

# TMA HEATHCARE LTD



## Employee Handbook

SEPTEMBER 2018

## 1. Introduction

### Welcome to TMA Care Ltd Staff Handbook

Our aim in producing this document was to create a one-stop information point where you would be able to access all the information you are likely to need in relation to your employment with us. The Handbook and corresponding policy documents form part of your contract of employment.

The document gives an overview of the terms and conditions of your employment, and outlines what you can expect from us as your employer. In return we ask you for a high degree of commitment, dedication and loyalty to help us achieve the aims and objectives of the Company.

I hope you find this a useful guide during your employment with us. However if you are unable to find the answer to your question here, please feel free to contact your line manager who will certainly be able to find an answer for you.

Signed:\_\_\_\_\_

Managing Director

Signed:\_\_\_\_\_

Managing Director

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### 3. Starting with TMA Care Ltd

#### a. About the Company

TMA Care Ltd. was founded in September 2018 by Taunton Malayalee association

TMA Care Ltd provides nurses, support workers and care assistants with temporary work in private care homes, community and NHS Trusts.

#### b. Mission Statement

TMA Care Ltd is committed to being a premier provider of professional high quality and reliable staff within the healthcare industry.

We will provide a 24 hour service to help alleviate the shortage of health care personnel in care homes, community and hospitals.

We aim to recruit and retain the most highly qualified and experienced staff for the job and our selection process is therefore very rigorous.

We also aim to develop staff skills to their highest potential through regular skills updates, induction, supervision and appraisal. By setting these high standards for our organisation and by drawing from all available knowledge and resources, our ability to provide exceptional customer service with honesty and integrity will be unmatched.

#### c. Employment Terms and Conditions

As an employee of TMA Care Ltd you will have received a document setting out specific terms and conditions of service as they relate to your employment. This includes details of:

- the names of the employer and the employee;
- the date when the employment began;
- wages and the intervals at which it is to be paid;
- hours of work;
- holiday entitlement;
- entitlement to sick leave, including any entitlement to sick pay;
- the entitlement of employer and employee to notice of termination;
- job title;
- job description;
- employer's address;
- details of the existence of any relevant collective agreements which directly affect the terms and conditions of your employment

Further detailed policies and procedures which may not be mentioned as part of this document, but which still form part of your conditions of employment with us can be accessed through your line manager. This handbook also summarises the main terms of your employment.

The TMA Care Ltd

Mission Statement is:  
The TMA Care Ltd  
Mission Statement is:

“TMA Care Ltd is committed to being a premier provider.....our ability to provide exceptional customer service with honesty and integrity will be unmatched.”

TMA Care Ltd reserves the right to change its terms & conditions and employment policies from time to time. You will be notified at the earliest opportunity of these changes by way of general notice to all employees affected by the change. Where a contractual change in your terms and conditions of employment results in a change to your written statement of particulars of employment, we will give you a written statement of the change at the earliest opportunity.

**d. CRB Checks**

TMA Care Ltd has a duty of care to vulnerable patients and clients. A person's prior convictions may be relevant to the performance of their duties. Therefore, all preferred applicants for employment within the agency must undergo criminal record checks prior to employment. This is to ensure that a criminal conviction that might be relevant to the position can be identified and assessed in terms of any potential on-going risk.

Due to the nature of our organisation, all jobs will require an enhanced disclosure check. TMA Care Ltd complies fully with the CRB Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed. A copy of the CRB Code of Practice can be obtained from us on request.

**e. Data Protection and Access to Information**

As an agency, we have the responsibility to maintain information regarding our staff, to enable us to know about their workplaces, their skills and competencies. To this end, a personal file will be retained by your line manager. This will be used to assist in recruitment and selections, training and development, control of absence, staff turnover, discipline and equal opportunities.

TMA Care Ltd will comply with all statutory requirements of the Data Protection Act 1988 by taking all reasonable steps to ensure the accuracy and confidentiality of such information.

The Data Protection Act protects individuals' rights concerning information about them held on computer. Anyone processing personal data must comply with the eight principles of good practice. Data must be:

- fairly and lawfully processed
- processed for limited purposes
- adequate, relevant and not excessive
- accurate
- not kept longer than necessary
- processed in accordance with the data subject's rights
- secure
- not transferred to countries without adequate protection

TMA Care Ltd, from time to time may need to disclose some data it holds about you to relevant third parties (e.g. where legally obliged to do so by Inland Revenue or where requested to do so by yourself for the purpose of giving a reference).

We may also be obliged to give access to your personal data to regulatory bodies (e.g. The Care Inspectorate), who have a statutory right of access, or to service commissioners who have certain contractual rights.

Employees can request access to the information held on them by the Company. All requests by employees to gain access to their personnel records should be made in writing. There is a charge of £10 for this service.

#### ***f. Availability and Booking Shifts***

TMA Care Ltd has a sophisticated booking system, which enables us to identify which bookings are suitable for you. All staff to keep their availability updated via email, shift request form or by phoning the office. Staff who have updated their availability will inevitably be contacted first.

Staff are to keep us informed of any changes in contact details at all times including mobile number, and e-mail address so that we can always contact you at short notice and send you details of assignments. Contact details can be quickly and easily amended on our booking system.

Self-booking is permissible and very much welcomed by some clients. However, you should ensure you inform us before working your next shift, giving appropriate reference number, where applicable, in order that your timesheet can be processed correctly. We are required to maintain records of when and where you are working to ensure we give you the best possible service.

#### ***g. Assignments***

We will give as much notice as possible when offering and confirming your assignments. We will also provide you with a full briefing, which will include:

- The dates and times of the shift(s), booking reference number noted if applicable.
- The duration of the assignment and confirmation of pay rates.
- Details of location, client/service user or establishment, address and contact details.
- Details of the tasks you will be expected to undertake.
- Any other information, e.g. details of Care Plan; Health & Safety information.

#### ***h. Employment Compliance***

1) As an Agency Worker to be deployed in the provision of the Services you need to be aware that at all times whilst on the Client's premises you:

- a) Are under the direction of the Client at all times. You must work as directed by the Client and follow all reasonable requests, instructions, policies, procedures and rules of the Client (including any racial discrimination and equal opportunities policies);
- b) Shall not act in a manner reasonably likely to bring discredit upon the Client;
- c) Shall not unlawfully discriminate for any reason;
- d) Shall not falsify records, timesheets, and expenses or attempt to de-fraud the Client in any way;
- e) Shall not corruptly solicit or receive any bribe or other consideration from any person, or fail to account for monies or property received in connection with duties performed under the provision of the Services on an engagement;
- f) Shall observe the highest standards of hygiene, customer care, courtesy and consideration when working in a health service environment;
- g) shall keep confidential information howsoever acquired whether relating to the Client, its business or relating to patients, including but not limited to patient identity, clinical conditions and treatment;
- h) Shall be competent in understanding and using both written and oral English and shall be able to communicate effectively with the Client's staff, other healthcare workers, patients, carers and the general public;
- i) be helpful, pleasant and courteous;

- j) have good telephone skills;
  - k) shall have legible handwriting;
  - l) shall be able to work with minimum supervision, where appropriate;
  - m) shall be prompt and punctual;
  - n) shall maintain proper standards of appearance and deportment whilst at work and be properly and presentably dressed in such uniform and protective clothing, or otherwise, as agreed between the Parties;
  - o) shall display your photo ID badge on your clothing at all times during an engagement when they are on the Client's premises.
  - p) shall not wear the uniform, protective clothing, photo ID badge or use the equipment on the Client's premises unless fulfilling the terms of the agreed engagement;
  - q) shall not engage in any form of physical or verbal abuse, threatening behaviour, harassment/bullying or be otherwise uncivil to persons encountered in the course of work;
  - r) shall not at any time be, or appear to be, on duty under the influence of alcohol or drugs;
  - s) shall not at any time be, or appear to be, in possession of offensive weapons;
  - t) shall report any injury or accident sustained and/or witnessed whilst on the Client's premises;
  - u) shall on being charged or cautioned with any criminal offence, notify the TMA Care Ltd immediately;
  - v) shall not misuse or abuse the Client's property;
  - w) shall not use photographic equipment including camera/video facilities on mobile phones in the vicinity of patients, clients or service users. If you are asked to take a photograph or a video recording for a patient/client or service user this should be on their own equipment and with their written consent. In the case of children or vulnerable adults written consent should be obtained from the parent or guardian as appropriate. Under no circumstances should you use your own photographic equipment to photograph patients, clients or service users;
  - x) shall not smoke while on the Client's premises except in those areas where smoking is expressly permitted;
- 2) You must inform TMA Care Ltd if you are under investigation by your professional body (e.g. NMC) or if you are suspended from your professional register. You are required to participate in the investigation of any clinical complaints either during the provision of the Services or subsequently. If you fail to participate, TMA Care Ltd will not deploy you to any other Client until such time that the matter has been fully and satisfactorily resolved.

