

Disciplinary Policy

Executive Summary

The Service encourages all employees to achieve and maintain appropriate standards of conduct. This policy sets out the action that will be taken where conduct falls below an acceptable level, with the aim of ensuring consistent and fair treatment for all employees.

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1. Introduction

- 1.1 H&WFRS seeks to maintain high standards in all its activities. The disciplinary procedure is designed to maintain standards and the efficient and effective operation of the Service, and to ensure that employees are treated fairly and consistently in disciplinary situations.
- 1.2 The first step when a manager is dealing with poor performance is for them to meet with the employee to discuss the problem and identify the cause; only then can they decide whether it is a conduct issue. Misconduct relates to 'won't do' issues including carelessness, lack of effort and poor attitude.
- 1.3 The disciplinary procedure is in every case (except dismissal) intended to support maintaining the required standard of behaviour by emphasising and encouraging improvements in employee conduct, standards of performance and safe practices.
- 1.4 This procedure does not apply to cases involving genuine sickness absence, poor performance as a result of lack of skill or capability. In these cases reference should be made to the Attendance Management or Capability procedure as appropriate.
- 1.5 This procedure has been based on the Arbitration Conciliation Advisory Service (ACAS) code of conduct and principles contained in the grey Book 6th Edition.

2. Scope

- 2.1 The Policy applies to all H&WFRS employees. Appendix 1 shall be applied to those staff with conditions of service contained in the Gold Book and/or Directors.

3. Responsibilities

3.1 Employees

Employees are expected to:

- Familiarise themselves with the standard of work they should be producing.
- Raise the issue if the standards are not clear.
- Raise problems with their manager or supervisor.
- Agree and implement action to address problems.
- Familiarise themselves with this policy.

3.2 Line Managers and Supervisors

Line Managers and Supervisors must:

- Ensure that their staff know and understand the standard of work that is expected of them, that changes are communicated, and training arranged as required.
- Provide employees with a current Job Description.
- Monitor work output and quality.
- Discuss problems with individuals at the earliest opportunity.
- Adhere to this SPI when dealing with disciplinary matters.

4. Principles

4.1 All managers considering possible disciplinary action should seek advice and guidance from their Line Manager before proceeding and should normally seek advice from either the HR Manager or a Senior HR Advisor prior to making any decisions on conclusion of investigations.

4.2 The disciplinary policy and procedure has been developed with the following guiding principles in mind and has been designed to:

- Provide guidance to employees and managers to ensure that acceptable standards of conduct are maintained.
- Provide a structured framework and procedure to ensure that all cases are handled fairly, consistently and reasonably.
- Ensure that each step and action is taken in a timely way and that the timing of meetings is reasonable.
- Establish who has the authority to take the various forms of disciplinary action.
- Explain rights, roles and responsibilities of managers and employees under the procedure.
- Ensure that all disciplinary matters are investigated appropriately and dealt with within reasonable timeframes.
- Ensure that where an underlying problem is identified, e.g. ill health or capability, consideration is given to the relevance and appropriateness of other H&WFRS policies and procedures.
- Ensure that all disciplinary matters are treated confidentially and that the circumstances of disciplinary cases are discussed only with relevant parties. Breaches of confidentiality may give rise to disciplinary action under this procedure.
- Ensure that normally no formal disciplinary action is taken against a Trade Union Representative until management discusses the circumstances of the case with a senior trade union representative or permanent union official.
- Ensure that in the event of formal disciplinary action, all employees are informed of the case against them, their rights to be accompanied at a hearing, the outcome of any decision made and their right to appeal the decision in writing.
- Ensure that, in most cases, employees are not dismissed for a first breach of discipline, other than for gross misconduct.

5. Informal Disciplinary Action

- 5.1 Cases involving minor misconduct or unsatisfactory performance or attendance are usually best dealt with informally by the line manager. A quiet word is often all that is required. The informal approach means that minor problems can be dealt with quickly and confidentially. Where issues involve performance, or in some cases attendance, supportive action, reference to the PDR and specialist advice may be more appropriate.
- 5.2 At this informal stage the manager should ensure that employees understand the position, if necessary by giving them a written note. This would not form any part of their disciplinary record but it would be filed on their Personal Record File.
- 5.3 There will, however, be situations where matters are more serious or where an informal approach has been tried but isn't working. At this point it may be appropriate to enter the formal stages of the procedure.

