Essex County
Fire & Rescue Service

DISCIPLINARY POLICY

About

Essex County Fire and Rescue Service is committed to embedding a high performing and inclusive culture. We are all empowered, and expected, to be professional and ambitious in serving the communities of Essex.

This policy is intended to actively contribute to the following Community Risk Management Plan outcomes:

- All Service processes, policies and practices are inclusive; and
- Our mission, values and professional standards are embedded, guiding behaviour and decision-making.

This policy forms part of the way our Service manages Professional Standards. In line with ECFRS policies and procedures, Professional Standards within ECFRS aims to:

- Promote and uphold high standards of conduct;
- Deter misconduct through promotion of good conduct and education;
- Undertake timely and high-quality conduct investigations;
- Provide advice and guidance on issues of conduct;
- Maintain public confidence in, and the reputation of, Essex County Fire and Rescue Service.

This policy sets out the approach our Service will take should a colleague's conduct fall short of expected standards. It also explains how such behaviour will be addressed including the possible sanctions where misconduct is found.

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2. POLICY STATEMENT

2.1 This policy sets out the approach our Service will take should an employee's conduct fall short of expected standards. It also explains how such behaviour will be addressed, including the possible sanctions where misconduct is found.

3. SCOPE

3.1 This policy applies to all employees of the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (our "Service"), including those on a Fixed Term Contracts, Casual Contracts, Full and Part-time employees, and employees with flexible working agreements.

3.2 This policy does not apply to Agency Workers, Self-Employed Contractors, Volunteers or Third-Party Service Providers.

4. PRINCIPLES

4.1 Our Service expects all employees to always act with integrity and to treat our communities and one another with dignity, respect and kindness. The disciplinary procedure is designed to cover behaviour which is contrary to that necessary for protecting our community, maintaining public confidence in our service, ensuring a safe and efficient workplace, or maintaining good working relations.

4.2 All employees should understand the Service's expectations of behaviour and they have a responsibility to ensure they are familiar with the expectations set out in the Code of Conduct. All employees are expected to act in accordance with Service policies. When considering conduct matters, particularly relevant policies and guidance include:

- Code of Conduct, including Code of Ethics
- Compliments and Complaints Policy and Procedure
- Dignity and Inclusion at Work Policy
- Equality, Diversity & Inclusion Policy
- Sexual Harassment Employee Guidance
- Social Media Policy

We are committed to embedding a high performing and inclusive culture, where these formal procedures are rarely required because issues of conduct and behaviour are dealt with at the lowest appropriate level and at the earliest possible opportunity.

4.3 However, where it is not possible to resolve matters informally due to the severity of the misconduct or repetition of misconduct then the formal disciplinary procedure will apply.

4.4 The disciplinary procedure is designed to meet the principles of the ACAS Code of Practice and is grounded in the principle of natural justice[1]. This means that everyone should be treated fairly at every stage of the process.

Confidentiality

4.5 It is important that the privacy of all parties is respected and maintained. The details of disciplinary investigations and hearing must not be shared, except with representatives.

4.6 Disciplinary records will be kept secure and used only for necessary purposes. Access to these records is controlled by the HR team and access will only be granted to those who have a legitimate need to see them.

Right to Representation

4.7 Employees have the statutory right to be accompanied by a fellow employee or trade union official of their choice at all formal stages of the procedure. No other companions will be permitted to attend any meeting or hearing. No reasonable request for representation or to be accompanied by a companion would be refused at the informal stages of the procedure.

4.8 Fellow employees or trade union officials do not have to accept a request to accompany an employee, and they must not be pressurised to do so.

4.9 Further detail on the role of representatives at each stage is set out in the procedure below.

4.10 A fellow employee 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.

4.11 Representatives will be allowed time to attend the hearing and 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 by the respective employers.

4.12 Our Service will consider reasonable adjustments for all attendees. We aim for meetings and hearings to be inclusive and accessible for all disabilities.

[1] Natural Justice refers to the basic principle of fairness in processes and decision making. For disciplinary matters, it means that decisions are made without bias and that both sides have the right to present their case and respond to the other side's case.

