

## **Terms of reference for the independent investigation into the management of the Trust's disciplinary process resulting in the dismissal of Mr Amin Abdullah**

An investigation is being commissioned into the disciplinary process and procedure that led to the dismissal of a Trust employee Mr Amin Abdullah on 16<sup>th</sup> December 2015. Tragically Mr Abdullah took his own life in February 2016.

The aim of the independent investigation is to establish firstly, whether there was any failure or weakness in the process and governance regarding the disciplinary procedure and what action was taken as a result and secondly if there is any learning for the Trust and the wider NHS and what that learning might be. Any learning captured will be made available to the NHS as a whole via NHS Improvement and other national bodies as appropriate.

### **Terms of reference for the investigation**

1. Determine whether the process followed in dealing with Mr Abdullah's case was fair and whether it was conducted in line with the Trust disciplinary policy. The key areas of focus will be:
  - a. Provide a chronology of events relating to Amin Abdullah's disciplinary hearing.
  - b. Review the allegations against Amin Abdullah. Identify how they were determined, their truthfulness, timeliness and seriousness. Review whether they were proven in the context of the Trust's disciplinary procedures.
  - c. Review whether the investigation carried out was sufficient, thorough and fit for purpose. Review whether the investigation was carried out in line with the Trust disciplinary policy and procedures.
  - d. Outline the background history relating to Mr Abdullah and his nurse training and work at Imperial College Healthcare NHS Trust before he was subject to the investigation that led to his dismissal. Review whether the investigation should have taken his training and work record into account. Review how this related to the Trust disciplinary policy.
  - e. Review whether the Trust disciplinary policy was followed when identifying the investigation manager and disciplinary hearing chair. Identify whether there was any conflict of interest or bias that should have excluded either from being involved in the case.
  - f. Review the role of the Trust Human Resources department in respect of Amin Abdullah's disciplinary hearing. Review their role in relation to their

- responsibility for each step in the process and whether their actions were appropriate.
- g. Identify whether there were any oral or written communications with Mr Abdullah throughout the investigation and disciplinary hearing stages. Ascertain whether they were sufficient to ensure that he was up to date on the progress of the investigation and likely timeframe for the disciplinary hearing to take place.
  - h. Where there were delays in the process, explore why they occurred and ascertain the nature and justification. Identify whether action could have been taken sooner to expedite the conclusion of the case.
  - i. Review whether the Trust was aware that Mr Abdullah's mental health had deteriorated. If so, outline whether any adjustments within the disciplinary process and its timing should have been implemented as a result.
  - j. Was the quality of evidence used in the decision to dismiss robust? Was it in line with the advisory, conciliation and arbitration service (ACAS) guidance? Was the dismissal decision proportionate to the disciplinary hearing findings? If the evidence that led to the findings was considered to be flawed, was the dismissal decision fair and proportionate?
2. Consider whether the letter that Amin Abdullah confirmed at an investigation meeting on 15<sup>th</sup> September 2015 that he had written should have been treated as a case of whistleblowing in line with the Trust procedure for raising concerns. Review whether Amin Abdullah raised patient care concerns. If so, review whether they should have been considered in line with the Trust whistleblowing policy.
  3. Review the handling of the grievance raised by Mr Abdullah on 1<sup>st</sup> December 2015. Report on whether it was addressed in line with the relevant Trust procedure.
  4. Assess the extent to which the Trust's disciplinary policies and procedures align with the following ACAS guidance documents. Report on any deficiencies, and any recommendations for improvement. Review whether the Trust adhered to these guidelines in the case of Amin Abdullah.
    - Discipline and grievance hearing
    - Discipline and grievance: Code of practice
    - Discipline and grievances at work: the ACAS guide
    - Dismissing employees
- a. Comment on whether the Trust policy includes a requirement for consideration of an employee's background, and if not should such a requirement be included?

- b. Review the support offered to Amin Abdullah and staff during the disciplinary process involving him. Review how this relates to the Trust disciplinary procedure. Report whether this reflects best practice such as that recommended by ACAS.
  - c. Review the Trust's approach to ensuring appropriate mechanisms are in place to check that dismissal decisions are fair and reasonable. Review the constitution of the disciplinary and appeal hearing panels and the training of panel staff. Offer any recommendations for improvement.
5. Identify whether there are any further learning opportunities for the Trust.