6. Suspension

- 6.1 It is impossible to predict the full range of circumstances which will arise in disciplinary cases. Emphasis will always be on a timely 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 meeting takes place.
- 6.2 If an employee is to be suspended they should be informed of the reasons for the suspension, that suspension is not disciplinary action but is necessary whilst the investigations are completed and that they will (depending on the circumstances of the case) be asked to return to work for an investigative or disciplinary meeting 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, communications channels, availability to attend hearings, facilities to meet with their companion, arrangements for Annual Leave, the provision of welfare support for the person accused of the allegations. The provision of welfare support will also be offered for the complainant. Breach of suspension conditions may lead to further disciplinary action.
- 6.3 Where an employee is suspended from duty they will receive full pay. If an employee becomes unfit for duty during the period of suspension, normal rules of the occupational sick pay scheme apply.
- 6.4 Full pay for those employees on the Retained Duty System will be calculated on the basis of their Retained payments averaged over the twelve-week period immediately prior to their suspension. In exceptional circumstances where the preceding twelve week period is unrepresentative, the most recent twelve week period of availability may be used to calculate pay.

7. Authority to Suspend

- 7.1 The Assistant Chief Fire Officer (ACFO) or above is authorised to suspend employees up to and including Group Commander level. In the absence of the ACFO, the duty Principal Officer will have authority to suspend an employee; the duty Principal Officer should liaise with the HR Manager prior to making any decision. For employees at Area Commander level and above, the authority to suspend lies with

the Chief Fire Officer, or, in their absence, the DCFO. In the case of the Chief Fire Officer, the decision to suspend will be made the Fire and Rescue Authority.

- 7.2 The Chief Fire Officer is to be informed of any decision to suspend an employee.

8. Investigation

- 8.1 An investigation into the alleged misconduct will be carried out. The purpose of the investigation is to establish all the relevant facts in a timely manner, to allow the employee to provide an explanation and to determine whether formal disciplinary action is required.
- 8.2 Guidance should be sought from relevant Head of Department regarding who is most appropriate to conduct the investigation. In the case of serious or complex allegations of misconduct, or where senior managers are being investigated, another designated manager, or a person external to the Service, may conduct the investigation and/or hearing. Where an external investigator is used, they will be overseen by a nominated H&WFRS manager and will follow the Service's disciplinary policies and procedures.
- 8.3 In all cases of formal investigation, it should be clearly explained to the employee under investigation, including the alleged allegations, why the investigation is being carried out and for this to be confirmed to them in writing. They will be advised of their right to be accompanied at investigative meetings.
- 8.4 Employees are required to co-operate fully and promptly in any investigation.
- 8.5 The employee should be advised of the likely time scales for concluding the investigation.
- 8.6 Written notes should be made and retained of all formal meetings and any formal interviews held in relation to the investigation.
- 8.7 Following the investigation, the employee will be advised of the outcome in writing.

9. Criminal Investigations

- 9.1 If an employee is charged with, or convicted of, a criminal offence not related to work, this is not in itself 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.

10. Formal Disciplinary Procedure

- 10.1 Following investigation, advice from a Senior HR Advisor should be sought at this stage. Where the decision is taken to instigate formal action under the disciplinary procedure, the manager concerned must have the authority to do so, and must have had no prior involvement in conducting the investigation. Authority to award disciplinary sanctions can be found at para 19.

