

Sharing Best Practice in Respect of a Just and Learning Culture

28 April 2021

What is a just and learning culture?



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Does your organisation have a just and learning culture now?



Investigations and disciplinary procedures

- Little specific law around this
- ACAS Code of Practice on disciplinary and grievance procedures
- Employment Rights Act 1996



Key principles of ACAS Code of Practice



- Employers and employees should raise and deal with issues promptly and without unreasonable delay
- Employers and employees should act consistently
- Employers should carry out necessary investigations, to establish the facts of a case

Key principles of ACAS Code of Practice (cont)



- Employers should inform employees of the basis of the problem and give them an opportunity to "put their case in response" before any decisions are made
- Employer should allow employees to be accompanied at formal meetings
- Employers should allow an employee to appeal against any formal decision made

Recent developments in the NHS



- Amin Abdullah case
- NHS Improvement 'task and finish' Advisory Group
- 24 May 2019, Dido Harding letter - Learning lessons to improve our people practices
- 1 December 2020, Prerana Issar letter – Sharing good practice to improve our people practices

Dido Harding Letter – Key Recommendations



- Adhering to best practice
- Applying a rigorous decision-making methodology
- Ensuring people are fully trained and competent to carry out their role
- Assigning sufficient resources
- Decisions relating to the implementation of suspensions/exclusions
- Safeguarding people's health and wellbeing
- Board level oversight

Prerana Issar Letter - 1 December 2020



- Shared ICHT's revised policy as an example of good practice
- People practices should be inclusive, compassionate and person-centred
- Overriding objective the safety and wellbeing of our people
- Central to People Plan and People Promise
- Review all disciplinary procedures against the recommendations in Dido Harding letter dated 24 May 2019
- Formally discuss and minute the review
- Make policy available on website
- Continue to review on a yearly basis

Has your Trust reviewed its disciplinary procedures yet?



Has your Trust Board formally discussed the review yet?



A Just and Learning Culture at Cambridge University Hospitals

Annesley Donald

Deputy Director of Workforce

Disciplinary and Grievance Processes at CUH



- Pre- review
 - Business partners aligned to clinical and corporate divisions
 - Central employee relations team
 - Separate medical staffing team (medical staff case work sitting separately to employee relations team)
 - Cases led by Investigating Officer (a trust manager) supported by a member of the ER team
 - Approximately 10 suspended employees at any one time
 - Average duration of cases 12 weeks
 - BAME staff 1.67 times more likely to face disciplinary action

The experience at CUH now....



- Pre-investigation review
- Senior oversight and governance link to board
- Cultural Ambassadors work alongside ER and case managers from pre-investigation to completion
- Learning from staff stories
- Commissioned work with external experts
- Review of policy and policies (including letters)
- Review of culture at CUH
- After action review (AAR process)

Group discussions: How has your organisation responded to the call to action?



- Each group will be given some of the key recommendations.
- In relation to those recommendations what are the key changes you have made:-
 - To approach?
 - To policy and process?
 - To the organisational culture?

Dido Harding Letter – Key Recommendations

Group 1



- Adhering to best practice
- Applying a rigorous decision-making methodology
- Ensuring people are fully trained and competent to carry out their role

What are the key changes you have made:-

- To approach?
- To policy and process?
- To the organisational culture?

Dido Harding Letter – Key Recommendations

Group 2



- Assigning sufficient resources
- Decisions relating to the implementation of suspensions/exclusions

What are the key changes you have made:-

- To approach?
- To policy and process?
- To the organisational culture?

Dido Harding Letter – Key Recommendations

Group 3



- Safeguarding people's health and wellbeing
- Board level oversight

What are the key changes you have made:-

- To approach?
- To policy and process?
- To the organisational culture?

