Proposed management of performance problems and disciplinary procedure

NCAS identify no problem. Report given to employer and employee.

Management of problems start
Case Manager appointed

No further action

NCAS to be involved from outset

Potential serious problem identified

Initial investigation

meeting to discuss initial findings – can the problem be resolved informally?

Immediate referral to the regulatory body

Restriction of Practice / possible initial 2 weeks exclusion if patients at risk or absolutely essential for investigation. Must be reviewed every 4 weeks

Investigation and report

No further action

Allegations unfounded, no further action

Action required

NCAS

NCAS identify wider organisational problems and notify NHS Executive RO and CHI that a wider review is necessary

NCAS identifies remediable problems and recommends to employer restricted working, reskilling, retraining, reeducation etc as appropriate

NCAS identifies problem as serious and intractable

NCAS identifies health related issue and recommends employer refers for medical treatment under procedures for sick doctors / dentists

NCAS identify serious or complex issues potentially affecting registration

NCAS must be consulted where formal exclusion is being considered

CONDUCT
Part 3
Professional / Personal

CAPABILITY
Part 4
Refusal to co-operate in resolving a health problem is a disciplinary matter. Consider whether referral to the regulatory body is appropriate

HEALTH
Part 5
Employer to consider whether these can be resolved internally via discussion and agreement, education, OHS etc - management good practice

Employer again considers need for referral to the regulatory body for formal procedures

Employer refers to professional regulatory body for formal procedures

Dealt with under employer’s internal disciplinary procedure

Written notice to employee that disciplinary proceedings are to be taken

Referral for capability hearing

Set up panel for formal hearing

Employee lodges appeal

Set up panel for formal hearing

Employer again considers need for referral to the regulatory body for formal procedures

Exclusion should only be used:
> when patient or staff safety is threatened
> to protect the individual being investigated: or
> to ensure a thorough and unhindered investigation can take place.

Contact NCAS for advice

Where a case relates to a trainee grade doctor/dentist the Postgraduate Dean (or his/her representative) must be involved. *Where a clinical judgement is required a senior member of the medical staff at the NHS trust should be involved*

**Proposed Management of Performance Problems and Disciplinary Procedure**

1. **NCAS Identify No Problem.** Report given to employer and employee.
2. **Management of Problems Start.** Case Manager appointed.
3. **No Further Action.**
4. **NCAS to Be Involved From Outset.**
5. **Potential Serious Problem Identified.** Initial investigation meeting to discuss initial findings – can the problem be resolved informally?
6. **Immediate Referral to the Regulatory Body.** Restriction of Practice / possible initial 2 weeks exclusion if patients at risk or absolutely essential for investigation. Must be reviewed every 4 weeks.
7. **Investigation and Report.** No further action.
8. **Action Required.** NCAS.
9. **NCAS Identify Wider Organisational Problems.** Notify NHS Executive RO and CHI that a wider review is necessary.
10. **NCAS Identifies Remediable Problems.** Recommendations to employer: restricted working, reskilling, retraining, reeducation etc as appropriate.
11. **NCAS Identifies Problem as Serious and Intractable.**
13. **NCAS Identify Serious or Complex Issues.** Potentially affecting registration.
14. **NCAS Must Be Consulted.**

**Conduct Part 3**

- Professional / Personal

**Capability Part 4**

- Refusal to co-operate in resolving a health problem is a disciplinary matter. Consider whether referral to the regulatory body is appropriate.

**Health Part 5**

- Employer to consider whether these can be resolved internally via discussion and agreement, education, OHS etc - management good practice.

**Formal Procedures Start**

- Employer again considers need for referral to the regulatory body for formal procedures.
- Employer refers to professional regulatory body for formal procedures.
- Dealt with under employer’s internal disciplinary procedure.

**Written Notice to Employee.**

- Referral for capability hearing.
- Written notice to employee that disciplinary proceedings are to be taken.

**Set Up Panel for Formal Hearing.**

- Employee lodges appeal.
- Action following hearing.

**Contact NCAS for Advice.**

Exclusion should only be used:
> when patient or staff safety is threatened
> to protect the individual being investigated: or
> to ensure a thorough and unhindered investigation can take place.