- 10.2 The manager who will conduct the disciplinary hearing (who will not be junior to either the person presenting the allegations or the person facing them) must arrange for the employee to be notified in writing of the requirement to attend a disciplinary hearing. 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 companion to prepare and shall, unless reduced by mutual agreement, be not less than:
- seven days for first formal stage;
 - ten days for the second stage;
 - twenty-one days for the third stage.
- 10.3 The written notification should contain sufficient information about the alleged misconduct to enable the employee to prepare to answer the case at a disciplinary hearing. Copies of any written evidence that will be referred to at the hearing, to include any witness statements, will also be forwarded, together with details of any witnesses to be called by H&WFRS. The employee will also be advised of their right to be accompanied, the possible consequences of the hearing, and offered the opportunity to call witnesses. In exceptional cases, the name of a witness may not be disclosed in order to protect their identity. In this event, the employee will be given as much information as possible while maintaining confidentiality.
- 10.4 Copies of any relevant correspondence and documentation relating to the disciplinary hearing, including any relevant evidence or statements which have not previously been shared, must be provided and made available by and to both parties in advance of the hearing.
- 10.5 Where the disciplinary hearing could potentially result in dismissal, a Senior HR Advisor will accompany the manager holding the hearing. The manager holding the hearing will also arrange for a note-taker to be present.
- 10.6 At the hearing, the manager will explain the allegations against the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case, present evidence, call relevant witnesses, ask questions and raise points about any information provided by the Service.
- 10.7 If more time is required to consider the matter or if further investigations are necessary, the manager may adjourn the hearing.
- 10.8 The manager conducting the hearing should advise the employee of the outcome of the hearing as soon as possible, having given proper consideration to all the matters raised. If no misconduct is evidenced, a letter confirming the findings and a copy of the notes of the hearing will be sent to the employee.
- 10.9 Formal warnings must be confirmed in writing to the employee. The written confirmation will include:
- The nature of the misconduct and the reasons for the decision.
 - Reference to any previous warnings that are still valid and which have been taken into account.
 - The level of warning issued and the length of time it will remain in force.
 - Details of any other actions or decisions relating to the disciplinary decision, including any agreed action to be taken.
 - Any improvements or changes to behaviour required, with any timescales for achievement and/or review.

- A statement that any further occurrence could lead to further disciplinary action being taken.
 - The employee's right to and how to appeal.
- 10.10 Where the decision is to dismiss, the employee will be advised in writing of the reasons for dismissal, the effective date of termination, arrangements made in relation to any contractual notice that is to be given, and the right to appeal.
- 10.11 A copy of the disciplinary warning/disciplinary sanction will be retained in the employee's personal record file.
- 10.12 In the case of disciplinary action taken against a trade union representative, the HR Department will also advise an appropriate official of the union.
- 10.13 An employee who cannot attend a hearing should inform the manager due to conduct the hearing in advance whenever possible. If the employee fails to attend through circumstances outside their control and unforeseeable at the time the hearing was arranged (e.g. illness) another meeting will be arranged.
- 10.14 Where an employee is persistently unable or unwilling to attend a meeting, due to health or other reasons, the Service will consider all the facts and come to a decision on how to proceed. A decision may be taken in the employee's absence if they fail to attend a disciplinary meeting without good reason.
- 10.15 Whilst the Service will take into account absences due to ill-health, employees will be expected to cooperate as much as they are able to in both enquiries and the disciplinary process.
- 10.16 Where an employee is unable to attend a disciplinary hearing due to illness, where the sickness absence is prolonged or uncertain, Occupational Health may be asked to give a view as to when the employee would be fit enough to attend.
- 10.17 Where it is concluded that the employee will not be able to attend a hearing within a reasonable period, they will be provided with a detailed explanation of the alleged misconduct and given the opportunity to provide written comments and/or to nominate representation on their behalf at a hearing. They should be advised in advance that a decision may be taken on the evidence available in the absence of comment/representation.
- 10.18 If an employee's representative cannot attend on a proposed date, the employee can suggest another date so long as it is reasonable and is not more than five calendar days after the date originally proposed. The five-day limit may be extended by mutual agreement.

