

Review of Discipline and Grievance Policies

Commissioner's Board
Deputy Mayor's Fire and Resilience Board
London Fire Commissioner

8 February 2024
28 February 2024

Report by:
Gareth Liptrot, Head of the Professional Standards Unit

Report classification:
For decision

For publication

I agree the recommended decision below.



Andy Roe

London Fire Commissioner

This decision was remotely
Date signed on 05 March 2024

PART ONE

Non-confidential facts and advice to the decision-maker

Executive Summary

This report recommends the approval of the revised policies and procedures relating to discipline and grievance for all staff of the London Fire Commissioner (LFC). These documents will replace existing policies with an aim to improve process and consistency across all complaints procedures in line with the formation of the Professional Standards Unit (PSU).

Recommended decisions

For the London Fire Commissioner

That the London Fire Commissioner approves the policies PN 392a (Disciplinary Procedure for all Staff) and 394 (Grievance Procedure for all Staff) attached as appendix 1.

1 Introduction and background

- 1.1 The current Discipline, Grievance and Harassment policies (PN 392, PN 394 and PN 529 respectively), attached as appendix 2, were issued in 2005 and reviewed as current in 2023. These policies are onerous and outdated with regards to the current handling of disciplinaries and grievances across the HR sector.
- 1.2 The new policies at Appendix 1 propose a revised approach to discipline and grievance cases, placing more emphasis on providing clarity and support to managers, hearing manager decisions and moving away from a judicial approach to hearings.
- 1.3 The revised policies provide a transparent, clear and timely set of procedures for issues to be addressed.
- 1.4 This is anticipated to shorten the average time between a complaint being raised, being investigated and then a formal decision.
- 1.5 All complaints will, at the start of the complaint, be triaged by the newly formed Professional Standards Unit.
- 1.6 The drivers for implementing the revised procedures are:
 - LFC's strategic aims set out in the CRMP "Our plan to keep London safe"
 - Your Plan 2024
 - Staff survey results show that 39 per cent of staff within the organisation have confidence in the LFC to handle complaints.
 - Independent Culture Review of London Fire Brigade
 - An Independent Review of People Services at The London Fire Brigade
 - Actions from His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMI33, HMI39, HMI42)

Current Position

- 1.7 The policies and procedures were reviewed in November 2023 in line with the transformation of people services project and as a result of actions from the HMICFRS inspection.
- 1.8 Representative Body (RB) consultation began on 27 November 2023 with an initial 21-day deadline. A meeting was held with RBs on 10 January, with a further discussion held with the FBU on 18 January as the only union to respond to consultation in writing.
- 1.9 Final comments were received back from the FBU on 7 February 2024 at a meeting with LFC. The primary concerns related to the potential for a panel approach, the management of operational hearings by non-operational staff, and the mirroring of Grey Book content.

Key Changes

- 1.10 A series of changes have been proposed relating to discipline and grievance.

Discipline

Proposed Change	Rationale
Introduce a defined discipline policy for the LFB	This document clarifies the principles under which discipline will operate in the LFB, focussing on transparency, fairness, promptness, consistency and inclusion.
Reinforce the level of sanction expected for each stage of discipline, along with examples for each	Provides a reminder that gross misconduct will usually result in dismissal as it covers the most serious offences within the LFB, and mitigation should be exceptional. Specific examples of each stage help inform the initial assessment and ensure action is proportionate and handled by the right level of management.
Introduce a stronger focus on pastoral case, including on bullying, harassment and discrimination, and suspension	Clarifying that upheld complaints of BHD will be considered gross misconduct, and reminding all staff of the specific protected characteristics within the Equality Act 2010. The impact of suspension is reinforced, and staff are reminded of the pastoral concerns and requirements of suspension to mitigate and minimise the impact on suspended staff.
Combine material from existing sources into one procedural document	Drawing more information together into a single document provides an easier reference for all managers and staff in the process, which reassures staff on transparency and fairness. Additional sections giving more information on hearings and investigations help introduce consistency into the approach to be taken.
Amend the approach to hearings for witnesses and Stage Three	Introducing a specific requirement for protection of and pastoral care for witnesses and complainants will provide more reassurance for staff in a difficult process without compromising the evidence provided.
Introduce the PSU	Introducing the PSU into the formal process and as a centre of expertise will help provide consistency, manage the most serious complaints, and give reassurance relating to independence for staff raising concerns. All outcomes of discipline must be shared with the PSU, regardless of stage, to ensure a brigade-wide picture of discipline and to allow for patterns to be identified and addressed earlier.
Amend the approach for clarity and consistency	Requiring non-operational staff to notify the Brigade when arrested and other amendments will ensure a more consistent approach that is easier for all staff to follow.

Grievance

Proposed Change	Rationale
Introduce a defined grievance policy for the LFB	This document clarifies the principles under which grievance will operate in the LFB, with a stronger focus on our zero-tolerance for bullying, harassment and discrimination.
Combine material from existing sources into one procedural document	Drawing two separate procedures (harassment and grievance) into a single procedure with a single document provides an easier reference for all managers and staff in the process, which reassures staff on transparency and fairness. Further, it removes potential challenges and obstacles to staff raising their concerns.
Introduce the PSU	Introducing the PSU into the formal process and as a centre of expertise will help provide consistency, support the most serious complaints, and give reassurance relating to independence for staff raising concerns. All grievance outcomes must be shared with the PSU to ensure a brigade-wide picture of complaints and concerns, allowing for patterns to be identified and addressed earlier.
Clearer information relating to investigations	Providing a clearer set of guidance for investigations which aligns with the proposed approach to discipline will provide more rigour for any necessary grievance investigations. This will support more prompt investigations and reduce the amount of 'back and forth' needed between Complaints Chair and Investigation Manager.
Providing specific examples of BHD	While difficult to read for staff raising a complaint, providing clear examples of what may constitute BHD will help enable the organisation to have a clearer view of the standards expected of staff, with no excuse for BHD.

1.11 Policies now refer to and are consistent with obligations set out in the Equality Act 2010, and are consistent with the guidance by Advisory, Conciliation and Arbitration Service (ACAS)

2 Objectives and expected outcomes

- 2.1 The intention of the revised procedures is to enable a more consistent outcome across all cases relating to grievances and disciplines, and enable staff to raise their concerns through the route of their choosing. Conduct as a concept may feel particularly challenging for an individual to raise their concerns relating to their own treatment, and a clear, defined grievance process will remove these barriers.
- 2.2 Clearer expectations relating to investigation timeframes will lead to more efficient investigations and result in quicker outcomes to hearings. Further, this will lead to shorter suspension times and, therefore, fewer staff on suspension at any one time.
- 2.3 Most importantly, transparent and accessible guidance that remains consistent with the Grey Book will lead to an increase in trust amongst staff relating to matters of discipline and grievances. This will be further supported by the PSU in regular data sharing.

3. Equality comments

3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the

Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.

- 3.2** It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 3.3** The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.4** The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
- eliminate discrimination, harassment and victimisation and other prohibited conduct.
 - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between people who share a relevant protected characteristic and persons who do not share it.
- 3.5** Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6** The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 3.7** Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- tackle prejudice
 - promote understanding.
- 3.8** An equality impact assessment has been completed for each procedure and attached as Appendix 3. Data from the Culture Review and analysis of conduct cases undertaken in October and November 2023 drew out that the Brigade continues to see a higher representation of ethnic minority staff as respondents to disciplinary matters than white staff. In addition, one of the most common reasons for harassment cases is sexual harassment within the LFB. Revised procedures providing for greater transparency, the publication of the LFB Values and Behaviours, and the PSU owning the disciplinary procedure as a centre of expertise will reduce these imbalances.
- 3.9** The revised procedures and the introduction of an oversight panel to monitor progress will bring greater transparency and allow for earlier identification of potential trends and issues relating to diversity.
- 3.10** The training package provided for all managers focuses specifically on bullying, harassment, discrimination, and the LFB's zero-tolerance approach, with specific examples provided of

previous cases and unacceptable behaviour.

- 3.11 Continued engagement with ESGs and RBs will be vital to identify potential issues, and to ensure that feedback will be provided to the PSU as ESGs will often be a more trusted recipient of concerns relating to harassment or discrimination. A strong working relationship that challenges the PSU to improve and progress within this space will continue to minimise and mitigate any adverse impacts.

4 Other considerations

Workforce comments

- 4.1 As per the above section, consultation took place with RBs through December and January, with amendments made to the procedures to reflect their concerns. The principle concern was the use of FRS managers to conduct hearings for Operational staff – a well-established practice to increase the diversity of hearing managers and provide the widest pool of decision makers possible to ensure the prompt organisation of hearings. LFB have stated that, where individually justified, we will look to continue using non-uniformed presiding managers as this will benefit staff, but it will not be a blanket position.

Sustainability comments

- 4.2 A sustainability assessment is underway within HR currently – this is anticipated to show no impact.

Procurement comments

- 4.3 There are no procurement related issues.

Communications comments

- 4.4 A training package for all managers has been produced with Comms colleagues and will be issued imminently. This outlines the changes to the procedures and informs staff where to seek advice and support.
- 4.5 Members of the PSU are running engagement sessions across the organisation, which will draw out the key points and changes relating to these procedures. Further, PSU clinics are in development to deal with issues as a Centre of Expertise.

5. Financial comments

- 5.1 There are no anticipated financial impacts as these procedures relate to the changing of internal mechanisms only, with no incurred cost.

6. Legal comments

- 6.1 This report seeks approval to amendments to the Discipline and Grievance policies, attached at Appendix 1.
- 6.2 A Fire and Rescue Service may appoint staff for the discharge of its functions under s112 of the Local Government Act 1972. The core duties being set out in sections 6-9 of the Fire and Rescue Services Act 2004 ('the Act'). In that Act, s5A of the enables the London Fire Commissioner to do anything he considers appropriate for the purpose's incidental or indirectly incidental for the purposes of carrying out any of the fire and rescue services functions.

- 6.3 Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor of London ("Mayor") may issue to the LFC specific or general directions as to the manner in which the holder of that office is to exercise their functions.
- 6.4 By direction dated 1 April 2018 ("Direction"), the Mayor set out those matters for which the LFC would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience ("Deputy Mayor"), specifically Paragraph 3.1 of Part 3 of the direction requires the LFC to consult with the Deputy Mayor *as far as practicable in the circumstances* before a decision is taken on (inter alia) any "[c] decision that can be reasonably considered to be novel, contentious or repercussive in nature, irrespective of the monetary value of the decision involved (which may be nil)".
- 6.5 The proposals in this report are considered to be 'novel, contentious or repercussive in nature' and therefore the Deputy Mayor has been consulted.

List of appendices

Appendix	Title	Open or confidential*
1	Revised Discipline and Grievance Procedures	Open
2	Current Discipline and Grievance Procedures	Open
3	EIAs relating to Discipline and Grievance Procedures	Open

Part two confidentiality

Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part Two form, together with the legal rationale for non-publication.

Is there a Part Two form: NO

Discipline (Conduct) Procedure

New policy number: **392a**
 Old instruction number: **392a, 481**
 Issue date: **8/2/2024**
 Reviewed as current: **8/2/2024**
 Owner: **Head of the Professional Standards Unit**
 Responsible work team: **Professional Standards Unit**

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Introduction

- 1.1 To provide an exceptional service to London and continue to earn the trust of our communities, we must demonstrate that we are reaching the high standards of behaviour expected of all LFB staff continuously, and taking urgent action wherever we may have fallen short. A transparent, consistent, fair, inclusive and timely discipline process is essential when considering potential instances of misconduct.
- 1.2 All members of staff are responsible for ensuring that their behaviour meets the required standards, which are outlined on Hotwire. Any conduct or discipline concerns will be dealt with fairly, transparently, and inclusively, and all parties involved must show respect and demonstrate confidentiality throughout.
- 1.3 The Professional Standards Unit and its functions will be responsible for the operation of the discipline procedures within the LFB, and sanctions may range up to dismissal for the most serious instances of misconduct.
- 1.4 This document outlines the procedures and processes to use when it is alleged or suspected that a member of London Fire Brigade staff has failed to meet the required standards of behaviour or conduct. The procedure is intended to address concerns at the earliest possible stage and applies to all staff.
- 1.5 The purpose of the discipline policy and procedure is to address and resolve any potential misconduct in an unbiased way. The basis of this procedure is that the discipline process and framework is fair for both staff and managers, ensures promptness and consistency, decisions are made inclusively and with due regard to diversity, that decision making is transparent and objective, and that the integrity of the London Fire Brigade is upheld. These are crucial elements to ensuring the trust and confidence of the community in London, without which we could not deliver our requirements as an organisation.
- 1.6 All involved parties must follow this procedure in full. Any queries should be directed first to this procedure and the supplementary documents, before being escalated to line managers and to HR for advice. HR advice must be sought on any complex matters or where directed. All managers, at every level, who may be involved in disciplinary action shall be fully supported in relation to this discipline policy and procedure.
- 1.7 At all times, all parties must show respect and confidentiality. Where required, adjustments should be made to support involved staff, and there should be no unnecessary delays. It is recognised that a protracted process (including any suspension) will negatively impact both the LFB and staff.
- 1.8 The LFB operates a zero-tolerance approach to any allegation of bullying, harassment and discrimination. The Brigade will not tolerate or permit such behaviour, and all parties have a responsibility to address, challenge and report bullying, harassment and discrimination in all its forms. In all instances, bullying, harassment and discrimination will be gross misconduct. This includes (but not exclusively) any discrimination on the characteristics within the Equality Act 2010:
 - Age;
 - Gender reassignment;
 - Marital status;
 - Pregnancy or maternity;

- Disability;
- Race;
- Religion or belief;
- Sex; and
- Sexual orientation.

2 Process Outline

2.1 The discipline process to be followed once a complaint is received is outlined below:

- Raising an allegation or complaint
 - Members of staff can raise allegations through a range of routes, including their line manager, the Professional Standards Unit, or through the external investigations line.
- Assessing the level of misconduct:
 - When an allegation is received or misconduct is suspected, the first step is to consider the likely level of misconduct based on the initial details of the alleged/suspected misconduct. This will inform how the allegations will be investigated and resolved.
- Considering suspension:
 - In exceptional circumstances, suspension is the appropriate course of action – this must never be used as a sanction, and a full Suspension Risk Assessment must be completed. The PSU must always be consulted where suspension is considered.
- Allocating informal and first formal stage allegations:
 - For misconduct that is considered by the receiving manager to be appropriate for the informal stage or the first formal stage, this will be handled by local management, with support from the Professional Standards Unit. The outcome must be shared with the PSU.
- Investigating formal misconduct:
 - For misconduct that is considered by the receiving manager to be appropriate for the second formal stage or third formal stage, the process will be managed by the Professional Standards Unit. All upheld grievances and misconduct allegations relating to bullying, harassment and discrimination must be dealt with at the third formal stage.
- Considering whether there is a case to answer:
 - At the conclusion of the investigation, the investigating manager will make an initial determination as to whether there is a case to answer relating to the allegations of misconduct.
- Considering whether the case is proven and any sanction:
 - If a recommendation is made by the investigating manager that there is a case to answer relating to the allegations of misconduct, the decision manager will hear the case, decide the outcome and, if appropriate, issue the sanction.