### ***i. Conflict of Interest***

You should not, directly or indirectly, engage in, or have any interest, financial or otherwise, in any other business enterprise which interferes or is likely to interfere with your independent exercise of judgement in TMA Care Ltd's best interest.

Generally a conflict of interests exists when an employee is involved in an activity:

- Which provides products or services directly to, or purchase products or services from TMA Care Ltd
- Which is so operated that the employee's involvement with the outside business activity will reflect adversely on TMA Care Ltd

Should you be in doubt as to whether an activity involves a conflict, you should discuss the situation with your line manager.



#### ***j. Changes in Personal Information for Employment Purposes***

It is important that our records are correct, as inaccurate or out of date information may affect your salary or cause difficulties in situations where contact is required for emergencies. You **must** notify your Line Manager immediately of all changes in the following personal information:

- Name
- Home address
- Telephone number
- Bank account details
- Examinations passed/qualifications gained
- Emergency contact
- Driving licence penalties (if you are required to drive on Company business)
- Criminal charge, caution or conviction
- Conflict, or potential conflict of interest

Personal data on employees is held in accordance with the provisions of the Company's Data Protection Policy which will be made available for inspection by you if required.

#### ***k. Insurance Information***

- a. Private Insurance** - As an Agency Worker you will only be paid for work that has been undertaken so, if for any reason you are unable to undertake work, you may suffer financially as a result. Reasons for not being able to work include accidents (either at work or at home) or illness.

You are advised to have insurance cover against such risks and at a level that protects your income during periods when you cannot work.

- b. Motor Vehicle Insurance** - The use of a private motor vehicle travelling to, from or during an assignment is "own business use" and you are advised to check with your motor vehicle insurance company to confirm that you are covered for such risks and to arrange such cover where this is necessary.

If you transport a Client in your own vehicle, you must have "own business" cover for passengers as well as for yourself. A copy of this certificate must be given to your TMA Care, together with a copy of your current driving licence.

## **4. Standards of Performance and Behaviour at Work**

### ***a. Attendance at Work***

TMA Care Ltd values good attendance at work and is committed to improving the general wellbeing of its employees to achieve this. Although we aim to secure regular attendance, we do not expect employees to attend when they are unwell.

#### *Notification of Absence*

Your line manager should be notified as early as possible if absence from work is anticipated for hospitalisation and other medical treatment.

If you are unable to attend work due to sickness or injury, your line manager must be notified by telephone at least 4 hours prior to start of shift or as soon as possible thereafter, indicating a date of

return. **Notification should be made by you personally unless impossible due to the nature of the illness** where you should arrange for someone else to call on your behalf. During prolonged periods of absence, your manager should be kept informed of progress and an expected date of return.

Any employee who has been absent due to sickness and is found not to have been genuinely ill will be subject to disciplinary action, which could include dismissal.

#### *Self-Certification Form*

From your first day of absence you will be required to complete a self-certification form available through your line manager on your return; if greater than 7 days you will require a statement of Fitness for Work from your G.P.

#### **b. Punctuality**

Timekeeping is of the utmost importance in maintaining high standards of care and services. You must abide by the arrangement for recording your entry to and from the Client's premises. Falsification may be regarded as gross misconduct.

Adverse weather or disruption to transport or other services may make it difficult for you to get to work. TMA Care Ltd expects to do whatever is reasonable to get to work in these circumstances, without risk to your health and safety.

#### **c. Dress Code and Appearance**

TMA Care Ltd does not seek to inhibit individual choice in relation to your appearance. However, you are expected to dress appropriately at all times in relation to your role, and to ensure that your personal hygiene and grooming are properly attended to prior to presenting yourself at work. Failure to do so may result in disciplinary action.

**Uniforms** - All staff must wear their uniform at all times unless it is a unit which requires you to wear your own clothes; You will be advised when you are booked for shift, what you require to wear. It is your responsibility to ensure that your uniform or clothing is clean and presentable. Uniforms minimises the spread of infection and also identifies you to clients and families. Trousers are purchased by staff and should be navy or black; no jeans shall be worn at any time.

When uniforms are worn outside of work premises, they must be worn correctly and staff must remember that their uniform will identify them as an employee of TMA Care Ltd. Thus their actions must not be allowed to bring the company's name into disrepute.

In certain units, staff may wear their own clothing to reflect the nature of the service. The following items of clothing are not acceptable:

- Shorts
- Inappropriate design, logos or slogans including football shirts
- Strappy tops or clothing that is too revealing

#### **Staff Uniform:**

- |                |                |
|----------------|----------------|
| 1. Female – RN | Care Assistant |
| 2. Male – RN   | Care Assistant |

*“...bringing alcohol or any unlawful drugs to the workplace, and / or imbibing them there is strictly prohibited...”*

**Footwear** – Staff are responsible for providing their own footwear, which should be of a sensible and safe style. They should be flat, with toes fully covered and of a sensible colour. No high heeled shoes, flip flops or open toe sandals to be worn at any time.

**Badges** – Staff should at all time wear their identification badges as provided by TMA Care Ltd and be clearly visible and prominent at all times. Loss of your badge must be reported immediately to your line manager. Staff will be unable to work without their identity badge.

**Jewellery, Cosmetics and hairstyle** – all jewellery except for wedding band and stud earrings are considered a hazard and must not be worn on duty. Nail varnish and nail extensions should not be worn and the use of cosmetics make up kept to a minimum. Hairstyles must be worn smartly and any hair longer than shoulder length should be tied up. Staff grooming standards reflects the values of your employer.

**Other Appearance Issues** – staff should ensure they attend their work with an acceptable level of personal hygiene and body odour. Occasionally poor personal hygiene/odour can be a result of a health condition and an employee may be advised to consult their GP. Clients may take exception to being cared for by a member of staff who has conspicuous ‘love bites’ or similar and can reflect on company standards. Staff who are suffering from fleas/hair lice must get treated as soon as possible to minimise risk of infestation to clients and work colleagues.

If you have any queries about what is appropriate, these should be directed to your line manager.

#### **d. Company Premises**

You must not bring any unauthorised person on to TMA Care Ltd property or any of your work environments (e.g. care homes, private individual client’s homes or hospitals) without prior agreement from your line manager, unless you are authorised to do so as part of your job. In these circumstances you are responsible for ensuring that your visitors are appropriately monitored during their stay, and that they do not access areas or company property inappropriately.

You must not remove TMA Care Ltd property from the organisation’s premises unless prior authority from your line manager has been given.

#### **e. Personal Property**

TMA Care Ltd does not accept liability for loss or damage to any personal property whatsoever.

#### **f. Telephones and Correspondence**

Company telephone / mobile phone or postal facilities must not be used for private purposes without prior permission from your line manager. If, for any reason, personal use is made of these items then arrangements must be made to pay the cost price of all services used. Abuse of these facilities will be considered a potential disciplinary matter.

#### **g. Smoking and Other Substances at Work**

In compliance with the Smoking, Health and Social Care (Scotland) Act 2005 and the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006, Aberness Care Ltd operates a ‘No Smoking’

Policy. Smoking is therefore strictly prohibited on all TMA Care Ltd premises, including entrances and exits.

Care homes and hospitals operate the same No Smoking Policy and have designated areas for smoking. Staff should ensure they are aware of the company policy and adhere to it.

'No Smoking' also relates to smoking in client's homes, as we should be seen to be promoting good health and not subject our clients to the effects of passive smoking.

Bringing alcohol or any unlawful drugs to the workplace, and / or imbibing them there is strictly prohibited both during work time or during a period prior to work where the effects carry over to the workplace. Any such instances will be dealt with under the disciplinary procedure and may lead to your summary dismissal.

#### ***h. Confidentiality***

It is a condition of your employment that you have a duty of confidentiality with regards to TMA Care Ltd.

During the course of your employment you may find yourself in possession of sensitive information, the disclosure of which could be construed as a breach of confidentiality. It is a condition of your employment that you have a duty of confidentiality to the Company and its clients, and you must not discuss any Company sensitive or confidential matter whatsoever with any outside organisation including the media.