11. Right to be accompanied / Role of the companion

- 11.1 Employees have a statutory right to be accompanied by either a fellow employee (i.e. one employed by HWFRS) or a Trade Union official of their choice at all **formal** stages of the procedure. It is the responsibility of the employee to arrange his/her own companion.
- 11.2 Trade Union officials who act as companions at Stage 3 disciplinary hearings must ensure that they are reasonably certified by the Trade Union as having experience of or having received training in these activities.
- 11.3 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.
- 11.4 Employees or Trade Union officials do not have to accept a request to accompany an employee and they should not be pressurised to do so.
- 11.5 An employee or Trade Union official who has agreed to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This should cover the meeting and allow time for the companion to familiarise themselves with the case and confer with the employee before and after the meeting. 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.
- 11.6 Arrangements should be made to cater for an employee's disability at a meeting and likewise for a companion's disability; for example, providing for wheelchair access if necessary.
- 11.7 Before the meeting takes place, the employee will advise the Manager concerned of the name of their companion.
- 11.8 The companion should be allowed to address the meeting in order to:
- put the employee's case;
 - sum up the employee's case; and
 - respond on the employee's behalf to any view expressed at the meeting.
- 11.9 The companion may also confer with the employee during the meeting and participate as fully as possible in the meeting including asking witnesses questions via the Chair of the hearing. The companion has no right to answer questions on the employee's behalf nor has the companion a right to address the meeting if the employee does not wish it or to prevent the employer from explaining their case.

12. Witnesses

- 12.1 Any witnesses called on behalf of the Service are required to attend the hearing wherever reasonably practicable.
- 12.2 Any witnesses called by the employee are attending at the request of that employee, such witnesses do not have to accept a request to act as a witness and should not be pressurised to do so.

- 12.3 If witnesses are unable to attend a hearing they must notify the relevant person at the earliest opportunity.
- 12.4 If it is not practical for witnesses to attend, it will be for the manager conducting the hearing to consider whether or not to proceed in their absence.
- 12.5 Witnesses must answer questions for themselves, it is not appropriate nor permitted for anyone to speak on their behalf.

13. Stages of Formal Discipline Procedure

13.1 Informal Stage

Cases involving minor misconduct or unsatisfactory performance or attendance are usually best dealt with informally by the Line Manager. A quiet word by way of an informal discussion is often all that is required. The informal approach means that minor problems can be dealt with quickly and confidentially. Where issues involve performance or ill health, supportive action, reference to any PDR or specialist advice may be more appropriate.

- 13.2 At this informal stage the Line Manager should ensure that the employee is clear about the expected outcomes and the process by which they will be achieved and understands the position. The Line Manager (excluding Crew Managers) may put this in writing giving the employee a brief written note. This note would not form any part of the employee's disciplinary record but it would be filed on their Personal Record File. The individual shall be given the opportunity to put his/her own brief comments to this note if he/she wishes.
- 13.3 There will, however, be situations where matters are more serious or where an informal approach has been tried but isn't working. At this point it may be appropriate to enter the formal stages of the procedure.

13.4 First Formal Stage

- 13.4.1 The employee's Line Manager will investigate the matter. If formal action is considered, a disciplinary hearing will be convened at which the relevant Manager will make a decision. The employee has the right to be accompanied and present their case in response to management.
- 13.4.2 Where, following a disciplinary hearing an employee is found to have committed misconduct, the usual initial step would be to give them a first written warning setting out the nature of the misconduct and the change in behaviour required.
- 13.4.3 The employee must be informed that the warning is part of the formal disciplinary process and what the consequences will be of the failure to change behaviour, i.e. further formal disciplinary action which 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 will be placed on the Personal Record File but it should be disregarded for disciplinary purposes. The written warning will remain in force for a maximum of six months.
- 13.4.4 Where there are issues of performance, account should be taken of the employees PDR, as this is designed to offer support and assistance whenever possible. The disciplinary process should only be used where any actions to remedy unsatisfactory performance, including any within the PDR, are not proving effective. An employee who is found to be performing unsatisfactorily should be given a written note. A copy

of the note should be kept on the employee's Personal Record File and used as the basis for monitoring and reviewing performance over a specified period.

13.4.5 The note should detail the following:

- the performance problem;
- the improvement that is required;
- the timescale for achieving this improvement;
- a review date;
- support the employer will provide to assist the employee.

13.4.6 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 underlying ongoing medical or other condition to warrant an unacceptable attendance record, then the matter should be treated as a conduct issue and may be dealt with as a disciplinary matter.

13.4.7 Dependent on the circumstances of the case, the employee should be informed that failure to improve could lead to disciplinary action being taken. A copy of the note should be kept and used as the basis for monitoring and reviewing performance over a specified period, for example, six months.

