CONTROLLED POLICY

C04 – STAFF CONDUCT, CAPABILITY AND DISCIPLINARY ARRANGEMENTS POLICY

Policy Reference	C04	**Version**	1.0
Policy Owner	PHSSL Staffing Limited	**Approved By**	Lade Awosika, Director
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Applies To	PHSSL employees, agency workers and relevant contractors, subject to their contractual status	**Supersedes**	New policy

1. Purpose

This policy sets out PHSSL Staffing Limited's expectations for professional conduct and its approach to concerns about misconduct, performance or capability. It is intended to support safe, fair and proportionate decision-making while recognising that the procedure and possible outcomes may differ according to whether the person is an employee, agency worker or contractor.

2. Scope and Employment Status

This policy applies to PHSSL employees and, where relevant, agency workers and contractors. It does not change a person's contractual or employment status. Formal employee disciplinary procedures will be applied in accordance with the person's contract, applicable law and the ACAS Code where relevant. For agency workers, PHSSL may instead use assignment restriction, removal, investigation, retraining or termination of engagement in accordance with applicable terms and law.

3. Standards of Conduct

- Act honestly, professionally and respectfully.
- Follow lawful PHSSL and client policies, procedures and reasonable instructions.
- Maintain safeguarding, confidentiality and professional boundaries.
- Attend agreed assignments punctually and notify absence or lateness promptly.
- Work only within competence, training and authorisation.
- Maintain accurate timesheets, records and declarations.
- Do not discriminate, harass, bully, exploit or victimise others.
- Do not work while impaired by alcohol, illegal drugs or another condition that makes work unsafe.
- Protect client, worker and service-user property and information.
- Report incidents, safeguarding concerns, errors and conflicts of interest promptly.

4. Misconduct

Misconduct is behaviour that falls below expected standards. Examples may include repeated lateness, failure to follow reasonable procedures, inappropriate communication, unauthorised absence, careless record keeping, failure to maintain required standards, or other breaches that are not sufficiently serious to amount to gross misconduct.

5. Potential Gross Misconduct

Gross misconduct is conduct that may be sufficiently serious to destroy trust and confidence or make continued engagement inappropriate. The circumstances must always be investigated. Examples may include theft, fraud, violence, serious safeguarding abuse, deliberate falsification, serious confidentiality breaches, serious harassment, working while seriously impaired, deliberate unsafe practice, or knowingly supplying false compliance documents.

6. Capability and Performance

Capability concerns relate primarily to a person's ability to perform required duties to an acceptable standard rather than deliberate wrongdoing. PHSSL will seek to distinguish capability from misconduct and consider training, supervision, reasonable support and the suitability of the assignment before deciding on formal action.

7. Health, Disability and Reasonable Adjustments

Where capability may be affected by health or disability, PHSSL will consider whether further information, occupational advice or reasonable adjustments are appropriate. A person must not be subjected to unlawful discrimination because of disability or another protected characteristic.

8. Initial Management Response

Minor concerns may be addressed informally where appropriate through discussion, clarification of expectations, coaching, supervision or additional training. Informal action should not be used where the concern is sufficiently serious to require formal investigation or immediate safeguarding action.

9. Investigation

Before significant disciplinary or engagement action is taken, PHSSL will make reasonable enquiries to establish the facts. This may include reviewing records, obtaining client information, speaking with witnesses and inviting the worker to provide their account. Investigations should be proportionate and as impartial as reasonably practicable.

10. Suspension or Temporary Restriction

Where necessary to protect people, evidence, the worker or the integrity of an investigation, PHSSL may temporarily suspend an employee in accordance with applicable terms or may restrict an agency worker from particular or all assignments while enquiries are completed. Such action is precautionary and is not, by itself, a finding of wrongdoing.

11. Safeguarding Allegations

Allegations involving children or adults at risk must be managed under the relevant safeguarding policy as well as this policy. PHSSL will cooperate with the client, local authority, LADO or equivalent, police, DBS or professional regulator where applicable. Internal action must not compromise a safeguarding or criminal investigation.

12. Formal Meeting

Where formal action is being considered for an employee, the person should normally be informed of the concern and available evidence, given reasonable notice of the meeting, and given an opportunity to respond. Statutory rights to accompaniment will be respected where applicable. For agency workers, PHSSL will provide a fair opportunity to respond before making a significant suitability or engagement decision where circumstances permit.

13. Decision-Making

Decisions will consider the evidence, seriousness, risk, previous relevant concerns, mitigation, consistency, employment status, client requirements and any safeguarding or professional implications. PHSSL will avoid predetermined outcomes.

14. Possible Outcomes for Employees

- No further action.
- Informal management guidance or training.
- First written warning.
- Final written warning.
- Capability improvement arrangements.
- Dismissal with notice where appropriate.
- Summary dismissal for gross misconduct where justified following a fair process.
- Another lawful outcome permitted by the employment contract and circumstances.