- Considering any appeal:
 - In the case of an upheld allegation, the individual can appeal the outcome and decision based on new evidence, procedural unfairness, significant defect in procedure or severity of sanction.

3 Raising an Allegation or Complaint

- 3.1 Unaddressed misconduct can result in significant issues between staff, or a loss of confidence from the community we serve. Members of staff can raise an allegation or complaint through their line manager, another senior manager in the LFB, or through the Professional Standards Unit. Speaking up and sharing concerns is an important responsibility of all staff in the LFB, and staff are encouraged and expected to ensure concerns and complaints are raised promptly.
- 3.2 Staff who are concerned about raising a concern internally can contact the external independent investigation service. The external service will explore the concern and explain the options to the member of staff. With their permission, they will share the key information with the PSU to establish how to proceed. The PSU will make the final decision on how an allegation proceeds or where it will be investigated.
- 3.3 Complaints made by members of the public will come through the Brigade's compliments and complaints contact route. Any allegations of misconduct received will be provided to the PSU, who will consider the allegation and contact the individual's line management chain.
- 3.4 For apparent cases of misconduct, where, in the judgement of the receiving manager the issue is likely at the Informal or First Formal Stage (which would not result in a formal sanction greater than a written warning), the disciplinary procedure may be initiated by the receiving manager. The line manager will ensure that an investigation will be conducted by themselves or another appropriate manager. Advice can be sought from the PSU.
- 3.5 Where, in the line manager's judgement, the sanction could be greater than a first written warning and the level of misconduct may align with the Second or Third Formal Stage, the matter must be directed to the Professional Standards Unit, who will manage the process.
- 3.6 To ensure that there is a clear view of conduct activity and trends across the Brigade, whenever misconduct is suspected or alleged it must be sent to the Professional Standards Unit using the Conduct Reporting Form. This applies even to the informal and first formal stages of discipline.
- 3.7 Where a grievance has been fully investigated and the grievance decision manager believes that there may be a case to answer for misconduct, this can proceed directly a discipline hearing without a further investigation. The PSU will confirm the appropriate route. This only applies where a grievance is resolved and moves directly to the discipline procedure – previously upheld grievances will not be considered for this procedure.
- 3.8 The discipline and grievance oversight panel will review all instances of misconduct to ensure the consistent and transparent application of these procedures. For advice, managers and staff can contact the PSU, their Employee Insight Advisor, or the HR Helpdesk.

4 Suspension

- 4.1 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. It is important to remember that suspension is a neutral act – it is not a punishment.
- 4.2 If an employee is to be suspended they should be informed of the reasons for the suspension, that suspension is not disciplinary action, and that they will be asked to return to work for an investigative meeting or disciplinary hearing as soon as possible. It is also appropriate at this stage to decide 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.
- 4.3 If suspended, the member of staff should inform any other associated organisation with whom they have secondary employment, including other Fire and Rescue Services.
- 4.4 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. The member of staff must remain available for duty and co-operate with the investigation. They must receive written confirmation of their suspension on the day it takes effect.
- 4.5 Suspension can have a significant impact on the health and wellbeing of a member of staff, and therefore suspension should only be imposed after careful consideration, should be regularly reviewed, and should be kept as brief as possible. Moving the member of staff to other duties should be considered as an alternative if appropriate.
- 4.6 Before any suspension, the PSU must be consulted and a Suspension Risk Assessment (SRA) must be completed and authorised. The SRA must be regularly reviewed through the period of suspension and the member of staff should return to work at the earliest opportunity.
- 4.7 Suspension must be considered on its own merits – some potential circumstances for suspension would be a risk to other staff, property or the public, or there is a risk the member of staff may interfere or influence the investigation.

5 Assessing the Level of Misconduct

- 5.1 When misconduct is suspected or an allegation is received, it is important to establish the likely level of misconduct promptly and transparently as this will inform how the matter is handled. This action will normally be considered by the line manager in the first instance, before being confirmed by the PSU. Some initial enquiries may need to take place to understand the nature of the allegation or suspected misconduct before it can be properly assessed – see the guidance on local management investigations for more information. The outcome of all local management investigations must be shared with the PSU.
- 5.2 The likely level of action in cases of alleged/suspected misconduct is situational and will depend on a range of factors. The level of alleged/suspected misconduct may change throughout the process if new information comes to light. If the level of misconduct changes, then this should be shared with the PSU.
- 5.3 For cases deemed to be at the Informal and First Formal Stage, these will normally be handled by the line management chain, and cases at the Second and Third Formal Stages will be handled by the Professional Standards Unit. The PSU will have final determination over which stage an allegation should be managed through and may refer allegations back to the line management chain.

5.4 The manager should consider the facts of the matter as presented taking account that on occasion facts may be disputed, and should do so without bias or presumption of an outcome. The below tables provide some examples of each level of misconduct, which is not exhaustive:

6 Informal Stage

- 6.1 Cases involving minor misconduct are usually best dealt with informally by the line manager, and a private conversation conducted in an appropriate manner and environment is often all that is required. The informal approach means that minor problems can be dealt with quickly and confidentially. Where issues involve performance, supportive action and specialist advice may be more appropriate. Instances of bullying, harassment and discrimination cannot be considered at the informal stage.
- 6.2 Whatever informal process is used, the line manager needs to make clear to the employee the nature of the minor misconduct, why it is unacceptable and the action to be taken. The line manager needs to ensure that the employee understands the message delivered, if necessary by giving them a written note. This note is held on the Personal Record File, but will not form part of the disciplinary record for the individual.
- 6.3 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.

7 First Formal Stage

- 7.1 The First Formal Stage is for an isolated example of misconduct which falls short of the standards expected. This is for first offences that are minor in nature. If a member of staff is found to have committed misconduct at this stage, the usual sanction would be a formal written warning as part of the disciplinary process and their disciplinary record, which will remain live for six months. A written warning can only be issued following an investigation.
- 7.2 Some examples of misconduct at this level include:
- Poor timekeeping with minor consequences;
 - Failure to follow instructions with minor consequences;
 - Minor misuse of Brigade assets such as stationery; or
 - Failure to notify sick absence promptly and through the proper channels.

8 Second Formal Stage

- 8.1 Where there is a failure to improve or change behaviour in the timescale at the First Formal Stage, or where an offence is sufficiently serious, action may be initiated at this stage. If a member of staff is found to have committed misconduct at this stage, a formal written warning or final written warning can be issued – a written warning can only be issued if a full investigation and hearing has taken place. The final written warning will be live for eighteen months.
- 8.2 Some examples of misconduct at this level include:
- Unauthorised absence of a short duration with minor consequences;
 - Failure to declare a security incident (e.g. unauthorised disclosure of sensitive information);

- Poor behaviour, swearing or rudeness to colleagues, members of the LFB or the public;
- Minor breach of LFB policy, Staff Code, Regulations, policies/procedures and rules of the LFB in force at the time; and
- Repeated instances of the examples provided under the First Formal Stage, or any instance of the examples provided under the First Formal Stage that has a more significant impact than minor consequences.

9 Third Formal Stage

9.1 Where staff continually fail to improve, or where the offence constitutes gross misconduct or is otherwise sufficiently serious, action may be initiated at this stage. If a member of staff has committed misconduct at this level, the usual sanction is dismissal.

9.2 If there is sufficient mitigation, the following sanctions can be issued in exceptional circumstances:

- A final written warning of less than eighteen months;
- A first written warning;
- Demotion (no more than one grade; a demotion of more than one grade can only be done with the agreement of the member of staff);
- Disciplinary transfer (which should involve no loss of remuneration and unless the employee agrees otherwise should be within the same working pattern); or
- Loss of pay up to a maximum of thirteen days.

9.3 Some examples of gross misconduct at this level include:

- Any form of harassment, victimisation, bullying, or discrimination, or any breaches of the Equality Act in how staff or members of the public are treated;
- Theft, fraud, other offences of dishonesty, and/or corrupt practices such as bribery or accepting a bribe;
- Assault, physical violence and/or threatening behaviour;
- Serious acts of failure/refusal to carry out legitimate management instructions;
- Serious breaches of health and safety regulations and/or endangering others;
- Unfit for work through the influence of alcohol or illegal drugs;
- Serious damage to, or unauthorised/improper use of, Brigade equipment, name, badge, logo, information, vehicles, property, premises or funds;
- Conduct inside or outside work which would bring the Brigade into serious disrepute;
- Deliberately accessing and/or displaying, and/or distributing, and/or otherwise being in possession of, pornographic, offensive or obscene material;
- Breaches of confidentiality (subject to the Public Interest Disclosure Act 1998 and Policy number 569 - Confidential reporting ("whistleblowing") policy);
- Criminal charges or convictions which, in the LFC's view, makes the employee unsuitable for his/her type of work or unacceptable to other employees or the public;

- Engaging in private or unpaid work on LFB premises or during hours when contracted to work for the LFB or during periods of sick leave without express LFB permission;
- Engaging in outside employment (paid or unpaid) without permission, including holding office or being a major shareholder in a company, where this is in breach of the conditions applicable to the employee's staff group;
- Utilising for private advantage (which includes in the course of outside employment) contacts, equipment, or any information not available generally to the public, acquired in the course of LFC employment;
- Causing loss, damage or injury through serious negligence;
- Failing to notify the Brigade if you are arrested, charged or convicted in connection with any criminal offence (including driving offences) whilst in the LFC's employ; and
- Serious breach of LFB policy, Staff Code, Regulations, policies/procedures and rules of the LFB in force from time to time.

9.4 In each instance, the level of misconduct will be influenced by the impact and consequences of the misconduct, and the intention behind any action. Managers must be able to explain and justify the proposed level of misconduct – advice can be sought from the PSU.

9.5 Bullying, harassment and discrimination must always be considered as gross misconduct and managed under the Third Formal Stage.

10 Levels of Management

10.1 The investigation and decision managers must be at least one rank or grade higher than the subject of the allegation. The lowest levels of line management who can take action within the procedure is set out below. The lowest level at the informal stage would be leading firefighter/FRS C/assistant operations manager. Subject to training, competence, and levels of delegated authority, the formal stages are as follows:

	Investigation	Conduct hearing/take action
Informal/Formal Stage One	Sub/Station Officer FRS C Operations Manager	Station Commander FRS D Operations Manager
Second Formal Stage	Station Commander FRS D Operations Manager	Group Commander FRS E Senior Operations Manager
Third Formal Stage	Group Commander FRS E Senior Operations Manager	Deputy Assistant Commissioner FRS G

		Principal Operations Manager
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- 10.2 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 higher level, should be appointed to deal with the case. Where the procedure has reached the second formal stage or higher, the hearing should be conducted by a manager who is not the investigating manager but is at the same or higher level.

11 Investigating

- 11.1 Once the level of alleged/suspected misconduct has been assessed and suspension considered, an investigation must be carried out. An investigation is to establish the necessary facts promptly to inform the right outcome.
- 11.2 Where the level of misconduct is deemed to be at either the Informal or First Formal Stage, the line or receiving manager is expected to conduct the investigation. If the misconduct involves the line manager or the involvement of the line manager may compromise the integrity of the investigation, an independent investigating manager can be appointed by the receiving manager or the PSU. This independent manager must be fully briefed. At the Second and Third Formal Stages, the PSU will normally manage the investigation. Sensitive and particularly contentious investigations may be conducted by the independent external service commissioned by the Brigade.
- 11.3 The investigating manager will consider the nature of the allegations. At this stage, the subject of the allegations should be notified of the allegations and impending investigation – this can be delayed on an exceptional basis where sensitivity is a significant concern.
- 11.4 The investigation may cover interviews with the complainant, respondent or witnesses, written submissions, documents, CCTV recordings and a range of other information. The investigation must be proportionate and appropriate, focussing solely on the matters raised in the complaint or allegation.
- 11.5 The investigating manager will decide whether they need to meet with the complainant to clarify their concerns. The investigating manager may need to interview the subject(s) of the allegations as part of the investigation. Both the complainant and respondent have the right to be accompanied by a fellow employee (who is not otherwise a witness or potential witness) or trade union official of their choice – see the 'Representation' section for more information. Witnesses may also be accompanied, at the discretion of the investigating manager. The individual accompanying the witness is not a representative, but a companion to provide wellbeing and pastoral support – this is most appropriate in instances of bullying, harassment and discrimination. Those being interviewed should be advised of the purpose of the interview and that they may be accompanied.
- 11.6 The investigating manager will have discretion as to what interviews are required, but must keep a record of why an interview was held (or, where appropriate, not held).
- 11.7 If an interview is to be held, any location must provide privacy and be fully accessible and supportive for the individuals interviewed. It may be appropriate to conduct the interview at another location, and a notetaker should be considered – a notetaker is required for all Second and Third Formal Stage interviews with the complainant and respondent.

- 11.8 The member of staff interviewed must be reminded that their statements will be taken in writing and may inform the outcome of the disciplinary process so complete honesty is required, including in any initial fact finding. The note from the interview should be produced and circulated after the meeting. It should be signed by the interviewing manager and the interviewee and will form part of the final investigation report for any hearing.
- 11.9 It is also important to clarify that an investigation meeting is to clarify the facts of the allegation, and that the interview is confidential – no information relating to the misconduct can be shared with anyone outside of the process. Unauthorised sharing of any information relating to a discipline investigation will be considered misconduct.
- 11.10 The interview must be fact-based, avoiding speculation or guessing. The interviewer cannot direct or lead the subject of the interview, they must keep questions relevant to the matter at hand. The interviewer must not partake in any activity that is harassing or threatening and must ensure they are not biased or discriminatory in their approach.

12 Representation

- 12.1 Employees have a statutory right to be accompanied by a fellow employee or trade union official of their choice at all formal stages of the procedure. 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.
- 12.2 Fellow 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.
- 12.3 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 investigation interview and hearing and allow time for the representative to familiarise themselves with the case and confer with the employee before and after the investigation interview and 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.
- 12.4 Employers and managers should cater for an employee's disability at a meeting/hearing; they should also cater for a representative's disability, for example providing for wheelchair access if necessary. Managers should also enquire as to any special needs relating to disability and ensure suitable arrangements are put in place in advance of the interview meeting or hearing.
- 12.5 Before the meeting/hearing takes place, the employee shall be asked to confirm if they will be represented and tell the manager who they have chosen as a representative.
- 12.6 The representative can confer with the employee during the interview meeting or hearing and participate fully in the meeting/hearing, including asking witness questions. The representative should also be allowed to address the meeting/hearing 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 hearing.

