



NORFOLK LOWLAND SEARCH AND RESCUE

DISCIPLINARY AND GRIEVANCE PROCEDURE AND RULES

PURPOSE AND SCOPE OF THESE PROCEDURES

These procedures are designed to help and encourage all NORLSAR Members to achieve and maintain standards of conduct, attendance and performance in accordance with NORLSAR Code of Practice (COP) and the ALSAR Code of Practice (ACOP).

The aim is to ensure consistent and fair treatment for all Members. NORLSAR strives to ensure it provides for Equal Opportunities in all its policies and procedures.

These procedures are based on *Disciplinary and Grievance Procedures* published by ACAS (www.acas.org.uk).

DISCIPLINARY PROCEDURES AND RULES

1. DISCIPLINARY POLICY

1.1 It is appreciated that, in general, conduct and performance of Members is of a high and acceptable standard. However, in order to promote and maintain good working relationships, it is essential to have clear and simple rules laid down for dealing with those cases of misconduct, and unsatisfactory performance that may arise from time to time.

2. GENERAL CONDUCT

2.1 All Members are required to:

- Observe NORLSAR's policies and procedures and the ACOP
- Conduct themselves in a manner consistent with proper performance of their duties and the maintenance of good working relationships
- Treat all Members with respect
- Observe all Health and Safety Regulations

- 2.2 This list is not exhaustive but should be used as guidance on acceptable conduct. Failure to observe the above rules may represent misconduct and render the Member liable to disciplinary action.

3. PRINCIPLES

- a) No disciplinary action will be taken against a Member until the case has been fully investigated
- b) At every stage in the procedure, the Member will be advised of the nature of the complaint against them, and will be given the opportunity to state their case before any decision is made
- c) At all stages, the Member will have the right to be accompanied by one representative during the disciplinary interview
- d) No Member will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty may or would normally be dismissal without notice
- e) A Member will have the right to appeal against any disciplinary penalty imposed
- f) The procedure may be entered at any stage if the Members alleged misconduct warrants such action

4. GROSS MISCONDUCT

- 4.1 The following are examples of behaviour that are regarded by NORLSAR as Gross Misconduct and which may lead to summary dismissal – dismissal without notice

- Theft
- Dishonesty
- Possession of or use of illicit, non-prescribed drugs or alcohol whilst on duty
- Threats of or acts of physical violence against another Member
- Serious bullying or harassment
- Bringing NORLSAR into serious disrepute
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- Serious infringement of Health and Safety Rules

- 4.2 This list is not exhaustive and does not preclude NORLSAR taking action to dismiss or discipline a Member for other reasons of gross misconduct not stated here.

5. DISCIPLINARY PROCEDURE

- 5.1 Any shortcomings in the performance, conduct or attitude of a Member will be brought to their attention in informal discussions about the problem, between the Member and a member of NORLSAR's Management Committee. The objective will be to remedy the situation and resolve the problem within a specified time period. The Management Committee must make sure the Member is aware of the nature of the unsatisfactory performance, misconduct or inappropriate attitude and the action required to correct matters. The Management Committee will keep a brief note of the meeting for their records.
- 5.2 If there is no improvement in the situation following the informal meeting, or a case of more serious misconduct takes place the following formal disciplinary must be followed.

Disciplinary procedures for offences other than Gross Misconduct

Stage 1 – Oral Warning

- 5.3 If conduct or performance does not meet acceptable standards, the Member will be given a formal Oral Warning by NORLSAR's Management Committee. The Member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of their right of appeal. A brief note of the oral warning will be kept, but it will normally be "spent" after 6 months, subject to satisfactory conduct and performance.

Stage 2 – First Written Warning

- 5.4 If the offence is a serious one, or if a further offence occurs after a formal oral warning, a First Written Warning will be given to the Member by NORLSAR's Management Committee. This will give details of the complaint, the improvement required and the time scale. It will warn that any action under Stage 3 will be considered if there is no satisfactory improvement. It will also advise of the right of appeal. A copy of this written warning will be kept on the Members file, but it will normally be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct and performance.

Stage 3 – Final Written Warning

- 5.5 If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one final written warning but insufficiently serious to justify dismissal under the Gross Misconduct criteria, a Final Written Warning will normally be given to the Member by NORLSAR's Management Committee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this Final Written Warning will be kept on the Members file, but it will normally be disregarded after 18 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

Stage 4 – Dismissal

- 5.6 If conduct or performance is still unsatisfactory and the Member still fails to reach the prescribed standards, DISMISSAL will normally result. Only NORLSAR's Management Committee can take the decision to dismiss. The Member will be provided as soon as is reasonably practicable, with written reasons for the dismissal, and the right of appeal.

