



HUMBERSIDE FIRE AND RESCUE SERVICE

People & Development

Professional Standards Disciplinary Procedure Policy

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Responsible Person	Head of Human Resources
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What we must
do well



How we support our
communities



We value and support
the people we employ



We efficiently manage
the Service

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1. INTRODUCTION

Humberside Fire & Rescue Service (HFRS) seeks to ensure that lawful, fair and effective arrangements exist for dealing with employee conduct and disciplinary matters. HFRS' Disciplinary Procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, behaviour and attendance and provides a framework for ensuring that employees are made aware of unacceptable conduct. HFRS accepts that before employees can be expected to reach required standards of conduct and job performance, they should have been provided with appropriate training and appropriate levels of guidance and supervision.

In cases relating to work performance and capability, HFRS' Performance and Capability Policy should be used, unless the incident itself is deemed serious enough to justify initiating disciplinary procedures.

Core Code of Ethics

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the code and strives to apply them in all we do, therefore, those principles are reflected in this policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY, DIVERSITY AND INCLUSION

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services or in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

3. AIM AND OBJECTIVES

The aim and objective of this policy is to enable employees to understand the process that will be followed for disciplinary and conduct matters. In this way, employees can ensure that their matter is dealt with in a fair, consistent, timely and transparent manner.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Analysis](#)
- Legal References
There are no legal references relating to this policy

- National Guidance
There is no relevant National Guidance relating to this policy

5. PREAMBLE

The procedure will be made available and explained to all employees.

Line managers have a responsibility to ensure that employees who report to them have an awareness and understanding of the procedure. All employees are expected to familiarise themselves with the procedure.

All managers at every level who may be involved in the application of the procedure will be trained and competent in its operation. Managers' involvement in the formal stages of the procedure will be in accordance with the '[Levels of Management](#)' section of this procedure.

Throughout the disciplinary process, support and guidance will be provided to managers by a member of the HR team to ensure that any management decision taken is in line with Service policy and legal and moral obligations.

The basis of the procedure is that the principal of 'natural justice' applies, and is clearly seen to apply, at every stage. The Service defines 'natural justice' as being that:

- The individual knows the exact nature of the allegation being made against them.
- The individual is given a fair and reasonable opportunity to state their case.
- The disciplinary process is carried out in good faith.

The aim is to ensure that appropriate action is taken expeditiously and without unnecessary delay, but in a framework, which also ensures fairness for both employees and managers.

The guiding principal of the procedure is that, in every case except dismissal, the aim is to obtain improvement and remedy problems. Each case shall be treated on its own merit in light of the particular circumstances involved. Consideration should be given to whether the use of mediation would be appropriate to resolve a matter which might otherwise be dealt with under the Disciplinary Procedure.

The procedure may be initiated at any stage depending on the seriousness of the case. Where issues concern poor attendance, the formal stages of the procedure would normally be followed in sequence.

On issues of incapacity at work brought on by misuse of alcohol or drugs, separate remedial procedures should be considered as an alternative, in the first instance.

At the earliest opportunity, each party will provide the other with details of who is conducting the investigation/representing the employee.

Confidentiality shall be maintained at all stages of the procedure and this includes any documents produced in connection with the process. Every employee involved in the process, whether they are the subject of an investigation or simply assisting in an investigation, is responsible for observing the high level of confidentiality required. Failure to observe these levels of confidentiality may result in the Disciplinary Procedure being invoked.

All data arising from disciplinary matters will be collated by the HR team and analysed for trends and patterns to enable appropriate action and/or training to be undertaken if required.

6. SCOPE

This procedure covers conduct, behaviour and poor attendance. It also covers the requirement to undertake an appropriate investigation, the stages involved and determining the appropriate stage to be used, the sanctions available to the employer, the rights of the employee and the appeal mechanism.

The procedure enables minor cases of misconduct/behaviour or poor attendance to be dealt with through informal action by the line manager where appropriate. There are three formal stages with relevant outcomes reflecting levels of awards depending on the seriousness of the alleged offence.

The procedure is designed to cover behaviour which is contrary to that necessary for ensuring a safe and efficient workplace, and for maintaining good employee relations. Such behaviour could include but is not limited to:

- Harassment, victimisation or bullying
- Bad behaviour such as fighting or drunkenness
- Misuse of the Service's facilities (for example e-mail and internet)
- Poor timekeeping
- Unauthorised absences
- Repeated or serious failure to follow instructions

7. GROSS MISCONDUCT

Acts which constitute gross misconduct are those resulting in a serious breach of contractual terms and thus are potentially liable for summary dismissal. It is still important to establish the facts before taking any action. Examples of gross misconduct include but are not limited to:

- Theft or fraud.
- Physical violence or bullying.
- Deliberate and serious damage to property.
- Serious misuse of the authority's property or name.
- Deliberately accessing, storing or distributing pornographic, offensive or obscene material.

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- Discrimination or harassment.
- Bringing the authority into serious disrepute.
- Serious incapacity at work brought on by alcohol or illegal, prescription or over the counter drugs.
- Causing loss, damage or injury through serious negligence.
- A serious breach of health and safety rules.
- A serious breach of confidence.
- Posting of derogatory or offensive comments, images or links to inappropriate content on the internet naming the organisation or a work colleague.
- Holding/using a mobile phone, 'sat nav' or any other hand-held device whilst driving.

8. Levels of Management Undertaking Disciplinary Investigations and Hearings

The lowest levels of management that can undertake a disciplinary investigation and action, following appropriate training, are as follows (subject to the level in each instance being at or above that of the individual who is the subject of the investigation/hearing):

	Investigation	Conduct Hearing / Take Action
Formal Stage 1	Watch Manager / Support Staff Grade 9/10	Station Manager / Support Staff Grade 11/12
Formal Stage 2	Station Manager / Support Staff Grade 11/12	Group Manager / Support Staff Grade 13B
Formal Stage 3	Group Manager / Support Staff Grade 13B	Area Manager or Executive Director

Where the manager who would normally deal with the issue cannot be available or there may be a conflict of interest that would impact on the manager being able to manage the matter another manager at the same or higher level should be appointed to deal with the case. Where the procedure has reached the second stage or higher, the hearing will be conducted by a manager who is not the investigating manager but is at the same or higher level. The investigating manager would normally present the management case at the second and third formal stages.

If, during the investigation at Stage 1 or Stage 2, the investigating officer feels that the evidence is such that the sanctions available at that formal stage may not be sufficient they must discuss that with the HR team. The case may be referred to a higher level for the investigation to be reviewed and completed and the investigating officer will be changed to ensure the requirements in the table above are met.

9. Time Limits for Investigations and Hearings

Investigations will be concluded as soon as reasonably practicable, subject to the complexity of the matter. The investigating manager will keep the individual informed as the investigation progresses.

The timing and location of hearings should, where practicable, be agreed with the employee and/or their representative.

The length of time between the written notification and the hearing should be long enough to allow the employee and/or their representative to prepare and shall in any event be not less than:

- 7 days for first formal stage
- 14 days for the second stage
- 21 days for the third stage

10. Initiating Formal Disciplinary Action

Before a decision is made to carry out a formal investigation, it is good practice for the line-manager to first of all quickly establish the facts. It is important to keep a record for later reference. Having established the facts, the manager will consider whether to drop the matter or deal with it in accordance with the procedure, which may include reference back for informal action. Where necessary technical expertise relevant to the case is required, this should also be made available.

The HR team will provide advice and guidance on the application of the procedure and should be notified and consulted before formal action is instigated and at all formal stages of the procedure. If required, a HR representative may attend a disciplinary hearing to advise the manager hearing the case on matters relating to the procedure and its application.

11. Investigation

The purpose of an investigation is to determine whether there is a case to answer at a formal disciplinary hearing. It will be necessary for a decision to be made by the manager, based on the facts which have emerged before an investigation commences, about the level of sanction which could result. This will then guide a decision about the level of management required to undertake the investigation.

Where the employee is to be interviewed as part of a formal investigation, they should be advised of the purpose of the meeting in advance and that they may be accompanied by a work colleague or Trade Union official. When making these arrangements, the parties concerned must ensure that this does not frustrate or unnecessarily delay the investigation.

No disciplinary action will be taken against any employee until the case has been properly investigated. If, for any reason, the investigation is protracted the employee should be kept up to date on progress.

When dealing with absence from work, it is important to determine the reasons why the employee has not been at work. If there is no acceptable reason, the matter should be treated as a conduct issue and dealt with as a disciplinary matter. Should an employee be the subject of an ongoing criminal investigation, this should not prevent an investigation or a disciplinary hearing taking place (provided that the investigation/disciplinary hearing does not prejudice any police enquiry or possible prosecution).

Where an employee has been legally advised not to attend a disciplinary hearing or discuss a pending current matter, a decision may be taken based on the available evidence. Where a matter involves a criminal investigation, the case should be discussed with HR and the Police so as to determine the most appropriate course of action.

12. Fast Track Procedure for a Disciplinary Meeting

When deciding to make arrangements to hear a case formally, it may be appropriate in the circumstances to consider the use of the Fast Track procedure and hold a disciplinary meeting. Such an approach should only be considered where the sanction would be up to a final written warning and where the Disciplinary Manager/HR representative is satisfied that the individual is fully admitting the matter(s) alleged.

The Disciplinary Manager/HR representative will consider the evidence and what sanction may apply (applying consistency from previous similar cases and outcomes at earlier hearings). The individual will then be notified in writing of the recommended sanction.

If this is accepted, there would be no requirement to hold a formal disciplinary hearing. A separate disciplinary meeting will be arranged between the appropriate manager, HR representative and the individual. At the meeting the individual will have the right to be accompanied by a Trade Union representative or workplace colleague and will be allowed to make representations to the manager before the sanction is applied. The normal appeals process will still apply.

13. Information for the employee before a Disciplinary Hearing

In advance of the disciplinary hearing, the appropriate manager will write to the employee. The letter should contain enough information for the employee to fully understand the allegation(s) against them with all relevant details (e.g. dates, times, location, etc.) and the reasons why this is not acceptable. If the employee has difficulty reading, or if English is not their first language, the manager should explain the content of the letter to them orally.

An interpreter may be provided should the Service deem it necessary and/or appropriate. The letter should also request the employee to a hearing at which the matters can be discussed, and it should inform the employee of their right to be accompanied at the hearing. The employee will be given copies of any documents that will be produced at the hearing.

At all stages, employees shall be kept fully informed.

14. Hearings

The manager should hold the hearing in a private location and ensure that there will be no interruptions so that the employee feels the issue is being treated confidentially.

A model hearing procedure is included at [Appendix B](#). At the hearing, the process will be explained to the employee. The case against the employee will be stated including all the relevant evidence.

The employee and/or their representative will be given every opportunity to set out their case and answer any allegations that have been made. The employee or their representative will also be allowed to ask questions, present evidence and/or information, call witnesses and be given an opportunity to raise points about any information provided by witnesses.