15. Possible Outcomes for Agency Workers or Contractors

- No further action.
- Advice, supervision, retraining or reassessment.
- Restriction from a particular client, setting or task.
- Temporary hold on assignments while compliance or competence is resolved.
- Removal from an assignment.
- Termination of engagement or cessation of further offers of work in accordance with applicable terms and law.

- Referral to an external body where required.

16. Client Removal Requests

A client's request to remove a worker from an assignment will be taken seriously but will not automatically be treated as proof of misconduct. PHSSL will seek sufficient information to assess safety, fairness, contractual implications and whether the worker remains suitable for other assignments.

17. Complaints About Workers

Complaints will be assessed under the Complaints, Concerns and Service Feedback Policy and may also trigger this policy. The worker should be given an appropriate opportunity to respond unless doing so would create an immediate safeguarding or investigative risk.

18. Professional Registration

Where concerns involve a registered professional, PHSSL will consider whether restrictions, notification or referral to the relevant professional regulator may be required. A worker must not be supplied in a role requiring registration if they no longer meet the applicable registration requirements.

19. DBS Referral Consideration

Where the statutory referral criteria are met, PHSSL will fulfil any duty to refer to the Disclosure and Barring Service. A referral consideration must not be abandoned merely because a worker resigns, ceases accepting assignments or otherwise leaves PHSSL's workforce.

20. Criminal Allegations

A criminal allegation does not automatically determine an employment or engagement outcome. PHSSL will consider the relationship between the allegation and the person's role, safety risks, available evidence and any need to avoid prejudicing a police investigation.

21. Confidentiality

Conduct, capability and disciplinary matters will be handled as confidentially as reasonably possible. Information will be shared only with persons who have a legitimate need to know, including safeguarding, regulatory or law-enforcement bodies where appropriate.

22. Records

PHSSL will keep appropriate records of allegations, investigations, meetings, decisions, warnings, restrictions, referrals and outcomes. Records will be managed in accordance with data-protection and records-management requirements.

23. Appeals

Employees will be informed of any applicable right of appeal against a formal disciplinary outcome and the process for exercising it. Where PHSSL makes a significant suitability or engagement decision concerning an agency worker, any review or representation route available under the worker's terms or PHSSL procedure will be explained where applicable.

24. Whistleblowing and Protected Concerns

A person must not be subjected to disciplinary or detrimental treatment because they raised a genuine whistleblowing, safeguarding, health and safety or equality concern in circumstances protected by law. Where conduct and whistleblowing issues overlap, PHSSL will assess them separately and fairly.

25. Equality and Consistency

PHSSL will seek to apply standards consistently while recognising that different circumstances may justify different outcomes. Decisions must not be influenced by unlawful discrimination or retaliation.

26. Training and Improvement

Where a concern identifies a correctable knowledge or competency gap, PHSSL will consider whether retraining, reassessment, supervision or assignment adjustment is appropriate. Training will not be used as a substitute for formal action where deliberate or serious misconduct has occurred.

27. Responsibilities of Workers

- Meet expected standards of conduct and competence.
- Cooperate with reasonable investigations.
- Provide truthful information.
- Attend meetings or assessments where reasonably required.
- Maintain confidentiality.
- Comply with agreed improvement actions.
- Report safeguarding, safety or professional concerns promptly.

28. Responsibilities of Managers

- Address concerns promptly and proportionately.
- Distinguish misconduct, capability and safeguarding issues.
- Gather and preserve relevant evidence.
- Provide a fair opportunity for the person to respond.
- Consider employment status and contractual arrangements before deciding outcomes.
- Seek appropriate HR, legal, safeguarding or professional advice for complex matters.
- Record decisions and communicate outcomes appropriately.

29. Related PHSSL Staffing Policies

- A03 Records Management, Confidentiality and Data Protection Policy.
- A04 Complaints, Concerns and Service Feedback Policy.
- B01 Safeguarding Adults Policy.
- B02 Safeguarding Children and Young People Policy.
- B03 Whistleblowing / Speaking Up Policy.
- B04 Equality, Diversity, Inclusion and Human Rights Policy.
- C01 Recruitment, Selection and Safer Employment Policy.
- C03 Induction, Training, Supervision and Competency Policy.
- C05 Professional Boundaries, Gifts and Conflicts of Interest Policy.
- D01 Temporary Worker / Agency Worker Management Policy.

30. Monitoring and Review

PHSSL will monitor conduct, capability and disciplinary themes through complaints, incidents, safeguarding concerns, client and worker feedback, audits and governance review. This policy will be reviewed at least annually, or sooner following significant legal change, a serious incident, audit findings or identified learning.

Approved by	Lade Awosika
Position	Director
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Approval date / next review	September 2026 / September 2027