Disciplinary Action Against Trade Union Representatives

4.13 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 will be discussed, after obtaining the employee's agreement, with a senior trade union representative or an official paid by the union, or full-time official.

Criminal Offences

4.14 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 will establish the facts of the case and consider whether the matter is serious enough to warrant starting the disciplinary procedure. The main consideration will be whether the offence, or alleged offence, is one that makes the employee unsuitable for their type of work.

4.15 Similarly, an employee should not be dismissed solely because they are absent from work because of being remanded in custody.

4.16 An employment investigation may run in parallel to any police investigation, court proceedings or external investigations. Managers do not need to await the outcome of an external investigation. However, they must seek advice from the Head of People Partnering before deciding to proceed.

5. PROCEDURE

5.1 The disciplinary procedure will apply in cases of alleged misconduct and alleged gross misconduct. A guiding principle of the procedure is to obtain improvement and remedy problems at the lowest appropriate level and at the earliest possible opportunity.

Initial fact-finding

5.2 Where a concern is raised, a manager will gather high-level facts to decide whether a formal investigation is required.

Informal Stage

5.3 Minor conduct issues should be addressed promptly at the Informal Stage; line managers will seek to be pro-active and de-escalate potential issues where possible. Resolving issues without progressing to formal stages means matters being dealt with through informal discussions with a line manager and, where possible, agreeing outcomes locally.

5.4 The line manager will speak to the employee about their conduct and what improvement is required, this may be done in a routine 1-2-1 or a specific discussion. We recognise that such discussions may be enough to bring about a change in behaviour, but a line manager may also put this in writing, although it would not form part of the disciplinary record. The Reflective Practice toolkit, whilst separate from this policy, can be used to support managers and individuals in these discussions.

5.5 There will, however, be situations where matters are more serious, or where an informal approach has been tried but hasn't resolved the issue. At this point it may be appropriate to enter the formal stages of the procedure.

Formal Stages

5.6 Where the alleged conduct is not suitable for informal resolution, because of its seriousness or repetition, the formal stages of the procedure will commence.

5.7 An employee's line manager at Watch Manager (or equivalent) or above, may initiate the disciplinary process by referring to their line management. An Area Manager or equivalent level, or above, within the appropriate operational or functional area, will act as Commissioning Manager.

Triage

5.8 The Commissioning Manager will discuss the outcome of the initial fact-finding with senior representatives from HR and Professional Standards. This panel will consider whether an investigation is required. There may be circumstances where such an investigation is unnecessary, examples may include conviction of a serious

crime or loss of the right to work in the UK. However, these will be exceptional cases, and the remainder of the policy will still be followed.

5.9 Where it is agreed that an investigation is required, the panel will determine whether, if proven, the alleged conduct would amount to misconduct, serious misconduct or gross misconduct. This assessment will determine the level of investigator that is appointed. The below table provides examples of each, these are only illustrative and in no way exhaustive.

Levels of investigator

Level	**Examples**	**Investigated by**
Misconduct	▪ Failure to comply with Service policies ▪ Failure to improve following an informal disciplinary process	Professional Investigator, or Watch Manager/ Green Book equivalent, or above
Serious Misconduct	▪ Repeated incidents of misconduct ▪ Inappropriate behaviour, for example fighting or drunkenness ▪ Misuse of Service facilities (for example e-mail and internet) ▪ Unauthorised absences ▪ Breach of confidentiality ▪ Repeated or serious failure to follow reasonable instructions ▪ Serious or repeated failure to comply with Service policies	Professional Investigator, or Station Manager/ Green Book equivalent, or above
Gross Misconduct	▪ Repeated incidents of serious misconduct ▪ Theft or fraud ▪ Harassment, victimisation or bullying ▪ Physical violence, fighting or bullying ▪ Sexual violence or harassment ▪ Deliberate and serious damage to property ▪ Serious misuse of the Authority's property or name ▪ Deliberately accessing pornographic, offensive or obscene material ▪ Unlawful discrimination or harassment ▪ Bringing the Authority into serious disrepute	Professional Investigator, or Group Manager/ Green Book equivalent, or above

	▪ Serious incapacity at work brought on my misuse of alcohol or illegal drugs or substances ▪ Causing loss, damage or injury through serious negligence ▪ A serious breach of health and safety rules ▪ A serious breach of trust and/or confidence ▪ Very serious or repeated failures to comply with Service policies	

5.10 Once the level of alleged misconduct has been determined by the panel, the Commissioning Manager will appoint an appropriate Investigating Manager who has not previously been involved with the case who will investigate the matter. The Investigating Manager must have the requisite training, competence, level of delegated authority, and particular expertise required. The Investigating Manager will be provided with a Terms of Reference for the investigation.