If the employee and/or their representative cannot attend the hearing, they should inform the manager in advance, as soon as possible. If the employee fails to attend through circumstances outside their control, and which were unforeseeable at the time the hearing was arranged (e.g. illness), the manager should arrange another hearing at the earliest possible opportunity. A decision may be taken at a hearing in the employee's absence if they fail to attend the rearranged hearing without good reason. An employee's representative may attend on their behalf if the employee is unable to attend. If an employee's representative cannot attend on a proposed date, the employee has a statutory right to suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the employer. This five working day time limit may be extended by mutual agreement.

15. Decision on Outcome and Action

Following the presentation of all information and evidence, the manager must decide whether action is necessary or not. This decision should be made within 24 hours of the hearing subject to complexity. Where it is decided that no action is necessary, the employee should be informed. Where it is decided that action is justified, the manager will need to consider what form this should take. Before making any decision, account should be taken of the employee's disciplinary and general employment record, length of service, actions taken in any previous similar cases, the explanations given by the employee and other relevant factors. The intended action must be reasonable under the circumstances.

If, during the course of the hearing, new evidence comes to light, the hearing manager can still hear the case including that evidence. However, if (at Stages 1 or 2) they feel that the possible sanctions available to them are inadequate due to the new evidence, they may refer the case up to a higher formal stage for the case to be re-heard. In these circumstances, the matters should be discussed with the HR team in the first instance. New evidence is the only reason that a case shall be referred to a higher level.

It is normally good practice to give employees at least one chance to improve their conduct before they are issued with a final written warning. However, if the misconduct, or its continuance, is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be appropriate to move directly to a final written warning.

In cases of gross misconduct, the Service may decide to dismiss (under Stage 3 of the procedure) even though the employee has not previously received a warning for misconduct.

Following the hearing, the decision should be confirmed in writing as soon as possible. The decision shall include:

- A description of the nature of the issue
- Any required remedial action
- The improvement that is required
- The timescale for achieving this improvement
- A review date
- All the support the Service will provide to assist the employee.

Employees should also be informed that if there is no improvement, further stages leading ultimately to dismissal, may be invoked.

16. Representation

Employees have a statutory right to be accompanied by a work colleague or trade union official of their choice at all formal stages of the procedure.

In addition, it is good practice for employees to be provided with the opportunity to be accompanied at the investigation stage, although this should not frustrate the process.

Work colleagues or trade union officials do not have to accept a request to accompany an employee and they should not be pressurised to do so.

An employee or trade union official who has agreed to accompany a colleague employed by the Service is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This should cover the hearing and allow time for the representative to familiarise themselves with the case and confer with the employee before and after the hearing. A request for reasonable paid time off by a trade union official to accompany an employee employed by another fire authority in the same region shall be given due consideration.

Managers should cater for an employee's disability at the meeting/hearing. They should also cater for a representative's disability.

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Before the hearing takes place, the employee should tell the manager who they have chosen as a representative. The representative should be allowed to address the hearing in order to:

- Explain the employee's case
- Sum-up the employee's case
- Respond on the employee's behalf to any view expressed at the hearing.

The representative can also confer with the employee during the hearing and participate as fully as possible in the hearing, including asking witnesses questions.

The representative has no right to answer questions on the employee's behalf, or to address the hearing if the employee does not wish it, or to prevent the employer from explaining their case.

17. Stages of Disciplinary Action

Informal Action

Cases involving minor misconduct/behaviour or poor attendance are usually best dealt with informally by the line manager. The informal approach means that minor problems can be dealt with quickly and confidentially.

Managers should determine whether to resolve any such issue within the bounds of normal 'day to day' management. Where a manager judges it is appropriate to deal with an issue informally within the procedure, he/she should ensure that the employee understands the position by recording it on a note for file, ([see Appendix A](#)). This would not form part of their disciplinary record, but a copy would be sent to the HR team to be filed on their personal record. Informal notes for file should not normally be for a period in excess of six months in duration.

There will, however, be situations where matters are more serious or where an informal approach has been tried but is not working or there has been a repetition of the areas of concern. At this point it may be appropriate to enter the formal stages of the procedure.

First Formal Stage

The disciplinary process would normally be initiated by an employee's line manager (or appropriate manager). Where, following an investigation and a disciplinary hearing, the employee is found guilty of misconduct, the usual first step would be to give them a warning. The employee has the right to be represented and present their case in response to management.

Any warning at this stage may only be given to an employee by a Station Manager or Support Staff Grade 10 or above. A warning must give details and an explanation of the decision. It should detail the change of behaviour and warn the employee that failure to modify behaviour may lead to further disciplinary action and advise them of their right of appeal.

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The employee should be informed that the warning is part of the formal disciplinary process and what the consequences will be of a failure to change behaviour. The consequences could be a final written warning and, ultimately, dismissal. The employee should also be informed that they may appeal against the decision.

A record of the warning must be forwarded to the HR team at Service Headquarters to be kept on the employee's record, but it should be disregarded for disciplinary purposes after six months. This means that the warning will not be regarded as current, should it be necessary to determine any disciplinary sanction after that time.

Second Formal Stage

Where there is a failure to change behaviour, the employee may be issued with a final written warning, but only after a further investigation and hearing has taken place. Alternatively, where the offence is sufficiently serious, action may be initiated at this stage. The final written warning will give details and an explanation of the decision. It should warn the employee that failure to modify behaviour may lead to dismissal or some other sanction and advise them of their right of appeal against the final written warning which should be disregarded for disciplinary purposes after eighteen months. This means that the warning will not be regarded as current, should it be necessary to determine any disciplinary sanction after that time. Where a lesser sanction is issued, the same right of appeal applies. A copy of the final written warning must be forwarded to the HR team at Service Headquarters to be kept on the employee's personal record.

Any warning at this stage may only be given by a Group Manager or above or Support Staff Grade 13 or above.

Third Formal Stage

Where an employee fails to change their behaviour or where the offence is sufficiently serious, following an investigation and hearing, the employee may be dismissed. A sanction of dismissal may only be given by an Area Manager or Executive Director. A copy of the letter notifying the employee of the sanction must be forwarded to the HR team at Service Headquarters to be kept on the employee's personal record.

Employees must be informed that they have the right of appeal and details of the appeals process.

Alternatively, in exceptional cases at the first offence, following the investigation and hearing, a decision may be made by the Area Manager or Executive Director to award a sanction less than dismissal. These sanctions are:

- A warning.
- Demotion (of no more than one role/grade - a demotion of more than one role/grade can only be done with the agreement of the employee).

- Disciplinary transfer (which should involve no loss of remuneration and, for employees subject to the 'grey book' terms and conditions, unless the employee agrees otherwise should be within the same duty system).
- Loss of pay up to a maximum of thirteen days.

18. GROSS MISCONDUCT

If a manager considers an employee guilty of gross misconduct and thus potentially liable for summary dismissal, it is still important to establish the facts before taking any action. A short period of suspension with full pay may be helpful or necessary, although it should only be imposed after careful consideration and should be kept under fortnightly review.

It should be made clear to the employee that the suspension is not a disciplinary sanction and does not involve any prejudgement.

It is a core principle of reasonable behaviour that employers should give employees the opportunity of putting their case at a disciplinary hearing before deciding whether to take action. This principle applies as much to cases of gross misconduct as it does to other cases of misconduct.

19. RECORDING OF INVESTIGATIONS AND DISCIPLINARY HEARINGS

A sound recording will be made during all investigation meetings and disciplinary hearings and a copy will be sent, un-sanitised, to the individual. A transcript of the recording will also be provided to the individual.

It is the responsibility of the individual to then circulate the recording and transcript to their companion, should they wish to do so. The individual will be asked to confirm their acceptance of the recording and transcript within 7 calendar days. In the absence of a response, once this period of time has elapsed, the Service will assume that the individual has accepted the recording and transcript as a true and accurate reflection of the discussions.

20. EXCEPTIONS

On rare occasions, there may be extreme or compelling circumstances which result in the Service having to consider a dismissal with no procedure. Whilst a complete lack of procedure may not render a subsequent dismissal unfair, this action would be the exception rather than the norm and only taken as a last resort

Before any action is taken, upon being advised of the situation, the Head of HR will seek to establish the facts and advise the Executive Director of People & Development. The Head of HR will then draft a decision record detailing the individual's length of service, their role and the duties associated with that role. The decision record will also include a narrative of the circumstances, the risks that the case presents to the organisation and the rationale for the request to have dismissal with no procedure approved.

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The decision record will then be submitted to the Assistant Chief Fire Officer who, supported by the Executive Director of People and Development, will consider all the information available to them at the time before approving or denying the request.

In cases where the request is denied, the standard Service disciplinary procedure will then be observed, with the decision record forming the basis of the initial fact find.

Should the request be granted, the individual will be advised, in writing, and afforded the right to appeal. The Service's normal appeals process will then apply.

21. APPEALS

Employees who have had disciplinary action taken against them will be given the opportunity to appeal. Employees will be allowed to appeal no later than five working days after the date of the written notification to them of the decision. For the purposes of this procedure, working days will be defined as Monday to Friday.

The appeal shall be heard by a higher level of manager within 10 working days of receipt. Where an appeal is made against a dismissal, the appeal will be heard by the Appeals Committee of the Fire Authority.

Where an employee appeals against disciplinary action taken against them, they must put their grounds of appeal in writing. The grounds of appeal will normally be one or more of the following:

- There was a defect in the procedure
- The issue was not proven on the balance of probabilities
- The disciplinary sanction was too severe
- New evidence has come to light since the hearing which will have an impact on the decision.

The Appeal Manager will decide whether to conduct the appeal hearing as a re-hearing (in full or part) or as a review. A full or part re-hearing would normally be required in the following instances (this is not necessarily an exhaustive list):

- There was a procedural defect at the original hearing such that the hearing was unfair.
- New evidence has come to light which needs to be heard in full.
- There is a dispute about the evidence given by one or more witness at the original hearing. In these cases, it may be necessary to re-hear the witness evidence at the appeal.

Where the appeal hearing is conducted as a review, the Appeal Manager will have available all the documents presented to the original hearing. They will also have a copy of the record of the hearing, the letter confirming the outcome of the original disciplinary hearing, the letter of appeal and all other relevant information. The Appeal Manager will reach findings based on the documentation and the submissions at the appeal hearing from the parties.

At an appeal hearing conducted as a review, the employee and/or their representative will first put their case by explaining the grounds of appeal and presenting any relevant evidence. The management case will then be put, responding to the grounds of appeal, normally by the manager who conducted the original hearing. Relevant witnesses may be brought by either side and be questioned by all parties.

The outcome of the appeal will be either:

- The case against the employee is upheld (in whole or part). The sanction will then be the same or a lesser penalty.
- The case against the employee is not upheld.

The outcome of the appeal should be notified to the employee in writing within five working days. A copy of the written notification must be sent to the HR team at Service Headquarters to be kept on the employee's personal record.

In cases of gross misconduct, dismissal will be summary following the hearing. If the employee is reinstated on appeal, pay will be reinstated and backdated.

In other cases of dismissal, employees shall be given contractual notice of dismissal following the hearing. Every effort will be made to conclude any 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 notice period. If the dismissal is not upheld on appeal, the employee will be reinstated.

