



DORSET & WILTSHIRE FIRE AND RESCUE SERVICE

EPR 2 - Discipline

To be used in conjunction with the [People Policy Statement](#)

Employee Performance & Rewards (EPR)

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1. Purpose & Definition

- 1.1. This procedure has been developed in line with the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (Grey Book), the NJC for Local Government Services National Agreement on Pay and Conditions of Service (Green Book) and the [ACAS guide to discipline and grievances at work](#).
- 1.2. The Chief Fire Officer (CFO) has responsibility for all disciplinary issues within the Service, with delegated responsibility to an HR Case Manager.
- 1.3. This procedure is in place to help and encourage members of staff to achieve and maintain expected standards of conduct and behaviours, attendance, and job performance.
- 1.4. It is designed to establish the facts relating to any alleged issue, without undue delay, and to deal consistently with all disciplinary issues. Disciplinary action will not be taken until the allegation/issue has been investigated.
- 1.5. The guiding principle of this procedure is that, in every case except dismissal, the primary aim is to bring about an improvement in the way that you and the Service performs and serves the public. Each case is treated on its merits based on the particular circumstances involved.
- 1.6. This procedure applies to all members of staff under a contract of employment, (excluding those on probation, except in cases of gross misconduct), if conduct, attendance or job performance suggests that disciplinary action may be necessary. Examples of behaviour/ issues where this procedure will be initiated are detailed in the supporting document on [Disciplinary Rules of Conduct](#).
- 1.7. For staff on probation, the [Probation Procedure](#) will be used to ensure they meet and maintain the requirements in relation to conduct, job performance, attitude, timekeeping and attendance. Where the required standards are not reached, employment may be terminated.

- 1.8. The discipline procedure for Strategic Leadership Team is based on this disciplinary procedure. A preliminary investigation into allegations of misconduct will be conducted by a designated independent person at Director level. If a preliminary investigation determines a potential case to answer, a formal investigation will be conducted. The CFO will appoint an appropriate investigator. Where necessary this may be an external person of an appropriate seniority.
- 1.9. Suspension, Investigation, Hearing and Appeal arrangements for DWFRS Directors including the DCFO and CFO are set out in the Scheme of Delegation ([link](#)).

2. General Principles of the Disciplinary Procedure

2.1. General Principles

- 2.1.1. Dorset & Wiltshire Fire and Rescue Service (DWFRS) is committed to making sure all our staff are valued and treated with dignity and respect while at work. We are committed to creating an environment of positive working relationships that encourage mutual trust and co-operation. The Service's corporate values and behavioural expectations are detailed in the Service's Code of Ethics.
- 2.1.2. On issues of incapability at work, brought on by misuse of alcohol or drugs, refer to Substance Misuse in the first instance.
- 2.1.3. Minor concerns over work performance and/or conduct are usually dealt with informally. This can be done using the [EPR 4 – Managing Performance](#) procedure. Issues of a potentially more serious nature are formally investigated before any disciplinary action is considered.
- 2.1.4. The formal disciplinary procedure may be implemented at any stage if alleged misconduct warrants such action. No formal disciplinary action will be taken against an individual until the issue has been investigated.
- 2.1.5. Normally, a member of staff will not be dismissed for a first discipline offence except in the case of gross misconduct when the sanction will be, in most cases, summary dismissal without notice or payment in lieu of notice. See Disciplinary Rules of Conduct for definitions and examples of both misconduct and gross misconduct.
- 2.1.6. If any information of a serious nature comes to light, such as issues which may involve the Police or criminal activity or which requires specialist advice, the individual's line manager must divulge this information to an HR Case Manager and seek guidance before speaking to the member of staff about the incident. The HR Case Manager may involve the Police at any time during the process if it is deemed necessary.
- 2.1.7. All disciplinary decisions are made on the balance of probabilities. This means the alleged offence is more likely to have occurred than not. The test is not one of proving allegations beyond all reasonable doubt. All decisions will fall within the band of reasonable responses which a reasonable employer might take.
- 2.1.8. At every stage of this procedure, the principles of natural justice will apply. This ensures consistency, compliance with the law and fairness for members of staff and line managers.

- 2.1.9. As a member of staff, you have a right to:
- know the allegation(s) against you
 - respond to the allegations//give an explanation/mitigation
 - be treated fairly and consistently
 - have a fair hearing and be advised of the reasons for decisions reached
 - appeal against any formal disciplinary sanction imposed.
- 2.1.10. There is no right of appeal for any corrective measures taken by the line manager at the informal stage or against local management action recommended as an outcome of a disciplinary investigation or discipline hearing.
- 2.1.11. Managers and staff should raise and deal with issues promptly and should not unreasonably delay meetings, decisions, or confirmation of those decisions. This applies particularly where both parties are restricted by timeframes as required by tribunal proceedings. Managers should also allow staff to be represented at any formal disciplinary hearing.
- 2.1.12. It is recognised that for all members of staff involved in a disciplinary process it can be a difficult time, therefore support is offered at every stage. Staff involved in the disciplinary process are provided with a copy of the Services Health and Wellbeing procedure which sets out the support available.
- 2.1.13. Contact Officers are allocated to support a member of staff who is suspended under this procedure. Further [Guidance for Contact Officers](#) is available.
- 2.1.14. The discipline process may be placed on hold at any stage if it is determined by the HR Case Manager and Investigating Officer or Presiding Officer that formal mediation or a facilitated discussion is seen as an appropriate method to resolve the dispute.
- 2.1.15. A moderated process can also be considered once the disciplinary investigation has been completed, if accepted by both parties. See 3.90 Modified Procedure for more information.
- 2.2. Confidentiality and Data Protection**
- 2.2.1. Confidentiality must be maintained at all stages throughout the disciplinary process by all parties. All papers and other information relating to disciplinary issues must be treated in the strictest confidence and with the utmost security.
- 2.2.2. Where any person involved in this procedure purposefully fails to maintain reasonable confidentiality or seeks to unduly influence any party in the disciplinary process, such action will be interpreted as harassment, particularly if this results in victimisation, and they will be subject to disciplinary action. Any such action will be considered as Gross Misconduct and may result in disciplinary action, not excluding dismissal.
- 2.2.3. Normally, other members of staff within a department will not be informed that a disciplinary issue is being dealt with unless there is an effect on day to day working relationships.

- 2.2.4. If an individual is suspended from work, it may be necessary to inform members of staff within the department where their absence from work will impact on the day to day running of the department and/or on working relationships.
- 2.2.5. Data on disciplinary cases is published annually in a format that does not allow individuals to be identified.
- 2.2.6. The Information Commissioner’s Office (ICO) Employment Practices Code gives guidance on data protection surrounding employment and in relation to this procedure about employment records. In line with this guidance, DWFRS will ensure it conforms to this Code of Practice.

2.3. **Sickness Absence During Investigation**

- 2.3.1. If an individual is suspended from work and reports sick during this period, the suspension will be temporarily lifted for pay purposes only and payment made is in accordance with the rules for the sick pay scheme in [EPR 10 – Sick Pay](#) procedure. All other terms of the suspension will remain in place.
- 2.3.2. If an occupational health appointment is required, the HR Case Manager will liaise with the Health and Wellbeing Team regarding the referral.

