



Workforce

Conduct Policy : guide for employees

The following guide forms part of the standard for workforce policies that apply to all staff within NHSScotland regardless of which Board they are employed by.

As an employee you are responsible for meeting and maintaining the standards of expected behaviour required by your employer, as these form part of the terms and conditions of your employment.

A concern can be identified and reported by any individual who has recognised a behaviour or incident which may be in breach of the required standards. The route for conduct is detailed in the policy and shown in the [flowchart](#) ¹. This outlines the procedure through both the early resolution and formal stages.

Your manager will determine whether early resolution is appropriate. For conduct issues which cannot be resolved through early resolution an investigation will be conducted using the [NHSScotland Workforce Policies Investigation Process](#) ² (WPIP).

If it is determined that the incident or concern presents a significant risk to the organisation such as clinical care, the safety of yourself and / or others and / or any investigation, suspension will be considered. Where these risks can be managed alternatives to suspension will be used.

Medical suspension is defined as where an employee is suspended from work as they are experiencing health-related concerns which may mean they are a risk to themselves or others. Medical suspension requires a medical opinion and should be managed under the [Attendance policy](#) ³.

Early resolution

The first part of the process is called early resolution, which may have been called the informal stage in the past.

Where early resolution is appropriate your manager will:

- hold an initial meeting with you
- discuss any underlying issues and potential solutions
- provide guidance on acceptable standards of conduct and behaviour
- set targets and timescales for improvement where appropriate
- arrange review meetings

The outcome of these meeting(s) will be confirmed by your manager in writing within 7 calendar days, using the [Early resolution outcome letter](#) ⁴ template.

At the end of the agreed timescales, where the required improvement has been met, your manager will confirm that no further action will be taken.

Where the required improvement(s) are not met, your manager will advise you that the formal approach will be initiated. An investigation will be undertaken using the [NHSScotland Workforce Policies Investigation Process](#)² and concluded before beginning the formal approach.

Formal approach

In cases where the concern is more serious and cannot be managed under early resolution, or where early resolution has not worked, an investigation under the Workforce Policies Investigation Process will be arranged.

Upon completion of the investigation an Investigation Report will be submitted to your Manager. The report will recommend one of the following outcomes:

- no further action as the allegation is not upheld
- referral to formal conduct hearing
- referral to another Workforce policy (e.g. Capability Policy)

Written notification of the next steps will be sent to you within 7 calendar days of you receiving the final investigation report, using the [standard letter template](#)⁵.

Formal Hearings

If the outcome indicates that you are referred to a formal conduct hearing, you will be invited to attend and present your case at a hearing. This is set up for an independent panel to consider the alleged conduct issue which has been raised, so they can make a decision about the issue from the evidence presented. Read the [Formal hearings guide](#)⁶ for more information.

After the hearing, the outcome will be confirmed in writing, with one of the following outcomes:

- no case to answer
- learning outcomes and / or
- a formal conduct sanction

Maintaining relationships

There is an expectation that people will continue to work together at all stages wherever possible. Your manager will offer appropriate support to enable this to happen.

Failure to engage

There may be occasions where you feel unable to attend a hearing. Where this is for health reasons, Occupational Health advice will be obtained to consider when you will be in a position to do so or if there are alterations to the process which can be made to support your attendance. If you intend to be supported or represented then the availability of all parties will be considered, in order to agree on a suitable date for all parties. If your representative is unavailable, further dates will be agreed to allow the hearing to happen.

Where you decide not to attend and there is no reasonable explanation for this, you will be offered a second meeting and if you fail to participate, the panel will consider any reasons for this and whether to progress the hearing in your absence.

Other conduct concerns

If further concerns arise during the formal process your employer will consider whether the issues are related. If so, these may be dealt with as part of the same process.

Grievances or bullying and harassment complaints

If you raise a grievance or bullying and harassment complaint during the conduct process, the process may be temporarily suspended in order to deal with the grievance or complaint. Where the grievance or complaint and matters under consideration are related, it may be appropriate to deal with both issues at the same time.

References

¹ Conduct Policy : flowchart

<https://workforce.nhs.scot/supporting-documents/flowchart/conduct-policy-flowchart/>

² NHSScotland Workforce Policies Investigation Process

<https://workforce.nhs.scot/policies/workforce-policies-investigation-process-overview/>

³ Attendance Policy

<https://workforce.nhs.scot/policies/attendance-policy-overview/attendance-policy/>

⁴ Conduct Policy : Early Resolution outcome – initial meeting letter

<https://workforce.nhs.scot/supporting-documents/letter-template/conduct-policy-early-resolution-outcome-initial-meeting-letter/>

⁵ Conduct Policy : supporting documents

<https://workforce.nhs.scot/policies/conduct-policy-overview/conduct-policy/#supporting-documents>

⁶ Formal Hearing Guide

<https://workforce.nhs.scot/supporting-documents/guides/formal-hearing-guide/>