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

22. GRIEVANCES

In the course of a disciplinary process, an employee may raise a grievance that is related to the case. If this happens, the manager may suspend the disciplinary procedure for a short period whilst the grievance is dealt with. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

23. DISCIPLINARY ACTION AGAINST TRADE UNION REPRESENTATIVES

Disciplinary action against a trade union representative can lead to a serious dispute if it is seen as an attack on the union's functions.

Normal standards apply but, if disciplinary action is considered, the case should be discussed, after obtaining the employee's agreement, with a senior trade union representative or permanent union official.

24. CRIMINAL OFFENCES

Employees have a responsibility to report any relevant changes of circumstance to the organisation. These include any criminal investigations, court appearances, convictions or warnings and any other relevant information which a reasonable employer might consider would impact on their employment. Failure to disclose convictions with their line-manager may result in disciplinary action being taken.

If an employee is charged with, or convicted of, a criminal offence not related to work, this is not in itself a reason for disciplinary action.

The manager should establish the facts of the case and consider whether the matter is serious enough to warrant starting the disciplinary procedure. The main consideration should be whether the offence, or alleged offence, is one that makes the employee unsuitable for their type of work. Similarly, an employee should not be dismissed solely because they are absent from work as a result of being remanded in custody.

25. SUSPENSION

It is impossible to predict the full range of circumstances which will arise in disciplinary cases although ACAS guidance lists some examples of reasons where suspension may be considered as being where relationships have broken down, cases of gross misconduct, risk to the employees or the organisation's property or responsibility to others or in cases where evidence has been tampered with destroyed or witnesses pressurised. Emphasis will always be on a speedy and fair resolution. In some cases, it may be appropriate to suspend an employee from the workplace while an investigation or preparation for a disciplinary hearing takes place.

If an employee is to be suspended, they should be informed of the reasons for the suspension, that suspension is not disciplinary action and does not imply any wrongdoing or guilt and that they will be asked to return to work for an investigative meeting or disciplinary hearing as soon as possible. It is also appropriate at this stage to discuss any conditions which will apply during the period of suspension, for example, communication channels, availability to attend meetings, facilities to meet with their representative, etc. Prior to any suspension taking place, the suspension form should be completed by HR and retained on file.

Where an employee is suspended, they will receive full pay unless they commence sick leave in which case their pay will be in accordance with the rules of the sick pay scheme.

Full pay for those employees on the On-Call system will be calculated on the basis of their retained payments averaged over a twelve week period.

26. WELFARE OFFICER

Upon suspension, a Welfare Officer will be appointed by the Head of HR. This will be communicated in writing to the individual, with appropriate contact details for the Welfare Officer being provided, together with contact details for the Occupational

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Health & Wellbeing team and the Employee Assistance Programme. In the event of the Welfare Officer being absent for a period of time, the Head of Human Resources will appoint a secondary Welfare Officer and inform the individual accordingly.

27. ROLE OF THE WELFARE OFFICER

The Welfare Officer will support the individual until such time as the matter is concluded or the process has been exhausted. The responsibilities of a Welfare Officer during the disciplinary procedure are:

- To act as a point of contact between the person under investigation and the Service.
- To agree the frequency of the contact with the individual under investigation; this should ideally be weekly but no less than every three weeks.
- Ensure the relevant support is discussed, offered and regularly assessed during the disciplinary procedure to ensure there is nothing further the Service can offer in terms of support.
- To record all contact and attempted contact on the confidential SSC001a form and submit to Human Resources for filing on the individual's PRF.
- To signpost to further help if necessary.
- To contact the Occupational Health Advisors if there are any concerns for the individual's safety or health or wellbeing.

The Welfare Officer will not have an active part in the investigation and under no circumstances should discuss or offer advice that may compromise the disciplinary procedure, the individual or the Service itself.

28. DISCIPLINARY INVESTIGATION/ACTION RESULTING FROM A COMPLAINT

If an investigation into an individual's conduct or behaviour is the result of a complaint allegation, initially raised under the Complaints Policy, and the Complaint's Officer has determined that this policy is the most appropriate avenue for the complaint to be progressed, then the HR team shall keep the Feedback Officer updated on the investigation and its outcome ([see Appendix D](#)).

**If you require any further guidance / information in relation to this policy
please contact Human Resources**

APPENDIX A: DISCIPLINARY PROCEDURE – RECORD OF INFORMAL MEETING

CONFIDENTIAL

Disciplinary Procedure – Record of Informal Meeting

Employee:	Role:
Manager:	Role:
Date of meeting:	
Names/roles of others present:	
Details of unsatisfactory conduct/behaviour:	
The improvement that is required:	
Timescale for achieving the improvement:	

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Details of the support that will be provided to assist the employee:

Review Date:

Employee comments (if any)

The contents of this informal meeting record have been discussed with me and I have been given the opportunity to comment in the space below:

Name:

Signature:

Date:

A copy of this form must be forwarded to the HR team to be placed on the employee's FireWatch record.

Manager Name:

Manager signature:

Date:

APPENDIX B: MODEL DISCIPLINARY HEARING PROCEDURE

Introduction by manager conducting the hearing and reminder to all present of the Disciplinary Procedure under which the hearing has been called, the manner in which the hearing will be conducted as set out below and degree of confidentiality of the proceedings.

Presentation of case by the investigating manager in the presence of the employee and his/her representative. The investigating manager may call witnesses.

Questions by employee and/or his/her representative on the evidence presented by the investigating manager and any witnesses he/she has called*.

The manager conducting the hearing to have the opportunity to ask questions of the investigating manager and any witnesses he/she has called*.

Statement by the employee and/or his/her representative in the presence of the investigating manager. The employee and/or his/her representative may call such witnesses as they wish.

Questions by the investigating manager on the statement by the employee and/or his/her representative and any witnesses they have called*.

The manager conducting the hearing to have the opportunity to ask questions of the employee and any witnesses he/she has called*.

Opportunity for the investigating manager presenting the case to make a final statement.

Opportunity for the employee and/or his/her representative to make a final statement.

Withdrawal by the employee, his/her representative and the investigating manager while the manager conducting the hearing considers the matter.

Consideration of the matter by the manager conducting the hearing with specified advisor, as provided for in the Procedure, if present. If recall is necessary, both parties are to return notwithstanding that only one party may be concerned with the point needing clarification. An opportunity should be given to each party to question or comment upon any additional information.

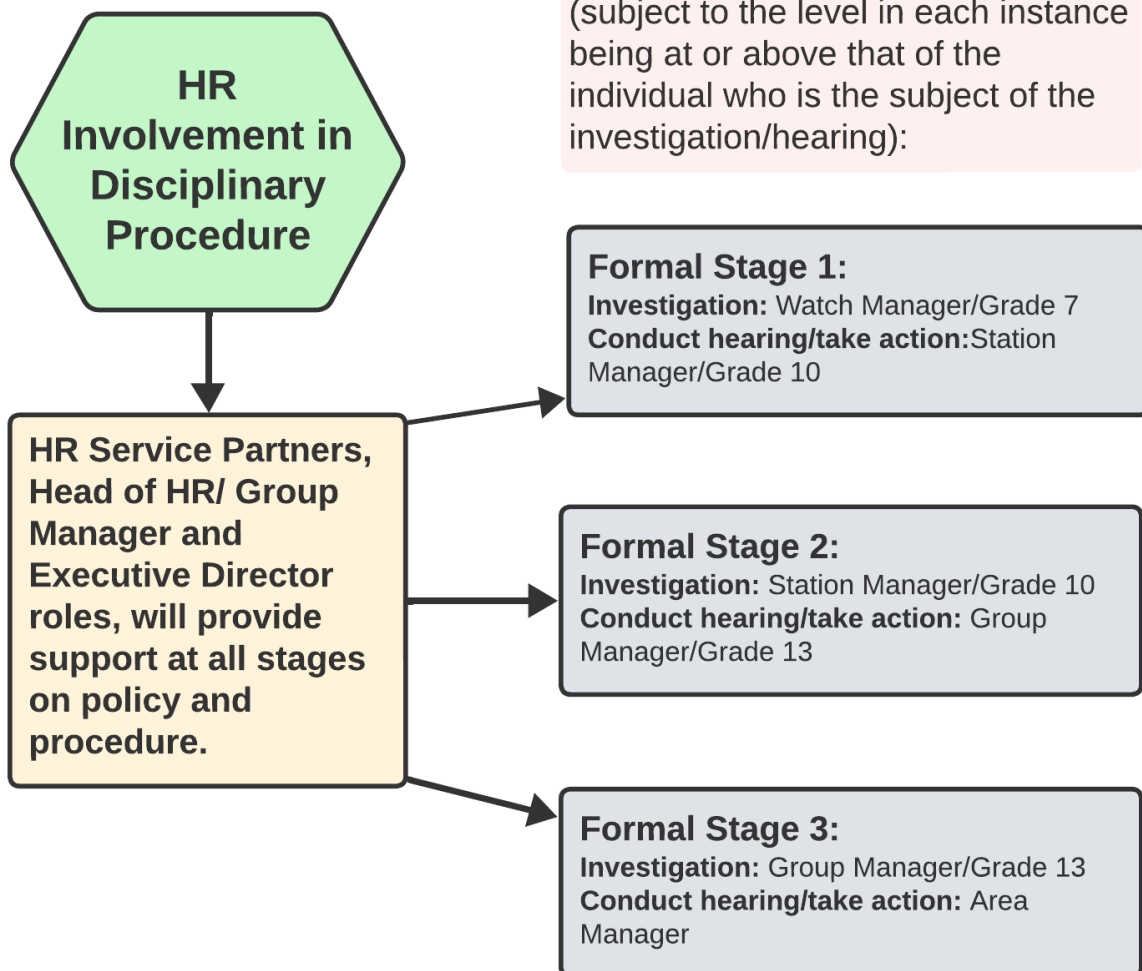
Recall of parties concerned to hear the decision of the manager conducting the hearing (to be subsequently confirmed in writing).

*To reduce the need for recall, witnesses may be questioned in sequence immediately after giving their evidence.