5.11 It is recognised that, where cases involve matters that require operational knowledge, an appropriately qualified manager will be identified to investigate the case.

Therefore, where a case requires operational knowledge of the incident ground, specific operational training or development of probationers/apprentices, the manager investigating/hearing will be someone with operational experience and expertise i.e. a Grey Book Manager. The same principle will apply in respect of mobilisation, training and development of probationers/apprentices in the control room.

Investigation

5.12 The investigation will be carried out by the appointed Investigation Manager. The Investigation Officer will make a report to the Commissioning Manager, setting out the evidence gathered during the investigation.

5.13 All those involved in the investigation, in any capacity, are expected to act with integrity and always uphold the Service values. Failure to do so, could result in disciplinary action. Examples may include (but are not limited to):

- failing to maintain confidentiality;
- deliberately withholding information or
- providing knowingly false information.

Role of representatives in investigations

5.14 Before an investigation meeting takes place, the employee must tell the Investigating Manager who they have chosen as a representative or companion. They will be informed of their requirement to do so as part of the letter confirming

arrangements for the meeting.

5.15 The representative or companion will be allowed to address the meeting to:

- put the employee's case
- sum up the employee's case
- respond on the employee's behalf to any view expressed at the hearing

5.16 The representative or companion can also confer with the employee during the meeting or hearing and participate as fully as possible, including asking witnesses questions. The representative or companion has no right to answer questions on the employee's behalf, or to address the meeting if the employee does not wish it, or to prevent the employer from explaining their case.

Hearings

5.17 If the investigation report indicates that there is a case to answer, a disciplinary hearing will be held. The nature of the misconduct will determine the minimum level of manager able to hear the case, and the possible outcomes.

5.18 The hearing will be heard by the Hearing Manager with an HR representative in attendance to provide advice and support.

5.19 Additionally, where technical knowledge is required the Hearing Manager has the option to be assisted further by an appropriately qualified technical adviser. The same principle will apply in respect of mobilisation, training and development of probationers/apprentices in the Control Room. In cases involving other matters that come within the current scope of the issues within the Disciplinary Policy, Grey Book or Green Book equivalents may investigate and/or hear the case.

5.20 Where the manager who would normally deal with the issue cannot be available, or, there may be a conflict of interest, another manager, at the same or more senior level, will be appointed to deal with the case. Our Service will endeavour to make arrangements for hearings to be heard by the appropriate operational or functional area line management.

Level	**Hearing Manager**	**Possible outcomes**
Misconduct – Stage 1	Station Manager or equivalent ‘Middle Manager’ Green Book manager, or	▪ First Written Warning (Remains live on the personal file for 6 months)

	above	
Serious misconduct – Stage 2	Group Manager or equivalent 'Middle Manager' Green book manager, or above	▪ First Written Warning (Remains live on the personal file for 6 months) ▪ Final Written Warning (Remains live on the personal file for up to 18 months)
Gross misconduct – Stage 3	Area Manager / Assistant Director or 'Strategic Manager' Green Book equivalent or above	▪ Dismissal (with notice) or Summary Dismissal (without notice) ▪ Final Written Warning (Remains live on the personal file for up to 18 months) ▪ Demotion (Grey Book), see 5.20 for more detail ▪ Disciplinary transfer (Grey Book), see 5.20 for more detail

Reflective Practice

5.21 As part of our commitment to embedding a high performing and inclusive culture and supporting employees to understand what is expected of them, and to learn from experiences, although not a formal sanction, all outcomes less than dismissal may be complemented by a recommendation for the individual to take part in the Reflective Practice Process.