2.4. **Attendance at Meetings/Hearings**

- 2.4.1. All parties should make every effort to attend meetings/hearings (investigation/disciplinary hearings/appeal).
- 2.4.2. Whilst every effort will be made to arrange meetings/hearings on a working day, meetings/hearings can be arranged on non-working day.
- 2.4.3. If you fail to attend a meeting/hearing for reasons outside of your control, it may be postponed and re-arranged.
- 2.4.4. If you advise you are unfit to attend a meeting/hearing for medical reasons, you will be referred to Occupational Health to determine your fitness to attend. Occupational Health will advise whether there are any reasonable adjustments that could be made to assist you in attending the meeting/hearing. If, in the opinion of Occupational Health, it would assist to have the opinion of your GP or other treating physician, Occupational Health will seek your consent to obtain this.
- 2.4.5. Where Occupational Health advise that you are fit to attend a meeting/hearing and you wish to challenge this advice, you are required to provide any contrary medical evidence that you wish to be considered as soon as possible.
- 2.4.6. Where contrary/conflicting medical advice is received, this is then referred back to Occupational Health for a medical opinion and guidance on proceeding with a hearing.
- 2.4.7. Where, following an Occupational Health referral, you withhold consent for the release of the medical opinion of the Service Doctor, it will be assumed that you are fit to attend a meeting/hearing.

- 2.4.8. If you refuse to attend or advise us that you are not fit to attend, the meeting/hearing can be held without you present. You are permitted to submit documents for consideration at the meeting/hearing.
- 2.4.9. A disciplinary hearing guidance document detailing the [Disciplinary Hearing Procedure](#) will be sent to a member of staff required to attend a disciplinary hearing.
- 2.5. **Return to Work Following a Period of Suspension/Absence**
- 2.5.1. Line Managers will determine, in accordance with the Operational Licence and in liaison with the Training Centre, the requirements for re-familiarisation and re-assessment of core competencies. They will liaise with the Health and Wellbeing Team regarding the requirement for an Occupational Health assessment and/or fitness assessment. This will depend on the length of absence from the workplace.
- 2.5.2. Line Managers will determine the re-familiarisation requirements for corporate staff. This may include re-familiarisation of role, systems, procedures and responsibilities. Line managers can use checklists contained within [Staff Induction](#) and/or [Probation](#).
- 2.5.3. Where appropriate, Managers should refer to [Attendance Management](#) for return to work processes where sickness absence has occurred during the investigation/disciplinary process.
- 2.6. **Time Limits**
- 2.6.1. The number of days referred to in this procedure are based on calendar days including weekends and bank holidays.
- 2.6.2. A disciplinary investigation is dealt with as a matter of priority and completed as soon as practical.
- 2.6.3. Every effort is made to conclude cases as a matter of priority. A case review will take place every two weeks to ensure that the case is on track.
- 2.6.4. All time limits for notice applicable to the various stages of the Disciplinary Procedure are set out in the [Scheme of Delegation](#) and [Disciplinary Hearing Procedure](#), and may normally be varied by mutual agreement. However, the underlying principle is the disciplinary process is dealt with as an issue of priority and continual delaying of time limits is not permitted.
- 2.7. **Counter Claims**
- 2.7.1. If in the course of a disciplinary process, an individual raises a bullying and harassment concern that is related to the case, the HR Case Manager will consider whether the disciplinary process should be placed on hold until a management enquiry has taken place, or whether a management enquiry can run concurrently with the discipline investigation. The decision to put on an investigation on hold will consider the impact(s) on all parties and take into account timescales and likely delays.
- 2.7.2. A different Investigating Officer will be assigned to deal with the bullying and harassment case. It may be necessary for the bullying and harassment

management enquiry to be concluded prior to the conclusion of the discipline investigation.

- 2.7.3. If in the course of a disciplinary process a grievance is raised that is related to the case, an HR Case Manager will consider suspending the disciplinary procedure for a short period until the grievance is dealt with or run the grievance resolution process in parallel with the disciplinary process. Depending on the nature of the grievance it may be appropriate to nominate another manager to deal with the grievance.
- 2.7.4. If a grievance or bullying and harassment concern is raised during the disciplinary process that is unrelated to the case, the two procedures will run in parallel.

2.8. **Witnesses**

- 2.8.1. As a witness you may be required to attend more than one investigation meeting and you may also be called to give evidence at a disciplinary hearing.
- 2.8.2. Witnesses should make every effort to attend meetings/hearings (investigation/disciplinary hearings/appeal).
- 2.8.3. Whilst every effort will be made to arrange witness meetings or attendance at hearings on a working day. Meetings/hearings can be arranged on non-working day, but no payment will be made for this.

2.9. **Accompanying Witnesses during Investigative Interviews**

- 2.9.1. Whilst not a statutory right, witnesses being interviewed by management may request the attendance of a Trades Union Official or a current member of DWFRS staff to accompany them during an investigative interview. This needs to be approved and agreed by the Case Manager and must not frustrate or delay the process. The role of the Trades Union Official or member of DWFRS staff is not to answer questions on behalf of the witness, but to help facilitate the investigation by offering support to the witness.
- 2.9.2. Fellow staff or Trades Union Officials do not have to accept a request to accompany a member of staff and they should not be pressured to do so.

2.10. **Resignation or Retirement during Disciplinary Proceedings**

- 2.10.1. If a member of staff tenders their resignation or retirement during the course of a disciplinary investigation and the investigation is not concluded prior to the resignation or retirement taking effect, the Investigating Officer will be asked to conclude the investigation and draw conclusions based on the facts gathered to date. This will include whether the allegations against the member of staff are upheld and a recommendation for any further action.
- 2.10.2. If the recommendation of the Investigating Officer is to proceed to a formal disciplinary hearing, a Presiding Officer will be appointed in accordance with the Scheme of Delegation and efforts will be made to arrange a hearing during the period of notice. The member of staff will be advised of the arrangements for the hearing and will be given the opportunity to attend. They retain the right to be represented at this meeting by either a trades union official or work colleague. If the former member of staff declines to attend the hearing, the

Presiding Officer will carry out a desk top review of the case to reach a conclusion based on the information available.

- 2.10.3. Any sanction will not directly apply to the member of staff as this will be preceded by the retirement or resignation, but the outcome of the hearing/desk top review will be recorded by the Service. If the member of staff elected not to attend the hearing, they will be advised in writing of the outcome.

2.11. **Resignation or Retirement following a Disciplinary Investigation**

- 2.11.1. If a member of staff tenders their resignation or retirement following an Investigation but prior to a formal hearing, the hearing will proceed following the principles set out in 2.10.2 and 2.10.3 above.

2.12. **Other Issues**

- 2.12.1. A member of staff or lay Trades Union Official who has agreed to accompany a colleague is entitled to take a reasonable amount of paid time off to fulfil that responsibility.
- 2.12.2. As far as is possible DWFRS will work with the Trades Union Official or DWFRS member staff accompanying the individual being investigated so that the date and time of any Investigative Meeting or Disciplinary Hearing is mutually agreeable. Alternative dates and times can be suggested provided they are reasonable and are not more than five working days after the original date. Please note, this does not apply in the case of accompanying witnesses.

2.13. **Trades Union Officials**

- 2.13.1. Although normal disciplinary standards apply to your conduct as a member of staff, no disciplinary action will be taken against a member of staff who is an accredited representative of a Trades Union, until the circumstances of the case have been discussed with an HR Case Manager. The HR Case Manager will contact a senior Trades Union official or permanent Union Official of the Trades Union concerned as appropriate. It is, however, still possible to suspend the individual from their duties.