Any such breach of confidentiality would be deemed as gross misconduct except as otherwise provided or as permitted by any current legislation (e.g. the UK Public Interest Disclosure Act 1998) and could lead to your dismissal.

#### ***i. Patient Record Keeping***

Record keeping is a professional requirement of all Agency Workers. Failure to maintain a record would cause considerable difficulties in respect of any legal proceedings, e.g. allegations of negligence.

Information is essential to the delivery of high quality evidence-based health care on a day-to-day basis. Records are a valuable resource because of the information they contain. This information can facilitate clinical decision making, improved patient care through clear communication of the treatment rationale and progress, and facilitate a consistent approach to team working. However, a record is only of any use if it is correctly recorded in the first place, regularly up-dated, and easily accessible when it is needed.

Refusal of treatment or advice, changes in condition and general updates should be documented in their care plans. Telephone contacts should also be documented if it is in relation to a service user. It is imperative that an Agency Worker dealing with a particular service user on a specific day can be identified; this means a record needs to be completed in the care plan of any care carried out by you, signed and dated as per Client's instruction.

Everyone working in healthcare that records, handles, stores, or otherwise comes across information, has a personal common law duty of confidence to comply with this. All patient records should be kept confidential in line with the Data Protection Act 1998.

**j. Computer, email and Internet Use**

If you have access to the Company's computers including email and access to the internet as part of your job, you must not abuse this by using these facilities for purposes unrelated to Company business.

Limited personal use of the internet is permitted during your formal breaks. All internet use is monitored and accessing pornographic or other unsuitable material, including auction or certain social networking sites is strictly prohibited and would be considered a serious disciplinary offence which may result in dismissal.

Only software packages properly authorised and installed by the Company may be used on Company equipment, you must therefore not load any unauthorised software onto Company computers.

If you have a Company email address, this is provided for responsible use on Company business and should not be used in any other way whatsoever.

All staff must make themselves familiar with the Company's Internet & Email Policy available on request.

**k. Receipt of Gifts or Loans**

Staff must not accept a gift or 'tip' from a client, patient or resident or from a member of the client's immediate family or from a supplier or prospective supplier to the company. Any such offer must be notified to your line manager immediately. Offers of this kind to you or your family can place you in a difficult position unless:

- They are in each instance of a very minor nature usually associated with accepted business practice.
- They do not improperly interfere with your independence of judgement or action in the performance of your employment.

In every circumstance where a gift is offered, the advice of your line manager must be sought. Similarly you must not request or accept a loan, no matter how small. If you do so, you may render yourself liable to disciplinary action. Additionally, staff must not ask colleagues for loans of money or gifts.

**l. Wills**

Staff must not have any involvement in the will of any resident, patient or member of family, whether this is as executor, witness or any other role. If you are invited to be a beneficiary, or told that you are a beneficiary, you must decline this and inform your manager immediately. If you find out after the reading of a will that you have been made a beneficiary, this must also be reported immediately to your line manager.

“...In every circumstance where a gift is offered, the advice of your line manager must be sought ...”

### ***m. Bribery and Other Corrupt Behaviour***

The Company has a strict anti-bribery and corruption policy in line with the Bribery Act (2010). A bribe is defined as: giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.

If you bribe (or attempt to bribe) another person, intending either to obtain or retain business for the company, or to obtain or retain an advantage in the conduct of the company's business this will be considered gross misconduct. Similarly accepting or allowing another person to accept a bribe will be considered gross misconduct. In these circumstances you will be subject to formal investigation under the Company's disciplinary procedures, and disciplinary action up to and including dismissal may be applied.

## **5. Valuing Diversity and Dignity at Work**

### ***a. Statement***

TMA Care Ltd is committed to valuing equality diversity and seeks to provide all staff with the opportunity for employment, career and personal development on the basis of ability, qualifications and suitability for the work as well as their potential to be developed into the job.

We believe that people from different backgrounds can bring fresh ideas, thinking and approaches which make the way work is undertaken more effective and efficient.

The Company will not tolerate direct or indirect discrimination against any person on grounds of age, disability, gender / gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, or sexual orientation whether in the field of recruitment, terms and conditions of employment, career progression, training, transfer or dismissal.

It is also the responsibility of all staff in their daily actions, decisions and behaviour to endeavour to promote these concepts, to comply with all relevant legislation and to ensure that they do not discriminate against colleagues, customers, suppliers or any other person associated with the Company.

### ***b. Key Actions***

In adopting these principles TMA Care Ltd:

1. Will not tolerate acts that breach this policy and all such breaches or alleged breaches will be taken seriously, be fully investigated and may be subject to disciplinary action where appropriate.
2. Fully recognises its legal obligations under all relevant legislation and codes of practice.
3. Will allow staff to pursue any matter through the internal procedures which they believe has exposed them to inequitable treatment within the scope of this policy. If you need to access these procedures they can be obtained from your line manager e.g. Grievance Procedure, Dignity at Work Procedure etc.

*TMA Care Ltd is committed to valuing diversity ..."*

4. Will ensure that all managers understand and maintain their responsibilities and those of their team under this policy.
5. Will offer opportunities for flexible working patterns, wherever operationally feasible, to help employees to combine a career with their domestic responsibilities.
6. Will provide equal opportunity to all who apply for vacancies through open competition.
7. Will select candidates only on the basis of their ability to carry out the job, using a clear and open process.
8. Will provide all employees with the training and development that they need to carry out their job effectively.
9. Will provide all reasonable assistance to employees who are or who become disabled, making reasonable adjustments wherever possible to provide continued employment. We will ensure an appropriate risk assessment is carried out and that appropriate specialist advice is obtained when necessary.
10. Will distribute and publicise this policy statement throughout the Company

### ***c. Dignity at Work***

The Company believes that the working environment should at all times be supportive of the dignity and respect of individuals. If a complaint of harassment is brought to the attention of management, it will be investigated promptly and appropriate action will be taken.

#### ***i. What and How of Harassment***

Harassment can be defined as conduct, which is unwanted and offensive and affects the dignity of an individual or group of individuals.

Sexual harassment is defined as “unwanted conduct of a sexual nature, or other conduct based on sex, affecting the dignity of women and men at work”. This can include unwelcome physical, verbal or non-verbal conduct.

People can be subject to harassment on a wide variety of grounds including:

- race, ethnic origin, nationality or skin colour
- sex or sexual orientation
- religious or political convictions
- willingness to challenge harassment, leading to victimisation
- disabilities, sensory impairments or learning difficulties
- status as ex-offenders
- age
- Real or suspected infection with a blood borne virus (e.g. AIDS/HIV)
- membership of a trade union or activities associated with membership

Forms may include:

- physical contact ranging from touching to serious assault
- verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters and so on
- visual display of posters, graffiti, obscene gestures, flags and emblems
- isolation or non-cooperation at work, exclusion from social activities
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups
- intrusion by pestering, spying, following someone

- bullying

**ii. What should I do if subject to Harassment?**

If you feel you are being harassed you are strongly encouraged to seek early advice/support from your line manager. If you feel your line manager is harassing you, then you should contact his / her immediate line manager.

You should also keep a written record detailing the incidents of harassment and any requests made to the harasser to stop. This written record should be made as soon as possible after the events giving rise to concern and should include dates, times, places and the circumstances of what happened. The Company has a formal procedure for dealing with these issues which you can obtain from your line manager.

## 6. Financial Section

### **a. Hours of Work**

Your hours of work will be as detailed in your Statement of Terms and Conditions of Employment. Under the Working Time Regulations, you will not be required to work in excess of an average of 48 hours per week. However, you may wish to opt out of the agreement voluntarily, in which case you must sign your application form. Even after signing this statement, TMA Care Ltd imposes a maximum average working hours of 60 per week to manage health and safety risks and to assure the quality of care.

Persistent poor timekeeping means that colleagues are put under pressure to cover your duties. This is not acceptable and will therefore be treated as a potential disciplinary offence under our disciplinary procedures.

### **b. Timesheets**

Timesheets can be obtained from our office, downloaded from our website, e-mailed or sent to you as requested.

Timesheets run from Monday to Sunday. Please submit your timesheet to us by Monday in order they are processed weekly to ensure payment to all staff is accurate and invoices sent to clients on weekly basis. Deadlines may change around Bank Holidays. It is your responsibility to ensure your timesheet is legible, completed correctly and has been authorised and signed by your manager- payment may be delayed if this is not the case.