APPENDIX C: DISCIPLINARY PROCEDURE CHART

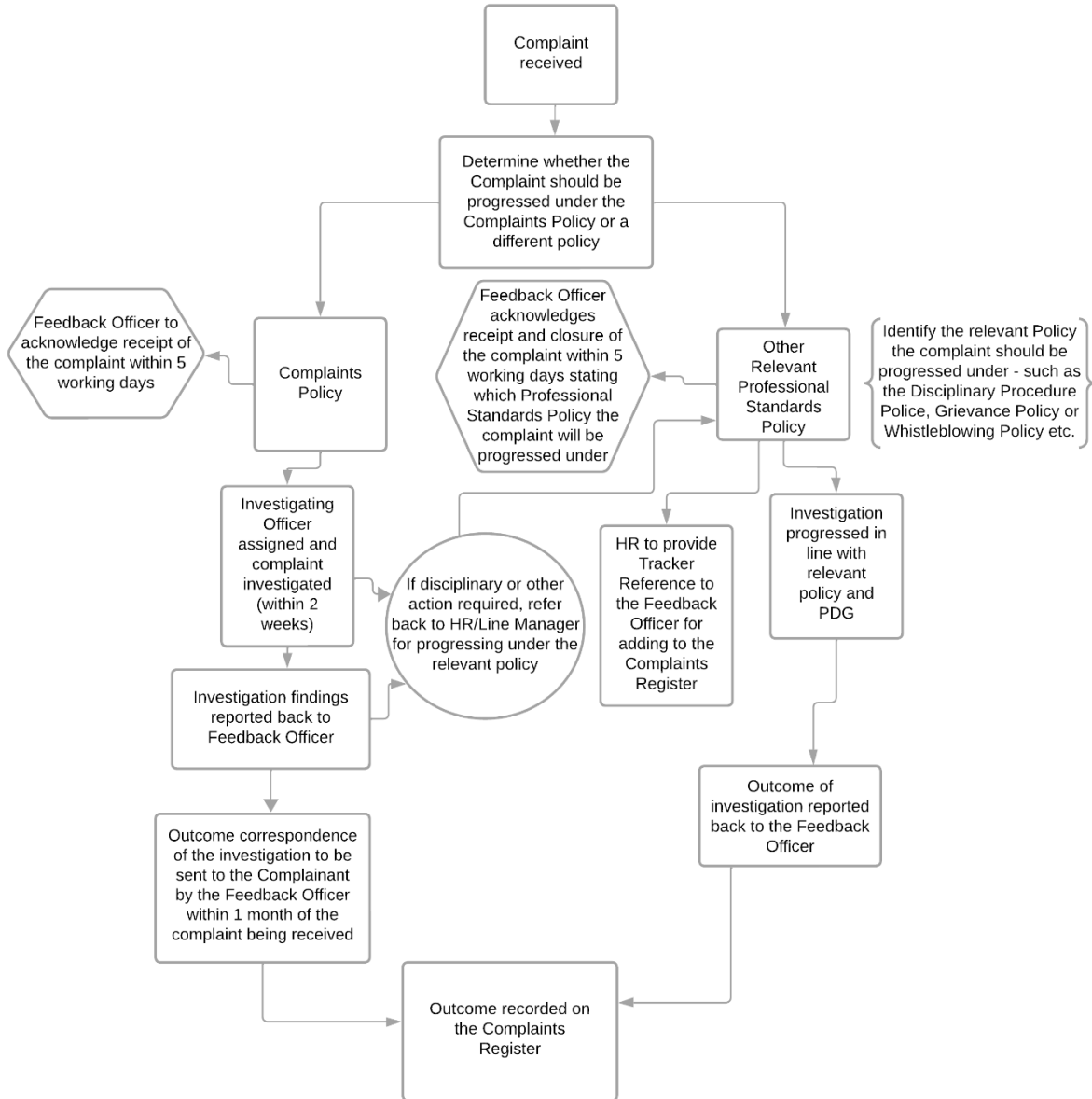
Disciplinary Procedure

The lowest levels of management that can undertake a disciplinary investigation and action, following appropriate training, are as follows (subject to the level in each instance being at or above that of the individual who is the subject of the investigation/hearing):



APPENDIX D: COMPLAINTS PROCESS FLOWCHART

Complaints Process





HUMBERSIDE FIRE AND RESCUE SERVICE

Service Improvement

Professional Standards Complaints Policy

Owner	Executive Director of Corporate Services
Responsible person	Head of Corporate Assurance
Date Written	October 2018
Date of Review	June 2024
Date of next review	June 2026
EIA Reviewed	June 2024



What we must
do well



How we support our
communities



We value and support
the people we employ



We efficiently manage
the Service

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1. INTRODUCTION

The purpose of this Policy is to ensure that complaints or matters of concern are properly administered, recorded, acknowledged and as necessary investigated. The policy will ensure that the Complainant and any Humberside Fire and Rescue Service (HFRS) personnel involved are treated confidentially and kept fully informed. Where necessary any amendments to Service procedures as a result of the complaint will be implemented and communicated.

HFRS are committed to dealing with external complaints in a timely and efficient manner, we shall endeavour to deal with complaints from start to finish within one month where possible, whilst adhering to the Local Government and Social Care Ombudsmen guidance of 12 weeks.

HFRS will treat all complaints seriously, investigate the cause thoroughly, reporting back to the originator of the complaint. The Service will implement necessary actions where identified.

This Policy is for external complaints only. Employees who wish to make a complaint against another employee should pursue this via the relevant professional standards policy (for example the Grievance or Dignity at Work Policy (Anti bullying and harassment procedure)).

Core Code of Ethics

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY, DIVERSITY AND INCLUSION

HFRS has a legal responsibility under the [Equality Act 2010](#), and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services or in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

The Policy is accessible on our website and available on request in other languages and formats, the Service also utilises language line if necessary.

3. AIM/OBJECTIVES

To ensure all complaints are acknowledged, and where appropriate, investigated and finalised as a matter of priority and any actions which are necessary as a result of the complaint are followed up:

- To acknowledge all feedback to the Service.
- To acknowledge complaints to the Service in writing (or where this is not possible, verbally) within five working days of receipt.
- To investigate and finalise complaints as soon as possible.
- To record all complaints in the Complaints Register, recording the following criteria for reporting purposes:
 - Number and type of complaints received
 - Number and type of allegations made
 - Number and type of conduct matters raised
 - Who the complaints, allegations and conduct matters related to (including characteristics and role)
 - How the complaints, allegations and conduct matters were handled and the outcomes (i.e. upheld or dismissed).
 - Who raised the complaint or conduct matter (i.e. member of the public or staff)?
- To investigate all complaints received by the Service.
- To inform the Complainant in writing (or where this is not possible, verbally) of the outcome of the investigation into the complaint and any actions taken.
- To ensure the number of complaints and compliments are communicated both internally and externally.
- To advise the Complainant of the right to have the complaint referred to the Local Government and Social Care Ombudsman (LGO).

4. ASSOCIATED DOCUMENTS

- [Equality Impact Assessment](#)
- Legal References
There are no specific legislative requirements relevant to this policy.
- National Guidance
There is no specific National Guidance relevant to this policy.
- [UK Central Government Complaint Standards](#)
- [LGSCO Guidance on Effective Complaint Handling for Local Authorities](#)
- [Complaints Policy Delivery Guidance](#)
- [LGSCO 'Children's Statutory Complaints Process' Guide](#)

5. SERVICE PROCEDURE

Definition: A complaint is an expression of dissatisfaction about the standard of service, conduct, or lack of action by the Fire and Rescue Service.

Further definitions associated with the complaints process are outlined at

[Appendix A.](#)

Employees who wish to make a complaint against another employee should pursue this through the relevant Professional Standards Policy (such as the Grievance and Dignity at Work Policy (Anti Bullying and Harassment Procedure) **or raise concerns in line with the Service's Professional Standards Whistleblowing Policy.**

Complaints relating to private matters where an employee is not on duty, will not ordinarily be investigated unless deemed necessary by the Complaints Officer.

A Head of Function holds the reference for handling complaints and is referred to as the Complaints Officer.

The Complaints Policy is administered by the Feedback Officer who reports to the Complaints Officer.

The role of the Feedback Officer is to respond to, analyse, manage and publicise customer focussed activities such as complaints, compliments, and comments, making recommendations to support continuous Service improvement.

The Feedback Officer should endeavour to communicate with the Complainant to establish if the complaint needs to be investigated or can be resolved through discussion. They will also determine if this Policy should be followed or whether their complaint/enquiry should be progressed through another professional standards policy, e.g. Whistleblowing, Disciplinary, etc. (see [Appendix B](#) for the process to follow.

Complaints can be made in numerous ways such as in person, at a Station or at Service Headquarters (SHQ), by email, letter, telephone or through the Service's website and social media.

All complaints shall be handled in line with data protection legislation.

If a complaint is specific to child protection or an adult with care and support needs, then a copy of the complaint should also be sent to safeguarding@humbersidefire.gov.uk. The Designated Officer for the Local Authority (DOLA) will be notified in accordance with the Safeguarding Policy.

The LGO 'Children's statutory complaints process' guide for practitioners will be utilised for any complaints involving Children.

A 'Register of Complaints' is maintained at Service Headquarters and shows details of the complaint, notes on the method of handling and results of investigations carried out, along with any other relevant matters.

Complaints received which are anonymous cannot always be investigated, however appropriate actions may be taken dependent on the nature of the complaint, at the discretion of the Complaints Officer. Disciplinary action will only be taken as the result of an investigation.

In all cases the Complainant must be treated in a courteous and confidential manner and the complaint, including acknowledgement and full documentation, must be

handled efficiently and confidentially by the officers involved and treated as a matter of urgency.

Where the subject of a complaint is a member of HFRS staff, they must be informed about the complaint against them (unless otherwise decided due to compromising an investigation).

6. HANDLING OF A COMPLAINT

Acknowledgement

Complaints can be received in writing or verbally and assistance will be given to Complainants who need any additional support in submitting their complaint. If an individual telephones to make a complaint, the Officer taking the complaint may log this on the PP14 on their behalf and forward to complaints@humbersidefire.gov.uk

The Complainant will be asked to share background information, including age/ethnicity/ disability etc., to monitor complaint submissions for trends.

Complaints against the Service

Once received at Service Headquarters an acknowledgement communication will be sent to the Complainant within five working days (in writing or verbally).

Within the acknowledgement will be a 'statement of complaint' which will confirm our understanding of the complaint, ensuring we have fully understood the nature and parameters of the complaint.

The acknowledgement communication will also give information of how the complaint will be investigated and when we hope to have an outcome from the investigation, and how we will keep the Complainant informed.

Complaints that are considered to be vexatious, threatening, or abusive will not be allowed to continue. This should be communicated to the Complainant.

Complaints against a Member of the Fire Authority

Should the complaint relate to a Member of the Fire Authority, it shall not be progressed under the Complaints Policy but instead must be reported to the Monitoring Officer for investigation.

Investigation and Allocation of Investigating Officer

Once received, it must be determined by the Feedback Officer or Complaints Officer, if it should be progressed under the Complaints Policy or another appropriate policy (see [Appendix B](#) if to be progressed under a different policy).

If progressed under the Complaints Policy an Investigating Officer will be assigned by the Feedback Officer. When allocated, the Investigating Officer will be given a timeframe of two weeks (additional time to be negotiated if required) to investigate and report their findings.

The investigation will be carried out by the most appropriate member of staff, decided by the Complaints Officer, and will be carried out with advice and guidance from the Feedback Officer using the [Complaints Policy Delivery Guidance](#).

The investigation should be carried out as a matter of priority with evidence gathered and relevant individuals interviewed where necessary. The investigation shall remain confidential throughout.

Once the investigation return has been received by the Feedback Officer, it shall be discussed with the Complaints Officer to determine the response to the Complainant and recommendations for any necessary actions within the Service.

If, during the investigation, the investigating officer believes that there may be issues around Discipline or Performance and Capability they will contact the HR team as soon as possible who will give appropriate advice (see [Appendix B](#)).

Should the investigation take longer than one month the Complainant will be notified, informing them of the progress of their complaint. The Complainant shall be updated, on the progress of their complaint on a monthly basis, if necessary.

Finalising the Complaint

Once the investigation is finalised the report is then to be forwarded to the Feedback Officer electronically.