Prior to the Disciplinary Hearing

- 5.7 A full investigation of the facts must be carried out prior to the disciplinary hearing. This should be carried out as soon as possible by NORLSAR's Management Committee Vice Chairman plus 2 others. If NORLSAR's Management Committee Vice Chairman carries out the investigation they will not be able to chair the disciplinary hearing or form part of a disciplinary panel. NORLSAR's Management Committee Vice Chairman, as investigating officer, will attend the hearing in order to present the facts of the investigation and in no other capacity.
- 5.8 A Member may be suspended for a period, which will not normally exceed 14 days, to allow time for investigation as is necessary. There is provision for an extension in exceptional circumstances. Suspension does not imply guilt and should not be regarded as a punishment.
- 5.9 The Member will be informed in writing as to the nature of their misconduct and the date on which the disciplinary hearing will be held. They will be informed of their right to be accompanied by one representative and that they may call on relevant witnesses in their defence.

- 5.10 The Member must provide the names of any accompanying Members and/or witnesses at least one day before the hearing.
- 5.11 All relevant documents including witness statements should be made available to both the Member and the disciplinary panel prior to the hearing.

The Disciplinary Hearing.

- 5.12 The Disciplinary Hearing will be held by NORLSAR’s Management Committee Chairman plus 2 others.
- 5.13 Having heard all the facts of the case including any mitigating circumstances the disciplinary panel will decide to take the appropriate action as detailed below

- No action
- Formal verbal warning
- First written warning
- Final written warning
- Dismissal
- Summary dismissal

- 5.14 The Member will be informed in writing of the outcome of the hearing as soon as possible. They will also be informed of their right to appeal against any decision in accordance with the Appeals Procedure including to whom any appeal should be sent to

- 5.15 If a sanction is imposed, it will remain active for the following periods from the date of the hearing.

Formal verbal warning	6 months
First written warning	12 months
Final written warning	12 months

- 5.16 Records of warning will be held on the Members file. If no further concerns are identified during the relevant period, then the warning will be disregarded for any future disciplinary purposes and the Member informed to this effect.

- 5.17 If the issues raised are not addressed in the relevant timescales then the disciplinary procedure will progress. If the required improvement in performance or conduct is not reached in the specified time after the final written warning has been issued, the Member will be liable for dismissal.

6. SUSPENSION

- 6.1 You may be suspended at any stage in circumstances where:
- The action complained of requires immediate removal of the Member, pending a decision concerning any disciplinary action to be taken.
 - The action complained of/alleged requires investigation and it is considered undesirable for the Member to remain in their Unit.

7. APPEAL

- 7.1 A Member who wishes to appeal against a disciplinary decision should inform NORLSAR's Chairman within 5 days. He/she may elect to form a panel consisting of 2 or more "neutral" Members depending on the severity of the case.
- 7.2 The Member will be given the opportunity to state the grounds on which the appeal is made, the original hearing chairman should be available to explain the original decision if required. It should be noted that an appeal hearing is not intended to repeat the detailed investigation of the disciplinary hearing, but to focus on specific factors which the Member feels have received insufficient consideration.

8. RECORDS

- 8.1 Once the Disciplinary hearing has been held, the result confirmed and any Appeal procedure concluded copies of all documentation must be sent to NORLSAR's Secretary to be placed on file.
- 8.2 A record must be kept of all disciplinary proceedings. However, once any specified time periods have elapsed any disciplinary sanctions will be disregarded.

GRIEVANCE PROCEDURES AND RULES

9. GRIEVANCE PROCEDURES AND RULES

NORLSAR strive to ensure it provides for Equal Opportunities and Diversity in all its policies and procedures and areas of work.

The term “Grievance” is used to cover those areas in Member relations where the matter for discussion is initiated at the Member level.

If you have a grievance you have the right to express it, and the following steps have been agreed as the most effective way for you to do so.

It is the spirit and intention of the grievance procedure that every effort will be made to resolve the grievance as quickly as possible, and the time limits below are intended to ensure this. However, if for any reason extra time is required, this should be agreed where possible between the parties.

The grievance procedure should not inhibit those who wish to raise informally any matter in which they are directly concerned, and which they are worried or have a query. Such approaches can be dealt with outside the formal grievance procedure, and should be used wherever possible to resolve problems or difficulties before resorting to the formal procedure.

STAGE PROCESS

- 9.6 It is intended that a grievance should be resolved wherever possible at the earliest of the following stages:

STAGE 1

- 9.7 The Member should raise the grievance as soon as possible, but not later than 14 days after the event, they may do this verbally, but may be requested to put it in writing. NORLSAR’s Management Committee should endeavour to solve it within 14 days. If the grievance is not resolved within 28 days, they have the right to move to Stage 2.

STAGE 2

- 9.8 If NORLSAR’s Management Committee has not responded or the grievance has not been resolved, the Member should write to NORLSAR’s Vice Chairman. The Vice Chairman should endeavour to resolve it within 14 days and give a written reply to the Member. If they feel that the

grievance has not been resolved satisfactorily, they have the right to move to stage 3.

STAGE 3

10. **APPEAL**

A Member who wishes to appeal against a grievance decision should inform the NORLSAR Chairman within 5 days. He/she may elect to form a panel consisting of 2 or more “neutral” Members (Chairman) depending on the severity of the case.

- 10.2 The Member will be given the opportunity to state the grounds on which the appeal is made, the original hearing chairman should be available to explain the original decision if required. It should be noted that an appeal hearing is not intended to repeat the detailed investigation of the grievance hearing, but to focus on specific factors which the Member feels have received insufficient consideration.