In particular, please ensure:

- All information on your timesheet is accurate and completed in full. If a timesheet is not correctly completed, legible or unauthorised, it will be sent back to you for completion and not be processed.
- The dates and times you worked with breaks taken are correct.
- The total hours are correct
- Every shift must be authorised by an appropriate signature and date of the establishment you have been placed (e.g. nurse in charge, manager, Client in their own home or their representative)
- A black ballpoint pen is used at all times
- You have signed your timesheet
- You retain a copy of the completed timesheet for your records
- Timesheets are received in our office by 12 midday on Monday.
- Timesheets can be posted, , hand delivered or faxed to our office, details on front of handbook



### **c. Rates of Pay**

Different pay rates apply to different assignments and details of pay rates are given to you when you join TMA Care Ltd and they are updated annually, as pay rates change.

It is a good idea to confirm which rate of pay applies, when booking shifts and which clinical grade you have been booked at. This ensures that you can complete your timesheet accurately before asking the person in charge to sign it.

### **d. Pay Arrangements**

Your pay will be paid 4 weekly in arrears on every \_\_\_\_\_ by direct credit transfer to your designated bank account.

A payslip detailing how your pay has been calculated will be posted to your home. Payslips can be sent via email if requested.

Let us know if there are any changes to personal circumstances e.g. change of bank details or address. Change of Circumstances form is to be completed so we can update our system.

If any queries arise with regard to pay, or if it looks as if a mistake has been made, speak to your line manager immediately so that they can take appropriate action. Unless agreed otherwise, any pay errors, whether of over or underpayment, will be rectified in the next salary payment.

Appropriate deductions will be made from pay including income tax and National Insurance contributions (NICs), which are subject to each employee's earning level, family status and the number of hours worked.

### **e. Income Tax**

Although Agency Workers are self-employed, TMA Care is required by law to treat you as though you were employed, for the purposes of PAYE and Class 1 National Insurance Contributions only.

You are required to pay income tax on your earnings (if they exceed the threshold for the current financial year). The rules affecting people working through agencies are contained in Section 134 TA 1988 (formerly Section 38, Finance (No. 2) Act 1975).

You should contact the Tax Office if:

- You have any queries regarding your tax code
- You feel that you may be entitled to additional allowance
- There are any changes in your circumstances which will affect your tax status

The tax office details are as follows:

HM Inspector of Taxes,  
Centre 1, Queensway House, East Kilbride, Glasgow, G79 1AA  
Reference: 961/1016357  
Telephone: 0845 3000 627  
[www.inlandrevenue.gov.uk](http://www.inlandrevenue.gov.uk)

### **f. Travel**

Depending on the job you are doing, you may be reimbursed for any expenditure necessarily incurred in order get you to your place of work. Public Transport and accommodation costs will be reimbursed at actual cost – appropriate receipts must accompany all claims. Mileage rates when travelling by your own private transport will vary according to the Client you are working for. There is no reimbursement

for community council contracts. Please check with your line manager if you are entitled to travel costs.

**g. Statutory Sick Pay (SSP)**

Most employees have a right to SSP as long as they earn more than the lower earnings level, and are not over state retirement age which is currently 65. Because yours is a "Contract" for the period of each day, TMA Care Ltd does not usually pay sick pay. You may be eligible for sickness benefit through your Local Social Security Office.

**h. Statutory Maternity Pay (SMP)**

You may be eligible to SMP through Abernethy or Maternity Allowance through your Local Social Security Office.

If you are pregnant you must inform TMA Care Ltd. as soon as possible, so we can complete a risk assessment for you to identify the type of assignments you can or can't take.

A MATB1 form should be obtained from your midwife and given to us to determine whether SMP is payable through us. If you are ineligible, you take your MATB1 form to your local Social Security Office with a request to Benefits" and NI17a "A Guide to Maternity Benefits" from your Local Social Security Office.

**i. Annual Leave**

Employees of TMA Care Ltd are not entitled to a paid annual leave.

**j. National Insurance**

Deductions of National Insurance will normally be made by TMA Care on your behalf, if earnings exceed the National Insurance threshold. If you are entitled to reductions in National Insurance contributions or are exempt, you must produce the appropriate certificate to us before taking on assignments.

## 7. Health and Safety

TMA Care Ltd recognises and accepts its responsibility as an employer to maintain, so far as is reasonably practicable, the health and safety of its employees, and of other persons who may be affected by its' activities.

It is your duty as an employee not to put at risk either yourself or others by your acts or omissions. You should also ensure that you are familiar with the Company health and safety arrangements. Should you feel concern over any health and safety aspects of your work, this should be brought to the attention of your line manager immediately.

TMA Care Ltd has a Health and Safety Policy which all staff need to be familiar with. A copy can be obtained from your line manager.

### **a. Orientation to Places of Work**

It is important to have an orientation to your place of work at the beginning of your shift, please ask if you have not previously worked there. Some places will have set orientation guidelines, but if not, please use the following to help you:

- i. Tour of Department
  - Introduction of work colleagues
  - Layout of building
  - Call bell system including emergency call
  - Daily/nightly routine
  - Location of care plans/medication charts/observation charts
  - Location of policies and procedures
  - How to report any incidents/accidents
  - Staff breaks and staff toilets
- ii. Emergency Procedures
  - Emergency alarm call
  - Fire procedure, fire panel, exits and points
  - Telephone numbers for all emergencies
  - Location of fire extinguishers/equipment
  - Location of first line cardiac arrest equipment
  - Location of suction and oxygen
  - Security procedures
  - Location of contingency plans
- iii. Equipment
  - Ensure you are made familiar with any equipment you are not familiar with e.g. hoists, air mattresses, bath hoists etc.
  - Qualified staff ensure you are familiar with the type of medical that may be used e.g. monitors, syringe drivers, pumps etc.
- iv. Handover
  - You should receive a handover report from previous shift nurse; this may be verbal, written or taped.
  - Please ask if this has not been offered.

### **b. Procedure in the Event of an Accident**

An Accident form is available from your line manager and it is the responsibility of each individual employee to report and record any accident involving personal injury. Any accident or near miss occurrence (i.e. no one was injured but the incident had the potential to injure or kill) at work should be reported immediately to your line manager.

All staff need to ensure they are aware of how to report an accident in any establishment they work in (e.g. care home or hospital) and ensure they follow appropriate policies and procedures that are in place. If you are unsure, please ask nurse in charge of establishment at the time.

All employees who are absent from work following an accident must complete a self-certification form, which clearly states the nature and cause of the injury.

For any employee who suffers an injury at work which results in them being away from work, or unable to do their normal work, for three days or more (including weekends, rest days or holidays) it is important that your manager is informed as the Health and Safety Executive also need to be informed by the Company.

### ***c. Infection Control***

Each year in the UK, around 5,000 people die from hospital- acquired infections (more than are killed in road traffic accidents). This statistic emphasises the need for robust Infection Control policies that:

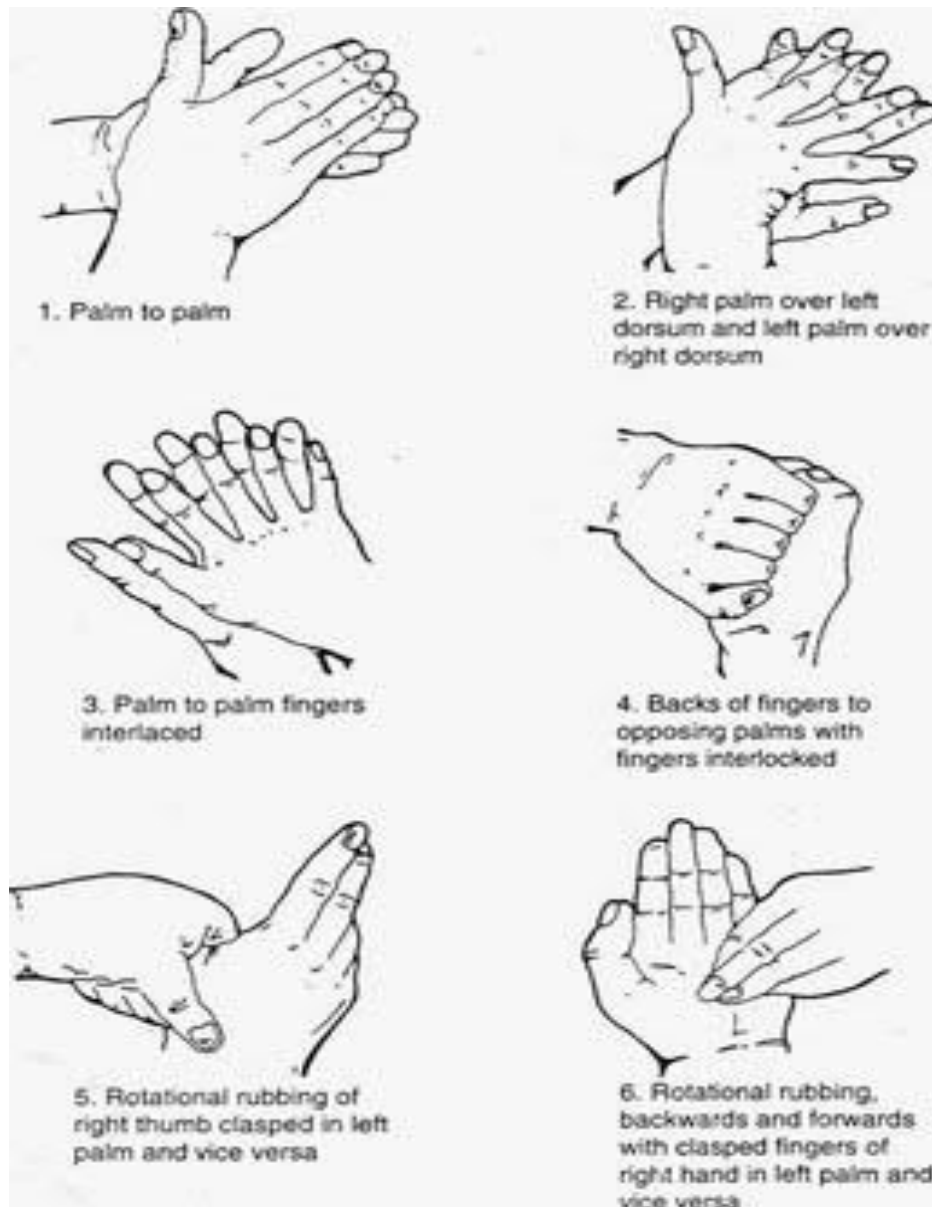
- Outline procedures
- Train and educate staff
- Establish better standards
- Improve patient care

Health and Safety regulations require that all employees be offered a workplace environment that reduces the risk of exposure to infection. Employers have a legal requirement to ensure that safe practices are in place, underpinned with up to date research and information.

The clinical environment presents a particular risk of the spread of infections, which is spread by inadequate hygiene and poor maintenance of the environment and equipment.

The single most important measure for protection outside of wearing personal protective equipment is hand washing. Washing hands with soap and water is necessary to rid them of protein matter, blood and any other potentially infectious material. Care staff should wash their hands vigorously before and after all procedures with clients. Gloves are not a replacement for hand washing, gloves should be changed and hands washed after each client procedure.

Hand washing Technique



#### ***d. Needle stick Injuries***

Particular care must be taken when handling and disposing of sharps. All clinical areas will have sharps boxes which are used to dispose of all sharps. They are inspected regularly to ensure they are less than  $\frac{3}{4}$  full with the top kept slightly closed. When they are  $\frac{3}{4}$  full they are then closed completely, signed and dated and left for collection in a safe place.

If a needle stick injury occurs:

- Encourage bleeding from the site
- Rinse under cold running water
- Apply waterproof plaster
- Inform nurse in charge
- Complete accident report
- Report to TMA Care Ltd

#### **e. First Aid**

TMA Care Ltd believes that best practice is to ensure staff have access to basic first aid training within their first 3 months of employment. In certain establishments, a trained First Aider or Appointed Person (someone who can take charge in the event of an accident) is usually available. Details of these trained staff will be displayed on their local notice board or from the nurse in charge.

#### **f. Fire Safety**

TMA Care Ltd believes that best practice is to ensure staff have access to basic fire training within their first 3 months of employment. All work establishments are required by law to have fire plan and procedures in place in the event of a fire. Please ensure you are given this information when you are inducted at the beginning of your shift.

#### **g. Lone Working**

TMA Care Ltd is committed to ensuring, so far as is reasonably practicable, the personal safety of its employees. It should be clearly understood by all concerned that in any situation, the reduction of risk and avoidance of untoward incidents is of paramount importance. All staff are made aware of the Lone Working Policy.

A risk assessment is completed for all lone workers to minimise any health and safety risks and a copy is given to them and another kept in their file.

## **8. Training and Development**

#### **a. Training and Development Policy**

The Company aims to provide training opportunities which will provide:

- An induction programme which all staff will be required to undertake and will assist staff settling into their new role/job.
- A progressive training and development scheme to enable staff to develop relevant skills and acquire knowledge to underpin their current role and career aspirations.

#### **b. Induction**

TMA Care Ltd believes its employees are its greatest asset and recognises its responsibility to ensure they are afforded appropriate development throughout their employment. This development begins at the Induction stage when a new employee joins.

Our aim is to support and develop employees in their role so that they feel confident to undertake the responsibilities placed upon them and ultimately are able to contribute to the success of the organisation.

Induction will be completed prior to starting any work for TMA Care. The content and duration of the induction program will be dependent on the scope and complexity of your job, and your line manager will outline this in detail to you on your first day with us. Copies of your induction checklist and evaluation sheets will be made available to you by your manager on your first day with us.

#### **c. Mandatory Training**

All staff who works for TMA Care requires to complete Mandatory Training annually. E-Learning is available via our website for some of the mandatory training. Moving & Handling and Basic Life Support will be carried out prior to starting work with TMA Care.

If you are cancelling or withdrawing from any training you have requested, you must give 7 days' notice of cancellation.

TMA Care accepts training certificates from any third party service provider as long as the certificate meets the relevant compliance requirements. You are under no obligation to update your training through any providers that we organise as long as you provide evidence of training undertaken at your place of work or any other training establishment.

Mandatory Training includes:

- Moving & Handling
- Basic Life Support
- Fire Safety
- Health & Safety
- COSHH
- Food Hygiene
- Infection Control
- Safeguarding of Vulnerable Adults

Additional training is required to work in certain areas:

- Administration of Medication (all nurses)
- Control and Restraint (for staff working in Mental Health)
- Dementia

Domiciliary Care requires:

- All mandatory training as listed above
- Administration of Medication
- Any package specific requirements (e.g. Gastrostomy Care, M.S, Diabetes, Epilepsy etc.) and you will be required to either provide evidence to the agency that you meet the standard of training required or you will be required to undergo further training

Domiciliary workers will normally be required to undertake shadow shifts/orientation in advance of being placed with a service user for the first time. They will be specifically inducted for their roles within a domiciliary care environment and must work in accordance with the care plan that is in place at all times.

There will be other opportunities for training each year

#### ***d. Personal Development Planning (PDP)***

TMA Care Ltd has a Personal Development Planning Scheme. The aims and purposes of the Scheme are:

- To help managers and staff to make effective arrangements to identify and meet learning needs
- To develop the skills, knowledge, values and behaviour that staff need to do their current jobs well

#### ***e. Appraisal***

There are 3 stages in the process:

- **Preparation** –you complete Section 1 of the appraisal form and your line manager completes Section 2 prior to meeting.
- **The Personal Development Plan Discussion** –a personal development plan is agreed by you and your manager.
- **Monitor & Review** – the method and timescale for monitoring should be agreed at the discussion stage and implemented throughout the year.

Appraisal of nurses is carried out by a senior of the same discipline.

The following areas will form part of the discussion during appraisal:

- The results of feedback forms from clients that you have worked with
- Punctuality
- Attitude
- Clinical performance
- Training needs
- Any issues, including progress since the last appraisal

## 9. Leaving TMA Care Ltd

### *a. Notice Periods*

Unless your employment is terminated by agreement, or specified otherwise in your principal statement of terms and conditions, you or the Company are required to give a period of notice in writing as follows:

- one week's notice prior to the first 3 month's employment
- four weeks' notice thereafter.

These periods of notice will apply if you are dismissed on grounds of inefficiency or if your dismissal is the result of disciplinary proceedings in circumstances where summary dismissal is not justified. Your employment may be terminated without notice where dismissal follows disciplinary proceedings.

### *b. Working Notice*

If you resign and are in possession of Company property, you should make your manager aware of these, and arrange how they will be handed back to the Company. You remain bound by the confidentiality arrangements outlined in your contract of employment during this period.

In exceptional circumstances, if deemed appropriate and as an alternative to working your notice, the Company reserves the right either to transfer you to other suitable duties during your notice period or to require you to accept payment in lieu of any entitlement to notice.