2.14. **Warnings – Exceptional Circumstances (Protection of Children and Vulnerable Adults)**

- 2.14.1. Warnings relating to child protection and/or vulnerable adult issues will remain in force for as long as a member of staff is employed by DWFRS.
- 2.14.2. DWFRS has an obligation to comply with the legislation/regulations relating to the Protection of Children Act (POCA) and Protection of Vulnerable Adults Act (POVA). If you are investigated or suspended for alleged offences under these regulations, DWFRS has an obligation to report the incident to the regulating body at both investigation and conclusion stages. You will be notified in writing if this relates to you by the HR Case Manager or DWFRS Safeguarding Lead.

3. General Duties, Rights and Responsibilities

3.1. Rights and Responsibilities as a Member of Staff

3.1.1. All members of staff must make sure they have a full understanding of this procedure. A copy of this procedure is available on CONNECT via the Policies & Procedures database. Staff applying the procedure will be trained to do so.

3.2. Support

3.2.1. A member of staff and/or their representation should request additional support if this is required. For example, the provision of a support worker with knowledge of a member of staff's disability, a support worker to assist with a neurodiverse condition or practical support for wheelchair/mobility access. If the need arises the Case Manager will determine the reasonableness of the additional support requested.

3.2.2. You must notify the investigating officer if you or your representative requires any additional support during the process as soon as possible.

3.2.3. A Contact Officer will be nominated to support you for the duration of the investigation if an individual is suspended under this procedure. Refer to Role of Contact Officer guidance for further information.

3.2.4. The role of the Contact Officer is to provide a link between you and the Service for the duration of the investigation and to direct any queries and/or concerns you may have to the appropriate person.

3.3. Accompaniment

3.3.1. You have a statutory right to be accompanied at all formal investigation meetings and Disciplinary Hearings. You can be accompanied by:

- a fellow member of staff (they must be working and not absent from work)
- an official employed by a trades union
- a workplace trades union representative, as long as they have been certified in writing by their union as having had experience.

3.3.2. This right applies if a request has been made to be accompanied by a work colleague/representative. DWFRS considers each request individually to assess whether it is accepted as reasonable.

3.3.3. If you wish to make a request to be accompanied you need to provide DWFRS with the name of the work colleague/representative, and clarify if they are a colleague, Trades Union representative, or Trades Union official. You also need to allow sufficient time for DWFRS to make the necessary arrangements to allow the work colleague/representative to attend the meeting.

3.3.4. If your work colleague/representative is not available to attend the meeting, you may request for the meeting to be postponed provided that the alternative time is reasonable and not more than five working days after the original meeting date.

3.3.5. There is no statutory right for you to defer further, although where practicable, reasonable efforts will be made to accommodate such requests. If the delay is

regarded as being unreasonable, it is at the discretion of an HR Case Manager to proceed without representation.

- 3.3.6. You are encouraged to consider practicalities when selecting your work colleague/representative. For example, you may choose a work colleague/representative who is willing and available on site, rather than somebody at a geographically remote location.
- 3.3.7. If you make a reasonable request to be accompanied your work colleague/representative can attend and is permitted to address the disciplinary hearing in order to:
- respond on your behalf to any views expressed at the meeting
 - confer with you during the meeting.
- 3.3.8. The work colleague/representative does not have the right to answer questions on your behalf.
- 3.3.9. At no stage in this procedure will persons acting in a professional capacity, such as a solicitor, take part in disciplinary proceedings except in very exceptional circumstances. If you wish to make such a request, you must do so through the Case Manager. This also applies to the appeal meeting process.

3.4. **The Requirement to Undertake an Investigation**

- 3.4.1. An HR Case Manager has overall responsibility for the management of investigation processes and for ensuring the fair and balanced use of this procedure.
- 3.4.2. Area Managers and Corporate Heads of Department are responsible for supporting the HR Case Manager with the appointment of an Investigating Officer to investigate issues raised under the Disciplinary Procedure within five working days. The rationale for the appointment of the Investigating Officer role will include the level of seniority required, impartiality and training/experience of the appointed Officer. No 'formal' stage will be assigned (1, 2 or 3) to the case at this stage.
- 3.4.3. The appointed Manager will be known as the 'Investigating Officer'.
- 3.4.4. On completion of the investigation, an HR Case Manager, in consultation with the Investigating Officer, is responsible for deciding the next steps in this procedure.
- 3.4.5. Normally the Investigating Officer acts as the Presenting Officer at Discipline Hearings.

3.5. **Suspension from Work**

- 3.5.1. Prior to the suspension of a member of staff, a Risk Assessment will be undertaken by a senior manager and an HR Case Manager to determine whether suspension is warranted.
- 3.5.2. During out of hours, issues that are likely or considered to be a staff conduct matter or potential discipline should be reported to the Duty Group Manager in the first instance who will liaise with the Duty Area Manager to determine next

steps including whether suspension is warranted. You may be suspended by the Manager identified in the Scheme of Delegation, for the following reasons:

- To enable investigations to be made where the possibility of gross misconduct may be suspected.
- Where there are grounds to doubt the ability of the member of staff continuing to work pending criminal investigations or prosecution.
- Where the individual is placed on remand.
- Where specific circumstances dictate that suspension would be appropriate in that case, for example:
 - To avoid intimidation of witnesses
 - Where work relationships have broken down
 - To protect a victim of alleged harassment
 - Preservation of evidence.

- 3.5.3. Any circumstances where the accused member of staff continuing at work is a risk to his/herself, other staff, witnesses or DWFRS.
- 3.5.4. If you are suspended you are informed of the reasons for the suspension, that suspension is not a disciplinary sanction and that you may be asked to attend for an investigative meeting or Disciplinary Meeting.
- 3.5.5. It is also appropriate at this stage to discuss any conditions which will apply during the period of suspension, for example, contact details, availability to attend meetings, facilities to meet with their representative, and so on.
- 3.5.6. The notice of suspension will always be confirmed in writing to the individual and guidance for members of staff on suspension will be issued.
- 3.5.7. Where you have been verbally suspended by the appropriate manager, the written notification will act as confirmation of the verbal suspension and will indicate the reason why you have been suspended and confirm that you will remain on full pay for the period of your suspension.
- 3.5.8. During the period of suspension, you are not to enter any DWFRS premises unless directed or expressly permitted to do so by a Service Director/Senior Manager, or a manager of DWFRS acting on their behalf.
- 3.5.9. You must not seek to inappropriately influence anyone who may be involved in the disciplinary process, particularly those who may act as witnesses.
- 3.5.10. You will be required to surrender any DWFRS property. This will include but not be limited to keys, telecommunications equipment, pagers, vehicles and IT equipment.
- 3.5.11. Your access to ICT systems will be temporarily withdrawn during the period of suspension.
- 3.5.12. You will receive full pay unless you commence sick leave in which case the suspension is temporarily lifted (for pay purposes only) and you will be paid in accordance with the rules of the sick pay scheme. However, the restriction

relating to DWFRS property will remain in force. The suspension notice will be reinstated on cessation of sick leave.

- 3.5.13. For firefighters working the retained duty system, your pay is calculated on the basis of your retained payments averaged over the previous 12-week period.
- 3.5.14. In cases where you have been suspended over allegations made which involve child protection or vulnerable adult issues, it is the duty of DWFRS to report such suspensions to the relevant authority. The HR Case Manager will liaise with the DWFRS Safeguarding Lead to report such issues.
- 3.5.15. In view of the above arrangements, it is important that the relevant Head of the Department is notified immediately of any case where suspension has been applied.
- 3.5.16. Risk Assessments will remain under regular review as part of the case management process.
- 3.5.17. Welfare support will be available if required and a point of contact provided for the individual concerned.

