**Appendix 4: Preliminary Fact Finding Checklist**

This checklist must be completed by the Line Manager **BEFORE** making a referral to the authorising Senior Manager to make a decision to commence a formal disciplinary investigation:

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| **Care Group/Specialty/Department:** | | **Your Name:** |
| **Date alleged incident took place:** | | **Date you were made aware:** |
| **Brief description of alleged incident:** |  | |
| **Outcome of discussion with HR:** |  | |
| **Senior Managers Comments:** |  | |
| **Senior Manager Approval:** | **Name:**  **Signature:**  **Date:** | |

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Indicator** | **Tick applicable answer** | **Considerations and further information** |
| **INFORMAL ACTION** | Have you previously had informal discussions with the member of staff about this issue or similar issues in the same way you would with any other employee? | **Yes**  **Not Sure No** | The Trust’s Disciplinary Policy emphasises conversations of concern and an opportunity for informal action to bring about improvement and  learning; as opposed to punishment |
| **HARM AND/OR DAMAGE CAUSED** | Did the individual actions result in harm or damage? | **Yes**  **Not Sure** | If **Yes** or **Not Sure** commence a preliminary investigation to establish facts |
|  |  | **No** |  |
|  | Did the individual knowingly breach known rules, safe operating procedure and/or breach  Trust values and behaviours? | **Yes**  **Not Sure** | If **Yes** evidence the professional body and/or Trust rules, Trust Values and Behaviours that were breached |
|  |  | **No** |  |
|  | Is there evidence the employee took an unacceptable risk? | **Yes** | If **Yes** provide a brief summary of the evidence: |
|  |  | **No** |  |
| **CAPACITY** | Did mental or physical ill health contribute to the alleged incident? | **Yes** | If **Yes** underlying health conditions should be taken into consideration  when deciding the next step. |
|  |  | **Not Sure** |  |
|  |  | **No** | OH can provide guidance on the likelihood of any medical condition contributing to or impacting an incident |
|  |  |  | If you’re **Not Sure** then a discussion should take place with the individual and then a referral to OH for further advice |

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| --- | --- | --- | --- |
|  | **Indicator** | **Tick applicable answer** | **Considerations and further information** |
| **CAPACITY**  **(continued)** | Have you considered other mitigating circumstances e.g. home/family etc? | **Yes**  **No** | Discuss with the employee if there are any circumstances with may have impacted upon performance or decision making |
| Was the employee under the influence of a substance and/or is there a history of known substance abuse? | **Yes**  **No** | If **Yes** seek further guidance from HR and OH.  Consult the policy on substance misuse. |
| **SKILLS AND KNOWLEDGE** | Is there a protocol / procedure / policy that refers to the expected  standard of behaviour / conduct? | **Yes** | If **Yes** please detail protocol / procedure / policy.` |
|  |  | **No** | Is the protocol / procedure / policy clear? |
|  |  |  | If **No**, should there be one to provide staff with the applicable framework for expected standards of behaviour and care? |
|  | Have you reviewed the member of staff’s skills and competency and determined if they knew of the rules or performance standard. | **Yes**  **No** | If it’s evident the individual did not have the knowledge / skills or awareness |
|  | Does the individual have the knowledge and skills? |  |  |
|  | Does the member of staff have the knowledge and skills, but did not apply this? | **Yes**  **No** | If the member of staff knows how to and can in practice, but isn’t then continue with formal investigation |
|  | Would you expect a different member of staff in a similar role / position with similar | **Yes**  **No** |  |

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|  | experience to act in a similar manner? |  |  |
|  | **Indicator** | **Tick applicable answer** | **Considerations and further information** |
| **Comparator** | As the manager how well have you read and reacted to the situation? | **Proportionately** | Consider whether unconscious bias contributed to your decision. |
|  |  | **Disproportionately** | **Unconscious bias** can often show up as micro-behaviours (the little things that we say and do that show how we regard those around us) |
|  | Have you created the right relationship with the employee? | **Yes** |  |
|  |  | **No** |
|  | Is the action you’re considering consistent with how other employees within your team have been treated for the same or similar misconduct or action? | **Yes**  **No** | If No why have you chosen to consider disciplinary action on this occasion?  Provide explanation:  By carrying out an investigation for disciplinary action against this employee you need to ensure this action is consistent with how other employees have been treated for the same or similar misconduct / action. |