

## DISCIPLINARY RULES

Employees need to be aware of the standards required of them in the course of their normal day-to-day duties and the possible consequences of any failure to adhere to these standards.

Listed below are the types of issues that, if breached, may result in disciplinary action. These rules are not exhaustive and serve only as a guide, although they do form part of your contract of employment.

### 1. CONDUCT

#### **Attendance**

Every employee is required to attend regularly for work within the terms of their contract of employment. Employees may not be absent from work nor leave their place of work or duties without the relevant authorisation of their line manager.

#### **Time keeping**

Every employee is required to attend work punctually, and where directed, to maintain an accurate attendance record.

#### **Confidentiality**

All information, including manual or computerised records, relating to patients, employees, salaries, tenders or other potentially sensitive information, is to be regarded as confidential at all times.

#### **Following Instructions**

All employees must carry out instructions given by management effectively and efficiently as required. Any concern about the practicality, legality or safety of an instruction, should be raised with the manager.

#### **Health and Safety**

In accordance with the Health and Safety at Work Act 1974, employees have a duty to take reasonable care to avoid injury to themselves and others whilst at work. Any personal and protective equipment provided, must be used appropriately. The occurrence of any incident that poses an actual or potential hazard to a patient, employee, contractor or member of the public, must be reported in accordance with the Trust's Incident Reporting Procedure.

#### **Use of Trust Facilities**

Employees must not use the Trust's facilities, materials or equipment for purposes unrelated to their job, without the manager's agreement.

## **Appointments and Business Interests**

Employees are not precluded from accepting other employment outside of their normal working hours. However, such employment must under no circumstances hinder or conflict with that employee's contractual obligation to the Trust. Employees are therefore required to inform the Trust of any outside employment or activity which may do so.

Employees must declare if they (or anyone else in their immediate family or household) have any business interests in a contract that is made between the Trust and a third party. If an employee becomes aware of any contract being entered into by the Trust in which they (or anyone else in their immediate family or household) might have a pecuniary interest, they must notify the Trust in writing.

## **Additional Employment**

Employees are reminded that under the terms and conditions of their employment, they must declare any other employment they undertake in addition to their work with the Trust.

Written consent must be gained from the line manager prior to undertaking external to the Trust, the Trust does not prevent employees from taking secondary employment and will not unreasonably withhold permission to do so provided it does not interfere and is not likely to interfere, with the employees performance of their employment with the Trust.

It is an express term and condition of employment that employees must not undertake any work in any capacity whilst off sick.

## **Declaration of Interests, Bequests, Gifts & Hospitality**

Failure to comply with the Trust's requirements for all employees to declare interests and any gifts, bequests and hospitality received is likely to be construed as a breach of the Trust's regulations.

## **Communication with Press, Media or Other Third Parties**

Any employee who intentionally passes on information obtained during the course of employment that is likely to harm the interests of the Trust, its patients, service users, employees or property, may be subject to disciplinary action. Employees are expected to notify and liaise with the Trust's Communications team when dealing with media.

The attention of staff is drawn to the recognised internal channels by which they can make representation to the Trust, for example, use of the Whistleblowing and Grievance Policies or by contacting the Guardian Service.

## **Appearance and Personal Hygiene**

Employees are expected to be clean and tidy at work and to wear clothing appropriate to their occupation. This may be subject to departmental safety or hygiene rules that must be observed.

## **2. GROSS MISCONDUCT**

Exceptionally serious offences such as those given below will be regarded as gross misconduct and may warrant summary dismissal. Examples of gross misconduct are, but not limited to:

### **Theft**

Any instance of theft, attempted theft or dishonesty arising out of employment with the Trust.

### **Fraud**

Any deliberate fraudulent act, for example, falsification of timesheets, sickness certification or other claim forms etc. Offences, criminal or civil which could be related to fraud or corruption (behaviour outside the boundaries of accepted NHS business practice) will be subject to the Trust's Counter Fraud Specialist's scrutiny in consultation with the Director of Resources and in accordance with the Trust's Fraud and Corruption Policy.

### **Assault**

Any verbal or physical assault (or attempted assault) upon a patient, employee, contractor or member of the public.

### **Criminal Action/Inquiries**

Any criminal police inquiry or action resulting from a criminal inquiry, arrest, charge, caution or conviction in circumstances where there is a connection between the criminal action/ inquiry and the employment relationship which brings about a loss of trust and confidence or where the Trust has been brought into disrepute.

Any failure by an employee to disclose any of the above.

### **Gross Negligence**

Any action or failure to act, that threatens or could threaten the security or health, safety and well-being of a patient or service user, employee, contractor or member of the public or which seriously damages public confidence.