13.4.8 If the absence is prolonged due to genuine (including medically certified) ongoing illness, the issue normally becomes one of capability and the employer must take a sympathetic and considerate approach. When thinking about how to handle absence cases, it is helpful to consider:

- how soon the employee's health and attendance will improve;
- whether alternative work is available;
- the effect of the absence on the organisation;
- how similar situations have been handled in the past; and
- whether the illness is a result of disability in which case the provisions of the Equality Act 2010 will apply.

13.4.9 Cases involving possible dismissal due to long term ill health, ill health retirements and transfer to modified duties are covered in Service Policy/Instruction No. 1, Management and Administration, Section D, Personnel, Part 8, Health, Part 8.2 – Absence Management and will be monitored by Personnel Department and any dismissal authorised by the HR Manager.

13.5 **Second Formal Stage**

13.5.1 Where there is a failure to improve or change behaviour in the timescale set at the first formal stage, the employee may be issued with a final written warning but only after a further investigation and hearing, with the right to be accompanied at the hearing. Alternatively where the offence is sufficiently serious, action may be initiated at this stage.

13.5.2 The final written warning will give details and an explanation of the decision. It must warn the employee that failure to improve or modify behaviour may lead to dismissal or to some other sanction and advise them of their right of appeal against the final written warning. A record of the warning will be placed on the Personal Record File but it should be disregarded for disciplinary purposes. The final written warning will remain in force for a maximum of eighteen months. Where a lesser sanction is issued, the same right of appeal applies. A final written warning may only be given to an employee by a Group Manager or above (or a Middle Manager Non-Uniformed Support Staff equivalent – as detailed in Paragraph 9.1).

13.6 Third Formal Stage

13.6.1 Where an employee fails to improve or commits further acts of misconduct or where the offence is sufficiently serious, then following an investigation and meeting, with the right to be accompanied, an employee may be dismissed by an Area Manager or above (or the equivalent support staff level), HR Manager or Principal Officer level. Employees must be told they have the right to appeal and details of the appeals process.

13.6.2 Where a serious disciplinary offence amounting to gross misconduct has been committed, thereby justifying summary dismissal or where there has been a failure to improve as required, a decision may be taken, following the investigation and hearing and after due consideration of all appropriate circumstances, that a sanction less than or as an alternative to dismissal is appropriate and could include any of the following non exhaustive items:

- a warning;
- withdrawal from any 'Flexitime' hours arrangements;
- demotion (either within role or no more than one grade/role; a demotion of more than one grade/role can only be done with the agreement of the employee).
- Disciplinary transfer (which should involve no loss of remuneration and unless the employee agrees otherwise and should be within the same duty system); and
- loss of pay up to a maximum of thirteen days

14. Gross Misconduct

14.1 If a Manager considers an employee has committed an act of gross misconduct and thus is potentially liable for summary dismissal, it is still important to establish the facts before taking any action. Acts of gross misconduct will be dealt with at the third formal stage of the disciplinary process. 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 review. It should be made clear to the employee that the suspension is not a disciplinary action and does not involve any prejudgement.

14.2 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 alleged gross misconduct as it does to ordinary cases of misconduct or unsatisfactory performance.

15. Appeals

15.1 Employees who have had disciplinary action taken against them (other than at the informal stage of this procedure) will be given the opportunity to appeal. Employees will be allowed to appeal no later than seven days after they have been informed of the decision.

15.2 The appeal shall be heard by a level of Manager higher than the Manager who conducted the disciplinary hearing and awarded the disciplinary penalty. Arrangements for the final appeal stage against dismissal will be determined locally and be consistent with the principle that the corporate level involved should be higher than the level which heard the previous stage.

15.3 Where an employee appeals against disciplinary action they must put their reasons for appeal in writing. These will normally be one or more of the following:

- there was a defect in the procedure;
- the issue is not proven on the balance of probabilities;
- the disciplinary sanction was too severe;
- there is a dispute about evidence given at the original meeting;
- new evidence has come to light since the meeting which will have an impact on the decision.

15.4 Normally the Appeal Manager will conduct the appeal meeting as a rehearing (in full or part), only where this is required. Otherwise the appeal meeting will be conducted as a review. A rehearing would normally be required in the following instances (this is not necessarily an exhaustive list):

- there was a procedural defect at the original meeting such that the meeting was unfair or,
- new evidence has come to light which needs to be heard in full or,
- there is a dispute about evidence given by one or more witnesses at the original meeting (in these cases it may be necessary to rehear the witness evidence at the appeal).

