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HOW WE MANAGE OUR HUMAN PHYSICAL AND INFORMATION RESOURCES

Our key policies in relation to staff management:

Appendix 1 Disciplinary policy

Appendix 2 Grievance policy & procedure

Appendix 3 Sickness absence policy

Appendix 4 Handling confidential information policy



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APPENDIX 1 DISCIPLINARY POLICY

INTRODUCTION

This policy procedure is designed to help and encourage all Scottish Health Innovations employees to achieve and maintain standards of conduct, attendance and job performance. It seeks to establish a clear course of action, in compliance with current UK employment legislation and ACAS Codes of Practice, which will ensure fair and consistent treatment of employees when disciplinary action becomes necessary. ACAS is the Advisory Conciliation and Arbitration Service and is the body responsible in the UK for offering guidance and support to employers and employees on how to avoid and deal with any workplace disputes.

Scottish Health Innovations believes that the majority of our employees accept the need for standards of work and behaviour and do not find any difficulty in abiding by them. However, if any employees fail to achieve the required standards of work or conduct, disciplinary action will be taken in a fair, objective, consistent and reasonable manner.

2 SCOPE

With the exception of probationary employees, this policy and procedure apply to all permanent and temporary employees working under an employment contract. The aim is to ensure consistent and fair treatment for all in Scottish Health Innovations. This procedure is for guidance only, and save as where indicated in your Employment Contract it does not form part of your contractual rights

3 PROCEDURE

Informal Procedure Scottish Health Innovations believes that maintenance of discipline and good working practices does not necessarily require the use of formal procedures on every occasion. Minor faults will be dealt with informally by your Line Manager. These discussions should identify any problem areas and result in an agreed action plan. If these informal discussions do not result in an improvement or it is not considered appropriate to deal with the matter informally Scottish Health Innovations formal policy shall be followed.

3.2 Formal the offence warrants moving directly to the formal procedure or where an informal process has not resolved the problem, the following procedure will be followed

GENERAL PRINCIPLES

The following principles will be taken into account in the application of this procedure:

This procedure is intended to follow the ACAS Code of Practice which takes effect from April 2009.

This procedure indicates the approach to be followed if an employee of Scottish Health Innovations faces dismissal or certain kinds of disciplinary action falling short of dismissal.

Each step and action of the procedures will be taken without unreasonable delay on the part of the Scottish Health Innovations.

The timing and location of meetings will be reasonable.



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Both the employer and any employee will be given the opportunity to explain their position in the meeting.

When a disabled employee is involved in this procedure, Scottish Health Innovations Limited and the employee will co-operate to consider which reasonable adjustments for the meeting will ensure the employee is not disadvantaged in any way.

At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.

FIRST WARNING

If work conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded on their HR file, but disregarded after nine months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on Scottish Health Innovations, it may be justifiable to move directly to a final written warning

FINAL WRITTEN WARNING

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given to the employee which will include the reason for the warning and a note that if no improvement results within one months, action at Stage 3 will be taken. Such warnings will be recorded on their HR file, but disregarded after twelve months of satisfactory service.

DISMISSAL OR ACTION SHORT OF DISMISSAL

If the conduct or performance of the employee has failed to improve, the employee may suffer demotion, disciplinary transfer, loss or seniority (as allowed in the contract) or dismissal.

STATUTORY DISCIPLINE AND DISMISSAL PROCEDURE

If a Scottish Health Innovations employee faces dismissal - or action short of dismissal such as loss of pay or demotion - the minimum statutory procedure will be followed. This involves:

Step one: a written note to the employee setting out the allegation and the basis for it

Step two: a meeting to consider and discuss the allegation will be arranged

Step three: a right of appeal, including an appeal meeting

The employee must be reminded of their right to be accompanied to the meeting.



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GROSS MISCONDUCT

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

a) theft, b) damage to property, c) fraud, d) incapacity for work due to being under the influence of alcohol or illegal drugs, e) physical violence, f) bullying g) gross insubordination and h) unauthorised absences.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by Scottish Health Innovations only after full investigation.

APPEALS

An employee who wishes to appeal against any disciplinary decision must do so to Fiona McCulloch, Head of Corporate Governance and Administration within five working days. Scottish health Innovations will hear the appeal and decide the case as impartially as possible.

