

Table of Contents

<i>Purpose</i>	2
<i>Policy summary</i>	2
<i>Scope</i>	2
<i>Grievance procedure</i>	2
<i>Disciplinary procedure</i>	3
<i>Conduct</i>	3
<i>Misconduct or inadequate performance</i>	3
<i>Gross misconduct</i>	4
<i>Misconduct away from work</i>	5
<i>investigation</i>	5
<i>Next steps</i>	6
<i>sanctions</i>	6
<i>timescales</i>	7

Purpose

The purpose of the Grievance and Disciplinary Procedure (“the Procedure”) is to describe the mechanisms for dealing with grievance and disciplinary problems for Volunteers of WM4x4R, (Herein, the “organisation”).

We hope that problems will not arise, however, we know that problems may occur periodically and when they do, we are committed to dealing with them transparently and fairly. The organisation is committed to help and encourage that we work together as one team, but it is also important that we create an environment which is free from harassment and bullying.

Where possible, we will look to resolve any issues 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.

Policy Summary

The Organisation prides itself on maintaining a safe, orderly and efficient work environment. To accomplish this, our volunteers must maintain the highest standards regarding conduct, personal integrity, and professionalism. Our goal is to encourage volunteers to correct problems when issues occur.

Volunteers are responsible for complying with all organisation policies and procedures, being able to perform the required activities, and conducting themselves appropriately, as determined by the organisation.

The overall objective of this Procedure is to assist the volunteers in reaching a satisfactory standard of performance or conduct. This Procedure is designed to provide a consistent and fair procedure for dealing with grievances and disciplinary matters that arise.

No volunteer will be retaliated against for filing a grievance.

To the extent there is any conflict between this Procedure and UK Labour Laws or any other applicable regulation or law, the regulation or law supersedes these procedures.

Scope

This policy is provided for, and its contents apply to Organisation volunteers or any other individual working on behalf of the organisation. Its contents should be read in conjunction with the Volunteers agreement.

Grievance Procedure

A grievance is defined as a perceived wrong or a hardship suffered, which is grounds for complaint.

Informal Grievance Resolution. volunteers should use the chain of command first as the primary means of communication with management if they have a grievance. The volunteer should meet with the trustees to discuss the grievance and attempt to resolve the matter informally.

Formal Grievance Resolution. If the grievance cannot be resolved satisfactorily, or if the grievance is about the volunteers trustee, the volunteer must submit a written grievance to the compliance team.

The written grievance must contain the following:

- The nature of the grievance
- Where the incident(s) occurred
- Who was involved
- When the incident(s) happened or is happening; and
- What action has been taken so far

Once the compliance Team receives the written grievance it will review the matter and take the necessary steps to investigate the concerns raised and respond to the volunteer. The compliance team will complete this review as soon as reasonably possible.

A member of the compliance Team that investigated the grievance is responsible for communicating the final decision of the grievance to the volunteer and to the trustee's board.

No volunteer will be retaliated against for bringing forward a grievance made in good faith.

Disciplinary Procedure

What are your responsibilities?

- be aware of the effect of your behaviour on others and make every effort to ensure that it does not cause offence to others
- challenge and report unacceptable behaviour and harassment
- 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:

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

Misconduct or Inadequate Performance

In the event a volunteer violates an Organisation Policy or Procedure, is inadequately performing their duties, conducting themselves contrary to the Organisation's Code of Conduct or is otherwise engaging in any behaviour that subjects them to discipline ("Misconduct or Inadequate Performance"), the Organisation will notify the member within 15 days from the date the Organisation learns of the Misconduct or Inadequate Performance.

Examples of Inadequate Performance include but are not limited to.

- Unacceptable or improper behaviour (misconduct or gross misconduct)
- Performance (capability)
- objectionable or insulting behaviour

- refusal to comply with a reasonable 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

If the volunteer violates the Organisation's policies or procedures or breaches their obligations by virtue of the membership terms and conditions, they shall be subject to one of the following penalties:

- A warning, by virtue of a written notification sent to the member stating the violation committed by him and warning him not repeat the violations in the future.
- Immediate Dismissal.

The Organisation will impose the disciplinary penalty that corresponds to the gravity of the violation committed by the member.

Gross Misconduct

Is a serious breach of membership terms and conditions 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, you may be dismissed 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 of records
- misconduct relating to financial crime such as theft, fraud, bribery and corruption,
- gross negligence in the conduct of your duties.
- Malicious damage to Organisation or partner property.
- fighting, assault on another person, or other physical violence.
- criminal offences, whether committed during 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.
- Gross negligence in the management of Organisation funds or equipment.
- Downloading pornography or other offensive or unlawful material on Organisation equipment, or any attempt to interfere with the Organisation IT system or hacking into it or any other parties IT system.

- Misuse or unauthorized disclosure of Organisation, partner or sponsor information or data.

It must be emphasized that this is not a complete or exhaustive list and that instant dismissal will apply to any other misconduct of similar gravity. If a volunteer is accused of Gross Misconduct, they may see their membership suspended while the alleged offence is investigated.

Misconduct Away from Work

The off duty conduct of an volunteer will not normally be a matter of concern to the Organisation. However, in cases where such conduct can be shown to be relevant to a position of trust held by an volunteer or to affect the integrity of his/her relationship with fellow volunteers, partners or sponsors, or takes place at a function related to work though taking place when the volunteer is off duty, the Organisation may consider the possibility of disciplinary action, up to and including dismissal. Conviction for such a serious offence or crime, or imprisonment, may give cause for such a disciplinary measure.

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 will write to you to confirm that you are suspended. volunteers are suspended to:

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

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 volunteer 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 considered. No disciplinary sanction will be imposed without a disciplinary hearing and consultation with the Trustees.

Sanctions

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.

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.

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 volunteer of the group.

RELATED DOCUMENTS

- volunteers' agreement

DOCUMENT HISTORY

Version	Date	author	Description
1.0	01/05/2020		Document creation
1.1	15/05/2020	A Da Silva	Major changes
1.2	17/02/2022	M Tromans	Review, minor changes