The complaint shall then be finalised in writing (where possible) to the Complainant, to include:

- The statement of their complaint which was agreed initially
- Brief details of the investigation
- The outcome of the complaint and reasons behind the decision

Where a complaint is considered to be valid, there should be no attempt to make excuses. The validity of such a complaint will be assessed by the Complaints Officer and, where upheld, an apology should be made with any necessary remedial action taken if deemed necessary.

Complainant's Right to Challenge Outcome Decision

If the Complainant disagrees with the outcome of the complaint, they can request that the complaint outcome is reviewed; the Complainant is given the opportunity to request a review of the complaint outcome within two weeks of the final letter.

Under this situation the complaint will then be reviewed, within one month of receipt of the request for the review, by an officer not previously involved in the original investigation, determined by the Complaints Officer.

Dealing With Persistent or Unreasonable (Vexatious) Complainants

Generally, dealing with a complaint is a straightforward process, but in a minority of cases individuals pursue their complaints in a way which can either impede the investigation of their complaint, can have significant resource issues for the Service or impact inappropriately on its employees and Members. This can occur whilst complaints are being investigated, or once the Service has concluded the complaint investigation. When this happens, it may result in the Complainant being identified as 'unreasonable'.

The procedures outlined in the Policy Delivery Guidance are intended to ensure that the Service deals with these Complainant's in a fair and proportionate way, whilst protecting our staff from abusive, aggressive, or unreasonable behaviour. It helps Complainant's and staff understand clearly what is expected of them and what action may be taken. These procedures can also be shared with Complainant's if they start to behave unreasonably, which will help to manage their expectations and behaviour.

Communication

If necessary, outcomes from a complaint will be communicated to the Service through internal communications. For example, to communicate a learning point from a complaint or reiterate a Service Policy.

All staff shall be made aware of the Complaints Policy and given the relevant contact within the organisation should they require further clarity. Complaints will be analysed by theme and communicated on our website.

The Complaints Officer will advise the Procurement team of any complaints relating to sexual or physical abuse, financial crime, pollution, libel, slander or defamation. These instances would be reported to our insurers and allows a balanced view of the Service in relation to insurance risk.

Feedback

The Service will seek to obtain feedback as to how complaints are handled when communicating the complaint outcome to the Complainant. The Service will use such feedback to ensure the complaints process is fair and appropriate.

Staff involved in Complaints

Complaints that are made about members of staff, if considered a complaint, will be investigated under this policy.

Staff must be made aware of complaints made against them and given the opportunity to comment.

The outcome of the complaint should be communicated back to the member of staff through their relevant Manager informed.

If staff are interviewed in relation to the complaint, they should be given the opportunity to have a friend / representative with them.

Other support routes are detailed below.

7. WHO CAN PROVIDE SUPPORT OR ADVICE TO EMPLOYEES

We are committed to maintaining a safe and supportive work environment for everyone. Below are internal and external routes staff can use to speak up, raise a concern and get support.

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option; it may well be the easiest and simplest way of resolving matters. However, you have other options: Station Managers, Group Managers, or equivalent Fire Staff, CLT and SLT member with responsibility for the subject matter you are speaking up about.

Via your line manager

Your line manager is a key point of contact for reporting concerns and seeking support. They are here to listen, provide guidance, and ensure that your concerns are addressed appropriately. Whether you have questions about workplace policies, encounter issues with colleagues, or require assistance with personal matters affecting your work, your line manager is there to support you.

If, for any reason, you feel uncomfortable discussing your concerns with your line manager, we have established multiple channels for reporting concerns anonymously or confidentially.

Through our Policies and our Professional Standards Policies

Various routes are included in our Professional Standards Policies and other Policies listed below:

- Anti-Fraud and Corruption
- Dignity at Work (Anti Bullying and Harassment)
- Disciplinary
- Exits From the Service
- Equality and Inclusion
- Grievance
- Menopause
- Mediation
- Personal Relationships at Work Policy
- Safety Event Reporting, Recording and Investigation Arrangements
- Whistleblowing

Our internal bullying and harassment hotline

Bullying will not be tolerated within Humberside Fire and Rescue Service. Our Dignity at Work policy clearly defines bullying and how to report it.

The Service's 'Zero Tolerance' campaign has a very simple strapline - **SUPPORT - CHALLENGE - REPORT** - and we encourage our employees to do just that.

Internal Freedom to Speak Up Routes

The Freedom to Speak Up model was developed in health and has six key elements; we have used the model as the basis for the HFRS process. How we implement 'Valuing' and 'Modelling' Speaking Up within HFRS will be developed from the 'ground up' by listening to staff about how line managers and the organisation can value and model Speaking Up.

Our 'Freedom to Speak Up Guardian' can support you to speak up if you feel unable to do so. The Guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).

Additional information relating to Freedom to Speak Up Routes can be found [here](#).

Contact HR

You can contact your HR team, in complete confidence, on: 01482 567572.

This number will take you through to one of our HR advisers who will listen to what has caused you to feel the way you do.

You don't need to provide names and you will receive completely confidential advice as to how to manage any issues you raise.

HMICFRS Independent reporting line

The inspection reporting line (IRL) form is a tool for fire and rescue service staff to confidentially pass information to HMICFRS, which as an independent body is responsible for inspecting fire and rescue services on their efficiency, effectiveness and how well they look after their people.

The reporting line can be accessed [here](#).

Independent Speak Up

This service aims to provide a safe space for staff to speak up when something isn't right in the workplace:

- Discrimination, victimisation and harassment (on gender, sexual orientation, disability)

- Misogyny and violence against women and girls
- Health and safety breaches
- Fraud and corruption
- Poor or unsafe working practices

The service is available online or via phone [here](#).

Service users can remain anonymous or can choose to provide their name and contact details which will then be shared for confidential use by the Fire Service

Employee Assistance Programme

As part of an ongoing commitment to employee wellbeing, Humberside Fire and Rescue Service Occupational Health Team are very pleased to offer all employees confidential support, with free access to emotional and practical support through CiC's Confidential Care Service.

The service is provided by CiC, an external organisation, who are entirely independent, so support and advice are completely confidential. You can call the Confidential Care line as often and for as long as you need to discuss any issues you would like support with.

The Confidential Care service is available 24 hours a day, 7 days a week, 365 days a year and is accessed by calling the freephone number: 0800 085 1376.

You may also wish to speak to:

- A colleague
- A trade union representative
- The Humberside Fire Authority Counselling Service
- Protect – UK Charity

You may wish to discuss the concern with a colleague or trade union representative first and may find it easier to raise the matter if there are other colleagues who share the same concerns. A trade union representative or work colleague may accompany a member of staff at any meetings or interviews in connection with the concerns raised.

Further guidance is set out under the Whistleblowing Policy.

8. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

The Service endeavours to deal with all complaints in a satisfactory manner, however, where this is not achieved the person can seek independent advice or contact the Local Government and Social Care Ombudsman:

Local Government and Social Care Ombudsman

PO Box 4771
Coventry
CV4 0EH

Helpline: 0300 061 0614

Online complaints form - <https://complaints.lgo.org.uk/complaint-form>

Website: <https://www.lgo.org.uk>

The purpose of the Local Government and Social Care Ombudsman is:

- To remedy injustice through impartial, fair and rigorous investigation.
- Improve local services through learning.

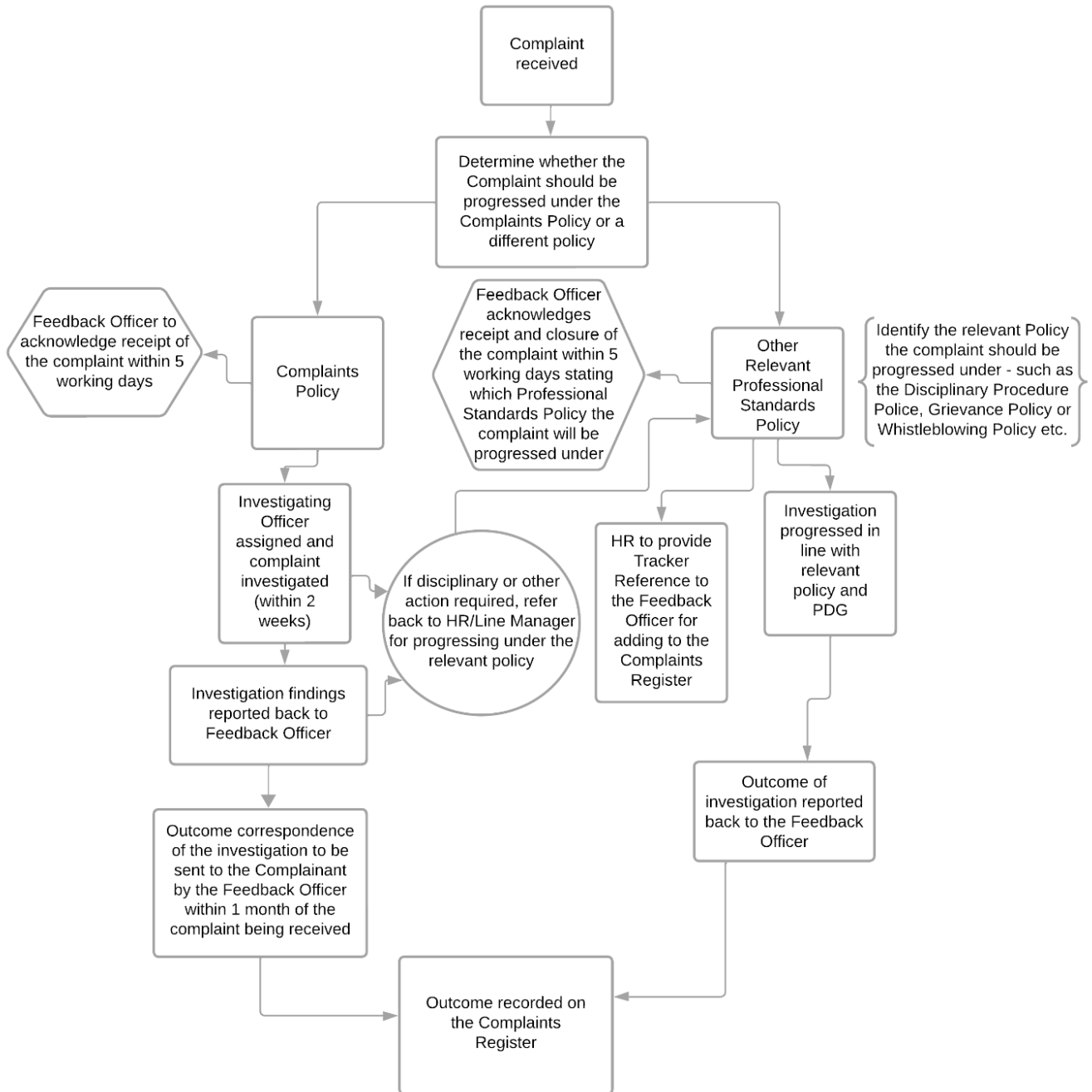
**If you require further guidance / information relating to this document, please
contact Corporate Assurance**

APPENDIX A: DEFINITIONS

Term	Definition
Allegation	<p>What is being complained about.</p> <p>An allegation may be made by one or more Complainants about the service they received from an FRS. It may, for example, be about service-wide fire safety initiatives, the organisation of service resources or general service standards. However, it can also be about the conduct of any person working within the service.</p> <p>A complaint case may involve more than one allegation.</p>
Complainant	A person who makes a complaint.
Complaint	An expression of dissatisfaction by a member of the public about the service they have received from the Fire and Rescue Service.
Conduct	Acts, omissions, statements, and decisions (whether actual, alleged or inferred).
Conduct Matter	Any matter that is not and has not been the subject of a complaint, which indicates that a member of staff may have committed a criminal offence or behaved in such a way that would justify disciplinary proceedings.
Misconduct	Acts, omissions, statements, and decisions (whether actual, alleged or inferred) that are not in line with Service policy.
Gross Misconduct	Acts which constitute gross misconduct, are those resulting in a serious breach of contractual terms and thus potentially liable for summary dismissal.