## **Harassment, Bullying and Discrimination**

Breaches of the Trust's Equalities Policies or Respect and Dignity at Work Policy, including any form of harassment, bullying or discrimination including sexual offences, verbal abuse or intimidation directed at a patient, service user, employee, contractor or member of the public.

## **Relationships with Patients**

The Trust regards as wholly unacceptable and close, personal relationship between an employee and a patient whom they meet as a result of their employment. Personal relationships of a sexual nature may additionally be considered a criminal offence.

## **Confidentiality**

All information, including manual or computerised records, relating to service users, employees, salaries, tenders or other potentially sensitive information, is to be regarded as confidential at all times. Serious breaches of confidentiality will potentially amount to gross misconduct.

## **Following Instructions**

All employees must carry out instructions given by management effectively and efficiently as required. Any concern about the practicality, legality or safety of an instruction, should be raised with the manager. Where there is a serious breach i.e. a wilful refusal to obey lawful instruction without proper reason, it will potentially amount to gross misconduct.

## **Breach of the Trust's Standing Orders or Financial Instructions**

Any serious breach of the Trust's Standing Orders or Financial Instructions.

## **Corruption**

Receipt of money, goods, favours or excessive hospitality in respect of services rendered. (see NHS circular HSG(93)5 which sets out the principles for Standards of Business conduct for NHS staff). This includes the acceptance of any gift or consideration from individuals or contractors that may be considered as an inducement.

## **Serious Misrepresentation**

Any serious misrepresentation/falsification including, declaration of health, qualifications held, previous positions held, falsification of date of birth. Also any failure to disclose a criminal conviction, charge or caution prior to or during employment other than where non-disclosure is protected by the Rehabilitation of Offenders Act. Or deliberate falsification of professional registration, immigration status; or the requirements to satisfy the Fit and Proper Person Test.

## **Records**

All employees are expected to keep clear and accurate records (including electronic records) relevant to their practice a failure to maintain appropriate care records including misrepresentation, falsification or retrospective recording would constitute a breach of policy.

## **Misuse of Information Technology**

Any serious breach of policy as set out in the Trust's IM&T Security Policy, Internet Usage and Social Media policies in relation to the inappropriate or excessive use of IT equipment, Internet access and/or Email or Social network sites.

## **Data Protection**

Any deliberate misuse of data protection information and/or deliberate interference with computerised information or information held on manual files.

## **Malicious or Wilful Damage to Property**

Any deliberate damage to property belonging to the health service, a patient, employee, contractor or member of the public.

## **Health and Safety**

Serious breaches of health and safety legislation and/or the Trust's Health and Safety Policy.

## **Fitness for Duty**

Being unfit for duty, other than for medical reasons, for example, through substance and/or alcohol misuse. This may include sleeping whilst on duty.

## **Policies or Statutory and Contractual Codes**

Serious breaches of the Trust's policies or relevant statutory or professional, Codes of Practice and Conduct, the NHS Code of Conduct for NHS Managers (e.g. practising whilst unregistered) and NHS Constitution. This includes actions outside of the normal workplace and hours of work which as a result, may question the honesty or integrity of the employee or potentially harm the Trust reputation or bring the Trust into disrepute.

Failing to bring to the Trust's attention any investigation or action taken by either their professional body, or any other statutory body, regarding their conduct, behaviour or practice.

## **Failure to maintain Professional Registration**

It is a statutory requirement to maintain professional registration in certain professions to practice without registration is a breach of the terms and conditions of employment, this includes where registration has lapsed, revalidation is not approved or the employee is suspended or removed from the register for whatever reason.

## **Mental Health Act 1983 and 2007**

The Sexual Offences Act 2003 confirms that it is a criminal offence for a care worker to engage or attempt to engage in behaviour of a sexual nature with a person with a mental disorder.

## **Conduct likely to bring discredit to the Trust or relevant organisation or profession**

This rule may be breached when an employee intentionally, recklessly or without reasonable cause acts in a manner which damages, or is likely to damage, the reputation of the Trust or organisation or profession to which they belong.

## **Breach of Trust and Confidence**

This rule may be breached when an employee acts in a way which can reasonably be considered as damaging or likely to damage, the relationship of confidence and trust between them and the Trust. This confidence and trust can be explicit or implied.

## **Bribery Act**

Offences described under the Bribery Act 2010.

## **Duty of Candour**

An employee will have breached Duty of Candour if they fail to be open and honest with a patient in relation to their care or take part in investigations or audits relating to patient care.