- 12.7 The representative has no right to answer questions on the employee's behalf, or to address the hearing if the employee does not wish it, or to prevent the employer from explaining their case.
- 12.8 A meeting may be rescheduled once to meet the availability of the member of staff or their representative – if the representative of choice is not available for an individual, then an alternative should be sought to avoid delaying the process. The reschedule should not normally be longer than seven days after the originally proposed date, unless by mutual agreement.

13 Investigation Outcome

- 13.1 Once the investigating manager feels they have gathered all relevant, reasonable and proportionate information, an investigation report should be produced. This report must cover the nature of the allegations, the notes from all interviews, and a recommendation as to whether the allegations should proceed to a hearing or if there is no case to answer. Where necessary technical evidence relevant to the case should also be made available. The report and its outcomes must be shared with the PSU, but must not be discussed with any other individual.
- 13.2 The investigation report will form the basis for the evidence provided to any hearing.
- 13.3 At the conclusion of the investigation, the investigation manager will decide:
- whether the allegation is upheld and should proceed to a hearing;
 - whether the allegation is upheld but should be considered at a lower level at a hearing; or
 - whether the allegation is not upheld and no further action should be taken.
- 13.4 The PSU must be consulted before an outcome is issued from an investigation to ensure the investigation report covers the required information to proceed to a hearing.
- 13.5 If the allegation is not upheld, after consulting with the PSU, the investigating manager should write to the respondent and confirm the outcome, including the investigation report. The complainant is not entitled to know the outcome of the process.

14 Information for the employee before a disciplinary hearing

- 14.1 In advance of any disciplinary hearing the presiding manager will write to the employee. The letter should contain enough information for the employee to fully understand the case against them with all relevant details (e.g. dates, times, location, etc.) and the reasons why this is not acceptable. If the employee has difficulty reading, or if English is not their first language, the manager should explain the content of the letter to them orally. A third party should be considered to help explain the letter if required.
- 14.2 The letter should also require the employee to attend a hearing at which the disciplinary matter will be considered, and it should inform the employee of their right to be accompanied at the hearing. The employee must be given copies of any documents that will be produced at the hearing, including the investigation report. At all stages the employee shall be fully informed.

15 Hearings

- 15.1 In advance of the hearing being scheduled, the presiding manager must ensure that they have fully read and understood the investigation report. The report is the responsibility of

the presiding manager from this point forwards, and they must therefore ensure that it is comprehensive and covers any questions the presiding manager may have. If the report is not sufficient for the presiding manager, it should be sent back to the investigating manager with an explanation of the additional information required.

- 15.2 The timing and location of the hearing should where practicable be agreed with the employee and/or their representative. The length of time between the written notification and the hearing should be long enough to allow the employee and/or their representative to prepare and shall in any event be not less than:
 - seven days for first formal stage;
 - ten days for the second stage;
 - twenty-one days for the third stage.
- 15.3 The manager should hold the hearing in a suitable private location and ensure both that there will be no interruptions and that the employee feels the issue is being treated confidentially.
- 15.4 Any challenges to the nature and basis of the process and hearing should be considered in advance of the hearing taking place.
- 15.5 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 and present evidence and/or information, as well as call witnesses. Witnesses should not normally be required at a hearing as their information should be considered in the investigation. The employee must be given an opportunity to raise points about any information provided by witnesses.
- 15.6 An employee and/or their representative who cannot attend a hearing should inform the manager in advance with their reasons 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 should arrange another hearing. A 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 may attend on their behalf, if the employee is unable to attend. If an employee's representative 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.
- 15.7 For Stage Two and Stage Three hearings, the hearing will be conducted by a presiding manager, supported by an independent manager from the London Fire Brigade and accompanied by an HR or PSU representative.
- 15.8 Neither the independent manager or the HR/PSU representative will act as a decision makers. The Independent Manager will provide the perspective of a manager in the organisation to provide additional assurance, and the HR/PSU representative will provide advice to ensure the hearing adheres to the guidance. They can ask questions to clarify and their advice can be requested.
- 15.9 The presiding manager will be solely responsible for the final decision and must ensure their rationale for any decision is properly recorded.

15.10 For witnesses who are called to the hearing, account should be taken of the matters referred to in paragraphs 49 and 57. Adjustments must be considered, such as witnesses giving evidence via video call or from elsewhere on the site if there is a wellbeing concern.

16 Decision Making

16.1 Following the hearing, the presiding manager must decide whether action is justified or not, and whether the allegation is therefore proven or not proven on the balance of probabilities. Where it is decided that no action is justified the employee should be informed within seven days in writing, and confirmation issued to the PSU.

16.2 Where it is decided that action is justified the presiding manager will need to consider what form this should take. Before making any decision, the presiding manager should 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.

16.3 Examples of actions the manager might choose to take are set out against each of the Formal stages above. It is normally good practice to give employees at least one chance to improve their conduct or performance before they are issued with a final written warning. However, if an employee's misconduct or unsatisfactory performance – or its continuance – is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation or individual(s) within the organisation or third parties, it may be appropriate to move directly to a final written warning.

16.4 In cases of gross misconduct, dismissal is the usual sanction even if the member of staff has not previously received a warning for misconduct. Mitigation must be considered.

16.5 Following the meeting/hearing the decision should be confirmed in writing as soon as possible, and in any case within seven days. The decision shall include a description of the nature of the issue, the findings and, where applicable the sanction, any required remedial action and the timescale for improvement. Except in cases of dismissal, where the issues relate to performance and in other cases where appropriate the decision shall include the following:

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

16.6 Employees should also be informed that if there is no improvement, further stages, leading ultimately to dismissal, may be invoked and advise them of their right to appeal.

17 Recording the Decision

17.1 Decisions must be recorded and thoroughly explained. The record of the decision and rationale must be kept with the investigation report and all supporting documentation. All material must be provided to the PSU at the conclusion of the process.

17.2 Some outcomes must be recorded on the employee's disciplinary record – HR will add the necessary sanctions and written warnings to the E-PRF.

18 Appeals

- 18.1 Employees who have had disciplinary action taken against them will be given the opportunity to appeal. Members of staff will be allowed to appeal no later than seven days after they have been informed of the decision.
- 18.2 The appeal shall be heard by a higher level of manager, or a manager at the same level if a higher-level manager cannot be sourced.
- 18.3 Appeals must be submitted in writing. The grounds of appeal will normally be one or more of the following:
- There was a defect in the procedure such that the hearing was unfair (which must be outlined in the appeal letter submitted by the individual);
 - The allegation/complaint is not proven on the balance of probabilities;
 - The disciplinary sanction was too severe; and
 - New evidence has come to light since the hearing which will have an impact on the decision.
- 18.4 The Appeal Manager will conduct the appeal hearing as a rehearing in full or part where required. Some examples of when a rehearing would be required:
- if there was a procedural defect at the original hearing that made the hearing unfair;
 - if new evidence has come to light which needs to be heard in full;
 - if there is a dispute given by a witness at the original hearing.
- 18.5 In cases of a re-hearing, it may be necessary to rehear the witness evidence at the appeal. Otherwise, the appeal hearing should be conducted as a review of the process.
- 18.6 Where the appeal hearing is conducted as a review, the Appeal Manager will have available all the documents presented to the original hearing. They will also have 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. A member of the HR or PSU functions will attend any appeal hearing relating to a Stage Two or Stage Three Disciplinary hearing.
- 18.7 At the appeal hearing the employee and/or their representative 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 presiding manager who conducted the original hearing. Relevant witnesses may be brought by either side and be questioned by all parties if required, at the decision. The final decision on whether a witness is required to give evidence and be questions at the appeal hearing rests with the Appeal Manager.
- 18.8 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; or
 - The case against the employee is not upheld.
- 18.9 At any appeal against dismissal, if the employer's representative is legally qualified, the employee's representative may, if the employee wishes, also be a legal representative.

18.10 In cases of gross misconduct dismissal will be summary (immediate and without a notice period) following the hearing. If the employee is reinstated on appeal, pay will be reinstated and backdated with no loss of continuous service or pension rights.

18.11 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.

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

19 Confidentiality

19.1 The integrity of the conduct process depends on trust and confidentiality. It is the responsibility of all parties involved to maintain confidentiality throughout the process and afterwards. Any breach of confidentiality by any party will be considered as misconduct, and managed through this process.

20 Anonymous Reporting

20.1 Members of staff can make anonymous complaints to the PSU or the external investigation line. The PSU will proceed with managing and investigating an anonymous complaint, but may need to make contact with the anonymous complainant for more information. If no contact can be made and the allegation cannot be substantiated as a result, then it cannot proceed to a hearing or decision.

21 Whistleblowing

21.1 Members of staff looking to raise serious concerns about unethical or potentially unlawful behaviour within the LFB can raise their concerns through the whistleblowing procedure. This is not a second route for complaints if the discipline process does not find in a claimant's favour, but a route for significant, serious concerns to be raised and addressed in confidence.

22 Arrests/Charges/Convictions

22.1 To ensure the ability of the Brigade to maintain the trust of London, all staff must notify their manager and the PSU in writing if they are arrested, charged or convicted in connection with any criminal offence (including driving offences) whilst employed in the LFB.

22.2 If a member of staff 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 member of staff unsuitable for their type of work. Similarly, a member of staff should not be dismissed solely because they are absent from work as a result of being remanded in custody while awaiting trial.

23 Grievances Raised in Process

23.1 In the course of a disciplinary process, an employee might raise a grievance that is related to the case. If this happens, 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.

24 Disciplinary action against trade union representatives

24.1 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 should be discussed, after obtaining the employee's agreement, with a senior trade union representative or permanent union official.

25 Malicious or vexatious complaints

25.1 If, after investigation, it is clear that a complaint had not been made in good faith but is a vexatious complaint that has been made maliciously and/or to pursue a personal grudge against someone else and/or deflect attention away from the reporting of alleged misconduct, then it will be dealt with in accordance with the discipline procedure and may be considered as gross misconduct.

25.2 A vexatious complaint is one that is pursued regardless of its merit, solely to harass, annoy or subdue somebody. It is something without foundation, frivolous, repetitive, burdensome or unwarranted. It can be something that is used to delay the progress of another case or in retaliation of a grievance brought against them.

26 Records

26.1 Records will be kept on your electronic personal record file (e-prf) and retained in accordance with [Policy number 788 - Electronic personal record file](#).

27 Help and support

27.1 Help, support and guidance is available on Hotwire and from the people below so you can discuss your concern towards a resolution and the options available.

27.2 **Local support** is available from:

- Your line manager or someone in your local management chain. They may also be the person you are able to agree a resolution outcome with.
- Your local trade union representative.
- A member of one of the [Brigade's Equality Support Groups \(ESG\)](#).
- Safe to Speak team CCSafeToSpeakUp@london-fire.gov.uk

27.3 **Professional Standards support** is available from:

- The Professional Standards Adviser on ext. XXXX who will provide advice and guidance regarding the informal resolution process, complaints process and can advise you of the support measures. They are able to provide independent support, advice and arrange mediation.

27.4 **Support for your wellbeing** is available from:

- [Counselling and Trauma Service](#) (CTS) who provide professionally accredited confidential counselling to all staff to help with their psychological well-being. You can contact them during office hours on ext. 35555.
- Mental Health First Aiders drawn from staff across the Brigade, who whilst are not trained counsellors, are there to provide emotional support should you need it. To contact a Mental Health First Aider please e-mail LFBMHFA@london-fire.gov.uk.
- Occupational Health who provide professional medical advice to all staff to help and support their wellbeing. To arrange to see them then contact the HR Helpdesk on ext. 89100.

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA		SDIA		HSWIA		RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date

Subject list

You can find this policy under the following subjects.

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification

Complaints (Grievance) Policy

New policy number:
 Old instruction number:
 Issue date: **8/2/2024**
 Reviewed as current: **8/2/2024**
 Owner: **Head of the Professional Standards Unit**
 Responsible work team: **Professional Standards Unit**

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Introduction

- 1.1 This policy sets out the Brigade's arrangements for resolving concerns, problems or complaints relating to employment. It covers dealing with grievances both formally and informally, and is separate from the Brigade's approach to conduct and discipline.
- 1.2 Everyone within the London Fire Brigade has the right to an inclusive workplace where they are treated in line with the LFB values. Everyone has the right to feel safe, supported and enabled to be at their best within the Brigade.
- 1.3 This policy applies to all employees currently working for the Brigade. Agency workers, contractors, self-employed and consultants should report their concerns to their employer. The Brigade will work with that employer to investigate concerns.
- 1.4 The LFB operates a zero-tolerance approach to any allegation of bullying, harassment and discrimination and victimisation. The Brigade will not tolerate or permit such behaviour, and all parties have a responsibility to address and challenge bullying, harassment and discrimination in all its forms. In all instances, bullying, harassment and discrimination will be considered as be gross misconduct. This includes any discrimination falling under the characteristics within the Equality Act 2010:
 - Age;
 - Gender reassignment;
 - Marital status;
 - Pregnancy or maternity;
 - Disability;
 - Race;
 - Religion or belief;
 - Sex; and
 - Sexual orientation.
- 1.5 The Brigade is committed to providing everyone with a safe work environment with good working relationships that have a beneficial impact on well-being and engagement. This leads to better performance, improved staff retention and reduced stress and absence enabling the Brigade to deliver excellence through having the best people and being the best place to work. Focusing on resolving workplace issues constructively can help to create this.
- 1.6 The Brigade is also committed to dealing with your concern fairly, confidentially, and promptly, and to providing a transparent and consistent outcome. The Brigade will support you and managers to work together to resolve issues constructively at the earliest opportunity. All managers, at every level, who may be involved in dealing with grievances, whether informally or formally, shall be fully supported in relation to this Grievance policy.
- 1.7 Everyone has a responsibility to help identify and prevent unwanted behaviours and you are expected and strongly encouraged to report such matters if you are a victim or a bystander/witness.
- 1.8 If your concern is about a decision under an already agreed procedure that has its own right of appeal then it will be managed through that process (e.g. working with choice policy, discipline etc).

- 1.9 You should raise your concern as soon as possible and within three months of the issue causing concern taking place. If there are personal circumstances that would make this difficult (e.g. illness or caring responsibilities), this can be extended.
- 1.10 If you are reporting a serious concern that is being disclosed in the public interest then you should refer to [PN569 Confidential reporting \("whistleblowing"\) policy](#) and raise your concern in accordance with that policy. The Public Interest Disclosure Act 1998 gives you the right to raise such serious concerns and the Act gives protection to employees who raise concerns about certain types of wrongdoing in accordance with its' procedures.

2 Grievance

What is a grievance?

- 2.1 A grievance is defined as a concern, problem, or complaint that an employee raises with their employer about their employment.

Examples may include but are not limited to:

- the application of policy or procedure related to employment;
 - health and safety;
 - work relations;
 - working environment or practices;
 - actions that contravene equality and diversity policies;
 - discrimination or harassment; and
 - bullying or victimisation.
- 2.2 If you consider that the early resolution steps have not resolved your issue, then you can raise a formal grievance as described below. Normally you cannot raise a formal grievance unless you have raised the matter informally. However, where you have a serious concern about being a victim of harassment, bullying, discrimination, or victimisation then you will need to raise a formal grievance without going through the informal processes.