APPENDIX B: COMPLAINTS PROCESS FLOWCHART

Complaints Process





HUMBERSIDE FIRE AND RESCUE SERVICE

Service Delivery / People and Development

Domestic Abuse Policy

Owner	Executive Director of Service Delivery / Executive Director of People and Development
Responsible Person	Named Safeguarding Lead / Head of Human Resources
Date Written	January 2024
Date of Last Review	April 2024
Date of next review	April 2026



What we must
do well



How we support our
communities



We value and support
the people we employ



We efficiently manage
the Service

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8. Disclosure of Abuse
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12. Safety Planning
13. Responding appropriately to Employees who Perpetrate Domestic Abuse
14. Perpetrators of Domestic Abuse
15. Whistleblowing
 - Designated Officer of the Local Authority (DOLA)
 - Person in Position of Trust

1. INTRODUCTION

This policy covers all employees of Humberside Fire Authority (HFA) and any person who carries out duties or services on behalf of HFA whether paid or voluntary. The safety of vulnerable people must be given the highest priority. Humberside Fire and Rescue Service (HFRS) recognises that the protection and safety of vulnerable people is everyone's responsibility.

HFRS recognises that its employees will be amongst those affected by domestic abuse, for example, as a survivor of domestic abuse, an individual who is currently living with domestic abuse, someone who has been impacted by domestic abuse or as an individual who perpetrates domestic abuse.

We are committed to developing a workplace culture in which there is zero tolerance for abuse, and which recognises that the responsibility for domestic abuse lies with the perpetrator. HFRS has a 'zero tolerance' position on domestic abuse and is committed to ensuring that any employee who is the victim of domestic abuse has the right to raise the issue with their employer in the knowledge that they will receive appropriate support and assistance. This policy also covers the approach we will take where there are concerns that an employee may be the perpetrator of domestic abuse.

HFRS recognises that domestic abuse is an equalities issue and undertakes not to discriminate against anyone who has been subjected to domestic abuse in terms of current employment or future development.

This policy is part of HFRS' commitment to creating a safer workplace and will send out a strong message that domestic abuse is unacceptable. HFRS is a White Ribbon accredited organisation, an element of which works towards changing the cultures that lead to abuse and violence and promotes gender equality, as well as supporting the overarching Serious Violence Duty strategy to tackle violence and abuse against women and girls.

As a public body providing services to the people of Humberside, we have a statutory duty under the Crime and Disorder Act 1998 (as amended by the Police Reform Act 2002) to contribute to reducing crime and improving the quality of life of the people of Humberside.

HFRS acknowledges that domestic abuse occurs across all levels of society. Men, women, and children can all be victims of domestic abuse. Domestic abuse occurs amongst people of all gender identities, ethnicities, sexualities, ages, disabilities, immigration status, religions or beliefs, and socio-economic backgrounds. Anyone can be impacted by domestic abuse but some, particularly women, are disproportionately more likely to be victims.

Core Code of Ethics

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all it does, therefore, those principles are reflected in this policy.

National Guidance

Any National Guidance which has been adopted by HFRS will be reflected in this Policy.

2. EQUALITY, DIVERSITY & INCLUSION

HFRS has a legal responsibility under the [Equality Act 2010](#), and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services or in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees, and service users.

3. AIM AND OBJECTIVES

This document is the Service policy and provides agreed protocols together with information for the safeguarding of vulnerable people. The aim of this policy is to demonstrate HFRS' commitment with regard to domestic abuse. Through the application of this policy and the associated supporting guidance HFRS aims to:

- Ensure that all staff who ask for help in addressing domestic abuse issues are able to access appropriate advice and support in a considered and measured way.
- Ensure that all managers can access guidance on how to support and assist staff asking for help in relation to domestic abuse and are aware of how to support and advise employees and workers who may be perpetrators of domestic abuse.
- Provide confidence to staff seeking assistance that their situation will be handled sympathetically and confidentially.
- Reduce absence from work resulting from domestic abuse and have a positive impact on employees' mental and physical health and wellbeing. This includes staff who are supporting family members living with domestic abuse.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Analysis](#)
- Legal References
 - [Domestic Abuse Act \(2021\)](#)
 - [Serious Crime Act \(2015\)](#)
 - [Domestic Violence, Crime and Victims Act \(2004\)](#)
 - [Health Safety and Welfare at Work Act \(1974\)](#)
 - [Management of Health and Safety at Work Regulations \(1992\)](#)
 - [Serious Violence Duty \(2022\)](#)
 - [The Care Act 2014](#)

- [Professional Standards Safeguarding Policy](#)
- Professional Standards Whistleblowing Policy
- [Professional Standards Complaints Policy](#)
- National Guidance
There is no specific National Guidance relevant to this policy.

5. WHY IS DOMESTIC ABUSE A WORKPLACE ISSUE?

As an employer, fire and rescue services (FRS') must recognise that under the Health Safety and Welfare at Work Act 1974, they have a duty to provide a safe working environment for all employees. FRS' need to recognise that domestic abuse is a workplace issue and undertake to raise awareness and provide support for both survivors and perpetrators.

FRS' must be clear that domestic abuse should be treated with the same degree of seriousness as any other form of harassment, violence or abuse and will not be tolerated. It would be wrong, and possibly dangerous, to raise awareness of domestic violence and raise expectations that help is available but not respond appropriately.

Identification of domestic abuse at an early stage can lead to appropriate help being offered, which eliminates factors that adversely affect productivity and result in:

- Employee absenteeism and turnover.
- Lost productivity.
- Stress.
- Workplace violence which threatens the safety of other employees.
- Impact on other staff.
- Financial costs.

Recognising and addressing domestic abuse at an early stage can prevent disciplinary action whilst at the same time benefiting the workplace environment and home/community environment.

6. WHAT IS DOMESTIC ABUSE?

Domestic abuse is the actual or threatened physical, emotional, psychological, sexual or financial abuse of a person by a partner, family member or someone with whom there is, or has been, a close relationship. This abuse also relates to the perpetrator allowing or causing a child to witness, or be at risk of witnessing, domestic abuse. Domestic abuse essentially involves the misuse of power and exercise of control by one person over another.

Please note that so-called 'honour-based' abuse, forced marriage and female genital mutilation (FGM) when the victim and perpetrator are personally connected may also fall under the statutory definition of domestic abuse in the 2021 Act. These forms of

abuse are most likely to be carried out by a member or members of the victim's family.

To be 'personally connected' means individuals who are married, civil couples engaged to be married or have agreed to enter into a civil partnership, who have been in an intimate personal relationship with one another or those who have a child or children to whom they each have parental responsibility or are relatives.

The Serious Crime Act (2015) created a new offence of controlling or coercive behaviour in intimate or familial relationships. The new offence closes a gap in the law around patterns of controlling or coercive behaviour in an ongoing relationship between intimate partners or family members.

Controlling behaviour: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance, and escape by regulating their everyday behaviour.

Coercive behaviour: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim, including gaslighting and bullying.

The Domestic Abuse Act 2021 recognises a child as a victim of domestic abuse if they see or hear, or otherwise experience the effects of, the abuse, and are related to either the victim or perpetrator.

7. RECOGNISING THAT AN EMPLOYEE MAY NEED HELP

If a member of staff is being abused by someone they live with or have had a relationship with, there are things he/she can do. There are individuals and organisations that can give staff practical and emotional support, both inside and outside of the workplace. Staff members could talk to his/her line manager, HR representative or his/her trade union representative for advice and guidance.

It is not always easy to recognise that an employee is experiencing domestic abuse and may require some assistance. Certain indicators such as a sudden change in behaviour, depression, inability to concentrate, obvious injuries or regular but unexpected absence from work may be indicative of a variety of problems, of which domestic abuse may be one.

Warning signs may include:

- Uncharacteristic lateness and/or needing to leave early.
- Unusual number of calls from home and strong reactions to calls.
- Frequent absenteeism.
- May be extremely passive or aggressive.
- Seem chronically depressed or depressed in cycles.
- May isolate themselves at work.

- Inappropriate or excessive clothing.
- Repeated or unexplained injuries.
- Depression or anxiety.
- Difficulty in concentrating.
- Changes in quality of performance.

These are just a few characteristics; different people will react in different ways. A more important sign is when an individual behaves in a way that is unusual for him or her.

Those who suffer domestic abuse at home are often targeted at work. They may receive unwanted telephone calls or text messages or be assaulted on their way into or out of work. However, it is unlikely, in the first instance, that an employee experiencing domestic abuse will inform other members of staff of their situation. It is far more likely that the line manager will become aware of the situation through associated issues such as sickness absence management or poor performance.

As with other welfare issues, identifying that an employee is experiencing difficulties at an early stage will lead to appropriate help being offered, and allow that employee to deal with their situation far more effectively.

8. DISCLOSURE OF ABUSE

Staff experiencing domestic abuse may choose to disclose, report to or seek support from a trade union representative, a line manager, or a colleague. Line managers and trade union representatives will not counsel victims but offer information, workplace support, and signpost to other organisations.

HFRS will respond sympathetically, confidentially, and effectively to any member of staff who discloses that they are suffering from domestic abuse. A welfare officer, trained in domestic abuse issues, will be nominated as an additional confidential contact for staff (if the employee agrees). This person will also provide guidance for line managers and trade union representatives when approached by staff who are being abused.

9. CONFIDENTIALITY AND RIGHT TO PRIVACY

Employees who disclose that they are experiencing abuse can be assured that the information they provide is confidential and will not ordinarily be shared with other members of staff without their permission.

There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are safeguarding concerns about children or vulnerable adults, or where the employer needs to act to protect the safety of employees.

In circumstances where confidentiality is not able to be maintained, specialist advice will be sought before any further disclosures are made and the Service will review the matter with the employee concerned. The Service will look to seek the employee's agreement where possible.

When an individual experiences domestic abuse and we are providing support, we will process any personal data collected in accordance with our [Data Protection Policy](#).

Data collected from the point at which we become aware of the issue is held securely and accessed by, and disclosed to, individuals only for the purposes of providing the necessary support.

All records concerning domestic abuse will be kept strictly confidential. Whilst no local records will be kept of absences relating to domestic abuse, a central record will be kept. There will be no adverse impact on the employment records of victims of domestic abuse.

Improper disclosure of information i.e., breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.

10. SUPPORT FOR INDIVIDUALS

HFRS recognises that developing a life free from abuse is a process not an event and HFRS will provide support for employees who disclose abuse.

