

## Disciplinary Investigation Terms of Reference

[ NAME OF EMPLOYEE ]

### 1. Commissioning Manager

I, [ Name of Commissioning Manager] , [Job title of commissioning manager], commission a formal disciplinary investigation into the allegations listed below.

Amendments to these terms of reference may be necessary during the investigation, however, must be agreed by the commissioning manager prior to inclusion.

### 2. Background

[NAME]: is employed as [JOB TITLE AND DEPARTMENT]. [EXPLANATION OF WORK DONE IN THE DEPARTMENT]

[NAME] has been employed with the Trust since [DATE STARTED IN TRUST]

[DESCRIPTION OF EVENTS USUALLY TAKE THE FACT FINDING AS A SOURCE FOR THIS SECTION, WHICH SHOULD BE A COMPREHENSIVE SUMMARY OF EVENTS AS THEY ARE KNOWN BEFORE THE INVESTIGATION STARTS. FOR EXAMPLE WERE POLICE INVOLVED, IF THEY WERE WHAT HAPPENED? IF THE POLICE ARE INVOLVED HAVE THEY REQUESTED THE TRUST DELAY TAKING ACTION? ADDITIONALLY FOR PROFESSIONAL STAFF HAS THE RLEVANT STATUTORY BODY BEEN NOTIFIED ALSO RECORD THE STATUS OF THE EMPLOYEE I.E. AT WORK OR SUSPENDED

### 3. Allegations

The purpose of the investigation is to establish the facts and any mitigation surrounding the following allegations:

1. DETAILS OF THE ALLEGATION/S

### 4. Investigating Team

The investigating team will consist of:

Investigating Officer (IO) [NAME AND JOB TITLE]  
HR Representative [NAME AND JOB TITLE]

## 5. Investigation

### 5.1. Key lines of enquiry

The following are questions to be considered by the investigation team but is not exhaustive.

- SET OUT HERE WHAT LINES OF ENQUIRY ARE TO BE FOLLOWED

### 5.2. Interviews

All employees under investigation are entitled to be accompanied at formal investigation meetings. Although not a legal right, as a Trust we allow all witnesses to also be accompanied should they so wish. Someone accompanying an employee will normally be a trade union representative or work colleague and may not be a legal representative. Alternative attendees may be agreed as reasonable adjustments.

The following people should be interviewed as part of this investigation:

- [NAME OF PERSON SUBJECT TO THE ALLEGATION]
- [NAME AND JOB TITLES OF ANY WITNESSES]

This list is not exhaustive and further witnesses may be interviewed as deemed necessary by the investigating team.

### 5.3. Document Review

The following documents will be reviewed as part of the investigation. Other documents may be considered as deemed appropriate by the investigating team.

- Disciplinary policy
- ANY PROFESSIONAL GUIDELINES I.E. CODE OF CONDUCT
- TRUST POLICIES RELATING TO THE CASE IN QUESTION

## 6. Support for employee and witnesses

Nominated support should be identified for all employees under investigation. Where possible they should have no prior involvement or be identified as witnesses in the case. In some cases it may be appropriate to nominate a potential witness to reduce the number of individuals aware of the allegations. Those identified in providing pastoral support will ensure regular contact is made with the individual and highlight any wellbeing concerns to the commissioning manager as soon as possible.

Nominated Pastoral Support	[NAME JOB TITLE]	CONTACT DETAILS
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The Investigating officer should remind the employee and witness(s) of the following support mechanisms

Health @ Work	via management or self-	Tel: 01438 286514
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	referral	Healthatwork.enh-tr@nhs.net
Employee Assistance Programme (EAP)	confidential counselling service	0800 243 458
Trade Union	UNITE Unison RCN	01438 284895
Chaplaincy		01438 285519

## 7. Stakeholders

The report will only be provided to the commissioning manager pending decision on further action. Should a hearing be required the report will be shared with the employee under investigation. The report will not be shared with further parties unless deemed appropriate.

The Divisional management team and HR Business Partner will be kept updated on progress via the normal monthly reporting cycle.

As this matter has a safeguarding nature it may be necessary to share the report and or findings with the local LADO or Police.

## 8. Report

The investigation and report should be concluded within 21 days of the ToR being agreed. A report should be submitted to the commissioning manager by **[DATE]** to consider the appropriate next steps. If the IO believes the report will be delayed this must be escalated to the commissioning manager as soon as possible to provide assistance in completing the report in a timely manner.

Where an employee is suspended the IO should write with a progress update on a fortnightly basis. The first update notification is due on **26 July 2019**.

## 9. Date Accepted

These terms of reference we agreed and commissioned on

<b>Date</b>	
<b>Signature (commissioning manager)</b>	
<b>Name (Print)</b>	