### *c. Engagement/Employment by a Client*

Our terms of business with our Clients include a requirement that the clients pay us an appropriate recruitment fee, if they employ directly any TMA Care Agency Worker, who has worked for them previously. This applies equally to temporary or permanent posts, full or part-time.



You are required by your Terms and Conditions of Employment to notify us if you wish to take up any post with a client of TMA Care for whom you have worked previously, even if you have terminated your registration with us.

***d. Other Conditions on Leaving***

On leaving, the Company will deduct from any money due to you such sums as you may owe to the Company. These may include, but are not restricted to, any loans, relocation assistance, court orders and payment made for holidays taken in excess of entitlement.

If you leave without giving notice and without the Company's agreement, you are in breach of your contract and you may forfeit some or all of any salary due to you.

Before leaving, you must hand over to your manager all articles belonging to TMA Care Ltd including your ID badge and any documents, equipment and computer software used at home. Documents and software include (but are not limited to) correspondence, diaries, address books, databases, files, reports, plans, records or any other medium for storing information. You should not retain any copies, drafts, reproductions, extracts or summaries of documents and software.

After you have left the Company, you must not:

- Solicit or seek to entice away any Company staff
- Use or divulge to any person or organization any confidential information relating to the business of TMA Care Ltd.

Should your employment be terminated following disciplinary action it is likely you will receive payment in lieu of notice. However, as there are numerous reasons as to why someone is dismissed, payment in lieu of notice will be reviewed on an individual basis taking into consideration the reasons behind the dismissal.

Should you be dismissed for reasons of gross misconduct, your employment will be terminated immediately without the benefit of notice or payment in lieu of notice.

***e. Retirement***

In line with current legislation TMA Care Ltd does not have an age where it expects employees to retire. It is however our policy to have regular workplace /appraisal discussions with all our staff where they can discuss performance and any development needs they may have, as well as their future aims and aspirations. Staff and their managers can also use this opportunity to discuss retirement planning should the employee wish to do so.

You should ensure that you inform your line manager at least 6 months before you plan to retire to ensure all appropriate arrangements are made (e.g. sourcing a replacement, mobilising your Company pension etc.).

## 10. Appendix 1 - Disciplinary Procedure

### 1. PURPOSE

The purpose of this policy is to set out TMA Care Ltd's position and procedures on workplace discipline. The Disciplinary Policy and Procedure has been written in accordance with the ACAS Code of Practice.

The purpose of the Disciplinary Policy and Procedure is to encourage employees to achieve and maintain high standards of conduct and behaviour in accordance with the requirements of TMA Care Ltd and relevant professional codes of conduct that apply to specific professions within the agency. (Where provisions apply, the professional conduct and competence of medical staff may also be considered separately by the relevant body.)

The Disciplinary Policy and Procedure provides a mechanism for disciplinary matters to be dealt with promptly, fairly and consistently.

## **2. SCOPE**

This procedure applies to all TMA Care Ltd staff. It will only be used when necessary and as a last resort. Informal and/or formal counselling will be used to resolve matters prior to any disciplinary action being taken, where possible. The procedure is intended to be positive rather than punitive but takes cognisance of the fact that sanctions may have to be applied in some circumstances.

## **3. POLICY**

Disciplinary situations include misconduct and /or poor performance. Where poor performance is due to lack of capability, as opposed to negligence, the matter will be dealt with under the Performance Management Policy.

Performance and attendance issues relating to sickness absence will be dealt with under the Attendance Management Policy.

Complaints made against an employee by another employee (under the grievance or bullying and harassment procedures) will be investigated and dealt with under the disciplinary procedure and the aggrieved employee will be informed of the outcome, where appropriate.

Complaints and/or concerns arising from the Whistle blowing policy and/or reporting of suspected fraud will be investigated and dealt with under the disciplinary procedure.

It is recognised that there may be matters that cannot be dealt with internally and TMA Care Ltd reserves the right to make referrals to external authorities that may need to be involved (e.g. Police).

## **4. CRIMINAL CHARGES OR CONVICTIONS**

Criminal investigations, charges or convictions for some offences, such as dishonesty or violence committed outside working hours may result in disciplinary proceedings taken against the employee up to and including summary dismissal. TMA Care Ltd will consider whether or not the employee's conduct or convictions merit action because of employment implications.

An external investigation, charge or conviction for any other type of offence may result in disciplinary proceedings being taken against the employee where, in the opinion of TMA Care Ltd, it is such as to affect, or be likely to affect: the suitability of the employee for the position in which they are

employed; or the business or reputation of TMA Care Ltd; or where the existence of the charge or conviction could otherwise seriously undermine the trust and confidence that TMA Care Ltd has in the employee.

## 5. GENERAL PRINCIPLES

Managers and employees should always try to resolve problems in the work place at the earliest possible opportunity and usually with the least possible formality. Ideally, matters should be addressed before they reach the stage of becoming a formal disciplinary issue.

Managers should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.

TMA Care Ltd recognises that a formal disciplinary procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. We will not tolerate abusive or insulting behaviour from anyone taking part in or conducting disciplinary procedures and will treat any such behaviour as misconduct under this procedure.

An employee can discuss any part of this policy with their Union Representative or their line manager. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation at any point during the disciplinary process.

## 6. COUNSELLING

Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:

- what is expected in terms of improving shortcomings in conduct or performance
- the time scales for improvement
- when this will be reviewed
- the employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.

A record of the counselling should be given to the employee and a copy retained in their personnel file. It is imperative that any counselling should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employees file.

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

## 7. SUSPENSION

There may be instances where suspension with pay is necessary while investigations are carried out. Suspension is not disciplinary action. The purpose of suspension is manifold and can be used when it is necessary to remove a member of staff from the workplace pending an investigation for the following reasons:

- there are reasonable grounds for concern that evidence may be tampered with, destroyed or witnesses pressurised before the disciplinary hearing
- if there is a potential risk to the organisation or other employees or third parties in allowing the employee to remain at work
- to allow time for a 'cooling down period' for both parties for their own or others protection
- Pending a police investigation into an alleged criminal offence or any other serious incident.
- Where re-deployment is not a practical option
- Where the allegation is of gross misconduct.
- Where professional registration has lapsed or expired or been suspended and the employee can no longer operate in their work capacity
- Where the continued presence in the workplace of the employee presents a concern for patient safety and/or a hazard for other employees, or the employee themselves in terms of health and safety

Only the Directors of TMA Care Ltd have the authority to suspend an individual. The nature of the allegations and the reason for the suspension must be stated.

Employees may be accompanied by a trade union or work colleague when being suspended. However, TMA Care Ltd reserves the right to suspend in the absence of a representative or colleague if all reasonable attempts to locate them have failed.

An employee suspended from duty will receive written confirmation within three days with:

- the reason for the suspension
- the date and time from which the suspension will operate.
- the timescale of the on-going investigation.
- the right of appeal to the immediate manager of the suspending manager should the suspension last more than 7 days

During suspension, the employee is expected to be available during normal working hours to attend meetings and/or to be contacted. Employees are bound by the implied obligation of good faith and their terms and conditions of employment.

## **8. EXAMPLES OF MISCONDUCT/GROSS MISCONDUCT MISCONDUCT**

Matters that TMA Care Ltd views as amounting to misconduct and are subject to disciplinary action include, but are not limited to:

- Persistent bad timekeeping
- Unauthorised absence
- Minor damage to property
- Failure to observe TMA Care Ltd or other company policies and procedures
- Abusive behaviour or language
- Dishonesty

- Unreasonable refusal to follow an instruction issued by a line manager
- Deliberate failure to reach required standards of performance
- Failure to maintain (or elapsed) professional registration
- Poor attendance
- Smoking in non-designated areas of any work premises

## **GROSS MISCONDUCT**

Matters that TMA Care Ltd views as amounting to gross misconduct include (but are not limited to):

- Stealing from TMA Care Ltd, its employees/workers or the public
- Corrupt practices – receipt of money, goods or pecuniary advantage in respect of any services rendered
- Fraud – any deliberate attempt to defraud the company, its employees, clients or members of the public.
- Failure to comply with requirements to declare interests and any gifts or hospitality received.
- Falsification of records, reports, accounts, expense claims, time sheets or self-certification forms, whether or not for personal gain
- Falsification or loss of a qualification or professional registration that is a stated requirement of the employee’s employment or results in financial gain to the employee
- Sexual misconduct at work
- Fighting with or physical assault on employees/workers or the public
- Deliberate damage to property or that of its employees/workers or members of the public whilst working for TMA Care Ltd
- Drunkenness or being under the influence of illegal drugs while at work (including incapacity to perform normal duties)
- Possession, custody or control of illegal drugs on whilst at work
- Serious breach of TMA Care Ltd policies, procedures and rules
- Abuse of TMA Care Ltd computer system, including internet and email
- Breach of data protection, confidentiality or information security rules; including misuse of or failure to safeguard confidential information and/or patient data.
- Gross negligence (including any action or failure to act which seriously threatens the health and safety of an employee/worker or member of the public)
- Conviction, or management’s reasonable belief, of a criminal (or other) offence that is relevant to the employee’s employment
- Conduct that brings TMA Care Ltd’s name into disrepute
- Any form of bullying of employees/workers or the public
- Discrimination or harassment of a fellow employee/worker on the grounds of sex, sexual orientation, gender re-assignment, race, disability, age or religion or belief

## PROCEDURE

### FORMAL INVESTIGATION

Formal investigations should be carried out by the most appropriate manager who is not directly involved with the incident being investigated. This manager may involve others to assist with the investigation process. All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so.