Written Warnings

5.22 A warning must give details and an explanation of the decision. It will warn the employee that failure to improve or modify behaviour may lead to further disciplinary action.

5.23 The warning must explain the employee's right to appeal and detail the appeals process.

5.24 The warning will explain how long it will remain live, after that time it will be disregarded for disciplinary purposes.

Appeals

5.25 The appeal stage against dismissal and other serious sanction short of dismissal is part of the statutory procedure.

5.26 If the employee pursues an employment tribunal claim and the employee did not exercise the right of appeal it may be of detriment to their claim.

5.27 All employees who have received a disciplinary sanction will be given the opportunity to appeal. Employees will be allowed to appeal no later than seven days after they have received the decision in writing.

5.28 The appeal shall be heard by a higher level of manager to the chair of the original hearing.

5.29 Where arrangements for the final appeal stage against dismissal have been determined, the Hearing Manager will be higher than the level that heard the previous stage. The decision on who will chair the appeal will be made by a member of our Service Leadership Team.

5.30 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 based on one or more of the following:

- The procedure was not correctly followed and/or there was a defect identified in the procedure.
- The issue is 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.

5.31 The appeal hearing will be heard by the Appeal Manager with an HR representative in attendance to provide advice and support.

5.32 The Appeal Manager will conduct the appeal hearing as a rehearing (in full or part) only where this is required. Otherwise the appeal hearing will be conducted as a review. A rehearing would be required in the following instances (this is not an exhaustive list):

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

5.33 The Appeal Manager will have available all the documents presented to the original hearing, including 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.

5.34 In the case of a re-hearing, the appeal will follow the same format as a disciplinary hearing (see points 4.17 – 4.20)

5.35 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; and cannot increase in severity.
- The case against the employee is not upheld. In this instance, the sanction(s) will be withdrawn.

5.36 In cases of gross misconduct, dismissal will be summary (without notice) following the hearing. If the employee is reinstated on appeal, continuous service and pay will be reinstated and backdated.

5.37 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.

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

Suspension

5.39 Suspension will always be an act of last resort where no other option is available, therefore, consideration will be given as to whether there are other duties the employee could carry out during this period, including in other departments or at alternative sites in agreement with the individual.

5.40 It is impossible to predict the full range of circumstances which will arise in disciplinary cases. 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. Suspension should usually only be considered if there is a serious allegation of misconduct and:

- working relationships have severely broken down;
- the employee could tamper with evidence, influence witnesses and/or sway the investigation into the allegation;
- there is a risk to other employees, property or the public/ communities and / or
- the employee is the subject of criminal proceedings which may affect whether

they can do their job.

5.41 An Area Manager (or equivalent) or above will make the decision whether an employee will be suspended from normal duties, having fully considered all the information available at the time, with a clear consideration of the actual risks. A risk assessment should be completed and referred to at regular intervals throughout the process.

5.42 If an employee is to be suspended, they must be informed of the reasons for the suspension, that suspension is a neutral act and not disciplinary action, and that they will be expected to maintain their availability to attend meetings or hearings related to the process. 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 meetings, facilities to meet with their representative, etc.

5.43 The Commissioning Manager will ensure that suspensions are reviewed regularly.

5.44 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.

5.45 Full pay for those employees on the on-call duty system will be calculated on the basis of the total payments made to them over the previous 52 weeks, or the number of weeks that the employee has been employed if it is less than 52 weeks.

6. FURTHER MATTERS

6.1 Managers and employees are expected to go through the dismissal and disciplinary procedure, unless they have reasonable grounds to believe that by doing so they might be exposed to a significant threat, such as violent, abusive or intimidating behaviour, or they will be harassed. There will always be a certain amount of stress and anxiety for all parties when dealing with any disciplinary case, but this exemption will only apply where the employer or employee reasonably believes that they would come to some serious physical or mental harm; their property or some third party is threatened, or the other party has harassed them and this may continue.

6.2 Equally, the procedure does not need to be followed if circumstances beyond the control of either party prevent one or more steps being followed within a reasonable period. This will sometimes be the case where there is a long-term illness or a long period of absence. In the case of Investigating or Hearing managers, the Commissioning Manager will appoint another manager to deal with the procedure.