3.6. **Lifting of Suspension**

- 3.6.1. Suspension may be lifted as part of the regular review of the risk assessment for suspension if it is considered that sufficient controls are in place to enable the individual to remain in the workplace while the disciplinary investigation continues.
- 3.6.2. At the conclusion of any formal investigation into alleged misconduct, where it is found that there is no case to answer, the suspension will be lifted, and you will be notified in writing. Where the investigation concludes in a discipline hearing, the suspension will remain in place until the outcome of this hearing is known.

3.7. **Formal Investigative Meetings**

- 3.7.1. You may be accompanied by a member of DWFRS staff or Trades Union official at all formal investigative meetings.
- 3.7.2. The role of the person accompanying you is to ensure that the investigation meeting is conducted fairly and to help make sure you understand the questions being put to you. They are not there to speak on your behalf or of the witnesses being interviewed.

3.8. **Formal Disciplinary Hearings**

- 3.8.1. You have a statutory right to be accompanied by a member of DWFRS staff (work colleague) or Trades Union official (representative) at all Disciplinary Hearing stages of this procedure. Persons acting in a professional capacity, for example a solicitor, may not take part in disciplinary proceedings except in very exceptional circumstances. If you wish to make such a request, contact the HR Case Manager; however, there is no obligation on the Service to agree. This also applies to the appeal meeting process.
- 3.8.2. You may request for your work colleague or representative to address the formal disciplinary hearing in order to:

- present your case
- sum up your case
- respond on your behalf to support any view expressed at the meeting.

3.8.3. The work colleague/representative can also confer with you during the disciplinary meeting and participate as fully as possible in the meeting, including asking witnesses questions.

3.8.4. The work colleague/representative does not have the right to answer questions on your behalf, or to address the Disciplinary Hearing if you do not wish it, or to prevent DWFRS from explaining their case.

3.8.5. You should make every effort to attend the Disciplinary Hearing. In the event that you fail to attend, the Service reserves the right hear the case in your absence. In these circumstances, you may elect to send a representative to read a pre-prepared statement from you. The representative does not have the right to answer questions on your behalf, to address the Disciplinary Hearing, or to prevent DWFRS from explaining their case.

3.9. **The Modified Procedure**

3.9.1. The Modified Procedure allows for consideration to be given to the issue of a disciplinary sanction without the requirement to attend a formal Disciplinary Hearing.

3.9.2. A request for the Modified Procedure to be applied must be made to the HR Case Manager by you or by your representative acting on your behalf.

3.9.3. The Chair of the Disciplinary Hearing must set aside sufficient time to consider the case and consider the disciplinary investigation report and all hearing information as presented before reaching a decision.

3.9.4. You will be notified of the outcome of the Modified Procedure in writing.

3.9.5. In cases where the Modified Procedure has been applied, there is no right of appeal against any sanction awarded.

3.9.6. The Modified Procedure will not be considered for stage 3 disciplinary hearings.

3.10. **Notification of Criminal Proceedings**

3.10.1. A member of staff is responsible for reporting to their Line Manager as soon as is reasonably practicable, any of the following occasions where they are:

- cautioned by the Police that you are under investigation for a criminal act (including road traffic offences, such as points on your licence)
- arrested in connection with a criminal act
- required to attend a formal meeting with the Police to be cautioned as an alternative to appearing in court (or in receipt of a caution at the time of the offence) as a result of pleading guilty to an offence
- in receipt of a summons to appear before a Court of Law for an alleged offence
- have agreed to voluntarily attend an interview with the Police.

- 3.10.2. Failure to notify the Line Manager of any of the above may result in disciplinary action being taken against a member of staff.
- 3.10.3. Your Line Manager will immediately notify an HR Case Manager, or in the absence of an HR Case Manager an Area Manager during out of hours.
- 3.10.4. Once initial notification is given you are required to provide the Service with supplementary details of the proceedings. You must provide full details in writing of the:
- nature of charges/caution or investigation
 - date, time and venue of the hearing
 - whether you were on or off duty when the alleged offence(s) took place.
- 3.10.5. If you are given a custodial sentence, depending upon the facts and circumstances of the case, this may lead to disciplinary action (including dismissal) being taken against you. For the avoidance of doubt a proper and reasonable investigation of the facts and circumstances is undertaken before any disciplinary action is implemented. Any disciplinary action also takes into account any representations made by you (or your representative on your behalf) in response to the allegations. You have a right of appeal against the decision in line with this procedure.
- 3.10.6. You will not be automatically dismissed from work solely because you are absent as a result of being remanded in custody as part of an ongoing criminal investigation.
- 3.10.7. In the event there are criminal proceedings attached to a discipline case, the Service may proceed or continue to progress a case independently of such proceedings. Alternatively, if the Service has reasonable belief your conduct may constitute a criminal offence, the matter may be reported to the Police.
- 3.10.8. Any reports are held securely by HR in line with the document retention schedule.
- 3.11. **Responsibilities for Line Managers**
- 3.11.1. **Notification of Criminal Proceedings**
- 3.11.2. If a member of staff informs you they are being charged with, or convicted of, a criminal offence you must:
- request a written report/evidence detailing the nature of charges/caution or investigation together with the date, time and venue of any hearing
 - inform either an HR Case Manager or a Duty Group Manager (out of hours or in the absence of an HR Case Manager) and the relevant Corporate Head of Department.
- 3.11.3. Line Managers who are informed of criminal proceedings and do not take appropriate action to report this may have disciplinary action taken against them.
- 3.11.4. If you become aware that a member of staff has failed to inform the Service that they are or have been charged with, or convicted of, a criminal offence, you need to liaise with an HR Case Manager who will decide whether/what further action is required.

3.12. Responsibilities for Group or Area Managers/Heads of Department

- 3.12.1. If a member of staff informs you they are being charged with, or convicted of a criminal offence you must:
- make an HR Case Manager aware.
 - make sure you receive a written report/evidence detailing the nature of charges/caution or investigation together with the date, time and venue of any hearing.
 - establish the facts of the case and decide whether it may warrant disciplinary action. If so, refer to an HR Case Manager.
 - consider whether the offence, or alleged offence, is one which makes the member of staff unsuitable for their role.
- 3.12.2. If you become aware that a member of staff has failed to inform the Service that they are or have been charged with, or convicted of, a criminal offence, you need to liaise with an HR Case Manager who will decide whether/what further action is required.

3.13. Responsibilities for HR Case Managers

3.13.1. Notification of Criminal Proceedings

- 3.13.2. If a member of staff informs you they are being charged with, or convicted of, a criminal offence you must:
- make sure you receive a written report/evidence detailing the nature of charges/caution or investigation together with the date, time and venue of any hearing establish the facts of the case
 - consider whether the offence, or alleged offence, is one which makes the member of staff unsuitable for their role
 - manage any disciplinary cases arising from a notification of criminal proceedings from staff
 - liaise with the relevant Line Manager/Group or Area Manager/Corporate Head of Department if an individual has not informed the Service of criminal proceedings against them and decide whether further disciplinary action is required.