15.5 Where the appeal meeting is conducted as a review, the Appeal Manager will have available all the documents presented to the original meeting. They will also have a copy of the record of the meeting, the letter confirming the outcome of the original disciplinary meeting, 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 meeting from the parties.

15.6 At the appeal meeting the employee and/or their companion 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.

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

15.8 In other cases of dismissal, employees will be given contractual notice of dismissal or payment in lieu of notice following the initial disciplinary 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.

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

16. General Issues

16.1 Where a Grievance is raised During a Disciplinary Procedure

In the course of a disciplinary process, an employee might raise a grievance that is related to the case. If this happens (and only where the grievance directly relates to the disciplinary issues) the Manager should consider suspending the disciplinary procedure for a short period while the grievance is dealt with. Depending on the nature of the grievance, the Manager may need to consider bringing in another Manager to deal with the disciplinary process. The employee is expected to fully co-operate in the grievance procedure. Once the grievance procedure is concluded the employer may then continue the disciplinary procedure if appropriate to do so.

16.2 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 being considered, the case should be discussed, after obtaining the employee's agreement, with a senior Trade Union representative or permanent Union Official.

17. Reasonable Adjustments

- 17.1 In applying this procedure, managers will consider any reasonable adjustment that may be needed for an employee with a disability (and for their companion if they are disabled).

18. Review

- 18.1 This policy will be reviewed by the Head of HR within 2 years of the policy being issued, or when there are legislative changes. .

19. Authority Matrix

FORMAL DISCIPLINARY SANCTION	VALID FOR	AUTHORITY TO ISSUE
First Written Warning	Normally up to 6 months (SEE ALSO 12.5)	Station Commander/support staff equivalent/or above
Final Written Warning	Normally up to 18 months	Group Commander/support staff equivalent/or above
Dismissal	-	Member of the Senior Management Board (at minimum Area Commander level or equivalent/or above)
Appeal against dismissal	-	Member of the Senior Management Board (at minimum Area Commander level or equivalent/or above)

18.1 The manager conducting a formal disciplinary hearing will not be junior to the employee.

18.2 The procedure for Brigade Managers is documented in Appendix 1.

Appendix 1 – Discipline Procedure for Brigade Commander

Introduction

1. The Discipline procedure for Brigade Commander roles will be based on the Service's current Disciplinary procedure.

Investigation Process

2. A preliminary investigation into allegations of misconduct of a Brigade Commander will be conducted by a designated independent person at Brigade Commander / Director level.
3. If the preliminary investigation determines a potential case to answer a formal investigation will be conducted. An appropriate Senior Officer will be appointed by the Chief Fire Officer. Where appropriate an external designated independent person at the appropriate level may be appointed.

Disciplinary Process

4. The formal stages of the Disciplinary procedure shall normally be dealt with by the appropriate Officer / Member as follows:

Stage	Allegation against level	Investigation	Disciplinary hearing and/or action	Appeal
Stages 1 and 2	ACFO / Director	External designated independent person	DCFO	CFO
	DCFO	External designated independent person	CFO	Member Panel of Fire Authority Appointments Committee
	CFO	External designated independent person	Member Panel of Fire Authority Appointments Committee	Group Leader Panel of Fire Authority Appointments Committee
Stage 3	ACFO / Director	External designated independent person	CFO	Member Panel of Fire Authority Appointments Committee
	DCFO	External designated independent person	CFO	Member Panel of Fire Authority Appointments Committee
	CFO	External designated independent person	Member Panel of Fire Authority Appointments Committee	Group Leader Panel of Fire Authority Appointments Committee

5. Member Panel of the Fire Authority meetings will be arranged by the Legal Advisor to the Fire Authority.
6. Member Panel of the Fire Authority meetings will comprise of a panel of three Members.
7. All Members will be appropriately trained in the Service's disciplinary and appeals process.
8. The Head of Human Resources to the Fire Authority shall have responsibility for the provision of professional personnel advice to the Member Panel of the Fire Authority.