Scottish Health Innovations reserves the right to change any of the provisions of the disciplinary procedure (or a substituted procedure) by amendment, addition or deletion or by substitution of new rules or procedures from time to time at its discretion. Any changes will be notified to all employees by appropriate means.



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APPENDIX 2 GRIEVANCE POLICY AND PROCEDURE

1.0 INTRODUCTION

1.1 Scottish Health Innovations recognises that misunderstandings or grievances may sometimes occur in the course of employment. It is important that these grievances are brought out into the open and resolved as quickly and fairly as possible.

Issues that may cause grievances include:

- Terms and Conditions of Employment
- Health and Safety
- Work Relations
- Bullying and Harassment
- New Working Practices
- Working Environment
- Organisational Change
- Equal Opportunities.

1.2 Employees want their grievance to be addressed, and if possible, resolved. It is also clearly in Scottish Health Innovations interests to resolve problems before they can develop into major difficulties for all concerned

2.0 SCOPE

2.1 Scottish Health Innovations Grievance Policy applies to employees and third party contractors of the company. It should be read in conjunction with the Discipline policy, the Equality Policy and the Whistleblowing Policy.

3.0 PROCEDURE

3.1 If a Scottish Health Innovations employee has a grievance about any aspect of their work, they should first raise the matter with their Line Manager informally. It is anticipated that the majority of concerns can be resolved at this stage.

3.2 However, the situation can arise when an aggrieved employee has endeavoured to reach a resolution informally, but remains dissatisfied. Alternatively, an employee may feel that their grievance is incapable of resolution informally and that it therefore warrants consideration immediately under the formal procedure.



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3.3 The procedure is as follows:

The employee must set out the grievance as a statement in writing, with any supporting evidence and send the statement or a copy of it to the Head of Corporate Governance and Administration or the CEO;

The employee will be invited to attend a meeting in order to discuss the grievance. This meeting will take place after Scottish Health Innovations has had a reasonable opportunity to consider its response to the employee's grievance. This may involve making any enquiries which are considered reasonable in the circumstances, which could involve meeting with witnesses. The employee shall be informed of who shall attend the meeting on behalf of Scottish Health Innovations;

The employee must take all reasonable steps to attend the meeting;

At the meeting both the representatives of Scottish Health Innovations and the employee will discuss matters and try to reach a solution. Scottish Health Innovations may consider that further enquiries are necessary, which may involve meeting with witnesses. It may also consider that a further meeting with the employee is necessary in order to clarify certain matters.

After any further enquiries have been completed, Scottish Health Innovations will inform the employee of its decision as to its response to the grievance. They will also notify the employee of the right to appeal against the decision if the employee is not satisfied with it;

If the employee is not satisfied with the decision they may appeal. The appeal must be made within 5 working days of the date on which the employee was notified of Scottish Health Innovations decision;

If the employee informs Scottish Health Innovations of their wish to appeal, they must invite the employee to attend a further meeting. The appeal meeting will be taken by an appropriate member of management who has not yet been involved in the procedure. That person will undertake any further enquiries that are considered appropriate;

The employee must take all reasonable steps to attend the appeal meeting;

After the appeal meeting Scottish Health Innovations will inform the employee of its final decision.

4.0 REPRESENTATION

4.1 An employee may be accompanied by a work colleague, a trade union representative or in the absence of such trade union representative a legal representative at any stage of the grievance procedure.



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APPENDIX 3 SICKNESS ABSENCE POLICY

1 INTRODUCTION

The purpose of this policy is to formalise arrangements for managing sickness absences in a manner that recognises the need to minimise the impact of the absence on both the individual and on Scottish Health Innovations.

This policy provides managers with a flexible framework which promotes good employment practice, embodies the main principles of employment legislation and adopts a proactive approach to equality and diversity issues whilst supporting Scottish Health Innovations core business.

2 SCOPE

This policy establishes guidelines for managers and staff in relation to sickness absences. It sets the lead responsibility for the management of all absence and ill health absences with Line Managers, who will be supported by the Head of Corporate Governance and Administration..