3.13.3. An HR Case Manager is also responsible for:

- advising whether an external Investigating Officer is appointed if this is considered appropriate
- providing advice and guidance in the application of the procedure in each individual case and at each formal stage to ensure fairness and consistency at all times
- completing a Risk Assessment for Disciplinary Suspension with the line manager
- advising if any matter warrants informal or formal investigative action. Recommendations may include the use of the HR043 Performance Improvement Plan within Managing Performance as an alternative to disciplinary action

- advising at what stage of the procedure actions should be initiated (for example, formal disciplinary proceedings)
- meet with the Investigating Officer prior to the disciplinary hearing to prepare the report for presentation, to ensure consistency of evidence, accuracy and cross referencing of documentation
- allocating HR support to a Presiding Officer at Level 3 disciplinary hearings and appeal meetings
- notifying the appropriate chain of command at all stages of the disciplinary process.

3.14. **Responsibilities for Employee Relations Coordinator**

3.14.1. The Employee Relations Coordinator will:

- oversee administrative arrangements for all disciplinary cases
- provide administrative support at all stages of the disciplinary process
- Monitor and record all disciplinary cases
- maintain a record of I delaying of time limits by all parties
- make sure hearings are arranged with the timescales as set out in the Scheme of Delegation and monitor compliance through relevant KPIs
- arrange post case review meetings for all disciplinary cases for the HR Case Manager and invite relevant participants, including trades union representatives
- provide quarterly and annual statistical reports for the Head of HR and relevant reporting requirements and make these available on CONNECT
- maintain a competency framework with a list of trained Investigating Officers and Presiding Officers and liaise with an HR Case Manager to ensure ongoing training and development opportunities are arranged.
- arrange for structured training (including refresher training) to be provided to Managers and Investigating Officers as required on all aspects of the disciplinary process
- arrange bi-annual meetings for the Head of HR, HR Case Managers, Managers and Trades Union representatives to discuss and review organisational learning and improvement.

3.15. **Responsibilities for HR Business Partners**

3.15.1. HR Business Partners will:

- provide support to the HR Case Manager or Investigating Officer as directed by the HR Case Manager to support investigations
- provide support to individuals involved in the disciplinary process in their respective operational area / corporate department(s)
- attend investigation meetings (if required by the Investigating Officer) to provide advice and support
- provide HR support to a Presiding Officer at Disciplinary hearings and appeals

- liaise with the HR Case Manager to decide whether an individual may be accompanied by a Trades Union official or a current member of DWFRS at an informal stage meeting (usually conducted on a one-to-one basis)
- ensure that the Employee Relations Coordinator is updated at all times to ensure case management and files are up to date.

4. Procedures - The Stages of the Disciplinary Procedure

4.1. Formal Stages

4.1.1. During the Formal Stages, an Investigating Officer is appointed to assess the facts of a case. The rationale for the appointment of the Investigating Officer role includes the level of seniority required, impartiality and training/experience of the appointed Officer. No 'formal' stage is assigned (1, 2 or 3) to the case at this stage.

4.1.2. On receipt of the Investigation Report, where a Disciplinary Hearing is recommended, an HR Case Manager reviews and decides which formal stage the Disciplinary Hearing will be heard.

4.2. First Formal Stage

4.2.1. Managers identified in the [Scheme of Delegation](#) and appointed by the HR Case Manager conduct the first formal stage of the Disciplinary Procedure, which may result in a first written warning or an alternative sanction in place of, or supplementary to, a first written warning. Please refer to [Disciplinary Outcomes](#).

4.2.2. A Disciplinary Hearing is held at which the Presiding Officer will make a decision based on the balance of probabilities. All decisions will fall within the band of reasonable responses which a reasonable employer might take.

4.2.3. The Presiding Officer is supported by an HR representative at this hearing.

4.2.4. You have the right to be accompanied and present your case in response to the issues.

4.2.5. You have the right to appeal against the sanction and are given details of the Appeals Procedure.

4.1. Second Formal Stage

4.2.6. Managers identified in the [Scheme of Delegation](#) and appointed by an HR Case Manager conduct the Second Formal Stage of the Disciplinary Procedure. Please refer to [Disciplinary Outcomes](#).

4.2.7. Where the offence is sufficiently serious, action may be initiated at this stage in the first instance.

4.2.8. A Disciplinary Hearing is held at which the relevant Manager makes a decision based on the balance of probabilities. All decisions fall within the band of reasonable responses which a reasonable employer might take.

4.2.9. The Presiding Officer is supported by an HR representative at this hearing.

- 4.2.10. You have the right to be accompanied and present your case in response to the issues.
- 4.2.11. Where there is a failure to improve performance or change behaviour in the timescale set at the first formal stage, you may be issued with a further sanction up to a final written warning, but only after an investigation and Disciplinary Hearing.
- 4.2.12. You have the right to appeal against the sanction and are given details of the Appeals Procedure.
- 4.2. **Third Formal Stage**
- 4.2.13. Managers identified in the [Scheme of Delegation](#) conduct the third and final formal stage of the Disciplinary Procedure. Please refer to [Disciplinary Outcomes](#).
- 4.2.14. A Disciplinary Hearing is held at which the Presiding Officer will make a decision based on the balance of probabilities. All decisions fall within the band of reasonable responses which a reasonable employer might take
- 4.2.15. The Presiding Officer is supported by an HR representative at this hearing.
- 4.2.16. You have the right to be accompanied and present your case in response to the issues. It is an individual's responsibility to identify and engage with who accompanies them to the hearing. Individuals are strongly encouraged to arrange accompaniment at a Stage 3 hearing to ensure they have appropriate support.
- 4.2.17. Where there has been a failure to meet the required improvements or in serious cases, at the first offence, the Presiding Officer conducting the Disciplinary Hearing may decide to award a sanction other than dismissal as well as a final warning.
- 4.2.18. When a final written warning has been given and there are no improvements it may be considered appropriate to dismiss you with notice. Statutory notice is given in accordance with the Employment Rights Act 1996.
- 4.2.19. Where gross misconduct is proven on the balance of probability, you can be summarily dismissed without notice.
- 4.2.20. You have the right to appeal against dismissal and are given details of the Appeals Procedure.
- 4.3. **The Investigation Process**
- 4.2.21. At the start of the investigation process, a [risk assessment](#) is completed to identify control measures that may be required during the investigation, which may include suspension from work.
- 4.2.22. Where there is an allegation of bullying and harassment, an HR Case Manager determines whether a management enquiry will be carried out using the [Bullying and Harassment procedure](#) or whether a formal investigation using the Discipline procedure is required.

4.2.23. Where a management enquiry has taken place as a result of an allegation of bullying and harassment, the complainant is informed when the enquiry has been completed and advised of next steps, including whether or not disciplinary action will be progressed.

4.2.24. The investigating officer will:

- collect and document facts and take statements/records of interviews from staff or other individuals where they have either been a source of the issue or have been involved in or witnessed the allegations.
- arrange for you to be invited to an investigative meeting(s). You will be advised of your right to be accompanied by a Trades Union official or a member of DWFRS staff during the investigation.
- explain the roles of those present and inform all parties of the purpose of the investigative meeting.
- emphasise this is not a Disciplinary Hearing but make it clear that notes of the discussion may be used to decide any disciplinary action and may be used at a Disciplinary Hearing.
- stress the importance of confidentiality throughout proceedings.

4.4. **Action on Completion of Investigation**

4.4.1. Upon completion of the investigation, the Investigating Officer submits a report to the HR Case Manager setting out their conclusions and recommendations, and the HR Case Manager then determines the next step in this process, which could be:

- no further action is required.
- issue is dealt with informally at line manager level.
- continue with the Disciplinary process.