Time Limits

6.3 Time limits applicable to the different stages of the procedure are set out below. These may be varied by mutual agreement. The expectation on all those involved in the disciplinary process is, however, that they will always engage with the process in a timely manner.

Initiating Formal Action

6.4 For apparent cases of misconduct, where, in the judgement of the Commissioning Manager the issue, if proven, is one which would not result in a formal sanction greater than a written warning, the disciplinary procedure may be initiated by the appropriate level of line manager who will act as Commissioning Manager and who will ensure that an investigation will be conducted by another appropriate manager.

6.5 No formal disciplinary procedure will commence without preliminary fact-finding having been undertaken. The purpose of this informal step is to understand whether an investigation is necessary. Consideration must also be given to whether informal resolution can be applied.

6.6 The preliminary fact-finding will, where appropriate, be undertaken by the employee's line manager (or another manager in the employees' management line) and does not require a manager trained in disciplinary process to carry this out. As this is an informal step there is no statutory right for the employee to be accompanied during this discussion, however no reasonable request to be accompanied by a companion will be refused.

6.7 Where it is determined that informal resolution is not appropriate, the formal procedure will be initiated by a manager at the suitable level – as set out in points 4.6 and 4.7

6.8 Where there are issues of performance, ill-health capability or attendance, the Performance Management and Attendance policies will apply.

Agreed Outcomes

5.9 If, at the end of an investigation into a potential disciplinary issue, the employee accepts the facts established through the investigation and allegations made against them, then there is no need to automatically proceed to a disciplinary hearing. In these circumstances, the Commissioning Manager can offer an agreed outcome.

5.10 Agreed outcomes are only appropriate where both parties are agreeable to the process. If either the employee or their representative is unhappy with a proposal for an agreed outcome, then the normal disciplinary process must be followed. Where there is agreement to an agreed outcome as being the acceptable way forward for both parties, the following principles should be followed:

- Both parties must be in agreement to proceed in this way.
- The employee will be given the right to offer mitigation.
- Agreed outcomes can only be considered for cases where dismissal is not a likely outcome.
- A meeting should be held at which both parties (the employee and/or representative or companion and the Commissioning Manager) will be present.
- At the meeting, all information relevant to the allegation(s) must be available.
- In conclusion of the meeting, the employee will be required to sign a written acceptance of the agreed outcome to the misconduct and the relevant disciplinary sanction proposed.
- Following the meeting, the employee must be allowed a 'cooling off' period of seven days, for the purpose of allowing them to consider their decision to accept the agreed outcome, and change their mind if they so wish.
- In the event that the employee does change their mind, then the normal disciplinary process will be followed, unless prior to any subsequent hearing the employee chooses to accept the agreed outcome.

Information for The Employee Before a Disciplinary Hearing

5.11 In advance of any disciplinary hearing the employee will be sent a letter which will confirm the details of the hearing, who will be hearing their case, the allegations, and the range of sanctions available to the panel. The letter will also inform the employee of their right to be accompanied at the meeting. The employee will be given a copy of the Investigating Manager's report and copies of any additional documents that will be

produced at the hearing.

Disciplinary Hearings

5.12 The length of time between the written notification and the hearing will be long enough to allow the employee and/or their representative to prepare, and shall not be less than (unless mutually agreed otherwise):

- 7 calendar days for misconduct – Stage 1
- 10 calendar days for serious misconduct – Stage 2
- 14 calendar days for gross misconduct – Stage 3

5.13 The hearing will be made up of a Hearing Manager and an appropriate member of HR (People Partner or equivalent, or above). A note taker will be present.

5.14 Employees or the representatives have the right to request witnesses to support their case. The witnesses are not obligated to attend. Employees are responsible for making arrangements to attend with their witnesses and will be required to notify the Hearing Manager 5 days prior to any hearing of any witnesses they intend to call on the day.

5.15 At the hearing, the process will be explained to the employee. The case against the employee will be stated including the 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 will also be allowed to ask questions, present evidence and/or information, call witnesses, and character witnesses where appropriate and be given an opportunity to raise points about any information provided by witnesses.

