



**DISCIPLINARY POLICY AND
PROCEDURE**

Medic Now

Disciplinary policy and procedure

Purpose

The purpose of this policy is to ensure that all agency workers (workers) are treated fairly and equally. The procedures should be applied when a worker falls short of the expected standards of behaviour and conduct and must be applied consistently.

Policy Statement

Minor misconduct issues can often be resolved informally between the worker and Medic Now. These discussions should be held in private and without undue delay whenever there is a cause for concern. Where appropriate, a note of any such informal discussions may be recorded.

In some instances, the case may be referred to the Clinical Advisory Team for review. With all clinical concerns/complaints these will be referred to the Clinical Advisory Team.

Medic Now views the following (non-exhaustive) list as matters amounting to disciplinary offences:

- Persistent poor timekeeping
- Sleeping on shift
- Poor overall attendance
- Failure to regularly submit satisfactorily completed time sheets, if applicable
- Failure to wear the appropriate uniform and identity badge
- Unauthorised absence
- Malicious or deliberate damage to client property
- Abusive or aggressive behaviour, including foul language
- Unreasonable refusal to follow reasonable instructions
- Smoking, drinking alcohol or taking illegal drugs on duty
- Causing loss or damage to property and/or injury through serious negligence
- Failure to observe procedures, including but not limited to;
 - A. Health and safety
 - B. Recording visit details
 - C. Requirements of electronic monitoring systems
 - D. Recording medications correctly
 - E. Unauthorised access or disclosure of confidential information
 - F. IT systems and use of social media (for the avoidance of doubt, personal use of mobile phones and social media should not be used during working hours)
 - G. Reporting or raising concerns in the workplace, which may have an impact on patient care and safety

Medic Now considers the following to be very serious disciplinary offences (this list is non-exhaustive):

- Theft from other workers, clients, members of the public or other offences of dishonesty and deception
- Enticing, or attempts to entice, clients to move their custom away from Medic Now to either another provider, or to deliver services directly with the client under a private arrangement
- Falsification of a qualification which is a stated requirement of the worker's employment or which results in financial gain to the worker

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- Any acts or behaviours that result in the worker being unable to fulfil the requirements of the role as set out in accordance with recognised industry standards
- Deliberate falsification of records, reports, accounts, expense claims or self-certification forms whether or not for personal gain
- Violent, aggressive and abusive behaviour
- Sexual misconduct or harassment at work
- Fighting with or physical assault with other workers, patients or members of the public
- Deliberate misuse of or inappropriate use of Medic Now or client's property
- Theft or fraud
- Bribery
- Deliberate falsification of records

In addition, investigations into criminal convictions that result in the likelihood of a conviction of a criminal offence that is relevant to the worker's employment (including rendering the worker unable to remain employed in their role) and or conduct that brings or could potentially bring the Medic Now name into disrepute is likely to trigger the immediate termination of the worker's engagement with Medic Now.

Negligence

Acts of negligence will also be handled in accordance with this policy.

Acts of gross negligence are likely to result in the immediate termination of the worker's assignment and/or engagement with Medic Now. For the avoidance of doubt, gross negligence is deemed to be carelessness or reckless disregard for the safety or lives of others, which is so great that it appears to be a conscious violation of other people's rights to safety.

Gross negligence may include but is not limited to:

- Failure to disclose a medical condition which may put the Health and Safety of colleagues or patients at risk
- Failure to follow infection control or other health and safety procedures which could cause harm to others
- Failure to report suspected child or vulnerable adult abuse, or being involved in such abuse

Confidentiality

All disciplinary matters will be kept strictly confidential by Medic Now and our clients, unless Medic Now is required to escalate matters to the requisite regulatory body. If such referral is necessary, the worker will be informed.

Medic Now may need to consult with other workers for the purpose of disciplinary investigation. Any disclosures made to workers in these circumstances must be kept strictly confidential and failure to do so may result in disciplinary action.

Process

Medic Now is not bound by a specific disciplinary procedure or process however, in some circumstances, to their absolute discretion, may decide to adopt the following procedure, in part of entirety:

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Investigation

- Once a disciplinary concern has been identified, Medic Now may undertake an investigation
- The purpose of an investigation is for Medic Now to establish a fair and balanced view of the facts relating to any disciplinary allegations, if they consider this necessary, before taking disciplinary action
- As part of the investigation process it may be necessary to interview witnesses and take written statements. If a worker is called upon as a witness, this should be kept strictly confidential

Removal from work

- Where it is believed that the matter to be investigated involves serious misconduct the worker may be immediately removed from any future booked shifts, and will not be permitted to book shifts, while they are being investigated. The worker will not receive any pay during the period of the disciplinary investigation/suspension, whether for any booked shifts that they are removed from, the loss of opportunity to book shifts during the period of the disciplinary investigation, or otherwise
- Not offering further work will be for no longer than is necessary to investigate the allegations
- If removed from work, the worker must not contact any other workers or clients without gaining prior approval from Medic Now

Disciplinary Hearing

- If Medic Now and/or the client have serious concerns over the worker's conduct, they may terminate the engagement, without notice. However, in some circumstances, Medic Now may invite the worker to attend a disciplinary hearing (if the investigation proves there is a case to answer) to determine whether the allegations are upheld and decide the appropriate sanction.
- If Medic Now deem a disciplinary hearing necessary, the worker has the right to be accompanied by a companion. The companion must be either a colleague or qualified Trade Union representative.

Attendance at Disciplinary Hearing

- If workers are invited to a disciplinary hearing, they must attend. If the worker fails to attend for an avoidable reason, the hearing will go ahead without the worker, and a decision will be made
- Formal disciplinary hearings will be scheduled during a workers normal working hours, and at a location that is deemed suitable however, the worker will not be paid to attend. This may not necessarily be the workers contractual or normal base of work
- If a disciplinary hearing takes place, the worker will be informed in writing of the decision and what disciplinary action, if any, is to be taken after the hearing. If Medic Now do not consider a disciplinary hearing necessary, the worker will be informed of the decision as soon as reasonably possible. If the disciplinary allegations are upheld, the worker will likely be removed from their current assignment(s) and/or removed from Medic Now's list of agency workers for the purpose of

Referrals To External Organisations

Where required to by authority bodies, by legal statute or by contract, information will be disclosed to external bodies regarding disciplinary action. Workers will be informed if such referrals are made and of what the outcome is.

Where applicable, the Care Inspectorate must also be notified within required timescales www.careinspectorate.com

If the disciplinary outcome is related to [Adult Support and Protection in Scotland](#), please refer to the Adult Support and Protection Policy to determine if a referral to Disclosure Scotland is required.

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References

It is Medic Now Recruitment Group policy to supply a standard reference.

Further support and guidance can be found via ACAS with the following link: <http://www.acas.org.uk/>