4.4.2. You are informed in writing of the decision.

4.4.3. If the decision is made to continue with the Disciplinary Procedure, this is conducted in accordance with the [Scheme of Delegation](#) or as decided by the HR Case Manager and Investigating Officer. You will be written to and:

- advised of the allegations and reasons for the Disciplinary Hearing.
- advised whether the allegations could potentially be regarded as gross misconduct and, where this is the case, that the meeting could result in your dismissal.
- receive copies of any evidential documents relevant to the case, including any witness statements/records of interviews where applicable. Witness anonymity may need to be protected, but only in exceptional circumstances and at the discretion of the HR Case Manager.
- advised of your right to be accompanied by a Trades Union official or member of DWFRS staff at the meeting.
- advised who will be the Presiding Officer at the Disciplinary Hearing.
- advised where and when the meeting will take place.
- provided with a list of witnesses being called on behalf of the Service.

- provided with a copy of this procedure and all supporting documents.
- signposted to appropriate support measures.

4.5. **Disciplinary Hearing**

4.5.1. **Witnesses**

4.5.2. At the Disciplinary Hearing, the Presenting Officer will demonstrate that a reasonable investigation has been carried out. The member of staff under investigation will have the opportunity to challenge the case. There is no statutory entitlement for a member of staff to call witnesses to a disciplinary hearing; however, they are given a reasonable opportunity to call relevant witnesses and must give advance notice to the HR Case Manager of their intention to do so.

4.5.3. Any witnesses attending in person should have been witness to events and be able to provide a testimony relevant to proceedings.

4.5.4. Statements from character witnesses should be provided in writing no later than 5 days before the scheduled hearing.

4.6. **Cases involving Multiple Witnesses**

4.6.1. Where hearings required the attendance of multiple witnesses, this will be managed by HR to ensure that adequate facilities are available to avoid any conferring between parties which may influence or impact on proceedings.

4.6.2. All witnesses will be expected to maintain strict confidentiality throughout any proceedings.

4.7. **Recording of Disciplinary Issues**

4.7.1. It is important that written records are made during the disciplinary process.

4.7.2. These records will include:

- the allegation against you
- your defence
- the findings and actions taken
- the reason for actions taken
- whether an Appeal was lodged
- the outcome of the Appeal
- follow up action as applicable.

4.7.3. At the conclusion of all disciplinary cases, all papers relating to the case are sent to the Employee Relations Coordinator.

4.7.4. Only sanctions awarded to you are kept on the HRMiS, all other papers are securely filed and retained within HR in accordance with the retention schedule. No papers are retained by managers or witnesses to the case.

4.8. **Audio Recordings**

- 4.8.1. In addition to written records, DWFRS will make an audio recording of discussions held in order to have a verbatim record of these discussions. In the case of the individual being investigated, these recordings are transcribed. You are provided with a copy of the transcript, and where requested, a copy of the audio recording. The audio will not be used as evidence during the investigation or at a Disciplinary Meeting, unless in the event of a dispute over information presented.
- 4.8.2. Covert recording at meetings and hearings is not permitted. If you wish to make a recording on a personal recording device, you must seek agreement from the Chair of the meeting and before the meeting commences. Any such recordings must be treated in confidence and information must not be shared.
- 4.8.3. Recordings made at witness interviews are not automatically transcribed but will be held as an audio recording for the purposes of the investigation. As a witness, you are only provided with a copy of the transcript should this be considered as necessary either as a result of further interviews or in the event that the case progresses to a disciplinary hearing. You may also be required to attend a disciplinary hearing to give evidence.
- 4.8.4. All information, including audio recordings, relating to the case are disposed of in accordance with DWFRS's retention schedule.

4.9. **Special Cases**

- 4.9.1. In special cases, records are kept indefinitely where they involve:

- bullying
- harassment
- discriminatory behaviour
- incidents involving child protection
- incidents involving vulnerable adults.

4.10. **Disciplinary Outcomes**

4.10.1. **Formal Warnings**

- 4.10.1.1. After the expiry of the specified period, formal warnings are disregarded. Spent warnings are not referred to when responding to external reference requests except in cases where there may be issues of child protection or the protection of vulnerable adults.
- 4.10.1.2. There may be occasions where your conduct/attendance/performance is satisfactory throughout the period that the warning is in force, only to lapse very soon thereafter. Where a pattern emerges and there is evidence of abuse, your previous disciplinary record is considered in deciding what sanction should be awarded and/or how long any current warning should last at the point that it is issued. If a period of longer than the timescale originally stated is decided, then this will be specified in the notification letter.
- 4.10.1.3. There may be occasions where other sanctions may be imposed either in place of, or supplementary to, the issue of warnings or dismissal.

4.10.1.4. During a promotion process, the HR department is consulted to ascertain whether any applicant is subject to a management process or if a live disciplinary sanction is in place and whether this should preclude you from applying. This is decided on a case-by-case basis. It may be agreed that you can apply for promotion with a live disciplinary sanction in place, but you may not be offered a promotion opportunity, if successful, until the sanction has expired.

4.11. **First and Final Written Warnings**

4.11.1. A written warning may only be given to you in line with the [Scheme of Delegation](#).

4.11.2. Normally a first written warning remains in force for a period of up to 6 months from the date of the letter.

4.11.3. A final written warning normally remains in force for a period of between 12-18 months from the date of the letter.

4.11.4. The length of time a first or final written warning can remain in force can be extended by a Presiding Officer in circumstances where this is considered appropriate.

4.11.5. The first and final written warnings provide details and an explanation of the decision and set out the following:

- Name of member of staff receiving the warning
- Nature of the misconduct, poor performance or attendance
- The change in behaviour required
- The date of issue and duration of the written warning
- That no improvement in conduct or performance will potentially mean moving to the next stage of the process (for example, a first written warning may lead to a final written warning, and a final written warning may lead to dismissal)
- The advice given to the member of staff concerning his/her right of appeal
- Signpost of support mechanisms available to member of staff.

4.11.6. The warning letter is signed by the Chair of the hearing.

4.11.7. A record of any sanction issued is placed on the HR Management Information System (HRMiS). Once spent, a record remains on HRMiS but all other documents and papers are securely filed and retained within HR separate from the member of staff's Personal Record File (PRF).

4.12. **Dismissal**

4.12.1. If you have received a final written warning, further misconduct may warrant dismissal.

4.12.2. You should only be dismissed if, despite warnings, your conduct does not improve to the required level within the specified time period.