3 AIMS AND OBJECTIVES

The overall objective of this policy is to strike an effective balance between the needs of the business and the need for the employee to be given time to recover from illness. The policy aims: to ensure that short and long term sickness absence are dealt with in accordance with best practice and relevant legislation;

to monitor the level of sickness absence at the individual, team and organisational levels;

to identify any action which SHIL can reasonably take to improve working conditions and promote the health, safety and welfare of staff

Minimise absences and help facilitate employees back to work at the earliest opportunity.

4 STAFF RESPONSIBILITIES

Any failure to comply with the absence policy may result in disciplinary action.

5 MANAGEMENT RESPONSIBILITIES

5.1 Line Managers must treat all cases of staff absence due to illness in a fair, consistent and constructive manner. It is the responsibility of each Line Manager to monitor the attendance record of all staff in their team and identify any sickness issues that may have arisen.

5.2 Information relating to sickness and ill health is confidential. Line Managers are responsible for treating it as such.

5.3 Line Managers are responsible for reviewing with their staff after a period of absence to support them back into work and to help them manage their workload. The Line Manager should also confirm the reason for their absence and establish whether this is part of a longer illness/condition which the company should be aware of.



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6 SICKNESS ABSENCE REPORTING PROCEDURES

6.1 A member of staff who is sick and cannot attend work should contact their line manager by telephone by 10 am on the day of sick leave. Staff should not normally ask anyone else to make contact on their behalf unless it is not possible for them to do it.

6.2 When reporting absence from work due to sickness, staff will be asked to outline the nature of the illness and to give an indication of the anticipated length of absence. They will also be asked to provide contact details if they are different from their normal details.

6.3 The Office Manager maintains central records of sickness absence for the company. It is the responsibility of the Line Manager to inform the Office Manager of absences.

6.4 Where a member of staff becomes ill while at work and feels too unwell to continue working, they must speak to their line manager who will give permission for the individual to leave their work (either temporarily or for the day) and for them to seek medical advice where appropriate. Absence from work for part of a working day if less than a half day, is not recorded as sickness absence but a note should be made of a part day absence and this may be taken into account when looking at patterns of absence.

6.5 A member of staff who fails to follow the sickness absence procedures set out in this document may be subject to disciplinary action. Unauthorised absence is considered to be misconduct and will be considered in accordance with the Disciplinary Procedure. In exceptional circumstances, Scottish Health Innovations reserves the right to withhold Occupational Sick Pay (OSP) entitlement if an individual does not co-operate with reasonable requests or does not comply with the requirements within this Policy.

7 SICKNESS ABSENCE RECORDING AND MONITORING PROCEDURES

7.1 For absences of between 1 and 7 consecutive calendar days a Self Certificate Form (found on the Scottish Health Innovations website) must be completed and signed by the member of staff upon return to work. Scottish Health Innovations reserves the right to withdraw self certification where it deems fit to do so.

7.2 If the absence is likely to exceed 7 calendar days (including non-working days), the employee must obtain a medical certificate from a GP to claim sick pay for absences exceeding 7 calendar days. The original must be forwarded to the Line Manager as soon as possible. If the absence continues, medical certificates must be provided for the whole period of absence for the purpose of sick pay. Any period of absence not covered by a medical certificate will not be eligible for Statutory Sick Pay and Scottish Health Innovations reserves the right to withhold Occupational Sick Pay.



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8 REPEATED SHORT TERM ABSENCE

8.1 In cases where short term absence levels exceeds the normal levels, i.e. more than 6 absences in a 12 month period or 20 days in a 12 month period., Line Managers are required to take formal action, which could be an interview, issuing a formal warning, or in extreme cases may result in termination of employment due to capability, however the organisation aim is always to achieve satisfactory level of attendance. The Line Manager must discuss the situation with the Head of Corporate Governance and Administration before taking appropriate action.

8.2 In certain circumstances Scottish Health Innovations Limited may decide to take earlier action such as where an employee has repeated instances of regular high numbers of instances of absence year after year. Line Managers must involve the Head of Corporate Governance and Administration when this situation arises.

9 LONG-TERM SICKNESS ABSENCE

9.1 In cases where an employee submits a sick note for an extended period of time, Line Managers must seek to discuss with the Head of Corporate Governance and Administration as early as possible.

9.2 Line Managers will maintain in contact with the employee in order to remain informed about the likely duration of the sickness absence. The member of staff has a responsibility to update their Manager regularly on their likely return to work date.