Your line manager is a key point of contact for reporting concerns and seeking support. They are here to listen, provide guidance, and ensure that your concerns are addressed appropriately. If, for any reason, you feel uncomfortable discussing your concerns with your line manager, we have established [multiple channels](#) for reporting concerns anonymously or confidentially.

HFRS and Trade Union/Professional organisation representatives will work together cooperatively to help staff experiencing domestic abuse.

HFRS will respond sympathetically, confidentially, and effectively to any member of staff who disclose that they are experiencing domestic abuse.

Where domestic abuse has been reported line managers will treat unplanned absences and temporary poor timekeeping with sympathetic consideration, referring to relevant policies including provision for reasonable adjustments.

Line managers may offer employees experiencing domestic abuse a broad range of support. This may include, but is not limited to:

- Special paid leave for relevant appointments, including with support agencies, solicitors, to rearrange housing or childcare, and for court appointments.
- Temporary or permanent changes to working times and patterns, in line with the relevant policies.

- Temporary changes to specific duties, for example, to avoid potential contact with an abuser in a customer facing role.
- Redeployment or relocation.
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using other existing policies, including flexible working.
- Access to counselling/support services in paid time.
- Access to courses developed to support survivors of domestic abuse.

Line managers will respect the right of staff to make their own decisions on the course of action at every stage.

Other existing provisions (including Occupational Health and Wellbeing, independent counselling service and others) will also be signposted to staff as a means of support.

11. TRAINING AND AWARENESS

Training regarding domestic abuse is included within both Safeguarding Children and Safeguarding Adults training packages, which form HFRS staff's mandatory training package. This policy is available to staff on the HFRS website.

HFRS is committed to ensuring all line managers are aware of domestic abuse and its implications in the workplace. Information, briefings, or awareness raising sessions will ensure that all managers are able to:

- Identify if an employee is experiencing difficulties because of domestic abuse.
- Respond to disclosure in a sensitive and non-judgemental manner.
- Provide initial support – be clear about available workplace support.
- Discuss how the organisation can contribute to safety planning.
- Signpost to other organisations and sources of support.
- Understand that they are not counsellors.

12. SAFETY PLANNING

HFRS will prioritise the safety of employees if they make it known that they are experiencing domestic abuse.

When an employee discloses domestic abuse, HFRS will encourage its employees to contact a specialist support agency (or suitably trained specialist member of staff) who can undertake a Domestic Abuse Stalking and Harassment (DASH) risk assessment and make appropriate referrals where necessary.

HFRS will work with the employee and a specialist agency (with the employee's consent) to identify what actions can be taken to increase their personal safety at

work and at home as well as address any risks there may be to colleagues. This will be documented in a personal safety plan.

13. RESPONDING APPROPRIATELY TO EMPLOYEES WHO PERPETRATE DOMESTIC ABUSE

Harassment and intimidation by an HFRS employee, whether of a partner or ex-partner who works for HFRS or not, will be viewed extremely seriously and may lead to disciplinary action being taken in accordance with the HFRS disciplinary processes.

Conduct outside of work (whether or not it leads to a criminal conviction) may also lead to disciplinary action being taken against an employee due to the impact it may have on the employee's suitability to carry out their role and/or because it undermines public confidence in HFRS.

If an HFRS employee has been arrested for Domestic Abuse they should report this to HR. The Designated Officer for the Local Authority (DOLA — formerly LADO) has a duty to inform HFRS of allegations made against employees and volunteers who work with children. Police may share information of allegations under the Common Law Police Disclosure, which ensures that where there is a public protection risk, information will be passed to the employer or regulatory body to allow them to act swiftly to mitigate any danger.

Factors that will be considered are:

- The nature of the conduct and the nature of the employee's work.
- The extent to which the employee's role involves contact with other employees or the general public.
- Whether the employee poses a risk to other members of staff or the public.

If any of the circumstances set out in the above paragraphs are brought to a manager's attention, advice should be sought in the first instance from the HR Function.

Risks to children, or adults with care and support needs

Where the behaviour of a member of HFRS staff indicates that they may pose a risk to children or an adult with care and support needs, HFRS will ensure that this will be managed in accordance with the relevant local authority Safeguarding Children Partnership or Safeguarding Adult Board procedures as appropriate. Further details of the processes to be followed in this circumstance are included in the Safeguarding Policy.

If the victim and the perpetrator work in the same organisation

In cases where both the victim and the perpetrator of domestic abuse work in the organisation, HFRS will take appropriate action.

In addition to considering disciplinary action against the employee who is perpetrating the abuse, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace. The Service will follow actions it deems appropriate to safeguard the individual.

Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change of duties for one or both employees or withdrawing the perpetrator's access to certain computer programs or offices. This will only happen when there is clear evidence to suggest abuse.

HFRS encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence. In dealing with a disclosure from a colleague, employers should ensure that the person with concerns is made aware of the existence of this policy.

14. PERPETRATORS OF DOMESTIC ABUSE

Domestic abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. HFRS recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds. Employees should make a report if they suspect a colleague is a perpetrator of abuse by using the [whistleblowing procedure](#). If an employee approaches HFRS about their abusive behaviour, HFRS will provide information about the services and support available to them.

HFRS will treat any allegation, disclosure, or conviction of a domestic abuse related offence on a case-by-case basis with the aim of reducing risk and supporting change.

HFRS's Core Code of Ethics is intended to inform all staff, irrespective of grade, of the standards of conduct expected of them. It identifies a set of principles governing behaviour by which staff members are expected to abide. Staff members are expected at all times to present high standards of personal integrity and conduct that will not reflect adversely on the organisation and its reputation.

HFRS views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the organisation's Core Code of Ethics.

In some circumstances, it may be deemed inappropriate for the individual to continue in his/her current role(s), due to a caution or conviction.

These procedures can be applicable in cases where an employee has:

- Behaved in a way that has harmed or threatened his/her partner.
- Possibly committed a criminal offence against his/her partner.
- Had an allegation of domestic abuse made against him/her.

- Presented concerns about their behaviour within an intimate relationship, against a child for which they have parental responsibility for or against a family member.

HFRS is committed to ensuring that:

- Allegations will be dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure.
- All employees will receive guidance and support.
- Confidentiality will be maintained, and information restricted only to those who have a need-to-know.
- Investigations will be thorough and independent.
- All cases will be dealt with quickly avoiding unnecessary delays.
- All efforts will be made to resolve the matter within 4-6 weeks, although some cases will take longer because of their nature or complexity.

NOTE: This procedure is intended to be safety-focused and supportive rather than punitive.

The alleged perpetrator will be:

- Treated fairly and honestly.
- Helped to understand the concerns expressed and the processes involved.
- Kept informed of the progress and outcome of any investigation and the implications for any disciplinary process.
- Advised to contact their trade union or professional organisation.

There are five potential strands in the consideration of an allegation:

- A police investigation of a possible criminal offence.
- Disciplinary action by the employer.
- Providing specialist, safety-focused counselling.
- Identifying risk.
- Referral to Local Authority regarding risk to public/vulnerable people.

Any employee who is responsible for giving advice, or who comes into contact with or supports those vulnerable people or children experiencing domestic abuse needs to be particularly aware of the potential consequences if they are found to be perpetrators.

If a colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones and email then they will be seen as having committed a disciplinary offence.

15. WHISTLEBLOWING

The Service has a [Whistleblowing Policy](#) which staff should follow in these circumstances.

The Service is committed to the highest possible standards of openness, honesty and accountability. The Service's Whistleblowing Policy makes clear that staff can and should raise concerns about practice or unprofessional conduct, and that they can do so without fear of reprisals. If any member of staff makes an allegation in good faith, even if this is not confirmed by any subsequent investigation, no action will be taken against the staff member raising the concern.

Designated Officer of the Local Authority (DOLA)

Every local authority has a statutory responsibility to have a Designated Officer for the Local Authority (DOLA — formerly LADO) who is responsible for coordinating the response to concerns that an adult who works with children may have caused them or could cause them harm. In order to manage allegations against any person, the DOLA must be informed. This includes allegations made about a member of HFRS staff or a volunteer who works with children.

Following a referral, the HFRS procedure for managing allegations or concerns against any member of staff or volunteer who works with children is initially processed via the Service's complaints procedure detailed in the [Professional Standards Complaints Policy](#).

This procedure should be applied when there is such an allegation or concern that a person who works with children, has:

- Behaved in a way that has harmed a child or may have harmed a child.
- Possibly committed a criminal offence against children or related to a child.
- Behaved towards a child or children in a way that indicates he/she may pose a risk of harm to children (including children both inside and outside of the workplace).

Person in Position of Trust (PIPOT)

The statutory Guidance to the Care Act 2014 requires Safeguarding Adult Boards to establish and agree a framework and process to respond to allegations against anyone who works (either paid or unpaid) with adults with care and support needs.

**If you require further guidance / information relating to this document,
further guidance / information relating to this document.**



Humberside Fire & Rescue

Assurance Review of Application and Management of Disciplinary Procedures

May 2024

Final

Executive Summary

OVERALL ASSESSMENT



ASSURANCE OVER KEY STRATEGIC RISK / OBJECTIVE

Public Confidence in Working Culture.

SCOPE

The review considered the effectiveness of the disciplinary policy in its application, the validity and completeness of the investigation report, supporting evidence and records management. The review also considered the recording and learning arising from disciplinary cases alongside the communication of outcomes.

KEY STRATEGIC FINDINGS



The Service Human Resources (HR) department has significant senior leadership support and is provided a platform to discuss and improve trends within the disciplinary procedures.



Disciplinary process notes are retained and detailed with investigation officers receiving HR support and supplementary training to ensure competency.

GOOD PRACTICE IDENTIFIED



HR maintains a case register which includes an element of equality, diversity and inclusion data to help identify potential discrimination trends.



The support network for staff undergoing disciplinary action is well structured and is subject to regular review to ensure its continued effectiveness and suitability.

