



HUMBERSIDE FIRE AND RESCUE SERVICE

# People & Development

## Professional Standards Disciplinary Procedure Policy

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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 discipline 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 Assessment](https://humbersidefire.gov.uk/about-us/our-policies)<https://humbersidefire.gov.uk/about-us/our-policies>
- [Professional Standards Dignity at Work Policy](#)

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- [Work Related Social Events Policy Delivery Guidance](#) (currently under consultation)
- 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 levels 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 level. 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 time depending on the seriousness of the case. Where issues concern poor attendance, the formal levels 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.

In some cases, it might be appropriate, with the agreement and involvement of the individual, to seek professional medical help or guidance as to how the disciplinary process can proceed fairly. If there are clear and repeated signs of distress, HFRS will encourage the individual to use an employee assistance programme, where one is available, or suggest that the individual seeks advice from a GP. It is important to address this issue early to avoid it escalating.

If someone has an existing mental health condition which they have previously disclosed as a disability, HFRS will endeavour to make reasonable adjustments to the process. Training may be provided in order to equip managers with the skills needed to recognise the signs and symptoms of someone whose mental health may be adversely affected by a disciplinary process.

Confidentiality shall be maintained at all levels 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 levels involved and determining the appropriate level 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 levels 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.
- 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.
- Misogynistic, sexist, racist or homophobic behaviours, language or humour.
- Abuse of power, position and knowledge including excessive supervision, setting of impossible deadlines, unnecessary removal of key areas of responsibility.

## **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):

	<b>Investigation</b>	<b>Conduct Hearing / Take Action</b>
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Formal Level 1	Watch Manager / Fire Staff Grade 9/10	Station Manager / Support Staff Grade 11/12
Formal Level 2	Station Manager / Fire Staff Grade 11/12	Group Manager / Support Staff Grade 13B
Formal Level 3	Group Manager / Fire 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 level 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 levels.

If, during the investigation at Level 1 or Level 2, the investigating officer feels that the evidence is such that the sanctions available at that formal level 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 of the hearing and the hearing itself 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 level
- 14 days for the second level
- 21 days for the third level

## **10. Initiating Formal Disciplinary Action**

Before a decision is made to carry out a formal investigation, it is good practice but not a requirement 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 levels 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, or if a person has any cognitive or neurodiverse conditions that may prevent the effective understanding of a situation. The manager or representative will ensure understanding is thoroughly checked prior to and throughout the hearing.

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 levels, 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.

If the employee requires reasonable adjustments under certain circumstances, the service may consider offering a disciplinary hearing by telephone, virtually or at a neutral location as a reasonable adjustment.

## **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 Levels 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 level 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 Level 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 levels 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 levels of the procedure.

In addition, it is good practice for employees to be provided with the opportunity to be accompanied at the investigation point, 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.

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. Levels 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.

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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 levels of the procedure.

#### **First Formal Level**

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 level 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.

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 Level**

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 level. 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 level may only be given by a Group Manager or above or Support Staff Grade 13 or above.

### **Third Formal Level**

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**

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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.

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.

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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. WORK RELATED SOCIAL EVENTS**

Humberside Fire and Rescue Service (HFRS) recognises that work-related social events can often provide an opportunity for employees to gather socially.

The Service has no wish to impact on an employee's enjoyment of these events but it does require employees to behave in an appropriate and responsible manner and in a way that does not damage the Service's reputation.

Staff must adhere to the guidance in the [Work Related Social Events Policy Delivery Guidance](#).

## **24. 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.

## **25. 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.

## **26. 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 level 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.

## **27. 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 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.

## **28. 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.

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- 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.

## **29. 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**

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

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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.

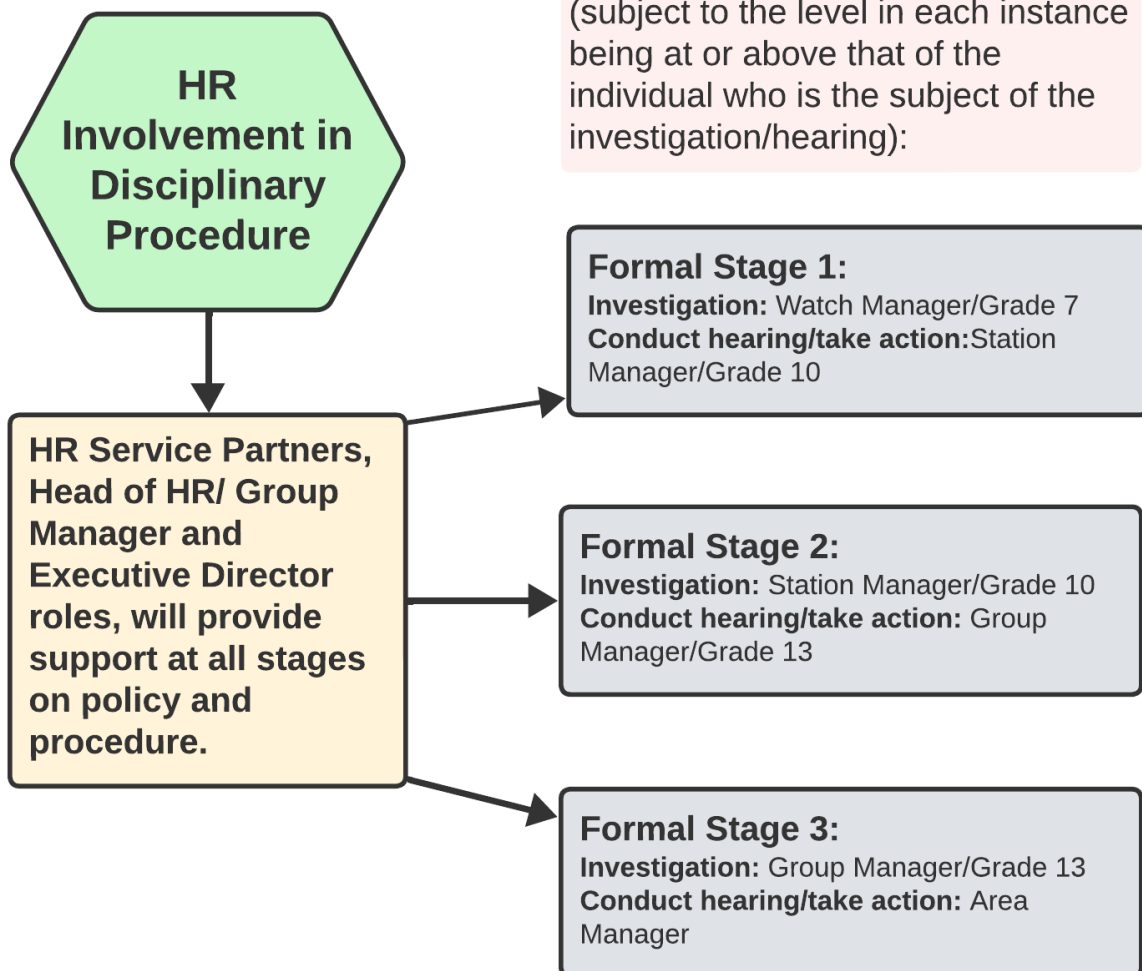
Recall of parties concerned to hear the decision of the manager conducting the hearing (to be subsequently confirmed in writing).

\*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