The grievance procedure (NJC Grey Book procedure for operational staff) and guidance is on Hotwire. To the extent that the procedure set out in this Policy is at variance with the Grey Book procedure for operational staff then the Grey Book procedure takes precedence.

3 Confidentiality

- 3.1 The Professional Standards Unit and managers are required to maintain confidentiality to ensure that you feel free to discuss your concern without fear that the information will be unnecessarily shared. The matter will be kept as confidential as possible limiting the number of people with whom information is shared only to only those who need to know and only to the extent that they need to know. All staff involved in the grievance process are also required to maintain confidentiality, including complainants, respondents and witnesses.

4 Serious concerns

If you have a serious concern about harassment, bullying, discrimination, victimisation or another concern of any kind that makes you feel unsafe then you should immediately contact your line manager, or another manager that you trust, or contact the Professional Standards Unit.

5 Bullying, Harassment and Discrimination

- 5.1 Harassment is unwanted behaviour and conduct from a person or group that causes another person to feel alarmed, distressed, or humiliated. It may be physical, verbal or non-verbal (e.g. social media) which may
- violate another person's dignity; or
 - create an offensive, hostile, degrading or humiliating environment based on their protected characteristics about their age, race, gender, disability, sexuality/orientation, gender reassignment, pregnancy/maternity or religion/belief.
- 5.2 Harassment may be a one-off incident or a regular pattern.
- 5.3 Bullying is unwanted behaviour and conduct from a person or group that makes someone feel intimidated or offended. It may be physical, verbal, non-verbal (e.g. social media) that is offensive, intimidating malicious or insulting. It can also be an abuse or misuse of power that undermines, humiliates or causes physical or emotional distress or harm to someone. It may be a one-off incident or a regular pattern.
- 5.4 Discrimination is treating someone less favourably than someone else because they have, or are assumed to have, a protected characteristic or are considered to be associated with someone with a protected characteristic. The protected characteristics are:
- Age;
 - Gender reassignment;
 - Marital status;
 - Pregnancy or maternity;
 - Disability;
 - Race;
 - Religion or belief;
 - Sex; and
 - Sexual orientation.
- 5.5 Victimisation is suffering a disadvantage, harm or loss as a result of making a complaint within this policy. The Brigade will protect you, and anyone, who makes a complaint in good faith.
- 5.6 The Brigade will not tolerate such behaviour and conduct towards staff both in, and connected with, the Brigade. This applies inside and outside the workplace, including social events and online. For the avoidance of doubt, you have no place in the Brigade if you do any of the above, whether in person or online.
- 5.7 You have a responsibility to help identify and prevent unwanted behaviours and you are expected and strongly encouraged to report such matters if you are a witness – as an organisation, none of us should be bystanders.

Examples of harassment, bullying and discrimination

- 5.8 Discrimination can involve but is not limited to the following examples:
- Withholding development or promotion opportunities from a member of staff because of pregnancy;

- Refusal to make appropriate reasonable adjustments for a member of staff with a protected characteristic;
- Always allocating high-profile or developmental work to younger members of staff;
- Excluding an individual based on a protected characteristic, e.g. gender identity; and
- Unilaterally rejecting someone's application for a role on the grounds of a mental health condition or other protected characteristic.

5.9 Harassment can involve but is not limited to the following examples:

- Display of explicit material on any electronic screen or in calendars.
- Remarks, banter or jokes of a racist or sexual nature.
- Unwelcome sexual advances – inappropriate touching or standing too close.
- Banter and jokes that mock people based on their age, calling them 'Grandad', or that they are part of 'generation snowflake'.
- Stating that people of a specific religion or race are all terrorists.
- Calling someone a nickname linked to their skin colour or nationality.
- Remarks about people of a different race, such as 'they're all the same'.
- Derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of their religion.
- Using insulting terminology when referring to a colleague with a disability, or people with disabilities generally.
- Spreading malicious rumours or insulting someone about their protected characteristic.
- 'Outing' someone as gay without their consent, using private information.
- Repeatedly misgendering someone who is transsexual or continuing to use their old name if that is no longer their name.
- Comments of a sexual nature about an individual or their appearance.

5.10 Bullying can involve but is not limited to the following examples:

- Ostracising someone or giving them the 'cold shoulder' and excluding them from work related activities, including social.
- Withholding information deliberately, to embarrass them, or so they appear foolish.
- Personal insults or put-downs.
- Spreading rumours or gossip.
- Making false allegations about someone to discredit them.
- Playing practical jokes on someone or 'initiations'.
- Aggressive or intimidating behaviour directed at someone.
- Use of derogatory nicknames.

5.11 What does not constitute bullying and harassment includes:

- Legitimate and fair criticism of someone's work.
- Legitimate and fair criticism of someone's behaviour at work.
- Proper and correct monitoring of an employee under published policies and procedures.
- A change of target to achieve business needs.

6 Harassment by members of the public

6.1 The Brigade, Professional Standards Unit and managers will do all they reasonably can to protect staff from harassment by members of the public when it is linked staff doing their duty. You should report this to your line manager who will make a record and seek advice, including consideration to reporting the matter to the police.

7 Complaints process

- 7.1 The first steps in resolving your complaint, concern or dispute are attempting an informal resolution. If that does not resolve the matter, or if it is of a more serious nature such as harassment, bullying or discrimination, then the formal complaints process should be used raising a grievance.
- 7.2 The formal process should normally only be used when informal attempts at resolution have failed to resolve the issue.

8 Informal resolution

What are early resolution local conversations?

- 8.1 The first step of resolving a concern is to have a conversation with the person concerned with the aim to seek a solution that can be agreed. If this is in relation to a decision, then that would normally be the manager who made that decision.
- 8.2 If talking to the person has not resolved your concern or if you do not feel comfortable in doing so directly, then you should discuss the issue with your manager. If it is about your manager, then talk to your manager's manager or another manager that you trust. You can also contact a Professional Standards Adviser. They will discuss the issue with you and how best to resolve it which may include a facilitated conversation or mediation.

What is a facilitated conversation and mediation?

- 8.3 A facilitated conversation is a confidential discussion between the people involved facilitated by an independent third party (usually someone not in the immediate work team). They can bring people together, build trust and understanding. Mediation is facilitated by a trained mediator outside of the relationship and offers the insight of this person in finding a solution. Either or both of these methods can also be used during the formal resolution process. They will be in a safe environment to help discuss concerns in a supportive way and those involved will need to agree to participate. Requests for mediation should be made to the Professional Standards Unit.

What if my concern is still unresolved?

- 8.4 If the early resolution process has not resolved your concern, then you can refer to the formal grievance procedure. The early resolution process is the informal stage of the grievance procedure and therefore must be used before raising a formal grievance unless there is a good reason not to (such as instances of bullying, harassment and discrimination).

9 Formal complaint

How do I raise a grievance?

- 9.1 You can raise a formal grievance (and if not already recorded) by registering it on the confidential [online grievance system](#). If you have any problems accessing the system, you may contact the PSU for assistance.
- 9.2 You will be asked to provide full details of your grievance including what informal steps have been taken to resolve the matter, why you believe the outcome has been unsatisfactory and the outcome/resolution that you are seeking. The Professional Standard Unit will receive your grievance and allocate a person to hear it, whose identity will be confirmed to you within seven days. The person hearing your grievance is called a Complaints Chair and can be your own line

manager (unless the grievance is against your line manager), another manager at the same rank or grade as your line manager, or, if you would prefer someone else, then you will need to provide the reasons why so another manager can be considered and appointed. Please see section 14 for the help and support available.

Who is involved and what are their roles in the formal complaints process

9.3 The following people are involved in key roles within the formal complaints process:

- **Professional Standards Adviser**

This role is based in the Professional Standards Unit and they will provide support and advice regarding the process to all people involved. They will not be involved in specifics of the case but will be able to keep an oversight of how matters are progressing. They can also arrange mediation.

- **Professional Standards Investigator**

This role is based in the Professional Standards Unit and their role is to undertake investigations into complaints.

- **The Complaints Chair**

They will preside over the formal grievance meeting. They may instigate further investigations if required. This can be the line manager or another manager, but must be at a higher rank or grade than the subject of the grievance (no lower than Sub/Station Officer/FRS C).

- **The Appeal Chair**

They will preside over the formal grievance appeal and usually be a more senior manager than the Complaints Chair – it can be no lower than Station Commander/FRS E).

Both chair roles may have administrative support from a note taker.

9.4 Depending on the concern other people may be required to assist in the resolution process such as Brigade subject matter experts, mediators or investigators.

What happens after I submit my grievance?

9.5 After you have submitted your grievance, then the details of your grievance will be passed to the Professional Standards Unit. You will receive an acknowledgment and be contacted by the Professional Standards Adviser or a senior manager if appropriate to discuss your case.

9.6 Following the conversation with the Professional Standards Adviser/senior manager:

- If the concern has not been addressed informally, you may be referred back to the informal early resolution stage.
- The formal grievance process may be progressed, and you will receive notification of the formal grievance meeting and the appointed Complaints Chair.
- If there are reasonable grounds established to decide this may be a disciplinary issue, then this will be discussed with you and dealt with under the disciplinary policy, and the grievance will be suspended pending that outcome.

Investigations

- 9.7 There may be occasions when it is necessary that the Complaints Chair or Appeal Chair appoint a Professional Standards Investigator or a manager to carry out some form of investigation to gain further information about the matter raised. This will be done without delay, within agreed timeframes and you will be kept up to date.
- 9.8 In all cases of alleged bullying, harassment and discrimination the person who investigates the complaint will either be a member of the Professional Standards Unit, or appointed by the Professional Standards Unit, ensuring the investigator is neutral and not involved in the complaint as well as being at the appropriate rank or grade. In certain cases the Professional Standards Unit may deem it appropriate to utilise the external investigation service.
- 9.9 The investigating manager will consider the nature of the grievance. At this stage, the subject of the grievance should be notified of the grounds and the impending investigation – this can be delayed on an exceptional basis where sensitivity is a significant concern or if individuals significant to the investigation are temporarily unavailable for interview due to illness.
- 9.10 The investigation may include interviews with the complainant, respondent or witnesses, written submissions, documents and a range of other information. The investigation must be proportionate and appropriate, focussing solely on the matters raised in the complaint or allegation.
- 9.11 The investigating manager will decide whether they need to meet with the complainant to clarify their concerns. The investigating manager may need to interview the subject(s) of the allegations as part of the investigation. Both the complaint and respondent should be informed by the investigating manager that they have the right to be accompanied by a fellow employee (who is not a witness or potential witness) or trade union official of their choice. Witnesses may also be accompanied, at the discretion of the investigating manager.
- 9.12 The investigating manager will have discretion as to what interviews are required, but must keep a record of why an interview was held (and, where appropriate, not held).
- 9.13 If an interview is to be held, any location must provide privacy and be fully accessible and supportive for the individuals interviewed. It may be appropriate to conduct the interview at another location, and a notetaker should be considered.
- 9.14 The member of staff interviewed must be reminded that their statements will be taken in writing, and may inform the outcome of the grievance process and/or subsequent disciplinary process, so complete honesty is required. The note from the interview should be produced and circulated after the meeting. It should be signed by the interviewee, and will form part of the final investigation report for any hearing.
- 9.15 It is also important to clarify that an investigation meeting is to clarify the facts of the grievance, and that the interview is confidential. Unauthorised sharing of any information relating to a grievance investigation will be considered misconduct.
- 9.16 The interview must be fact-based, avoiding speculation or guessing. The interviewer cannot direct or lead the subject of the interview, they must keep questions relevant to the matter at hand. The interviewer must not partake in any activity that is harassing or threatening, and must ensure they are not biased or discriminatory in their approach.

Investigation Outcome

- 9.17 Once the investigating manager feels they have gathered all relevant, reasonable and proportionate information, an investigation report should be produced. This report must cover the nature of the allegations, the notes from all interviews, and a recommendation as to whether the allegations should proceed to a hearing or if there is no case to answer. Where necessary,

technical evidence relevant to the case should also be made available. The report and its outcomes must be shared with the PSU, but must not be discussed with any other individual.

- 9.18 The investigation report will form the basis for the evidence provided to any hearing.
- 9.19 At the conclusion of the investigation, the investigation manager will decide:
- whether the grievance is upheld and should proceed to a hearing;
 - whether the grievance is not upheld and no further action should be taken.
- 9.20 The PSU must be consulted before an outcome is issued from an investigation to ensure the investigation report covers the required information to proceed to a hearing.
- 9.21 If the grievance is not upheld, after consulting with the PSU, the investigating manager should write to the respondent and the complainant individually to confirm the outcome, including the investigation report.

10 Grievance meeting

- 10.1 The formal grievance meeting should be organised within seven days from the formal grievance being received. The purpose of the meeting is to discuss your grievance. The Complaints Chair will preside over the meeting with focus on seeking a resolution and reaching a decision. If further investigation is needed, then the meeting shall be adjourned for the further investigation to take place and then reconvened.
- 10.2 In advance of the hearing being scheduled, the Complaints Chair must ensure that they have fully read and understood the investigation report. The report is the responsibility of the Complaints Chair from this point forwards, and they must therefore ensure that it is comprehensive and covers any questions the Complaints Chair may have. If the report is not sufficient for the Complaints Chair, it should be sent back to the investigating manager with an explanation of the additional information required.
- 10.3 The manager should hold the hearing in a suitable private location and ensure both that there will be no interruptions and that the employee feels the issue is being treated confidentially.
- 10.4 For individuals with caring responsibilities, managers should make all reasonable efforts not to implement any proposed changes until the grievance is resolved.
- 10.5 Employers and managers should cater for an employee's disability at a meeting; they should also cater for a representative's disability, for example providing for wheelchair access if necessary. Managers should also enquire as to any special needs relating to disability and ensure suitable arrangements are put in place in advance of the meeting.
- 10.6 You may be accompanied at the meeting by a work colleague or a trade union representative.
- 10.7 If you or your representative cannot attend on a proposed date, you can suggest another date so long as it is reasonable and is not more than seven days after the date originally proposed. This seven-day time limit may be extended by mutual agreement.
- 10.8 You will be given a full opportunity to explain your complaint and explain how you would like it to be settled. If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice or make further investigations. The seeking of advice and/or making further investigations should be done as soon as reasonably practicable. The Complaints Chair should explain this to the employee at the conclusion of grievance meeting and, if possible, give an indication of likely

revised timescales. The employee should be kept updated by the Complaints Chair regarding the timescale. The manager should give the grievance careful consideration before responding.

- 10.9 A written response will be sent to you within seven days of the meeting notifying you of the outcome with the reasons. If the timescales set out above cannot be met, then you will be informed in writing with the reasons and a reasonable extended timescale mutually agreed. You will also be informed that you can appeal if you are not satisfied with the outcome.

