

The serious incident of NHS London nurse, Amin Abdullah's suicide, arising from his unjustified dismissal is galvanising the NHS to reflect on its employment practises. NHS England/Improvement has directed Chief Executives to apply a learning rather than a blaming culture in their dealings with staff. The term 'Just Culture' encapsulates the principles of fairness and equity seen as essential for these changes. Staff-sides are encouraged to compare their employer's procedures and policies against these Just Culture ideals.

Below are questions to assist your discussions with staff-side colleagues.

(Links to various useful resources and further information on just culture available on next page).

1. Does Management investigations follow best practice, as set out in the ACAS code of practice on disciplinary/grievance and guidance on investigations? – <https://www.acas.org.uk/investigations-for-discipline-and-grievance-step-by-step>
2. Is there sufficient assignment of resources that provide enough appointed case managers, investigators and others charged with specific responsibilities to ensure disciplinary, grievance, capability or mediation/restorative procedures is thoroughly undertaken within the agreed timeframes with staff-side?
3. Is there a rigorous decision making methodology in your disciplinary policy that avoids formal action against individuals in response to an incident or response? For example, no manager alone determines a suspension or formal action be taken without prior senior managerial review. Important decisions with potential serious consequences first carefully considered from multiple perspectives.
4. Are staff treated compassionately, when involved in formal processes? Are fact finding investigations undertaken in a timely manner?
5. Do managers and staff receive appropriate training and are competent to carry out their roles? In the case of line managers, do they fully understand and follow the principles of natural justice and best practice when handling any staffing matters?
6. Is safeguarding of staff's health and wellbeing identified by senior management as a top priority for all? Such intentions evidenced by timely communication throughout processes - that is comprehensive, unambiguous and sensitive in tone. Review the NHS *People Plan Actions* which sets out employer obligations - <https://www.nhsemployers.org/news/2020/07/nhs-people-plan>
7. Is disciplinary and grievance data collected and regularly shared with staff-side to assist local discussions on the trust's performance to reduce the number of cases?

In addition, a warning...

Be wary of employer proposals to change the policy that offer staff to accept blame and sanctions in order to avoid the stress of a formal hearing. Often suggested as reflecting the principles of *Just Culture*. In reality, it does precisely the opposite as it allows employers off the hook to properly review and learn about other possibly more significant causes - such as lack of effective organisational systems or required resources.

Key NHS Sources on Just Culture

Social Partnership Forum - Just and Learning Culture in Yorkshire & Humber – Guiding Principles – March 2021

<https://www.csp.org.uk/networks/stewards/representing-members>

NHS Scotland's 2012 Guidance on Managing Employee Conduct – see section 2.2 for an overall good example of principles and values for policy

<https://www.staffgovernance.scot.nhs.uk/media/1405/management-of-employee-conduct-pin-policy.pdf>

NHS England/Improvement letter to CEOs on introducing *Just Culture* in their workplaces

https://i.emlfiles4.com/cmpdoc/9/7/2/8/1/1/files/56794_letter-to-chairs-and-chief-executives-24-may-2019.pdf

NHS England's Just Culture guide that encourages managers to treat staff involved in a patient safety incident in a consistent, constructive and fair way

<https://www.england.nhs.uk/patient-safety/a-just-culture-guide/>

Mersey Care NHS website on Just Culture

<https://merseycare.nhs.uk/about-us/just-and-learning-culture-what-it-means-for-mersey-care/just-and-learning-culture-our-journey/>

NHS Case study on implementing *Just Culture*

<https://www.nhsemployers.org/case-studies-and-resources/2021/02/implementing-a-just-and-learning-culture>

NHS Resolution pamphlet *Being fair - supporting a just and learning culture for staff and patients following incidents in the NHS*

<https://resolution.nhs.uk/wp-content/uploads/2019/07/NHS-Resolution-Being-Fair-Report.pdf>

Verita report on NHS London nurse, Amin Abdullah's dismissal

<https://www.imperial.nhs.uk/about-us/news/investigation-disciplinary-process-actions-and-learning-for-trust>