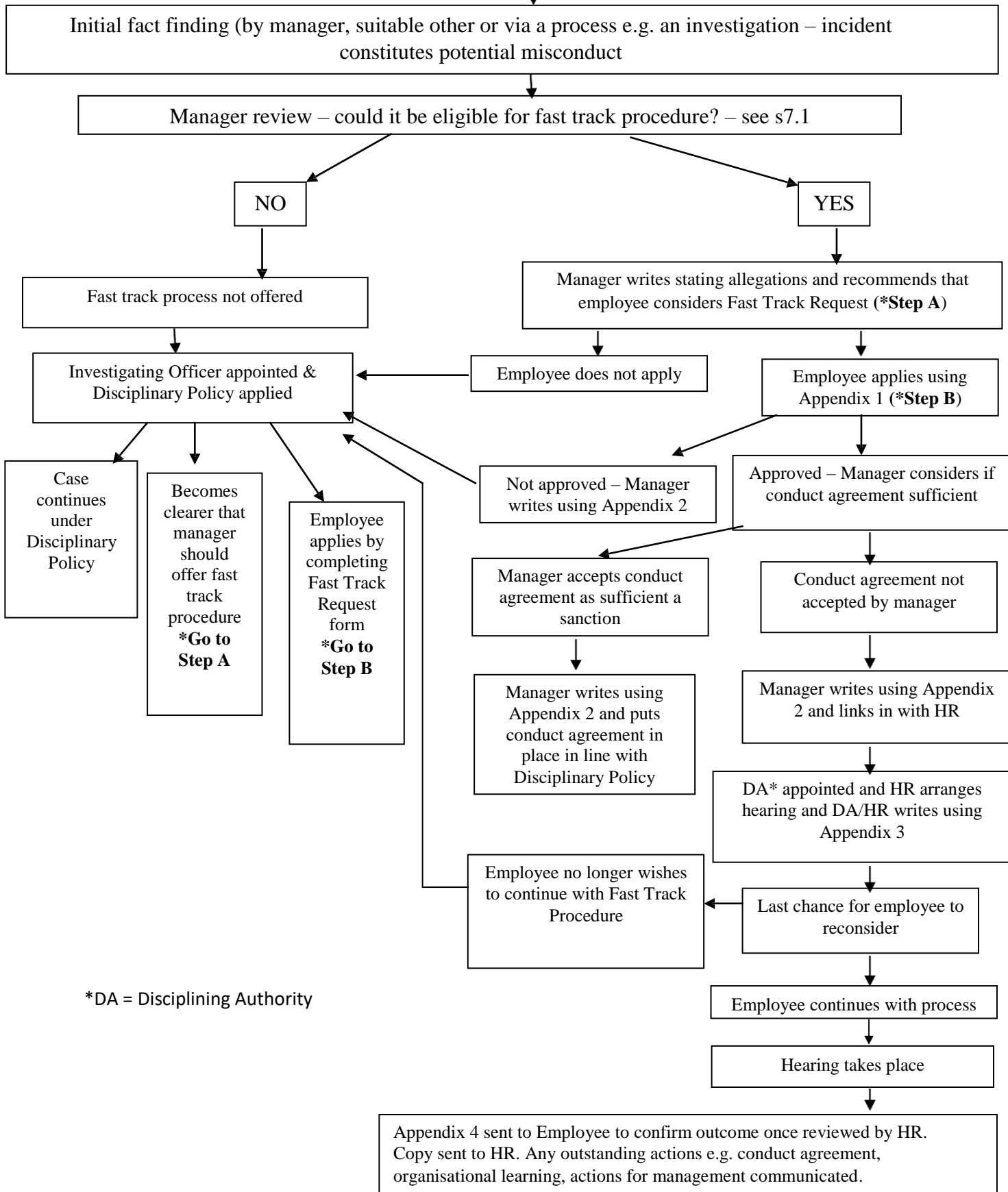
Any other comments

Signature

Date

Appendix 5

Incident Occurs



*DA = Disciplining Authority