11 Appeal meeting

- 11.1 If you consider that your grievance has not been satisfactorily resolved (both complainants and respondents), then you can appeal. You should provide this in writing within seven days of receiving the outcome to the PSU along with the grounds for your appeal and the resolution that you are seeking.
- 11.2 The appeal should be held within seven days after the appeal is received. The purpose of the meeting is to discuss and consider your appeal. The Appeal Chair will preside over the meeting with focus on seeking a resolution and reaching a decision. If further investigation is needed, then the meeting shall be adjourned for the further investigation to take place and then reconvened.
- 11.3 The Appeal Chair shall normally be a more senior manager and where this is not practical, then it will be heard by a manager who has authority to review and change the original decision.
- 11.4 You may be accompanied at the meeting by a work colleague or trade union representative.
- 11.5 The manager should hold the appeal meeting in a suitable private location and ensure both that there will be no interruptions and that the employee feels the issue is being treated confidentially.
- 11.6 Employers and managers should cater for an employee's disability at a meeting; they should also cater for a representative's disability, for example providing for wheelchair access if necessary. Managers should also enquire as to any special needs relating to disability and ensure suitable arrangements are put in place in advance of the meeting.
- 11.7 If you or your representative cannot attend on a proposed date, you can suggest another date so long as it is reasonable and is not more than seven days after the date originally proposed. This seven-day time limit may be extended by mutual agreement.
- 11.8 A written response will be sent to you within seven days of the meeting notifying you of the outcome with the reasons. If the timescales set out above cannot be met, then you will be informed in writing with the reasons and a reasonable extended timescale mutually agreed. This forms the final decision and concludes the formal procedure within the workplace.

What happens if I raise a grievance during a disciplinary?

- 11.9 If you raise a grievance during a disciplinary process, then disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently – the discipline manager should seek advice from the PSU in any such instances.

12 Malicious or vexatious complaints

- 12.1 If after investigation it is clear that your grievance had not been made in good faith but is a vexatious complaint that has been made maliciously and/or to pursue a personal grudge against someone else and/or deflect attention away from the reporting of your alleged misconduct, then

it will be dealt with in accordance with the discipline procedure and may be considered as gross misconduct.

- 12.2 A vexatious complaint is one that is pursued regardless of its merit, solely to harass, annoy subdue somebody. It is something without foundation, frivolous, repetitive, burdensome or unwarranted. It can be something that is used to delay the progress of another case or in retaliation of a grievance brought against them.

13 Records

- 13.1 Records will be kept on your electronic personal record file (e-prf) and retained in accordance with [Policy number 788 - Electronic personal record file](#).

- 13.2 The records must include:

- The nature of the grievance raised;
- A copy of the written guidance;
- The manager's response;
- The action taken and its rationale;
- Whether there was an appeal and any outcome; and
- Any subsequent developments.

14 Help and support

- 14.1 Help, support and guidance is available on Hotwire and from the people below so you can discuss your concern towards a resolution and the options available.

- 14.2 **Local support** is available from:

- Your line manager or someone in your local management chain. They may also be the person you are able to agree a resolution outcome with.
- Your local trade union representative.
- A member of one of the [Brigade's Equality Support Groups \(ESG\)](#).
- Safe to Speak team CCSafeToSpeakUp@london-fire.gov.uk

- 14.3 **Professional Standards support** is available from:

- The Professional Standards Adviser on ext. XXXX who will provide advice and guidance regarding the informal resolution process, complaints process and can advise you of the support measures. They are able to provide independent support, advice and arrange mediation.

- 14.4 **Support for your wellbeing** is available from:

- [Counselling and Trauma Service](#) (CTS) who provide professionally accredited confidential counselling to all staff to help with their psychological well-being. You can contact them during office hours on ext. 35555.
- Mental Health First Aiders drawn from staff across the Brigade, who whilst are not trained counsellors, are there to provide emotional support should you need it. To contact a Mental Health First Aider please e-mail LFBMHFA@london-fire.gov.uk.

- Occupational Health who provide professional medical advice to all staff to help and support their wellbeing. To arrange to see them then contact the HR Helpdesk on ext. 89100.

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA		SDIA		HSWIA		RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date

Subject list

You can find this policy under the following subjects.

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification

Disciplinary procedure – uniformed staff, fire and rescue staff and control staff

New policy number: **392a**
 Old instruction number: **392a, 392b, 392c**
 Issue date: **19 April 2005**
 Reviewed as current: **17 July 2023**
 Owner: **Assistant Director, People Services**
 Responsible work team: **Culture and Organisational Development**

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1 Introduction

- 1.1 The disciplinary procedure and guidance for uniformed staff, fire and rescue staff, and control staff is attached at Appendix 1. The procedure covers conduct (disciplinary offences) and poor performance (capability).
- 1.2 The disciplinary procedure for directors and heads of service is contained within [Policy number 392b](#) - Disciplinary Procedure – Commissioner, directors, heads of service and assistant commissioners.
- 1.3 Further information is contained in the Disciplinary Toolkit on hotwire at HR, pay and employment>Disciplinary and Grievances>Disciplinary Toolkit, see link below.
http://hotwire-live/HR_pay_employment/Disciplinary/Pages/Disciplinary-Procedure-Toolkit.aspx
- 1.4 The Disciplinary Toolkit includes a document 'Guidance on the Conduct of Hearings': this guidance will assist managers chairing hearings under this disciplinary procedure.

2 Management levels of authority

- 2.1 The term 'manager' within the Disciplinary Procedure applies to non-uniformed and uniformed roles.
- 2.2 Levels of investigation and decision-making (which are the minimum levels set for the formal stages in the Disciplinary Procedure Guidance, paragraph 28), are as follows:

Informal Stage: FRS B/leading firefighter/assistant operations manager.

Formal Stage 1: Investigation – FRS C/sub/stn officer/operations manager; conduct hearing/take action;

For conduct issues – FRS D/station commander/operations manager;

For performance issues – FRS C/sub/stn officer/operations manager.

Formal Stage 2: Investigation – FRS D/station commander/operations manager;

Conduct hearing/take action – FRS E/group commander/senior operations manager.

Formal Stage 3: Investigation – FRS E/group commander/senior operations manager;

Conduct hearing/take action – FRS G/deputy assistant commissioner/principal operations manager.

Hence head of service/Brigade manager will hear appeals against action taken at Formal Stage 3 (which will include dismissals).

3 Policies affected

Cancelled policies

- Policies 392b and 392c are hereby cancelled having been merged with 392a.

Appendix 1 - Disciplinary procedure and guidance

Introduction

- 1 This procedure applies in cases of conduct and unsatisfactory work performance. For further details please refer to the guidance. The guidance covers the scope of the procedure; the requirement to undertake an appropriate investigation; the stages of the procedure; the sanctions available to the employer; the rights of the employee; and the appeal mechanism; etc.
- 2 The basis of this procedure is that the principle of natural justice applies, at every stage, in a framework which also ensures fairness for both employees and managers. A guiding principle of the procedure is to obtain improvement and remedy problems.
- 3 Employees have a statutory right to be accompanied by a fellow employee or trade union official at all formal stages of the procedure.

Informal stage

- 4 This is an informal discussion with the line manager. The separate formal stages of initiating action, investigation, hearing and decision are not relevant at this stage. The informal approach means that minor problems should be dealt with quickly and confidentially. The line manager will speak to the employee about their conduct or performance and may put this in writing although it would not form part of the disciplinary record.
- 5 At the informal stage the manager should ensure that employees are clear of the expected outcomes and the process by which they will be achieved.

First formal stage

- 6 An employee's line manager, at sub/stn officer/FRS C/operations manager level or above, may initiate the disciplinary process and investigate. Where, following a disciplinary meeting, the employee is found guilty of misconduct; the usual first step would be to give them a warning.
- 7 A warning must give details and an explanation of the decision. It should warn the employee that failure to improve or modify behaviour may lead to further disciplinary action and advise them of their right of appeal. A warning should be disregarded for disciplinary purposes after six months.
- 8 Where the issue is one of unsatisfactory performance, please refer to the guidance.
- 9 A warning may only be given to an employee by a manager at station commander/FRS D/operations manager level or above.

Second formal stage

- 10 Where there is a failure to improve or change behaviour in the timescale set at the first formal stage, or where the offence is sufficiently serious, the sanction may be no greater than a final written warning. This sanction may only be issued after a further investigation and hearing.
- 11 A final written warning must give details and an explanation of the decision. It should 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. A final written warning should be disregarded for disciplinary purposes after eighteen months. Where a lesser sanction is issued, the same right of appeal applies.
- 12 A final written warning may only be given to an employee by a manager at group commander/FRS E/senior operations manager level (or equivalent) or above.

Third formal stage

- 13 Where employees continually fail to improve or where the offence is sufficiently serious, there should be an investigation and hearing. The sanctions available may include dismissal. Alternatively, the outcome may be a sanction less than dismissal (see Guidance for details). Employees must be told they have the right to appeal and details of the appeals process.
- 14 Any sanction up to dismissal may only be given to an employee at deputy assistant commissioner/FRS G/principle operations manager level or higher.

Gross misconduct

- 15 Acts which constitute gross misconduct are those resulting in a serious breach of contractual terms and thus potentially liable for summary dismissal. It is still important to establish the facts before taking any action. Please refer to the guidance for further information.

General issues

- 16 Other general issues to be aware of include the following:
 - Grievance during a disciplinary procedure.
 - Disciplinary action against trade union representatives.
 - Criminal offences.
 - Suspension.

Further details are given in the Guidance.

Disciplinary procedure guidance

1 Introduction

1.1 Preamble

- 1 The disciplinary procedures will be made available to all employees, for instance on a notice board and in the staff handbook and will be referred to in contracts of employment. Management will do all they can to ensure that every employee knows and understands the procedures, including those employees whose first language is not English or who have trouble reading. This will be done as part of each employee's induction process.
- 2 The procedure, which reflects and improves on the statutory provisions and the ACAS Code on Disciplinary and Grievance Procedures, is designed to help and encourage all employees to achieve and maintain standards of conduct and job performance. The aim is to ensure consistent and fair treatment for all employees in the organisation. Disciplinary procedures are a legal requirement in certain circumstances (see Appendix A).
- 3 The procedure should be supplemented locally by more detailed guidance, for example on the conduct of hearings. Every effort should be made to jointly agree such guidance.
- 4 All managers, at every level, who may be involved in disciplinary action, shall be fully trained and competent in the operation of the procedure. Responsibility for the appropriate level of disciplinary action must be in accordance with the relevant role map, the role of the manager and levels of delegated authority.
- 5 The basis of this procedure is that the principle of natural justice both applies, and is clearly seen to apply, at every stage. The aim is to ensure that appropriate action can be taken without

unnecessary delay, but in a framework which also ensures fairness for both employees and managers.

- 6 The guiding principle of the procedure is that, in every case except dismissal, the aim is to obtain improvement and remedy problems. Each case shall be treated on its merits in the light of the particular circumstances involved.
- 7 On issues of conduct the procedure may be initiated at any stage depending on the seriousness of the case. Where issues concern unsatisfactory performance the stages in the procedure would normally be followed in sequence and account should be taken of the Personal Development Record (PDR) where appropriate.
- 8 On issues of incapacity at work brought on by misuse of alcohol or drugs, separate remedial procedures should be considered as an alternative.

1.2 Scope

- 9 This guidance covers the scope of the procedure (conduct and job performance); the requirement to undertake an appropriate investigation; the stages of the procedure; the sanctions available to the employer; the rights of the employee; and the appeal mechanism; etc.
- 10 The disciplinary procedure is designed to cover behaviour which is contrary to that necessary for ensuring a safe and efficient workplace, and for maintaining good employment relations. Such behaviour could include, but is not limited to:
 - bad behaviour, such as fighting or drunkenness;
 - unsatisfactory work performance;
 - harassment, victimisation or bullying;
 - misuse of company facilities (for example e-mail and internet);
 - poor timekeeping;
 - unauthorised absences;
 - repeated or serious failure to follow instructions.
- 11 Acts which constitute gross misconduct are those resulting in a serious breach of contractual terms. Examples of gross misconduct might include:
 - theft or fraud;
 - bribery or accepting a bribe;
 - physical violence or bullying;
 - deliberate and serious damage to property;
 - serious misuse of the Brigade's property or name;
 - deliberately accessing pornographic, offensive or obscene material;
 - unlawful discrimination or harassment;
 - bringing the Brigade into serious disrepute;
 - serious incapacity at work brought on by misuse of alcohol or illegal drugs;
 - causing loss, damage or injury through serious negligence;
 - a serious breach of health and safety rules;
 - a serious breach of confidence.

1.3 Time limits

- 12 Time limits applicable to the different stages of the procedure are set out in the guidance below. These may be varied by mutual agreement.

1.4 Initiating formal disciplinary action

- 13 For apparent cases of misconduct, where, in the judgement of the line manager the issue is one which would not result in a formal sanction greater than a written warning, the disciplinary procedure may be initiated by the line manager, who will ensure that an investigation will be conducted by themselves or another appropriate manager.
- 14 Where, in the line manager's judgement, the sanction could be greater than a written warning, the procedure should be initiated by a manager not lower than station commander/FRS D/operations manager who will ensure that an investigation will be conducted by themselves or another appropriate manager.
- 15 Where appropriate, where there are issues of performance, account should be taken of the outcome of the review of the PDR, which is designed to offer support and assistance. In these cases, the disciplinary process should only be used where actions to remedy unsatisfactory performance, based on the developmental PDR, are not proving effective.

1.5 Investigation

- 16 An investigation should be carried out to establish the facts promptly. It is important to keep a written record for later reference. Having established the facts, the manager will decide whether to drop the matter or deal with it in accordance with the procedure, which may include reference back to the informal stage. Where necessary technical expertise relevant to the case should also be made available.
- 17 Where the employee is to be interviewed as part of an investigation they should be advised of the purpose of the meeting in advance and that they may be accompanied. When making these arrangements this should not frustrate the investigation.

1.6 Information for the employee before a disciplinary hearing

- 18 In advance of any disciplinary hearing the manager will write to the employee. The letter should contain enough information for the employee to fully understand the case against them with all relevant details (e.g. dates, times, location, etc.) and the reasons why this is not acceptable. If the employee has difficulty reading, or if English is not their first language, the manager should explain the content of the letter to them orally.

The letter should also invite the employee to a hearing at which the problem can be discussed, and it should inform the employee of their right to be accompanied at the meeting (see paragraph 1.10). The employee will be given copies of any documents that will be produced at the hearing.

- 19 At all stages employees shall be fully informed.

1.7 Hearings

- 20 The timing and location of the hearing should where practicable be agreed with the employee and/or their representative. The length of time between the written notification and the hearing should be long enough to allow the employee and/or their representative to prepare and shall in any event be not less than:
- seven days for first formal stage;
 - ten days for the second stage;
 - twenty-one days for the third stage.
- 21 The manager should hold the hearing in a private location and ensure both that there will be no interruptions and that the employee feels the issue is being treated confidentially.