In addition:

- The allegations will be confirmed to the employee
- The range of potential sanctions will be confirmed to the employee
- There will be an adjournment prior to any decisions being made

The Hearing Manager has the discretion to alter the running order if agreed with the employee.

5.16 An employee and/or their representative or companion who cannot attend a hearing will inform the Hearing Manager in advance, as soon as possible. If the employee fails to attend through circumstances outside their control, and unforeseeable at the time the hearing was arranged (e.g. illness), the manager will arrange another hearing. A suitable alternative representative or companion can attend in these circumstances in order not to delay or frustrate the process.

5.17 An outcome 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 or companion may attend on their behalf if the employee is unable to attend and agrees. If an employee's representative or companion 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 seven days after the date originally proposed by the employer. This seven-day time limit may be extended by mutual agreement.

Outcomes of the Hearing

5.18 Following the hearing, the Hearing Manager must adjourn to decide whether action is justified or not and, where it is decided that action is justified, the manager will need to consider what form this will take. Before making any decision, the employer will take account of the employee's disciplinary and general record, length of service, actions taken in any previous similar case, the explanations given by the employee and other relevant factors. The intended action must be reasonable under the circumstances, and the Hearing Manager will also consider if there are any suitable alternatives to formal sanctions (e.g. management advice letters).

Dismissal

5.19 In cases of gross misconduct, the Hearing Manager may decide to dismiss even though the employee has not previously received a warning for misconduct.

Alternatives to Dismissal

5.20 The Hearing Manager may issue a sanction that is less than dismissal, as an alternative to dismissal. These sanctions include, but are not limited to:

- A Final Written Warning with additional elements (e.g. actions to be carried out within a certain timescale).
- Demotion (of no more than one role; a demotion of more than one role can only be done with the agreement of the employee. Should the employee refuse to accept the sanction and commence in the new role, then the outcome will revert to dismissal).
- Disciplinary transfer (which will involve no loss of remuneration and unless the employee agrees otherwise, should be within the same duty system).

Communicating the Outcome

5.21 Where practicably possible, the employee will be verbally informed of the outcome on the day of the hearing once the adjournment has concluded. Following the hearing, the decision will be confirmed in writing, within seven days. The decision will include a description of the nature of the issue, any required remedial action and the timescale for improvement. Except in cases of dismissal, where appropriate the decision shall include the following:

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

5.22 Employees will also be informed that if there is no improvement, what actions will be taken, including progression to further stages that could ultimately lead to dismissal. The letter will include the appeals process and where appropriate, confirm where there has been no case to answer.

Where A Grievance Is Raised During A Disciplinary Procedure

5.23 In the course of a disciplinary process, an employee might raise a grievance that is related to the case. If this happens, the Commissioning 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. Should this be the case, timescales will be agreed mutually. If the grievance does not affect the outcome of the disciplinary process, both processes can run concurrently if there is mutual consent.

7. REFERENCES

- ACAS Code of Practice on Disciplinary and Grievance Procedures
- Attendance Management Policy
- Code of Conduct
- Dignity at Work Policy
- Drug and Alcohol Policy
- Grey, Green and Gold Book
- Grievance Policy
- Organisational Change Policy
- Performance Management Policy
- Social Media Policy
- Whistleblowing Policy
- Working Time Regulations

8. MONITORING AND REVIEW

8.1 All Disciplinary cases will be monitored and recorded by Professional Standards and the HR Department and reports submitted to our Service annually, or as required by our Service Leadership Team.

8.2 The procedures will be formally reviewed at least every three years. The policy may be updated more regularly to maintain compliance with legislation and best practice.

9. REVISION HISTORY

Consultation Phase	Publication date	Owner (Dept)	Reason for consultation	Summary of Changes made to policy in consultation	Date of next Review*
	November 2020	HR	CONSULTATION March 2020 – October 2020		Nov 2023
	March 2022	HR	Levels of management reviewed		March 2025
Phase 26	January 2026	HR / Professional Standards	CONSULTATION Feb 2025 – March 2025	Introduction of professional standards, language and clarity	January 2029

**3 years if a new policy, 4 years if standard review, subject to change depending on policy / legislation etc*