

WM4x4R

Disciplinary Procedure

Rev 1.1

Change Control

Version	Date	Details
1	May 2020	First Issue
1.1	May 2020	Minor change to wording around suspension of members if investigation is required.

Disciplinary Procedure

We hope that problems will not arise, the group is committed to help and encourage that we work together as one team but it is important that we create an environment which is free from harassment and bullying. However, we know that problems may occur periodically and when they do we are committed to dealing with them transparently and fairly. Where possible, we will look to resolve any problems quickly and informally; prompt resolution can restore and maintain good working relationships. We are committed to deal with all cases fairly, reasonably and sympathetically.

Please remember our group is formed of volunteers. We are not an employer, but we do believe that everyone should be treated fairly. as would typically be expected whilst under employment.

What are your responsibilities?

1. be aware of the effect of your behaviour on others and make every effort to ensure that it does not cause offence to others
2. challenge and report unacceptable behaviour and harassment
3. raise concerns without undue delay and wherever possible seek informal resolution

Conduct

Before commencing any formal action under the Disciplinary Policy we will always consider whether or not the matter can be dealt with informally. Informal discussions can resolve problems at an early stage and may prevent the need to deal with matters under the formal disciplinary procedure.

If the management does decide to resolve issues informally a written record of the issues raised will be made, which will set out the concerns about your conduct, any explanation you have offered, and any actions either you or the management have agreed to address the concerns.

Where informal discussions fail to achieve or sustain the necessary improvement in conduct, or where the alleged misconduct is considered more serious, the formal Disciplinary Procedure, explained below, will be used, for example to deal with:

- i. Unacceptable or improper behaviour (misconduct or gross misconduct)
- ii. Performance (capability)

The member's membership may be suspended at the point where an investigation is considered necessary into a member's conduct.

Misconduct examples provided below are for guidance only and are not an exhaustive list.

- objectionable or insulting behaviour
- refusal to comply with a reasonable management instruction
- persistent, wilful or unacceptable behaviour which contradicts our Terms and Conditions
- failure to maintain expectations based on the deployment, either through a deliberate act or through negligence or carelessness
- failure to comply with the group's terms and conditions or operational policies
- failure to comply with a reasonable request from the management team or Trustees

Gross Misconduct - is a serious breach of contract and includes misconduct which is likely to have a significant impact on our reputation or irreparably damages to the working relationship and trust between you and us. If you commit an act of gross misconduct your membership may be withdrawn without notice even where there are no previous warnings on your record. Gross misconduct may include the following, although this list is not exhaustive:

- repeated misconduct

- misconduct relating to dishonesty, including deliberate falsification
- misconduct relating to financial crime such as theft, fraud, bribery and corruption,
- gross negligence in the conduct of your duties
- fighting, assault on another person, or other physical violence
- criminal offences, whether committed during the course of duties or otherwise, that directly affects your ability to support the group, which may affect our reputation or our relationships or your suitability to volunteer for us
- being under the influence alcohol or illegal or non-prescription drugs during a deployment
- causing loss, damage or injury through serious negligence
- seriously negligent or wilful gross breaches of requirements cascaded, including rules, health and safety regulations
- gross insubordination, insulting or indecent behaviour, or a persistent refusal to comply with a reasonable management instruction
- bullying, harassment, discrimination or victimisation including the display or distribution of any material which could amount to harassment or discrimination
- unauthorised use or disclosure of confidential information relating to the West Midlands 4x4 Response group or our clients
- serious breach of trust and confidence
- any conduct which is in direct opposition to, or is calculated to undermine, the interests of the group and its customers
- any act which is deemed to be seriously detrimental to the conduct of West Midlands 4x4 Response public image
- deliberately providing false/misleading information in a regulatory reference.

Investigation

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. No decision on disciplinary action will be taken during the investigation.

The amount of investigation required will depend on the nature of the allegations and will vary from case to case. An Investigating Officer will normally be appointed to carry out the investigation and this will be a different person to the chair of the disciplinary hearing if the matter proceeds to a hearing.