- 22 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.
- 23 An employee and/or their representative who cannot attend a hearing should inform the 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 should arrange another hearing. A 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 may attend on their behalf, if the employee is unable to attend. If an employee's representative 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.

1.8 Decision on outcome and action

- 24 Following the hearing the manager must decide whether action is justified or not. Where it is decided that no action is justified the employee should be informed. Where it is decided that action is justified the manager will need to consider what form this should take. Before making any decision, the employer should 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.
- 25 Examples of actions the manager might choose to take are set out in paragraphs 2.2 to 2.5. It is normally good practice to give employees at least one chance to improve their conduct or performance before they are issued with a final written warning. However, if an employee's misconduct or unsatisfactory performance – or its continuance – is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be appropriate to move directly to a final written warning. In cases of gross misconduct, the employer may decide to dismiss even though the employee has not previously received a warning for misconduct.
- 26 Following the meeting/hearing the decision should be confirmed in writing as soon as possible, within seven days. The decision shall include a description of the nature of the issue, any required remedial action and the timescale for improvement. Except in cases of dismissal, where the issues relate to performance and in other cases 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.
- 27 Employees should also be informed that if there is no improvement, further stages, leading ultimately to dismissal, may be invoked.

1.9 Level of management

- 28 The lowest levels of line management who can take action within the procedure is set out below. The lowest level at the informal stage would be leading firefighter/FRS B/assistant operations

manager. Subject to training, competence, and levels of delegated authority, the formal stages are as follows:

	Investigation	Conduct hearing/take action
Formal stage 1	Sub/stn officer/FRS C/operations manager	station commander/FRS D/operations manager*
Formal stage 2	Station commander/FRS D/operations manager	Group commander/FRS E/senior operations manager
Formal stage 3	Group commander/FRS E/senior operations manager	Deputy assistant commissioner/FRS G/principal operations manager

* In cases of unsatisfactory performance, it is appropriate for a sub/stn officer/FRS C/operations manager to inform the employee that a failure to improve could lead to disciplinary action being taken.

- 29 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 higher level, should be appointed to deal with the case. Where the procedure has reached the second formal stage or higher, the hearing should be conducted by a manager who is not the investigating manager but is at the same or higher level. The investigating manager would normally present the management case at the second and third formal stages.

1.10 Representation

- 30 Employees have a statutory right to be accompanied by a fellow employee or trade union official of their choice at all formal stages of the procedure.
- 31 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.
- 32 Fellow 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.
- 33 An employee or lay 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 fulfill that responsibility. This should cover the hearing and allow time for the representative 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.
- 34 Employers should cater for an employee's disability at a meeting/hearing; they should also cater for a representative's disability, for example providing for wheelchair access if necessary.
- 35 Before the meeting/hearing takes place, the employee will tell the manager who they have chosen as a representative.
- 36 The representative should be allowed to address the meeting/hearing in order 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.

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

2 Stages of disciplinary action

2.1 Informal stage

- 38 Cases involving minor misconduct or unsatisfactory performance 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, supportive action, reference to the PDR and specialist advice may be more appropriate.
- 39 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.
- 40 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.

2.2 First formal stage

- 41 The employee's line manager will investigate the matter. If required a meeting/hearing may be held at which the relevant manager will make a decision. The employee has the right to be represented and present their case in response to management.
- 42 Where, following a disciplinary hearing an employee is found guilty of misconduct, the usual first step would be to give them a warning setting out the nature of the misconduct and the change in behaviour required.
- 43 The employee should be informed that the warning is part of the formal disciplinary process and what the consequences will be of the failure to change behaviour. The consequences 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 should be kept, but it should be disregarded for disciplinary purposes after six months.
- 44 Where there are issues of performance, and where appropriate, account should be taken of the review of the employees PDR, which is designed to offer support and assistance whenever possible. The disciplinary process should only be used where actions to remedy unsatisfactory performance, based on the developmental PDR, are not proving effective. An employee who is found to be performing unsatisfactorily should be given a written note detailing the following:
- the performance problem;
 - the improvement that is required;
 - the timescale for achieving this improvement;
 - a review date;
 - all support the employer will provide to assist the employee.
- 45 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 e.g. six months.

2.3 Second formal stage

- 46 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. Alternatively, where the offence is sufficiently serious, action may be initiated at this stage. The final written warning will give details and an explanation of the decision. It should 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 which should be disregarded for disciplinary purposes after eighteen months. Where a lesser sanction is issued, the same right of appeal applies.
- 47 A final written warning may only be given to an employee by a manager at group commander/FRS E/senior operations manager or equivalent or above.

2.4 Third formal stage

- 48 Where employees fail to improve, or where the offence is sufficiently serious, following an investigation and hearing, employees may be dismissed at deputy assistant commissioner/FRS G/principal operations manager level or above. Employees must be told they have the right to appeal and details of the appeals process.
- 49 Alternatively where there has been a failure to improve as required or, in exceptional cases, at the first offence, following the investigation and hearing, a decision may be made by a deputy assistant commissioner/FRS G/principal operations manager level or above to award a sanction less than dismissal, or in serious cases, as an alternative to dismissal. These sanctions are:
- A warning.
 - Demotion (no more than one grade; a demotion of more than one grade 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 should be within the same working pattern).
 - Loss of pay up to a maximum of thirteen days.

2.5 Gross misconduct

- 50 If a manager considers an employee guilty of gross misconduct, and thus potentially liable for summary dismissal, it is still important to establish the facts before taking any action. 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 (see paragraph 3.5 below on suspension).
- 51 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 gross misconduct as it does to ordinary cases of misconduct or unsatisfactory performance.
- 52 Paragraph deleted: this referred to a non- contractual briefing note within the Grey Book.

3 General issues

3.1 Appeals

- 53 Employees who have had disciplinary action taken against them 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.

- 54 The appeal shall be heard by a higher level of manager. Arrangements for the final appeal stage against dismissal should be determined locally but be consistent with the principle that the corporate level involved should be higher than the level which heard the previous stage.
- 55 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 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.
 - New evidence has come to light since the hearing which will have an impact on the decision.
- 56 Normally the Appeal Manager will conduct the appeal hearing as a rehearing (in full or part), where this is required. Otherwise the appeal hearing 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 hearing such that the hearing was Unfair.
 - New evidence has come to light which 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.
- 57 Where the appeal hearing is conducted as a review, the Appeal Manager will have available all the documents presented to the original hearing. They will also have 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.
- 58 At the appeal hearing the employee and/or their representative 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.
- 59 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.
- 60 At the final appeal against dismissal, if the employer's representative is legally qualified, the employee's representative may, if the employee wishes, also be a legal representative.
- 61 In cases of gross misconduct dismissal will be summary following the hearing. If the employee is reinstated on appeal, pay will be reinstated and backdated.
- 62 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.
- 63 In cases of sanctions other than dismissal, the sanctions should not be implemented until any appeal process has been concluded.

3.2 **Where a grievance is raised during a disciplinary procedure**

64 In the course of a disciplinary process, an employee might raise a grievance that is related to the case. If this happens, 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 (see ACAS Code).

3.3 **Disciplinary action against trade union representatives**

65 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 should be discussed, after obtaining the employee's agreement, with a senior trade union representative or permanent union official.

3.4 **Criminal offences**

66 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.

3.5 **Suspension**

67 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.

68 If an employee is to be suspended they should be informed of the reasons for the suspension, that suspension is not disciplinary action, and that they will be asked to return to work for an investigative meeting or disciplinary hearing 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 meetings, facilities to meet with their representative, etc.

69 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.

Appendix 2 - Other legal issues

- 1 It should be noted that the appeal stage against dismissal or other serious sanction short of dismissal is part of the statutory procedure and if the employee pursues an employment tribunal claim the tribunal may reduce any award of compensation if the employee did not exercise the right of appeal.
- 2 Managers and employees will normally be 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 both 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.
- 3 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 abroad but in the case of managers, wherever possible they should consider appointing another manager to deal with the procedure.

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	14/10/2008	SDIA	21/07/2023	HSWIA		RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	Amalgamation of policies 392a, 392b and 392c	28/05/2010
Throughout	The terms "principal controller", "assistant controller", "control commander", "senior control officers" and "control officers" have been replaced respectively by "principal operations manager", "senior operations manager", "operations manager", "assistant operations manager" and "control room officers" in line with new role titles.	02/12/2010
Page 10	"Disability Discrimination Act" replaced by "Equality Act 2010" in line with current legislation	14/10/2011
Throughout	Amendments to managerial authority levels within Control.	08/03/2012
Throughout	This policy has been marked reviewed as current, no changes were necessary.	29/04/2013
Page 14	SIA date added.	31/10/2013
Page 5 para 11	Bullet point added 'bribery or accepting a bribe'.	29/04/2014
Page 14	Subject list and FOIA exemptions tables updated.	22/12/2014
Page 2	Reference to the Deputy Commissioner removed due to the TMR.	16/12/2015
Throughout	Reviewed as current with no changes.	10/06/2016
Page 2	New para 1.3 referencing the Disciplinary Toolkit.	24/10/2018
Throughout	Deletion of all references to 'attendance' as this is no longer managed within the disciplinary procedure, but under PN873 – the sickness capability process, and PN889 - managing attendance policy. Paragraphs 46-48 referring to attendance have been deleted and the following paragraphs renumbered.	01/08/2019
Throughout	Role to rank changes made to content.	15/10/2019
Page 1	Owner changed from 'Head of Human Resource Management' to 'Assistant Director, People Services'.	13/08/2020
Throughout	The word 'Authority' replaced with 'Brigade due to the abolition of LFEPA.	

Throughout	Reviewed as current with no changes.	17/07/2023
Page 14	SDIA added.	08/08/2023

Subject list

You can find this policy under the following subjects.

Appeals	Discipline and conduct

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification

Grievance procedure – Uniformed staff

New policy number: **394a**
Old instruction number: **PER:J020:a1**
Issue date: **19 April 2005**
Reviewed as current: **18 May 2023**
Owner: **Assistant Director, People Services**
Responsible work team: **Culture and Organisational Development**

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1 Introduction

- 1.1 The Grey Book (sixth edition), agreed on 26 August 2004, contains a grievance procedure and guidance. This procedure applies to LFB uniformed staff from 26 August 2004. This procedure is on hotwire at [Guides and Policies>Policies>grey book \(search\)>Section 6 \(grievance and disciplinary\)](#), and is attached, updated as required, as Appendix 1. Appendix 2 is additional guidance for managers on timescales and levels of authority.
- 1.2 The national Employers' Commentary on the Grey Book Grievance [and Disciplinary] Procedures and Guidance (Circular EMP/33/04) is available on hotwire at [HR, Pay and Employment>Disciplinary and Grievances>Disciplinary Toolkit>NJC Employers' Commentary on Grievance and Disciplinary Procedures and guidance](#).

2 Management levels of authority

- 2.1 Levels of decision-making within the Grievance Procedure are as follows:
 - Informal Stage/Formal Stage: No lower than sub/stn officer/FRS C
 - Appeal Stage: No lower than station commander/FRS E
- 2.2 Any further appeal on 'serious' issues will be heard at brigade manager/head of service level. The Assistant Director – People Services, in consultation with the relevant head of service, will determine whether a grievance goes to the further appeal stage, taking into account representations from the employee and, where appropriate, their representative.
- 2.3 The Assistant Director – People Services has delegated authority, in consultation with the Commissioner, to amend the arrangements set out in paragraphs 2.1 and 2.2 above, provided such amendments are consistent with the Grey Book and any national or local agreements.

Appendix 1 - Individual grievance procedure and guidance

Informal stage

- 1 Employees should be informed that if they have a grievance relating to their employment they should discuss it with their line manager.

Formal stage

- 2 If the employee is not satisfied with the reply they may proceed to the next stage. At this stage the grievance must be set out in writing¹. Also at this stage a representative of their union or a fellow employee may if they wish accompany them and take up the matter on their behalf.
- 3 The line manager should hear the grievance within seven days. Where the decision that gave rise to the grievance was made at a higher level, the grievance will initially be heard at that level. The employee will be given a written decision with reasons within seven days, explaining the decision.

Appeal stage

- 4 If the employee remains dissatisfied with the decision they may appeal within seven days in writing. This appeal should be heard within seven days by the next highest level of management who have the authority to review and change the original decision. Their decision with reasons must also be in writing. The employee will be given a written decision with reasons within seven days explaining the decision.
- 5 If the employee is dissatisfied with the decision of the Appeal described at paragraph 4 and the issue has been identified as being one of a serious nature then the grievance shall be reviewed at the corporate level appropriate to the issue (see paragraph 8 of guidance).

Time limits

- 6 The time limits referred to above may be varied by mutual agreement.

Grievance procedure - guidance

Preamble

- 1 The individual grievance procedure is intended to cover the range of concerns, problems and issues which individuals may raise with their employer. Other legal considerations are set out in Appendix A to the procedure.
- 2 The grievance procedure applies to current employees.
- 3 Grievances will normally be raised with the line manager and it is the responsibility of the employer to ensure that employees know who their line manager is. Where grievances are about serious problems such as allegations of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, then the appropriate corporate level of the employing authority shall be involved in the appeal (see paragraph 8 below). It is the responsibility of both employer and employee to ensure that grievances are heard fairly, consistently, speedily and at the appropriate level (see paragraph 2

¹ The grievance must be raised on the Brigade's online grievance workflow system. Arrangements exist for those not at work, for example those on long-term sick or on maternity leave.

below). The procedure must be made available to all employees so that any grievances they may have can be properly considered.

- 4 Where separate procedures exist for dealing with grievances on particular issues (for example, the right to request flexible working) these should be used instead of the normal grievance procedure.
- 5 Employees should be encouraged to seek help with setting out their grievance (for example from representatives of recognised unions). As required under the Equality Act 2010 employers must make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves because of a disability.
- 6 In line with legislation, employees have the right to be accompanied by a trade union representative or fellow employee at the hearing.
- 7 Where a grievance involves difficulty in reconciling work and caring responsibilities, managers shall make every effort, subject to the exigencies of the service, not to implement any proposed change until the grievance has been resolved.
- 8 Grievances should be raised within 3 months of the management decision causing the grievance, unless otherwise agreed.

Informal stage

- 1 Employees should aim to resolve most grievances quickly and informally by discussing them with their line manager. Where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority. If employees are not satisfied with the outcome of this initial informal stage, they may move to the next stage of a formal hearing.

Formal stage

- 2 If a grievance cannot be settled informally, it should then be raised formally in writing with the appropriate level of management². Normally, this will be the line manager. Again, where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority.
- 3 On receiving a formal grievance, a manager should invite the employee to a meeting which should be held in good time³ and inform them that they have the right to be accompanied by a representative (which could be either their union representative or a fellow employee). They should agree a time and place for the meeting with the employee. It is important that the meeting is not interrupted and that the employee feels their grievance is being treated seriously and in confidence. 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 seven days after the date originally proposed by the manager. This seven-day time limit may be extended by mutual agreement.
- 4 The employee will be given a full opportunity to explain their complaint and say how they think it should be settled. If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice

² See footnote 1.