A report should be prepared which outlines the facts of the case. This should be submitted to the appropriate Director who will decide whether further action is required. Where appropriate, this report may be made available to the individual and their representative.

In most circumstances where misconduct or serious misconduct is suspected, it will be appropriate to set up an investigatory hearing. This would be chaired by the appropriate Senior Manager / Director, who would be accompanied by another manager. The investigating manager would be asked to present his/her findings in the presence of the employee who has been investigated. Witnesses should be called at this stage, and the employee allowed to question these witnesses. The employee has a right of representation at this hearing.

Following the full presentation of the facts, and the opportunity afforded to the employee to state his side of the case, the hearing should be adjourned, and everyone would leave the room except the senior manager / Director hearing the case, and the other manager. They would discuss the case and decide which of the following option was appropriate:

1. take no further action against the employee
2. recommend counselling for the employee
3. proceed to a disciplinary hearing

All parties should be brought back, and informed as to which option has been chosen.

Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:

- the employee has been informed by letter that the investigation may turn into a disciplinary hearing, and that he has the right of representation
- they have been told in advance what the nature of the complaint is, and had time to consult with a representative
- all the facts have been produced at the investigatory hearing, and the manager / Director is in a position to decide on disciplinary action.
- the manager should inform the employee and their representative that the hearing would now become a formal disciplinary hearing, and invite them to say anything further in relation to the case.

It may be appropriate at this point to adjourn proceedings, whilst necessary arrangements are made for a representative to attend the hearing at the request of the employee.

Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances which require its continuance. The subject of the discipline may also request that the disciplinary action continue.

## **WARNINGS**

### **VERBAL**

A Verbal Warning is appropriate when it is necessary for the manager in charge to take action against an employee for any minor failing or minor misconduct.

### **FIRST WRITTEN WARNING**

A First Written Warning is appropriate when:

- a verbal warning has not been heeded and the misconduct is either repeated or performance has not improved as previously agreed.
- an offence is of a more serious nature for which a written warning is more appropriate.
- the recurrence or accumulation of an offence/offences, if left, will lead to more severe disciplinary action.

### **FINAL WRITTEN WARNING**

A Final Written Warning is appropriate when:

- an employee's offence is of a serious nature falling just short of one justifying dismissal.
- an employee persists in the misconduct which previously warranted a lesser warning.

### **DEMOTING OR TRANSFER TO ANOTHER POST**

This action is appropriate when:

- previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee.
- an employee is considered by the Manager of the department to be incompetent or otherwise unfit to fulfil the duties for which he is employed but where dismissal is not thought to be appropriate.

### **DISMISSAL**

Dismissal is appropriate when:

- an employee's behaviour is considered to be Gross Misconduct.
- an employee's misconduct has persisted, exhausting all other lines of disciplinary procedure.

### **TIMESCALES**

Warnings issued to employees shall be deemed to have expired after the following periods of time:

- Verbal Warnings: 6 months
- First Written Warnings: 12 months
- Final Written Warnings: 18 months (or as agreed and recorded at the hearing)

These time scales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

## **LETTER OF WARNING**

All Warnings must contain the following information:

- The letter must be issued within 7 days of the date of the disciplinary hearing.
- The nature of the offence and where appropriate, that if further misconduct occurs, more severe disciplinary action will be taken.
- The period of time given to the employee for improvement.
- The employee's right to appeal to the manager directly above that of the one issuing the warning.
- A copy of the warning and any supporting documentation must be attached to the individual's personnel file.
- The employee must also receive a copy of the warning which in the case of any written warning will be sent to their home address by recorded delivery if not handed to them in person.
- In the case of a final written warning, reference must be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to who they can make that appeal.

**The letter confirming dismissal will contain the following information:**

- The reason for dismissal and any administrative matter arising from the termination of their employment.
- The employee's right of appeal and to whom they should make that appeal

## **APPEALS**

Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that the Company's Procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.
- that the need for disciplinary action was not warranted.
- that new information regarding disciplinary action, has arisen

An appeal should be put in writing to the Managing Director. The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

An appeal will be arranged within 20 working days of receipt of the appeal letter.

### **APPEALS AGAINST VERBAL AND FIRST WRITTEN WARNINGS**

In the case of verbal and first warnings, the appeal will be heard by the manager next in line to the one who issued the warning.

### **APPEALS AGAINST DEMOTING, FINAL WARNINGS AND DISMISSAL**

The hearing and determining of appeals against final warnings and dismissal will be heard by the appropriate Director. They may also involve another senior manager / Director not previously involved with the case.

When dealing with an appeal against a Final Warning or Dismissal written statements of case may be submitted no later than 2 days prior to the date of Appeal Hearing. No additional written evidence will be admitted by the Appeal Committee on the date of the Hearing.



Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness. Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under consideration.

It is the responsibility of the management representative and for the appellant to each arrange for the availability and attendance of any witness they wish to call.

## 11. Appendix 2 - Grievance Procedure

### 1. PURPOSE

This procedure is designed to resolve individual grievances raised by staff in relation to any condition of their employment. It aims to provide means by which individual grievances can be settled as quickly and as close to the point of origin as possible.

### 2. SCOPE

The procedure applies to all staff of TMA Care Ltd.

### 3. RAISING A GRIEVANCE

In the event of a member of staff wishing to raise a grievance, it is preferable for the grievance to be satisfactorily resolved as close to the individual and their line manager as possible. It is understood however that this is not always possible and that a formal procedure is required to ensure the swift and fair resolution of matters which aggrieve the employee.

Time scales have been fixed to ensure that grievances are dealt with quickly, however these may be extended if it is agreed upon by both parties.

This procedure is not intended to deal with:

- Dismissal or disciplinary matters which are dealt with in a separate procedure.
- Disputes, which are of a collective nature and which are dealt with in a separate procedure.

The aggrieved employee has the right to representation by a Trade Union Representative, a professional organisation, a staff association or a colleague/friend.

### 4. STEPS FOR INVESTIGATING GRIEVANCES

#### Stage 1

An employee who has a grievance, should raise the matter with their line manager immediately either verbally or in writing. If the matter itself concerns the employee's immediate line manager, then the grievance should be taken to their superior.

If the manager is unable to resolve the matter at that time then a formal written grievance form should be submitted (see letter 1). The manager should then respond within **2 working days** (i.e. the manager's normal working days) to the grievance unless an extended period of time is agreed upon by both parties. The response will give a full written explanation of the manager's decision and who to appeal to if still aggrieved.

#### Stage 2

In most instances the Company would expect the manager's decision to be final and for the matter to come to a close. However, in some circumstances the employee may remain aggrieved and can appeal against the decision of the manager concerned.

The appeal, to the manager next in line, must be made within ten working days of the original response to the employee's grievance. The appeal must be in writing (see letter 2) and contain the original formal Grievance form. This manager will attempt to resolve the grievance. A formal response and full explanation will be given in writing, as will the name of the person to whom they can appeal if still aggrieved, **within 7 days**.

Where the 'next in line' manager at this stage is the Director with responsibility for the employees function, then the grievance should immediately progress to stage 3.

**Stage 3**

If the employee remains aggrieved there will be a final level of appeal to the Director responsible for the employees function. This appeal must be made in writing (see letter 3), enclosing a copy of the original Formal Grievance form, to the director within ten working days of receipt of the Stage 2 response. This Director will arrange and hear the appeal with another management representative and respond formally with a full explanation **within 20 working days**.

There is no further right of appeal. Where however **both** parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

**Copies of letters 1, 2 and 3 can be found in HR Manual at main office, please ask.**

## **PURPOSE**

A complaint is an expression of dissatisfaction, whether justified or not.