9.3 Where appropriate, Scottish Health Innovations Limited may seek guidance from the employee's GP on their condition and recovery time. SHIL would first seek authorisation from the employee to do this.

9.4 Finally, if required, Scottish Health Innovations Limited may request that an employee attends an appointment with an Occupational Health Advisor or other Medical practitioner they appoint.

9.5 Scottish Health Innovations will seek, where possible, to make reasonable adjustments to an employee's hours and duties in order to ease them back to work after a long period of absence. This will be dealt with on a case by case basis.



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10 SICK PAY

10.1 Scottish Health Innovations Limited provides generous Occupation Sick Pay benefits in place of statutory sick pay. This provides full pay to employees who are absent due to illness for a period of up to three months; If the employee is off for a further three months, half pay is provided and where an employee is off for a full 26 weeks they become eligible to claim under our Health Insurance cover, which will provide half pay for the period of the illness thereafter. This will be subject to the insurer's scrutiny to ensure the employee matches eligibility criteria to claim this insurance and is not available where sick leave has not been continuous for 26 weeks.

10.2 SHIL reserves the right to withdraw or refuse OSP in individual cases or as a benefit in total, or to amend or alter the sick pay rules.

CONFIDENTIALITY AGREEMENTS FROM OTHER PARTIES

If a confidentiality agreement is supplied by another party for consideration it is important that the terms of that agreement are similar to those of the SHIL Confidentiality Agreement, particularly if SHIL or NHS Scotland proprietary information is to be divulged.

Confidentiality agreements from other parties should always be reviewed by the Head of Business Development before execution.

Particular difficulties may include: Law/Court jurisdiction other than Scots/English., One-way in favour of other party., Oral/visual must be reduced to writing within short period to count as confidential combination of separately sourced information render non-confidential, Tricky "legalese" generally.



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APPENDIX 4. HOW WE HANDLE CONFIDENTIAL INFORMATION

HANDLING OF CONFIDENTIAL INFORMATION FROM NHS SCOTLAND ORGANISATIONS (E.G. TRUSTS, SNBTS, CSA)

SERVICE LEVEL AGREEMENTS

Disclosures of information between NHS Scotland organisations and Scottish Health Innovations Limited (SHIL) will be covered by individual Service Level Agreements held between each individual NHS Scotland organisation and SHIL. This will protect the communication of confidential information between NHS Scotland organisation employees and SHIL employees.

A Service Level Agreement, including confidentiality protection, will be in place PRIOR to any discussions or communications on confidential information.

EMPLOYMENT CONTRACTS

Every employee of SHIL, including the Executive Director, is required to keep confidential information acquired during his/her employment at SHIL confidential. Non Executive Directors For each of the Non Executive Directors of SHIL, a confidentiality agreement is in place to keep confidential information acquired during his/her involvement with SHIL confidential.

HANDLING OF CONFIDENTIAL INFORMATION FROM SCOTTISH HEALTH INNOVATIONS LIMITED TO THIRD PARTIES

WHEN TO USE SHIL CONFIDENTIALITY AGREEMENT

A confidentiality agreement protects the 'know-how' disclosed by the parties to the agreement from misuse and from disclosure to others. The SHIL Confidentiality Agreement is to be used when confidential information is to be disclosed by an SHIL employee to a party out with SHIL or NHS organisations who are party to a Service Level Agreement with SHIL.

The SHIL Confidentiality Agreement is 2-way; each party agrees to keep the information disclosed by the other party confidential and to use the information only for the particular purpose(s) defined in the Agreement. There may be circumstances when the 2-way SHIL Confidentiality Agreement is inappropriate. If so, further advice should be taken from the Director in particular for SHIL employee one way agreements.

The parties agree not to disclose the information for the term which is set out in the Agreement. However, the restriction on the use of the information remains in force past the term of the agreement and should any of the parties wish to use the information (other than for the purpose(s) defined in the Agreement) then this would be subject to a separate agreement.



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Typically such an Agreement would be put in place before a meeting takes place to discuss a possible collaboration with another institution or a commercial company.

A properly constituted Confidentiality Agreement is legally enforceable with potentially adverse consequences if breached so each one should be taken very seriously.

If you require a confidentiality agreement please contact Zosia Martin for the latest copy of this.

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Tricky “legalese” generally.