³ Throughout this guidance and procedure 'in good time' means as soon as possible and in any case within 7 days unless otherwise agreed.

or make further investigations. The manager should give the grievance careful consideration before responding.

- 5 Where the manager who would normally deal with the grievance cannot be available, another manager should be appointed to hear the grievance.
- 6 The manager should respond in writing to the employee's grievance in good time explaining the reason for their decision and should let the employee know that they can appeal against the manager's decision if they are not satisfied with it.

Appeal stage

- 7 If the employee informs their manager in good time and in writing that they are unhappy with the decision after the formal grievance hearing, the manager should arrange for an appeal hearing to be conducted in good time. The appeal will be to a manager at a more senior role who has the practical authority to review and change the original decision. This level of authority may depend on the nature of the decision e.g. whether it simply involved application of existing policy or was a decision introducing or changing policy. The employee should be given a written decision and explanation on their appeal as soon as possible and in good time.
- 8 In addition, as noted in the preamble above, serious cases such as allegations of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, will (where the matter remains unresolved) require a further hearing to be conducted by the corporate level of the employing authority which is appropriate to the issue. For example, the appropriate level will be that which both appreciates the wider importance and significance of the issue and has the authority to deal with it.
- 9 As with the previous stage, the employee should be given a written decision and explanation on their appeal as soon as possible and in good time.

Special considerations

- 10 Where either the authority or the recognised union determine that the matter is a collective issue, it may, at any stage, be transferred to stage one of the local negotiation procedure set out in Part C of Section 5.
- 11 Complaints about discrimination, bullying and harassment in the workplace are sensitive issues. As indicated above, these should merit special attention and it may be helpful for separate procedures to be developed.
- 12 It is important to ensure that everyone in the organisation understands the grievance procedures, including the statutory requirements and that managers and employee representatives are trained in their use. Employees must be given a copy of the procedures or have ready access to them, for instance on a noticeboard, and they should be included as part of the induction process.
- 13 Managers and union representatives should take the time to explain the detail of grievance procedures to employees.

Keeping records

- 14 It is important, and in the interests of both parties, to keep written records during the grievance process⁴. Records should include:

⁴ The Brigade's online grievance workflow system, referred to in footnote (1) maintains records.

- The nature of the grievance raised.
 - A copy of the written grievance.
 - The manager's response.
 - Action taken.
 - Reasons for action taken.
 - Whether there was an appeal and, if so, the outcome.
 - Subsequent developments.
- 15 Copies of meeting records should be given to the employee including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) some information may be withheld.

Annex

Other legal considerations

- 1 Individuals also have the right to raise very serious grievances under the provisions of the Public Interest Disclosure Act 1998. This Act provides protection to employees who raise concerns about certain kinds of wrongdoing in accordance with its procedures. Such complaints should be raised under the Brigade's Confidential Reporting ("whistleblowing") policy, PN569.
- 2 Records should be treated as confidential and kept in accordance with the Data Protection Law which gives individuals the right to request and have access to certain personal data.

Appendix 2 – Grievance Procedure: Timescales and Levels of Authority – Guidance for Managers

Introduction

This guidance should be read alongside the Grievance procedure – Uniformed staff (PN 394a).

Timescales (informal and first formal stages)

Informal Stage

The Grievance Procedure (policy 394a – uniformed staff, appendix 1) has an Informal, Formal and an Appeal stage. The procedure states:

"Informal Stage: Employees should aim to resolve most grievances quickly and informally by discussing them with their line manager...If employees are not satisfied with the outcome of this informal stage, they may move to the next stage of a formal hearing."

If an employee has a grievance relating to their employment they should therefore first discuss this with their line manager at the informal stage. Where the employee has raised a formal grievance without attempting to resolve the issue informally in the first instance, the manager should seek an informal resolution before a formal grievance hearing is arranged, i.e. the manager should arrange to meet with the employee on a one-to-one basis to discuss the grievance with a view to resolving the issue. There are no set timescales within the procedure for the informal stage, but the informal meeting/discussion should be arranged 'quickly'.

Formal Stage

If the matter is not resolved at the informal stage, and the employee wishes to proceed to the next (formal) stage, the employee should set out their grievance in writing to the line manager. The line manager should make every effort to ensure they hold a formal grievance hearing within 7 days of receipt of the grievance. If this proves difficult, e.g. due to shift patterns, leave, or availability generally, the manager should liaise with the employee as the time limits may be varied by mutual agreement. Managers should not delay convening the grievance hearing due to the need to make further investigations and/or seek advice before reaching a decision. If the line manager who would ordinarily hear the grievance will not be at work for at least 7 days, e.g. due to leave commitments, the employee may re-direct their grievance to the line manager's manager. In this situation, the line manager's manager should arrange for the employee to be contacted within 7 days to seek agreement as to how the grievance will be dealt with. This could include arranging for another manager to hear the grievance, or seeking the employee's agreement to await the line manager's return if the line manager is the most appropriate manager to hear the grievance.

At the grievance hearing, managers should listen to the grievance, and, where possible, reach their decision at the conclusion of the hearing. The manager will then have 7 days to confirm the decision in writing from the date of the hearing.

It may be necessary for the manager to adjourn the hearing to investigate and/or seek advice (the grievance procedure states: 'If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice or make further investigations'). If the manager needs to make further investigations and/or seek advice following the hearing, this should be done as soon as practicable.

Where a manager needs to undertake investigations and/or seek advice before reaching a decision, they should advise the employee of this at the conclusion of the grievance hearing, with a likely timescale within which they expect to reach a decision. If this process subsequently takes longer than originally envisaged, the manager should update the employee in writing within the original timescale, and provide a revised timescale for reaching their decision.

Once the decision has been made, the manager has 7 days to confirm the decision in writing.

Management Levels of Authority

The levels of decision-making within the Grievance Procedure are as follows:

Informal Stage/Formal Stage: No lower than sub/stn officer/FRSC

Appeal Stage: No lower than station commander/FRSE

Grievances should normally be raised with the line manager in the first instance. This includes if the line manager is the person who made the original decision giving rise to the grievance. In the first instance the grievance procedure provides an opportunity for the line manager to review a decision that they have made. The Manager hearing the grievance at the formal stage should however be at a level with the authority to review and change the original decision.

If the grievance relates to the behaviour of the line manager towards the employee, the employee can approach another manager to deal with the grievance (either the line manager's manager, or another manager at the same level).

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	17/10/2008	SDIA	18/05/2023	HSWIA	18/05/2023	RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	Reviewed as current, no changes made.	05/02/2010
Page 4 para 5	Disability Discrimination Act 1995 replaced by Equality Act 2010 in line with current legislation.	14/10/2011
Throughout	Names of departments updated in line with the Top Management Review.	14/10/2011
Throughout	This policy has been reviewed as current, no changes were necessary.	31/01/2013
Page 7	SIA date added.	11/02/2014
Page 7	Subject list and FOIA exemptions tables updated.	22/12/2014
Throughout	This policy has been reviewed as current, no changes were necessary.	04/04/2016
Throughout Page 2, para 1.1 and 2.1	<p>This policy has been reviewed as current with changes made to the Annex. Reference to the previous 'statutory' procedures have been deleted as these no longer exist.</p> <p>Changes have also been made to reflect the abolition of the London Fire and Emergency Planning Authority.</p> <p>Footnotes referring to the Brigade's online grievance workflow system have been added.</p> <p>A new appendix 2 has been added. This includes amending the level of operational manager who can hear appeals from group manager to station manager.</p> <p>Please re-read to familiarise yourself with the content.</p>	16/07/2018
Throughout	Role to rank changes to content.	16/10/2019
Throughout	Reviewed as current with no changes.	18/05/2023
Page 9	SDIA and HSWIA updated.	30/05/2023

Subject list

You can find this policy under the following subjects.

Grievance	

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification

Grievance procedure – fire and rescue staff

New policy number: **394b**
Old instruction number: **PER:J015:a1**
Issue date: **6 March 2006**
Reviewed as current: **18 May 2023**
Owner: **Assistant Director, People Services**
Responsible work team: **Culture and Organisational Development**

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1 Introduction

- 1.1 The grievance procedure and guidance for fire and rescue staff is attached as Appendix 1. This procedure applies to fire and rescue staff, which includes craft and manual staff, from 1 March 2006. Other legal considerations are set out in Appendix 2. Appendix 3 is additional guidance for managers on timescales and levels of authority.

2 Management levels of authority

- 2.1 Levels of decision-making within the Grievance Procedure are as follows:
- Informal Stage/Formal Stage: No lower than FRS C/sub/stn officer
 - Appeal Stage: No lower than FRS E/station commander
- 2.2 Any further appeal on 'serious' issues will be heard at head of service/brigade manager level. The Assistant Director – People Services, in consultation with the relevant head of service/brigade manager, will determine whether a grievance goes to the further appeal stage, taking into account representations from the employee and, where appropriate, their representative.

Appendix 1 - Individual grievance procedure and guidance

Informal stage

- 1 Employees should be informed that if they have a grievance relating to their employment they should discuss it with their line manager.

Formal stage

- 2 If the employee is not satisfied with the reply they may proceed to the next stage. At this stage the grievance must be set out in writing¹. Also at this stage a representative of their union or a fellow employee may if they wish accompany them and take up the matter on their behalf.
- 3 The line manager should hear the grievance within seven days. Where the decision that gave rise to the grievance was made at a higher level, the grievance will initially be heard at that level. The employee will be given a written decision with reasons within seven days, explaining the decision.

Appeal stage

- 4 If the employee remains dissatisfied with the decision they may appeal within seven days in writing. This appeal should be heard within seven days by the next highest level of management who have the authority to review and change the original decision. Their decision with reasons must also be in writing. The employee will be given a written decision with reasons within seven days explaining the decision.
- 5 If the employee is dissatisfied with the decision of the Appeal described at paragraph 4 and the issue has been identified as being one of a serious nature then the grievance shall be reviewed at the corporate level appropriate to the issue (see paragraph 8 of guidance).

Time limits

- 6 The time limits referred to above may be varied by mutual agreement.

Grievance procedure - guidance

Preamble

- 1 The individual grievance procedure is intended to cover the range of concerns, problems and issues which individuals may raise with their employer. Other legal considerations are set out in Appendix A to the procedure.
- 2 The grievance procedure applies to current employees.
- 3 Grievances will normally be raised with the line manager and it is the responsibility of the employer to ensure that employees know who their line manager is. Where grievances are about serious problems such as allegations of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, then the appropriate corporate level of the employing authority shall be involved in the appeal (see paragraph 8 below). It is the responsibility of both employer and employee to ensure that grievances are heard fairly, consistently, speedily and at the appropriate level (see paragraph 2

¹ The grievance must be raised on the Brigade's online grievance workflow system. Arrangements exist for those not at work, for example those on long-term sick or on maternity leave.

below). The procedure must be made available to all employees so that any grievances they may have can be properly considered.

- 4 Where separate procedures exist for dealing with grievances on particular issues (for example, the right to request flexible working) these should be used instead of the normal grievance procedure.
- 5 Employees should be encouraged to seek help with setting out their grievance (for example from representatives of recognised unions). As required under the Equality Act 2010 employers must make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves because of a disability.
- 6 In line with legislation, employees have the right to be accompanied by a trade union representative or fellow employee at the hearing.
- 7 Where a grievance involves difficulty in reconciling work and caring responsibilities, managers shall make every effort, subject to the exigencies of the service, not to implement any proposed change until the grievance has been resolved.
- 8 Grievances should be raised within 3 months of the management decision causing the grievance, unless otherwise agreed.

Informal stage

- 1 Employees should aim to resolve most grievances quickly and informally by discussing them with their line manager. Where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority. If employees are not satisfied with the outcome of this initial informal stage, they may move to the next stage of a formal hearing.

Formal stage

- 2 If a grievance cannot be settled informally, it should then be raised formally in writing with the appropriate level of management². Normally, this will be the line manager. Again, where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority.
- 3 On receiving a formal grievance, a manager should invite the employee to a meeting which should be held in good time³ and inform them that they have the right to be accompanied by a representative (which could be either their union representative or a fellow employee). They should agree a time and place for the meeting with the employee. It is important that the meeting is not interrupted and that the employee feels their grievance is being treated seriously and in confidence. 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 seven days after the date originally proposed by the manager. This seven-day time limit may be extended by mutual agreement.
- 4 The employee will be given a full opportunity to explain their complaint and say how they think it should be settled. If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice

² See footnote 1.

³ Throughout this guidance and procedure 'in good time' means as soon as possible and in any case within 7 days unless otherwise agreed.

or make further investigations. The manager should give the grievance careful consideration before responding.

- 5 Where the manager who would normally deal with the grievance cannot be available, another manager should be appointed to hear the grievance.
- 6 The manager should respond in writing to the employee's grievance in good time explaining the reason for their decision and should let the employee know that they can appeal against the manager's decision if they are not satisfied with it.

Appeal stage

- 7 If the employee informs their manager in good time and in writing that they are unhappy with the decision after the formal grievance hearing, the manager should arrange for an appeal hearing to be conducted in good time. The appeal will be to a manager at a more senior role who has the practical authority to review and change the original decision. This level of authority may depend on the nature of the decision e.g. whether it simply involved application of existing policy or was a decision introducing or changing policy. The employee should be given a written decision and explanation on their appeal as soon as possible and in good time.
- 8 In addition, as noted in the preamble above, serious cases such as allegations of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, will (where the matter remains unresolved) require a further hearing to be conducted by the corporate level of the employing authority which is appropriate to the issue. For example, the appropriate level will be that which both appreciates the wider importance and significance of the issue and has the authority to deal with it.
- 9 As with the previous stage, the employee should be given a written decision and explanation on their appeal as soon as possible and in good time.

Special considerations

- 10 Where either the authority or the recognised union determine that the matter is a collective issue, it may, at any stage, be transferred to the appropriate collective machinery.
- 11 Complaints about discrimination, bullying and harassment in the workplace are sensitive issues. As indicated above, these should merit special attention and it may be helpful for separate procedures to be developed.
- 12 It is important to ensure that everyone in the organisation understands the grievance procedures, including the statutory requirements and that managers and employee representatives are trained in their use. Employees must be given a copy of the procedures or have ready access to them, for instance on a noticeboard, and they should be included as part of the induction process.
- 13 Managers and union representatives should take the time to explain the detail of grievance procedures to employees.

Keeping records

- 14 It is important, and in the interests of both parties, to keep written records during the grievance process⁴. Records should include:
 - The nature of the grievance raised.

⁴ The Brigade's online grievance workflow system, referred to in footnote (1) maintains records.