At the point that an investigation is initiated, we may write to you to confirm that your membership is suspended. Membership is suspended to:

- present a risk to you or others
- prevent hinderance to the investigation process
- prevent an unacceptable risk to our business

You must co-operate fully and promptly with any investigation.

What happens after an investigation?

The outcome of an investigation may be that the Investigating Officer decides that either:

- there is no case to answer, or any concerns can be addressed informally; or
- here are potential grounds for disciplinary action, in which case, you will be required to attend a disciplinary hearing

The decision to proceed to a disciplinary hearing will be made after consultation with the Management Team.

We will write to you to give you details of the allegations against you and the basis for those allegations. We will also advise you of the potential action that may be taken if the allegations are founded. You will be provided with copies of any evidence that is being considered as part of the disciplinary hearing.

At the disciplinary hearing you will have an opportunity to respond to the allegations and comment on the evidence that has been gathered, present any evidence of your own, and give your account of the allegations. You can also put forward any mitigating factors that you wish to have taken into consideration.

What are the arrangements for disciplinary hearings?

The hearing will be held as soon as we are able to. You will be provided with at least 48 hours notice, in writing, of a disciplinary hearing. The timing and location of the hearing will, as far as possible, take account of your personal circumstances. It may be undertaken online.

The hearing will be held by an appropriate member of the management team, the member hearing the case will be accompanied by a colleague who will take minutes. When undertaken online a recording may be taken.

You must make every effort to attend the hearing. If you fail to attend a scheduled or rescheduled hearing, the hearing may be held in your absence where it is reasonable to do so, with the decision based on the evidence available to the hearing manager at the time.

What happens following the disciplinary hearing? - The hearing will be adjourned to allow the manager to consider the evidence and any representations made by you, before deciding on the outcome.

Following the adjournment, the manager will give you their decision and set out their reasoning. The written notification of the outcome will detail:

- the decision, including if no action is to be taken or if the matter is to be resolved informally
- the reason for any decision
- any actions to be taken or recommended, including any sanction to be applied.

Next Steps

The outcome of the hearing may be that no action is taken against you or that the matter can be resolved informally. If the hearing finds no evidence of wrong-doing the case will be closed and no disciplinary sanction will be recorded against you.

Where a disciplinary allegation is upheld following a disciplinary hearing and a formal sanction is considered appropriate, the sanctions which can be issued are set out below.

Any disciplinary sanction imposed will be based on the judgement of the manager hearing the disciplinary, after considering all the available evidence and any representations made at the hearing. The severity of the incident, any mitigating circumstances and whether you have any other live disciplinary warnings on file will be taken into account. No disciplinary sanction will be imposed without a disciplinary hearing and consultation with the Trustees.

Stage 1 - Written warning

A written warning may be issued for repeated minor misconduct, or for the first instance of misconduct of a more serious nature, where there are no other live warnings on your disciplinary record.

Stage 2 - Final written warning

A final written warning may be issued for an act of misconduct where you are already in receipt of a live written warning, or for the first instance of misconduct if we consider it sufficiently serious even where there are no other live warnings on your disciplinary record.

Timescales

Written warnings and final written warnings will normally remain live for 12 months. In exceptional cases of very serious misconduct, or a persistent pattern of major misconduct, a final written warning may remain live for up to 24 months. At the end of the live period the warning will be disregarded in deciding the outcome of future disciplinary proceedings, unless there are exceptional circumstances where reference to your past conduct is considered relevant to the new disciplinary situation.

Whilst the above timescales will apply, we will keep any information on disciplinary sanctions permanently on file whilst you remain a member of the group.

Stage 3 - Dismissal

You may be dismissed for:

- misconduct where there is a live final written warning on your record
- any act of gross misconduct

We will deal with any action taken sensitively and with respect for the privacy of all individuals involved. You must therefore treat as confidential any information communicated to you in connection with any investigations or formal action.