TMA Care Ltd aims to deliver high quality healthcare and to use the views and experiences of the people who access our services as part of a process of continuous improvement.

Whenever possible, the comments, suggestions and concerns of clients and their families or representatives are dealt with as they arise. We recognise that there will be occasions where an individual will be dissatisfied with an explanation or apology given and will want to make a complaint. This Policy describes our commitment to respond to comments, suggestions and complaints. Where a complaint is made we aim to resolve the complaint as directly and quickly as possible being fair to the person making the complaint and those involved in delivering.

It is our intention to make our complaints system as accessible and simple as possible. Comments, suggestions and straightforward complaints, which can easily be resolved because they require little or no investigation, will be handled by those individuals directly involved in delivering services to patients. This may be trained staff, Care Assistants, Support Workers or Personal Assistants. We call this “front-line resolution”.

If an individual is not satisfied with the outcome from “front-line” resolution, or does not wish to pursue this option, we will treat the concern or complaint as a formal complaint. This would be appropriate where the matter of concern is complex and requires investigation. So that there is clarity about the terms of a formal complaint we will ask that this be put in writing and we will assist complainants in doing this if asked.

## **HOW TO COMPLAIN**

A complaint can be received in two ways, orally or written:

### **Oral Complaints**

- All oral complaints, no matter how seemingly unimportant, should be taken seriously. There is nothing to be gained by staff adopting a defensive or aggressive attitude.
- Front line care staff who receives an oral complaint should seek to solve the problem immediately if possible.
- If staff cannot solve the problem immediately they should offer to get the line manager to deal with the problem.
- All contact with the complainant should be polite, courteous and sympathetic.
- At all times staff should remain calm and respectful.
- Staff should not accept blame, make excuses or blame other staff.
- If the complaint is being made on behalf of the service user by an advocate it must first be verified that the person has permission to speak for the service user, especially if confidential information is involved. It is very easy to assume that the advocate has the right or power to act for the service user when they may not. If in doubt it should be assumed that the service user’s explicit permission is needed prior to discussing the complaint with the advocate.
- After talking the problem through, the member of staff dealing with the complaint should suggest a course of action to resolve the complaint. If this course of action is acceptable then the member of staff should clarify the agreement with the complainant and update their care plan accordingly. A copy of the complaint along with the action taken should be documented in the service user’s care plan as well as a full report given to the directors of TMA Care Ltd. This information will be kept within the Complaints file and audited monthly. The directors will also contact the service user at an arranged time to discuss if the complaint and the action taken.
- If the suggested plan of action is not acceptable to the complainant then the member of staff should ask the complainant to put their complaint in writing to the establishment and give them a copy of the complaints procedure and form for completion.

- In both cases details of the complaints should be recorded on a complaints form and handed to the directors of TMA Care Ltd

### **Written Complaints**

- When a complaint is received in writing it should be passed on to the directors of TMA Care Ltd immediately. The complaint will be recorded in the complaints file and an Acknowledgment Letter sent to the complainant within two working days. One of the two directors will be the named person who deals with the complaint through the process.
- If necessary, further details should be obtained from the complainant. If the complaint is not made by the service user but on the service user's behalf, then consent of the service user, preferably in writing, must be obtained from the complainant.
- A leaflet detailing the procedure should be forwarded to the complainant.
- If the complaint raises potentially serious matters, advice should be sought from a legal advisor for TMA Care Ltd. If legal action is taken at this stage any investigation by our agency under the complaints procedure will cease immediately.
- If the complainant is not prepared to have the investigation conducted by TMA Care Ltd he or she will be advised to contact the Care Inspectorate or Contracts Officers in their area.
- Immediately on receipt of the complaint TMA Care Ltd will launch an investigation and send a letter of acknowledgement to the complainant detailing the complaint and what we propose to do. Within 20 working days we should be in a position to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned. If we are unable to send a full reply within 20 working days of receipt of the complaint, we will explain the reason why and inform the complainant when we will be able to reply in full.
- If the issues are too complex to complete the investigation within 28 days, the complainant will be informed of any delays.
- If a meeting is arranged the complainant should be advised that they may, if they wish, bring a friend or relative or a representative such as an advocate.
- At the meeting a detailed explanation of the results of the investigation should be given and also an apology if it is deemed appropriate (apologising for what has happened need not be an admission of liability).
- Such a meeting gives the establishment the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated.
- After the meeting, or if the complainant does not want a meeting, a written account of the investigation will be sent to the complainant in a Final Response Letter. This should include details of how to approach the Care Inspectorate or Contracts Team if the complainant is not satisfied with the outcome.
- The outcomes of the investigation and the meeting should be recorded on appropriate documentation and any shortcomings in our procedures should be identified and acted upon.
- TMA Care Ltd will discuss complaints and their outcomes at the monthly management meeting.

**Acknowledgement Letter** – this will include an offer to discuss the complaint with the complainant at a mutually agreed time to discuss:

- the manner in which the complaint is to be handled
- the period of time the investigation is likely to take

If the complainant does not accept the offer of a discussion, a letter should be sent back detailing the above details. This can be sent by letter or e-mail, taking into account the complainant's preferences.

**Final Response Letter** – this will include a report on:

- the initial complaint
- the conclusion reached, including any remedial action needed and confirmation that any action needed has either already been taken or the proposed timescale the action will be completed
- further contacts the complainant can contact if they are not happy with the decision taken

### **ACTIONS FOR COMPLAINTS**

When we get things wrong, TMA Care Ltd will act to:

- a. Accept responsibility
- b. Explain what went wrong and why

### c. Put things right by making changes required

The action we take to put matters right in response to a complaint can include any combination of the remedies set out in the menu below. The general principle we follow is that a complainant should, should so far as is possible, be put in the position they would have been in, had things not gone wrong. The action taken needs to be proportionate and appropriate to the failure in service and take into account what people are looking for when they complain. An apology is normally appropriate, but other action may also be necessary:

- A sincere and meaningful apology, explaining what happened and or what went wrong – an apology is not an acceptance of liability under Section 2 of the Compensation Act 2006
- Remedial action, which may include reviewing or changing a decision on the service given to an individual complainant
- Provide service desired by complainant, immediately if appropriate or possible
- Putting things right (e.g. changing procedures to prevent future difficulties of a similar kind)
- Training and supervision of staff
- Financial compensation

### **COMPENSATION**

In the majority of cases, remedies other than financial compensation will satisfy the complainant. Financial compensation is therefore a final option and will only apply in cases where the loss or suffering is considered to warrant such a payment.

If the complainant has suffered direct or indirect financial loss, compensation maybe payable. All the evidence will be looked at, including how much the complainant can demonstrate they have lost or what extra costs they have incurred as a result of our practise.

### **COMPLAINT REPORT**

All complaints will have to be carefully documented and kept in Complaints file for easy access to anyone who requires to see them. The Complaint Report has to be completed for each complaint received. The contents of the Complaint Report will have:

- Details of the Complainant
- Date and time of when the complaint was received
- Full details of the complaint
- Details of the person receiving the complaint
- Details of any immediate action taken on complaint
- Results of action taken on complaint
- Details of person informed of complaint
- Any further action to be taken

A monthly complaints Log will be kept of all complaints received. This will have:

- All complaints received in the month
- Subject matter and outcome of each complaint
- Details of the reason for delay where an investigation took longer than the required response time (i.e. 20 working days from date of complaint)
- The date the report of the outcome of the investigation was sent to the complainant

### **ANNUAL REPORTS**

TMA Care Ltd will keep a copy of all complaints received no matter how small. Each month an audit will be carried out of all complaints and stage of progress. This will be documented on the Complaints Log and discussed at the director's monthly management meeting. At the end of March 31<sup>st</sup> each year, all accidents for the past 12 months will be audited and a report completed. This report will be available to anyone on request. The report will include:

- The number of complaints received
- The number of complaints that were well-founded, partly or fully



## 14. Appendix 5 - Confirmation of Receipt of Handbook Form

### TMA CARE AGENCY

<b>Name:</b>	
<b>Designation:</b>	
<b>Place of Work:</b>	
<b>Line Manager:</b>	

I confirm I have received a copy of the TMA Care Ltd Staff Handbook and that I have read this and understood the contents.

I also confirm that I have sought clarification from my line manager on any issues outlined in the Handbook which I am not clear about.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Please return this form duly completed and signed to your line manager at:

TMA Care Ltd  
Road  
Taunton  
TA12NF