4.12.3. Dismissal must be reasonable in all the circumstances of the case.

- 4.12.4. Unless you are being dismissed for reasons of gross misconduct, you should receive the appropriate period of notice or payment in lieu of notice.
- 4.12.5. There may be occasions when, depending on the seriousness of the misconduct involved, it is appropriate to consider dismissal without notice. This is referred to as a summary dismissal.
- 4.12.6. Any penalty is confirmed in writing, including the procedure and time limits for appeal.
- 4.13. **Sanctions and Alternative Penalties**
- 4.13.1. Any sanction may only be given to you in line with the [Scheme of Delegation](#).
- 4.13.2. The sanctions below can be imposed either in place of, or supplementary to, the issue of a final written warning or be as an alternative sanction to dismissal:
- A warning
 - Demotion (either within role or no more than one role; a demotion of more than one role can only be done with your agreement)
 - Disciplinary transfer (which should involve no loss of remuneration and, unless you agree otherwise, should be within the same duty system)
 - Loss of pay up to a maximum of 13 days
 - Review of flexible working arrangements.
- 4.13.3. Generally, although not exclusively demotion to another role at a lower grade would be considered in addition to the issuing of a final written warning, as an alternative to dismissal where appropriate.
- 4.13.4. Upon completion of the disciplinary process, it is good practice to consider whether the matter has any wider implications for the organisation/team. An end of case review is undertaken by the HR Case Manager and managers involved in the case to identify any implications, along with any lessons learnt.
- 4.14. **Appeals**
- 4.14.1. Following the decision of the Disciplinary Meeting Panel to issue a disciplinary sanction against you, you may appeal against the disciplinary sanction in writing no later than seven days after you have been verbally informed of the decision. The written intention to appeal must be sent to the Head of HR setting out the reasons for the appeal.
- 4.14.2. You can appeal for any of the following reasons, although this list is not exhaustive:
- There was a procedural defect at the original meeting such that the meeting was unfair.
 - The issue is not proven on the balance of probabilities.
 - The disciplinary sanction was too severe.
 - New evidence has come to light since the meeting which has an impact on the decision.

- There is a dispute about evidence given by one or more witnesses at the original meeting. (In this case it may be necessary to rehear or review the witness evidence at the Appeal).

4.14.3. Any appeal is heard by the Appeal Panel, set out in the [Scheme of Delegation](#), and who have not previously have been involved in the process. This is your only right of appeal internally.

4.14.4. The Chair of the Appeal Panel will have available all the documents presented in the original disciplinary meeting. They will also have a copy of the record of the meeting, the letter confirming the outcome of the original disciplinary hearing, the letter of appeal and all other relevant information.

4.15. **Appeal Procedure**

4.15.1. At the Appeal Meeting you and/or your representative explain your case and your grounds for appeal and present any relevant evidence.

4.15.2. At this same meeting, the Presiding Officer of the original Disciplinary Hearing presents the management case and rationale for the original decision.

4.15.3. Relevant witnesses may be brought by either side and be questioned by all parties.

4.16. **Appeal Decision**

4.16.1. The outcome of an appeal is either:

- the case against you is upheld (in whole or part); the sanction is then the same or a lesser penalty
- the case against you is not upheld, in which case the disciplinary sanction is removed.

4.16.2. In cases where you have been summarily dismissed for gross misconduct at a Stage 3 Disciplinary Hearing, and the appeal decision is not upheld, you will be reinstated and your pay is backdated.

4.16.3. In cases of dismissal with notice, every effort is made to conclude an Appeal process within the notice period. Where it has not been possible to conclude the Appeal process within the notice period, notice may be extended for a reasonable period with a view to concluding the Appeal process within the extended period. If the dismissal is not upheld on appeal, you are reinstated.

4.16.4. In cases of sanctions other than dismissal, the sanctions should not be implemented until any Appeal process has been concluded.

4.16.5. Where possible, the outcome of an appeal will be notified to you on the same day as the Appeal Meeting. However, in more complex cases the Chair of the Appeal Panel reserves the right to reconvene at a later date to allow for sufficient consideration to be given to an outcome.

4.17. **DWFRS Financial Regulations**

4.17.1. You are reminded that under DWFRS Financial Regulations, whenever any issue arises which involves irregularity concerning cash, stores or other DWFRS

property or any suspected irregularity in the exercise of functions of DWFRS you should notify your Head of Department and the Head of Financial Service. They then notify the HR Case Manager who takes the necessary steps by way of investigation and report.

5. Monitoring & Assurance

- 5.1. HR records all discipline cases within the Service. They are monitored to highlight the:
- type
 - frequency
 - outcome
 - any issues with discrimination.
- 5.2. All cases are monitored in terms of equality and diversity and to identify trends, to maintain compliance with current legislation and in keeping with good practice.
- 5.3. All data is held in accordance with data protection legislation and our retention schedule and is only accessible to a small number of appropriate key management staff.
- 5.4. Regular post case review meetings re-held with HR Case Managers and managers/key staff involved in current cases to evaluate and determine learning points. Statistics will be published annually.

6. Document Reference

6.1. **Glossary of terms used in this Procedure:**

ACAS	Advisory, Conciliation and Arbitration Service
Capability	A member of staff's ability or qualification to do their job. Most often referred to in discipline cases where there is a lack of capability.
Conduct	A member of staff's behaviour in the workplace.
Disciplinary action	Formal action against a member of staff, for example, issuing a first written warning for misconduct or dismissing someone for gross misconduct.
Green Book	National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service
Grey Book	National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service
Grievance	A problem or concern that a member of staff has about their work, working conditions or relationships with colleagues.
Gross Misconduct	Acts which are so serious as to justify possible dismissal, for examples see section 4.3 of the main body of this document.
Investigating Officer	Officer appointed to investigate disciplinary matters.

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Natural justice	Basic, fundamental principles of fair treatment. These principles include the duty to give someone a fair hearing. The duty to ensure that the matter is decided by someone who is impartial and they duty to allow an appeal against a decision.
Sanction	A punishment imposed on a member of staff as a result of unsatisfactory performance or misconduct. Sanctions may include dismissal or actions short of dismissal such as loss of pay or demotion.
Summary dismissal	Dismissal without notice, usually only justifiable for gross misconduct. Summary is not necessarily the same as instant and incidents of gross misconduct should be investigated as part of a formal procedure.
Trades Unions	This refers to recognised Trades Unions and locally recognised representative bodies as determined by individual Fire and Rescue Services.

6.2. **Forms**

[HR041 – Risk Assessment for Disciplinary Suspension](#)

[HR043 – Performance Improvement Plan](#)

6.3. **Supporting Information**

[Disciplinary Rules of Conduct](#)

[Discipline Hearing Procedure](#)

[Disciplinary Scheme of Delegation](#)

[Role of Contact Officer](#)

[Role of Suspending Officer](#)

[Guidance for Investigating Officers](#)

[ACAS guide to discipline and grievances at work](#)

[Information Commissioner's Office \(ICO\) Employment Practices Code](#)

[DWFRS's Code of Ethics](#)

6.4. **Relevant Documents**

[ED 1 – Probation](#)

[ED 5 – Staff Induction](#)

[EPR 1 – Grievance Procedure](#)

