

Bangor University and Betsi Cadwaladr University Health Board (BCUHB)

Arrangements for the handling of disciplinary and grievances of University clinical academic doctors and dentists holding BCUHB honorary contracts, and BCUHB doctors and dentists in relation to academic sessions

These procedures have been drafted having regard to the recommendation in the Follett Report¹ Universities and NHS bodies should agree procedures to facilitate joint working in these areas. The procedures apply respectively to medical and dental clinical academic staff employed by Bangor University and holding honorary contracts, and to NHS doctors in relation to their academic sessions.

1. University Medical and Dental clinical academic doctors and dentists holding NHS honorary contracts

1.1 Disciplinary and Capability Issues

a) Clinical/NHS matters

Capability or conduct issues involving a clinical academic and arising in a clinical or NHS context will be handled by BCUHB in accordance with agreed NHS procedures. The BCUHB Workforce Director will keep the University Director of Human Resources informed of the progress of any such case. The Director of Human Resources will in turn inform the Dean of the College concerned.

In the case of a serious allegation, BCUHB may suspend the individual concerned and inform the University Director of Human Resources. Circumstances in which BCUHB would suspend someone in this way may include:

- (i) when there were serious concerns about patient safety,
- (ii) where an allegation was so serious that, if proven, it would constitute gross misconduct, and/or
- (iii) where suspension is deemed necessary to permit a full and proper investigation.

Depending on the circumstances of an individual case, it may be necessary, in the event of suspension of the honorary contract by BCUHB, for the Dean, through the Director of Human Resources, to seek a temporary suspension of the substantive University contract, on full pay, pending the outcome of the NHS investigation and hearing, and any subsequent appeal. Any such temporary suspension will not prejudice any subsequent action that may be taken by the University.

Suspension or termination of an honorary contract by BCUHB will lead to a separate review by the University of the substantive contract of the person concerned under the

¹ *A Review of Appraisal, Disciplinary and Reporting Arrangements for Senior NHS and University Staff with Academic and Clinical Duties: A report to the Secretary of State for Education & Skills by Professor Sir Brian Follett and Michael Paulson-Ellis, September 2001*

University's relevant procedure. The review by the University will be initiated after completion of any appeal under BCUHB procedures.

Should the GMC or GDC contact the University as the employer following a complaint about an academic clinician made directly to either of those bodies (by a member of the public for example), the University will refer the matter to BCUHB for investigation under its appropriate procedures if the complaint relates to NHS clinical matters.

b) Academic/University matters

Any disciplinary matter arising in connection with a clinical academic's University/academic duties will be handled by the University in accordance with the relevant procedure. BCUHB will be alerted to any academic disciplinary matter under investigation by the University, because of the implications there may be for service provision. Disciplinary suspension or termination of a substantive academic contract by the University may result in a review by BCUHB of the honorary contract.

c) General

Should a situation arise in which it is not immediately clear whether BCUHB or University procedures should apply, or in which an incident, wherever it originates, impacts on both academic and clinical duties, the Director of Human Resources Bangor University and the Director of Workforce BCUHB will agree which of the above two procedures should be invoked.

The employer taking the lead in disciplinary action will inform the other, normally before procedures are initiated, and will keep them informed at all stages thereafter.

The clinical academic who is subject to disciplinary investigation / procedures by one organisation cannot bring any complaint or appeal relating to those proceedings under the procedures of the other organisation.

BCUHB and the University will each take account of disciplinary warnings issued by the other when deciding on disciplinary action in their own spheres.

BCUHB and the University will observe the requirements of the Data Protection Act 1998 when exchanging information involving personal data and sensitive personal data for the purpose of reviewing conduct and performance.

1.2 Removal for Incapacity on Medical Grounds

The University's procedure will apply in the case of a University clinical academic.

1.3 Reporting of issues to the General Medical Council / General Dental Council

Depending on the nature of any of the above situations, it may be incumbent upon the NHS Medical Director to notify the matter to the General Medical Council or the General Dental Council at any stage during an investigation or following disciplinary or other action.

1.4 Grievance procedures

A grievance by a member of the clinical academic staff holding an honorary contract will be handled in accordance with the appropriate BCUHB Grievance procedure if it relates to clinical/NHS business. Any grievance by a University clinical academic relating to duties under an honorary contract should be raised in the first instance with the Clinical Director of BCUHB. If the grievance is not settled at this level, or is against the Clinical Director, the clinical academic may pursue it in accordance with the appropriate BCUHB grievance procedure. Specific arrangements apply for the resolution of job planning disputes.

A grievance by a clinical academic relating to University/academic matters will be handled under the Grievance procedure.

Attempts should always be made to resolve grievances by informal means in the first instance.

2. Disciplinary and grievance procedures for BCUHB doctors and dentists in relation to academic sessions

2.1 Disciplinary procedures

Any disciplinary matter involving a doctor substantively employed within BCUHB will be handled by BCUHB under its relevant procedures.

If a disciplinary case involves an academic matter, BCUHB will request a written statement from the University, and guidance will normally be sought by the NHS body as to how the University would handle a similar matter. Bangor University would be involved in NHS disciplinary procedures only if an allegation involved a BCUHB staff member's academic duties, or if a University employee were involved, e.g. as the victim of alleged bullying.

2.2 Grievance procedures

A grievance by a BCUHB doctor may be considered under the relevant University procedure if the grievance relates to academic/University matters. In all other cases, BCUHB grievance procedures will apply for BCUHB staff.

Attempts should always be made to resolve grievances by informal means in the first instance.

3. Other General provisions

The University and BCUHB will meet on a regular basis to review the Agreement and its operation to ensure arrangements are updated to reflect changes to relevant BCUHB and University procedures and legal developments.

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