Case studies



- Each group will be given one of three case studies
- Discuss your approach to the given case study, considering the following factors
 1. pre-investigation review/considerations
 2. decision around exclusion/suspension
 3. outline of investigation
 4. how to support wellbeing of all involved throughout

Case Study 1



Information is received from the police that they are investigating a Band 5 nurse working in your organisation as indecent images have been downloaded via their internet account. When interviewed by the police your employee appeared shocked and upset and explained that he lived in a shared house. He willingly provided all his devices to the police for further investigation, explaining that his housemates do know his passcodes for his mobile phone etc.

Case Study 2



A long standing employee was recently arrested at the scene of a car accident when their vehicle had left the road. This was at 5.15pm as they were commuting home from work. The police breathalysed them and they were found to be significantly over the alcohol limit for driving.

When asked by their line manager about this, they explained that they had been drinking heavily the previous evening. There have been many reports of this member of staff decanting clear liquid into mugs and smelling of alcohol in work. However, they have never appeared to be under the influence of alcohol at work and their performance is good.

Case Study 3



Two members of staff are taking a break in the staff room. One of the staff members is explaining how she observes fasting during Ramadan and how she support charities in Egypt, where she was born, as supporting others through charitable acts is a large part of Ramadan. A third staff member interrupts and shares her views that charity “begins at home” and “we shouldn’t be sending money to Egypt as it may go to terrorists”. She suggests that if her colleague “thinks Egypt is so great, why don’t you go back there?”

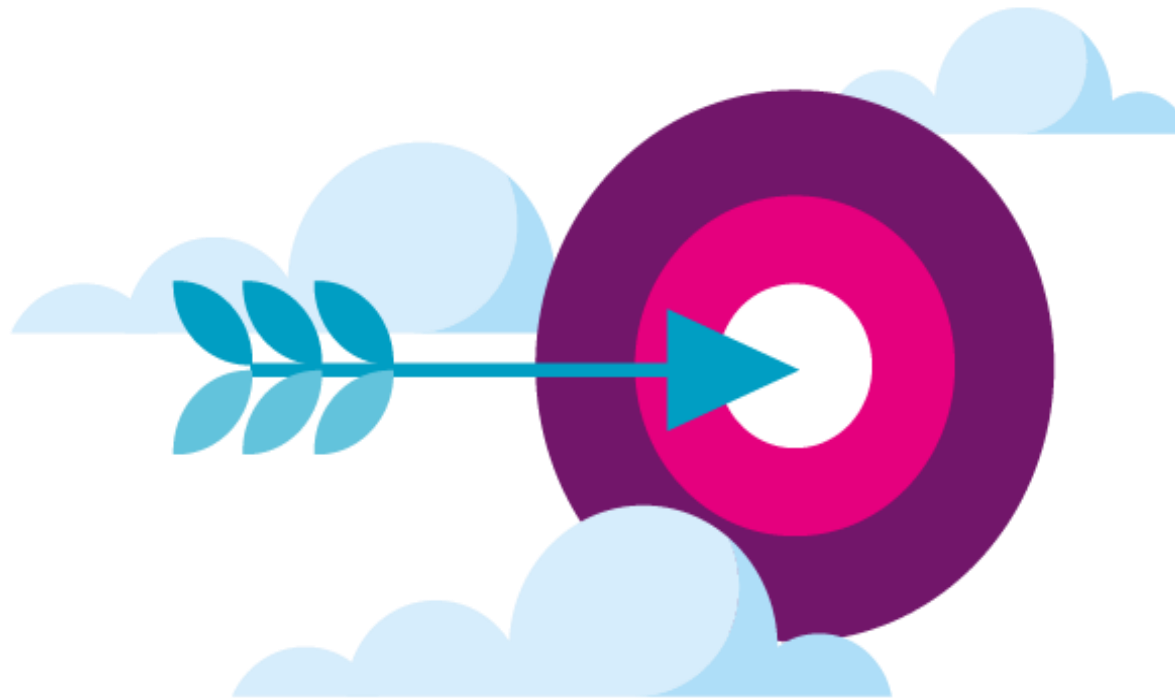
How do you measure success?



What are the barriers to success?



What are your next steps?





Thank you