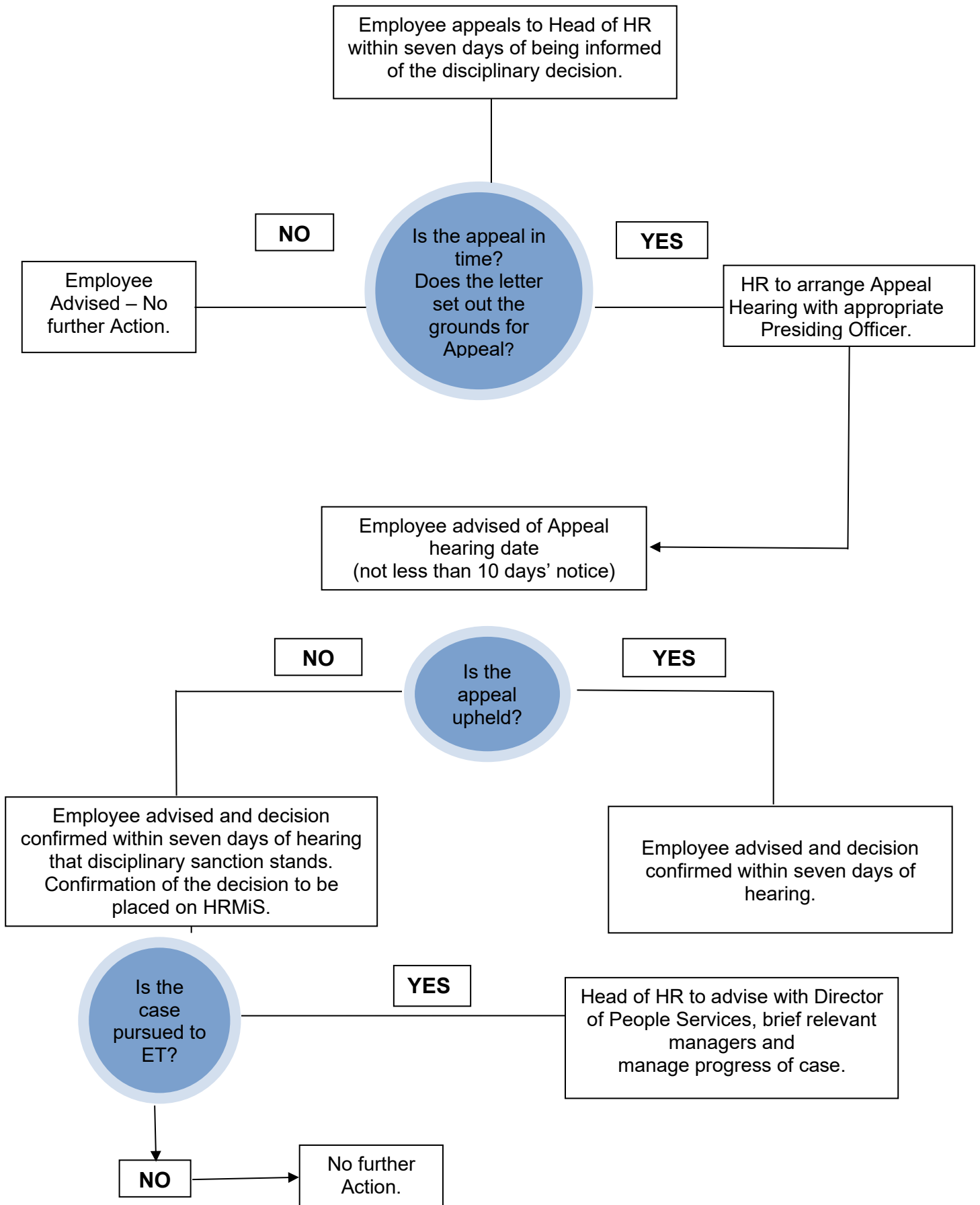
[EPR 4 – Managing Performance](#)

[EPR 10 – Sick Pay](#)

[HW 1 – Bullying & Harassment](#)

[HW 8 – Attendance Management](#)

Flowchart - Appeals



7. Document Management

Policy Statement Reference: People			
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Carol Swan	01/09/2024	Carol Swan / Sadie Price	Published

7.1. Version Control:

Version:	Page & Par Ref:	Date:	Changes Made:	Authorised By:
V14.0	Entire Document	21/09/2023	<p>Section added with information about procedure for Directors included.</p> <p>Clarification on calculation of days used (calendar days).</p> <p>Clarification re attendance at hearings when consent for OH medical is withheld.</p> <p>Section added re resignation or retirement during investigation process.</p> <p>General updates throughout entire document.</p>	Carol Swan / Sadie Price
V13.0	Entire Document	15/02/2022	<p>Update Work Assessment & Monitoring Form HR043 changed to Performance Improvement Plan</p> <p>Update HR Delivery to Employee Relations</p> <p>Update links to Discipline Hearing Procedure & general formatting of entire document</p>	<p>Stacey Holton</p> <p>Jo Di Francesco</p>
V12.0	Entire Document Entire Document	22/10/2021	<p>Updated with Core Code of Ethics to replace RESPECT Framework</p> <p>Updated procedural changes following post case reviews:</p>	Sadie Price

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Version:	Page & Par Ref:	Date:	Changes Made:	Authorised By:
	<p>Pg 12, Para 3.10</p> <p>Pg 19, Para 4.9</p> <p>Pg 24, Para 4.20.5</p>		<p>Update to Modified Procedure.</p> <p>Update to Multiple Witnesses</p> <p>Updated to reflect right to reconvene.</p>	
V11.0	First and last pages	06/04/2020	Updated links within Relevant Document section to point from BrigadeHQ3 to pandp.dwfire.org.uk . No other changes made.	Tonya Saben
V10.0	Entire Document	31/12/2019	Procedure updated with consultation feedback including those from representative bodies	Carol Swan
V9.1TCV	Entire document	04/11/2019	Plain English suggestions	Tonya Saben
V9.1	Entire document review	31/102019	<p>Terminology changed: Senior Point of Contact (SPOC) and replaced with HR Case Managers and Group Managers (during out of hours).</p> <p>Area Managers and Corporate Heads of Department to identify and support the appointment of a trained Investigating Officer (previously the role of the SPOC)</p> <p>Timescales included - Appointment of investigating officer to be appointed within five days</p> <p>Mid case reviews updated to every 28 days instead of every six weeks</p> <p>Responsibilities for HR Delivery Coordinator clarified</p> <p>Responsibilities for HRBPs clarified</p>	Carol Swan

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Version:	Page & Par Ref:	Date:	Changes Made:	Authorised By:
			Clarification of when Contact Officer is appointed Appeal process simplified Grammatical changes throughout	
V9.0	Pages 1 & 27	18/06/2018	Updated policy reference in accordance to new framework	Tonya Saben
V8.0	Page 19 / para 4.14.6 Page 21 / para 4.9.3 Page 27 / flowchart	30/04/2018	Updated reference to the sanction as this is now placed on the HRMiS not the PRF.	Felicity Williams
V7.0	Page 2/ para 2.2 Page 15/para 4.1.1 Page 16/para 4.4.5	22/01/2018	Incorporated reference of RESPECT framework and hyperlink to be added when new framework available	Felicity Williams
V 6.0	Page 9 / para 3.6 Page 19/ Para 4.12 Page 21 / Para 4.17 Page 24 / Para 6.1	14/11/2016	Incorporated supporting documents into the procedure: Suspension from work, Disciplinary outcomes, Appeals procedure, and glossary. Removed the end of case form and document tracking form from P&P site for HR to issue accordingly.	Felicity Williams
V 5.0	Page 20	08/09/2016	Deleted the flowchart temporarily whilst under review	Felicity Williams
V4.0	Entire Document	16/08/2016	Changes to terminology and responsibilities as discussed with Carol Swan and HRBP's, and added hyperlinks to forms and supporting information	Felicity Williams
V3.0	Page 19 / 6.2	01/08/2016	Completed link to supporting information Risk Assessment for Disciplinary Suspension	Tonya Saben per request by Felicity Williams
V2.0	Page 1 Page 1 / 3	03/06/2016	Added link to EPR policy. Added individual responsibility links within as they were not listed within V1.0	Tonya Saben

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Version:	Page & Par Ref:	Date:	Changes Made:	Authorised By:
	Page 19 / 6 Page 20 / 6.5		Added section 6.1. Completed links where available.	
V.1.0	Final published document	06/04/2016	Updates made following meetings with representative bodies.	Carol Swan

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