ACTION POINTS

Urgent	Important	Routine	Operational
0	2	2	0

Assurance - Key Findings and Management Action Plan (MAP)

Rec.	Risk Area	Finding	Recommendation	Priority	Management Comments	Implementation Timetable (dd/mm/yy)	Responsible Officer (Job Title)
1	Directed	<p>The Service has a robust welfare system in place to support staff that are undergoing disciplinary investigation. They will have support from their line manager and can also be referred to occupational health if the staff member feels they require support. In addition, there is an employee assistance programme where staff can discuss any concerns they have within this programme, and they can be assigned a Welfare Officer for further support.</p> <p>The Head of Human Resources confirmed that a review of this offering will be conducted in the summer of 2024 due to changes across the Service. One aspect being looked at is the role of the Welfare Officer. It was identified that although details about welfare are included in the disciplinary letters it is not documented formally in policy. Discussions with the Head of Human Resources led to their agreement that this should be the case.</p>	A policy or guidance document be created and stored centrally to outline the welfare support on offer to staff.	2	<p><i>The Head of OH&W is to create a policy outlining the welfare available to HFRS employees for all matters including Death in Service, Ill Health Retirement, etc. This will be with support from the Head of HR and the Head of Finance.</i></p> <p><i>The Disciplinary Policy has been reviewed and details around the role of the Welfare Officer have been included. The Policy is being sent for consultation on 30 May and, subject to all parties' agreement, will then be formally published on 21 July 2024.</i></p>	<p>30/06/24</p> <p>21/06/24</p>	<p>Head of OH&W</p> <p>Head of HR</p>

PRIORITY GRADINGS

1 URGENT Fundamental control issue on which action should be taken immediately.

2 IMPORTANT Control issue on which action should be taken at the earliest opportunity.

3 ROUTINE Control issue on which action should be taken.

Rec.	Risk Area	Finding	Recommendation	Priority	Management Comments	Implementation Timetable (dd/mm/yy)	Responsible Officer (Job Title)
2	Directed	The Service does maintain a Professional Standards Equality and Inclusion Policy for its equality, diversity, and inclusion efforts. Whilst this policy does not reference disciplinary processes it does outline what the service deems unacceptable behaviour and lists what would lead to disciplinary action. It was noted that there is an inconsistency within the Policy under the Aim and Objectives and "What does this mean" sections. The Service correctly confirms that the Equality Act 2010 protects sexual orientation however under "what does it mean" it states that the Service "will not tolerate bi-phobic, homophobic, transphobic, racist or sexist behaviour or any other unjust or unfair unlawful discrimination". To promote inclusivity the policy can be updated to replace specific references to bi-phobic and homophobic with sexual orientation.	Update the Professional Standards Equality and Inclusion Policy to ensure consistency and inclusivity by replacing specific orientations with the term "sexual orientation" to align with the Equality Act 2010 and promote inclusivity.	2	<i>The Policy is owned by Organisational Development and this action has now been completed.</i>	28/05/24	Head of OD

PRIORITY GRADINGS

1 **URGENT** Fundamental control issue on which action should be taken immediately.

2 **IMPORTANT** Control issue on which action should be taken at the earliest opportunity.

3 **ROUTINE** Control issue on which action should be taken.

Rec.	Risk Area	Finding	Recommendation	Priority	Management Comments	Implementation Timetable (dd/mm/yy)	Responsible Officer (Job Title)
3	Directed	The Professional Standards Disciplinary Procedure Policy confirms all stages of the disciplinary procedure. This includes, but is not limited to, the formal stages, representation, criminal offences, and suspension. Discussions with the Head of Human Resources during audit testing confirmed that disciplinary hearings do not always take place in certain circumstances which was reflective in four individuals' cases. Whilst the explanation provided was justified the policy does not include a section on exceptions to the process and this was raised within the appeals made. An inclusion of any exceptions to the disciplinary procedure should be included within the policy. This should include personnel with authority to approve an exception.	An exceptions section be included within the Professional Standards Disciplinary Procedure Policy.	3	<i>The Disciplinary Policy has been reviewed and an Exceptions Section has been included. The Policy is being sent for consultation and, subject to all parties' agreement, will then be formally published on 21 June 2024.</i> <i>Please note that the right to appeal will always be afforded to the individual.</i>	21/06/24	Head of HR

PRIORITY GRADINGS

1 **URGENT** Fundamental control issue on which action should be taken immediately.

2 **IMPORTANT** Control issue on which action should be taken at the earliest opportunity.

3 **ROUTINE** Control issue on which action should be taken.

Rec.	Risk Area	Finding	Recommendation	Priority	Management Comments	Implementation Timetable (dd/mm/yy)	Responsible Officer (Job Title)
4	Directed	<p>A sample of nine cases were selected for testing to confirm that the disciplinary procedure has been followed correctly by the Service. Evidence provided included a confirmation of what the disciplinary was regarding, investigation and hearing transcripts, outcome letters and, where applicable, appeals and the response. The Service was able to evidence all aspects of the disciplinary process. There were examples of investigation and hearing notes being handwritten which in specific cases might be the only viable option at the time, however an effort to keep everything digitalised within the disciplinary process should be maintained.</p> <p>Digitising investigations improves efficiency, accuracy, accessibility, data analysis, security, and integration by enabling quicker record creation and access, reducing errors, facilitating collaboration, enabling deeper analysis, ensuring data security, and integrating with other systems. It was also identified that a number of interview notes did not have signatures approving the accuracy of the recorded transcripts.</p>	Hearing and investigation notes be recorded digitally and signed by all attendees to ensure accuracy and limit challenge.	3	<i>This has been noted and the team advised with immediate effect. In future, all meetings will be recorded digitally, negating the need for transcripts to be typed and thus expediting matters further. Recordings will be sent, unsanitised, to the individual for them to circulate to their companion as they deem appropriate. Although individuals are asked to sign and return their transcripts, there are occasions when the individual fails to do so. To address this, each recording will be accompanied by a caveat which advises that in the absence of a response within 7 calendar days, the Service will consider the recording has been accepted as a true and accurate reflection of the meeting.</i>	30/05/24	Head of HR

PRIORITY GRADINGS

1 **URGENT** Fundamental control issue on which action should be taken immediately.

2 **IMPORTANT** Control issue on which action should be taken at the earliest opportunity.

3 **ROUTINE** Control issue on which action should be taken.

Operational - Effectiveness Matter (OEM) Action Plan

Ref	Risk Area	Finding	Suggested Action	Management Comments
No operational effectiveness matters were identified.				

ADVISORY NOTE

Operational Effectiveness Matters need to be considered as part of management review of procedures.

Findings








Directed Risk:

Failure to properly direct the service to ensure compliance with the requirements of the organisation.

Ref	Expected Key Risk Mitigation	Effectiveness of arrangements	Cross Reference to MAP	Cross Reference to OEM
GF	Governance Framework There is a documented process instruction which accords with the relevant regulatory guidance, Financial Instructions and Scheme of Delegation.	Partially in place	1, 2, & 3	-
RM	Risk Mitigation The documented process aligns with the mitigating arrangements set out in the corporate risk register.	In place	-	-
C	Compliance Compliance with statutory, regulatory and policy requirements is demonstrated, with action taken in cases of identified non-compliance.	In place	4	-

Other Findings

-  The Service maintains a Professional Standards Disciplinary Procedure Policy that was written in October 2016 and is reviewed on a three-year cycle. The policy was most recently reviewed in September 2023 and is version controlled. The Service has a robust and well evidenced process for tracking changes made to policies across the organisation.
-  Segregation of duties is maintained within the disciplinary procedure. There are three formal stages to the procedure which are split into investigation and conduct hearing / take action stages. Each stage involves four individuals; two for investigation and two for the hearing and actions, which removes sole dependency and allows for appropriate scrutiny.
-  The Head of Human Resources confirmed that resourcing has not been an issue and procedures have not been impacted.
-  It was confirmed that only Human Resources staff have access to personnel records which include any disciplinary data.
-  The Professional Standards Disciplinary Procedure Policy outlines which level of personnel is suitable for each formal stage of the investigation. These investigating officers are supported by a member of the Human Resources team throughout the process. HR is currently in the process of creating some additional training to provide managers with additional guidance when conducting investigations. In addition to HR support and training, the investigating officer holding a meeting is provided an approved script must be adhered to in all cases. The script contains details of the investigation so far. Current training offered to Investigating Officers includes Trans2 Performance, Chartered Management Institute courses in addition to the Service's E-Learns.

Other Findings



A Casework Tracker is maintained and used to track all ongoing cases. An equality, diversity, and inclusion section is included within the tracker which is monitored for any trends. Discussions with Human Resources confirmed that a trend of three incidents in twelve months would warrant an investigation. There has been no cause for concern in those which have been reviewed.



The Service does not have a strategic risk specifically for disciplinary however this procedure is incorporated within the risk "Public Confidence in Working Culture" as an internal control.



Six investigating officers were identified during testing case reviews, and the Service was asked to evidence that those officers had evidence of training. Five of the six officers had evidence of completed Disciplinary and Grievance packages provided; the sixth officer had recently retired, and their training record has been removed.



Delivery Risk:

Failure to deliver the service in an effective manner which meets the requirements of the organisation.

Ref	Expected Key Risk Mitigation	Effectiveness of arrangements	Cross Reference to MAP	Cross Reference to OEM
PM	Performance Monitoring There are agreed KPIs for the process which align with the business plan requirements and are independently monitored, with corrective action taken in a timely manner.	In place	-	-
S	Sustainability The impact on the organisation's sustainability agenda has been considered.	Out of scope	-	-
R	Resilience Good practice to respond to business interruption events and to enhance the economic, effective and efficient delivery is adopted.	Out of scope	-	-

Other Findings



The Head of HR provides a monthly report to the Executive Board which outlines any live disciplinary matters. Details provided for discussion includes the case number, allegation, level, status and next steps. Further discussions with the Head of Human Resources confirmed that the Senior Leadership Team are very supportive of the Head of HR, ensuring they are granted ample time in the monthly meetings to ensure all issues are discussed. This example of engagement from the Board re-enforces the efforts made to ensure integrity of the Service.



During testing it was confirmed that no areas of learning were identified in any of the cases reviewed. Discussions with the Head of HR confirmed that if any learnings or areas of improvement are identified during the disciplinary process then these will be included in the final outcome letter and implemented for use in future investigations.

Scope and Limitations of the Review

1. The definition of the type of review, the limitations and the responsibilities of management in regard to this review are set out in the Annual Plan. As set out in the Audit Charter, substantive testing is only carried out where this has been agreed with management and unless explicitly shown in the scope no such work has been performed.

Disclaimer

2. The matters raised in this report are only those that came to the attention of the auditor during the course of the review, and are not necessarily a comprehensive statement of all the weaknesses that exist or all the improvements that might be made. This report has been prepared solely for management's use and must not be recited or referred to in whole or in part to third parties without our prior written consent. No responsibility to any third party is accepted as the report has not been prepared, and is not intended, for any other purpose. TIAA neither owes nor accepts any duty of care to any other party who may receive this report and specifically disclaims any liability for loss, damage or expense of whatsoever nature, which is caused by their reliance on our report.

Effectiveness of arrangements

3. The definitions of the effectiveness of arrangements are set out below. These are based solely upon the audit work performed, assume business as usual, and do not necessarily cover management override or exceptional circumstances.

In place	The control arrangements in place mitigate the risk from arising.
Partially in place	The control arrangements in place only partially mitigate the risk from arising.
Not in place	The control arrangements in place do not effectively mitigate the risk from arising.

Assurance Assessment

4. The definitions of the assurance assessments are:

Substantial Assurance	There is a robust system of internal controls operating effectively to ensure that risks are managed and process objectives achieved.
Reasonable Assurance	The system of internal controls is generally adequate and operating effectively but some improvements are required to ensure that risks are managed and process objectives achieved.
Limited Assurance	The system of internal controls is generally inadequate or not operating effectively and significant improvements are required to ensure that risks are managed and process objectives achieved.
No Assurance	There is a fundamental breakdown or absence of core internal controls requiring immediate action.

Acknowledgement

5. We would like to thank staff for their co-operation and assistance during the course of our work.

Release of Report

6. The table below sets out the history of this report.

Stage	Issued	Response Received
Audit Planning Memorandum:	30 th April 2024	30 th April 2024
Draft Report:	21 st May 2024	28 th May 2024
Final Report:	28 th May 2024	