- A copy of the written grievance.
 - The manager's response.
 - Action taken.
 - Reasons for action taken.
 - Whether there was an appeal and, if so, the outcome.
 - Subsequent developments.
- 15 Copies of meeting records should be given to the employee including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) some information may be withheld.

Appendix 2 - Other legal considerations

- 1 Individuals also have the right to raise very serious grievances under the provisions of the Public Interest Disclosure Act 1998. This Act provides protection to employees who raise concerns about certain kinds of wrongdoing in accordance with its procedures. Such complaints should be raised under the Brigade's Confidential Reporting ("whistleblowing") policy, PN569.
- 2 Records should be treated as confidential and kept in accordance with the Data Protection Law, which gives individuals the right to request and have access to certain personal data.

Appendix 3 - Grievance Procedure: Timescales and Levels of Authority – Guidance for Managers

Introduction

This guidance should be read alongside the Grievance procedure – fire and rescue staff (PN 394b).

Timescales (informal and first formal stages)

Informal Stage

The Grievance Procedure (policy 394b – fire and rescue staff, appendix 1) has an Informal, Formal and an Appeal stage. The procedure states:

"Informal Stage: Employees should aim to resolve most grievances quickly and informally by discussing them with their line manager...If employees are not satisfied with the outcome of this informal stage, they may move to the next stage of a formal hearing."

If an employee has a grievance relating to their employment they should therefore first discuss this with their line manager at the informal stage. Where the employee has raised a formal grievance without attempting to resolve the issue informally in the first instance, the manager should seek an informal resolution before a formal grievance hearing is arranged, i.e. the manager should arrange to meet with the employee on a one-to-one basis to discuss the grievance with a view to resolving the issue. There are no set timescales within the procedure for the informal stage, but the informal meeting/discussion should be arranged 'quickly'.

Formal Stage

If the matter is not resolved at the informal stage, and the employee wishes to proceed to the next (formal) stage, the employee should set out their grievance in writing to the line manager. The line manager should make every effort to ensure they hold a formal grievance hearing within 7 days of receipt of the grievance. If this proves difficult, e.g. due to shift patterns, leave, or availability generally, the manager should liaise with the employee as the time limits may be varied by mutual agreement. Managers should not delay convening the grievance hearing due to the need to make further investigations and/or seek advice before reaching a decision. If the line manager who would ordinarily hear the grievance will not be at work for at least 7 days, e.g. due to leave commitments, the employee may re-direct their grievance to the line manager's manager. In this situation, the line manager's manager should arrange for the employee to be contacted within 7 days to seek agreement as to how the grievance will be dealt with. This could include arranging for another manager to hear the grievance, or seeking the employee's agreement to await the line manager's return if the line manager is the most appropriate manager to hear the grievance.

At the grievance hearing, managers should listen to the grievance, and, where possible, reach their decision at the conclusion of the hearing. The manager will then have 7 days to confirm the decision in writing from the date of the hearing.

It may be necessary for the manager to adjourn the hearing to investigate and/or seek advice (the grievance procedure states: 'If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice or make further investigations'). If the manager needs to make further investigations and/or seek advice following the hearing, this should be done as soon as practicable.

Where a manager needs to undertake investigations and/or seek advice before reaching a decision, they should advise the employee of this at the conclusion of the grievance hearing, with a likely timescale within which they expect to reach a decision. If this process subsequently takes longer than originally envisaged, the manager should update the employee in writing within the original timescale, and provide a revised timescale for reaching their decision.

Once the decision has been made, the manager has 7 days to confirm the decision in writing.

Management Levels of Authority

The levels of decision-making within the Grievance Procedure are as follows:

Informal Stage/Formal Stage: No lower than sub/stn officer/FRSC

Appeal Stage: No lower than station commander/FRSE

Grievances should normally be raised with the line manager in the first instance. This includes if the line manager is the person who made the original decision giving rise to the grievance. In the first instance the grievance procedure provides an opportunity for the line manager to review a decision that they have made. The Manager hearing the grievance at the formal stage should however be at a level with the authority to review and change the original decision.

If the grievance relates to the behaviour of the line manager towards the employee, the employee can approach another manager to deal with the grievance (either the line manager's manager, or another manager at the same level).

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	14/10/2008	SDIA	18/05/2023	HSWIA	18/05/2023	RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	Reviewed as current, no changes made.	05/02/2010
Page 4 App 1	Replaced reference to the Disability Discrimination Act 1995 with the Equality Act 2010 in line with current legislation.	17/10/2011
Throughout	This policy has been reviewed as current, no changes were necessary.	31/01/2013
Page 8	SIA date added.	11/02/2014
Page 8	Subject list and FOIA exemptions tables updated.	22/12/2014
Throughout	This policy has been reviewed as current, no changes were necessary.	04/04/2016
Throughout Appendix 3	This policy has been reviewed as current with changes made throughout to reflect the abolition of the London Fire and Emergency Planning Authority and to Appendix 2. Reference to the previous 'statutory' procedures have been deleted as these no longer exist. Footnotes referring to the Brigade's online grievance workflow system have been added. A new appendix 3 has been added. This includes amending the level of operational manager who can hear appeals from group manager to station manager. Please re-read to familiarise yourself with the content.	16/07/2018
Throughout	Role to rank changes made to content.	16/10/2019
Throughout	Reviewed as current with no changes.	18/05/2023
Page 10	SDIA and HSWIA updated.	30/05/2023

Subject list

You can find this policy under the following subjects.

Grievance	

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification

Grievance procedure – control

New policy number: **394c**
Old instruction number: **PER:J015:a2**
Issue date: **15 March 2006**
Reviewed as current: **18 May 2023**
Owner: **Assistant Director, People Services**
Responsible work team: **Culture and Organisational Development**

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1 Introduction

- 1.1 The grievance procedure and guidance for control staff is attached as Appendix 1. This procedure applies to control staff from 16 September 2005. Other legal considerations are set out in Appendix 2. Appendix 3 is additional guidance for managers on timescales and levels of authority.

2 Management levels of authority

- 2.1 Levels of decision-making within the Grievance Procedure are as follows:
- Informal Stage/Formal Stage: No lower than operations manager
 - Appeal Stage: No lower than principal operations manager
- 2.2 Any further appeal on 'serious' issues will be heard at Brigade manager/head of service level. The Assistant Director – People Services, in consultation with the relevant Brigade manager/head of service, will determine whether a grievance goes to the further appeal stage, taking into account representations from the employee and, where appropriate, their representative.

Appendix 1 - Individual grievance procedure and guidance

Informal stage

- 1 Employees should be informed that if they have a grievance relating to their employment they should discuss it with their line manager.

Formal stage

- 2 If the employee is not satisfied with the reply they may proceed to the next stage. At this stage the grievance must be set out in writing¹. Also at this stage a representative of their union or a fellow employee may if they wish accompany them and take up the matter on their behalf.
- 3 The line manager should hear the grievance within seven days. Where the decision that gave rise to the grievance was made at a higher level, the grievance will initially be heard at that level. The employee will be given a written decision with reasons within seven days, explaining the decision.

Appeal stage

- 4 If the employee remains dissatisfied with the decision they may appeal within seven days in writing. This appeal should be heard within seven days by the next highest level of management who have the authority to review and change the original decision. Their decision with reasons must also be in writing. The employee will be given a written decision with reasons within seven days explaining the decision.
- 5 If the employee is dissatisfied with the decision of the Appeal described at paragraph 4 and the issue has been identified as being one of a serious nature then the grievance shall be reviewed at the corporate level appropriate to the issue (see paragraph 8 of guidance).

Time limits

- 6 The time limits referred to above may be varied by mutual agreement.

Grievance procedure - Guidance

Preamble

- 1 The individual grievance procedure is intended to cover the range of concerns, problems and issues which individuals may raise with their employer. Other legal considerations are set out in Appendix 2 to the procedure.
- 2 The grievance procedure applies to current employees.
- 3 Grievances will normally be raised with the line manager and it is the responsibility of the employer to ensure that employees know who their line manager is. Where grievances are about serious problems such as allegations of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, then the appropriate corporate level of the employing authority shall be involved in the appeal (see paragraph 8 below). It is the responsibility of both employer and employee to ensure that grievances are heard fairly, consistently, speedily and at the appropriate level (see paragraph

¹ The grievance must be raised on the Brigade's online grievance workflow system. Arrangements exist for those not at work, for example those on long-term sick or on maternity leave.

entitled "Informal stage" below). The procedure must be made available to all employees so that any grievances they may have can be properly considered.

- 4 Where separate procedures exist for dealing with grievances on particular issues (for example, the right to request flexible working) these should be used instead of the normal grievance procedure.
- 5 Employees should be encouraged to seek help with setting out their grievance (for example from representatives of recognised unions). As required under the Equality Act 2010 employers must make reasonable adjustments which may include assisting employees to formulate a written grievance if they are unable to do so themselves because of a disability.
- 6 In line with legislation, employees have the right to be accompanied by a trade union representative or fellow employee at the hearing.
- 7 Where a grievance involves difficulty in reconciling work and caring responsibilities, managers shall make every effort, subject to the exigencies of the service, not to implement any proposed change until the grievance has been resolved.
- 8 Grievances should be raised within 3 months of the management decision causing the grievance, unless otherwise agreed.

Informal stage

- 1 Employees should aim to resolve most grievances quickly and informally by discussing them with their line manager. Where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority. If employees are not satisfied with the outcome of this initial informal stage, they may move to the next stage of a formal hearing.

Formal stage

- 2 If a grievance cannot be settled informally, it should then be raised formally in writing with the appropriate level of management². Normally, this will be the line manager. Again, where the grievance is a complaint against the line manager with whom the grievance would normally be raised, the employee can approach that person's manager or another manager at the same or similar level of authority.
- 3 On receiving a formal grievance, a manager should invite the employee to a meeting which should be held in good time³ and inform them that they have the right to be accompanied by a representative (which could be either their union representative or a fellow employee). They should agree a time and place for the meeting with the employee. It is important that the meeting is not interrupted and that the employee feels their grievance is being treated seriously and in confidence. 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 seven days after the date originally proposed by the manager. This seven-day time limit may be extended by mutual agreement.
- 4 The employee will be given a full opportunity to explain their complaint and say how they think it should be settled. If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice

² See footnote 1.

³ Throughout this guidance and procedure 'in good time' means as soon as possible and in any case within 7 days unless otherwise agreed.

or make further investigations. The manager should give the grievance careful consideration before responding.

- 5 Where the manager who would normally deal with the grievance cannot be available, another manager should be appointed to hear the grievance.
- 6 The manager should respond in writing to the employee's grievance in good time explaining the reason for their decision and should let the employee know that they can appeal against the manager's decision if they are not satisfied with it.

Appeal stage

- 7 If the employee informs their manager in good time and in writing that they are unhappy with the decision after the formal grievance hearing, the manager should arrange for an appeal hearing to be conducted in good time. The appeal will be to a manager at a more senior role who has the practical authority to review and change the original decision. This level of authority may depend on the nature of the decision e.g. whether it simply involved application of existing policy or was a decision introducing or changing policy. The employee should be given a written decision and explanation on their appeal as soon as possible and in good time.
- 8 In addition, as noted in the preamble above, serious cases such as allegations of bullying, harassment, racism or other unlawful discrimination which suggest major problems, for example of culture or management style, will (where the matter remains unresolved) require a further hearing to be conducted by the corporate level of the employing authority which is appropriate to the issue. For example, the appropriate level will be that which both appreciates the wider importance and significance of the issue and has the authority to deal with it.
- 9 As with the previous stage, the employee should be given a written decision and explanation on their appeal as soon as possible and in good time.

Special considerations

- 10 Where either the authority or the recognised union determine that the matter is a collective issue, it may, at any stage, be transferred to the appropriate collective machinery.
- 11 Complaints about discrimination, bullying and harassment in the workplace are sensitive issues. As indicated above, these should merit special attention and it may be helpful for separate procedures to be developed.
- 12 It is important to ensure that everyone in the organisation understands the grievance procedures, including the statutory requirements and that managers and employee representatives are trained in their use. Employees must be given a copy of the procedures or have ready access to them, for instance on a noticeboard, and they should be included as part of the induction process.
- 13 Managers and union representatives should take the time to explain the detail of grievance procedures to employees.

Keeping records

- 14 It is important, and in the interests of both parties, to keep written records during the grievance process⁴. Records should include:
 - The nature of the grievance raised.
 - A copy of the written grievance.

⁴ The Brigade's online grievance workflow system, referred to in footnote (1) maintains records.

- The manager's response.
 - Action taken.
 - Reasons for action taken.
 - Whether there was an appeal and, if so, the outcome.
 - Subsequent developments.
- 15 Copies of meeting records should be given to the employee including any formal minutes that may have been taken. In certain circumstances (for example to protect a witness) some information may be withheld.

Appendix 2 – Other legal considerations

- 1 Individuals also have the right to raise very serious grievances under the provisions of the Public Interest Disclosure Act 1998. This Act provides protection to employees who raise concerns about certain kinds of wrongdoing in accordance with its procedures. Such complaints should be raised under the Brigade's Confidential Reporting ("whistleblowing") policy, PN569.
- 2 Records should be treated as confidential and kept in accordance with the Data Protection Law, which gives individuals the right to request and have access to certain personal data.

Appendix 3 - Grievance Procedure: Timescales and Levels of Authority – Guidance for Managers

Introduction

This guidance should be read alongside the Grievance procedure – control staff (PN 394c).

Timescales (informal and first formal stages)

Informal Stage

The Grievance Procedure (policy 394c – control staff, appendix 1) has an Informal, Formal and an Appeal stage. The procedure states:

"Informal Stage: Employees should aim to resolve most grievances quickly and informally by discussing them with their line manager...If employees are not satisfied with the outcome of this informal stage, they may move to the next stage of a formal hearing."

If an employee has a grievance relating to their employment they should therefore first discuss this with their line manager at the informal stage. Where the employee has raised a formal grievance without attempting to resolve the issue informally in the first instance, the manager should seek an informal resolution before a formal grievance hearing is arranged, i.e. the manager should arrange to meet with the employee on a one-to-one basis to discuss the grievance with a view to resolving the issue. There are no set timescales within the procedure for the informal stage, but the informal meeting/discussion should be arranged 'quickly'.

Formal Stage

If the matter is not resolved at the informal stage, and the employee wishes to proceed to the next (formal) stage, the employee should set out their grievance in writing to the line manager. The line manager should make every effort to ensure they hold a formal grievance hearing within 7 days of receipt of the grievance. If this proves difficult, e.g. due to shift patterns, leave, or availability generally, the manager should liaise with the employee as the time limits may be varied by mutual agreement. Managers should not delay convening the grievance hearing due to the need to make further investigations and/or seek advice before reaching a decision. If the line manager who would ordinarily hear the grievance will not be at work for at least 7 days, e.g. due to leave commitments, the employee may re-direct their grievance to the line manager's manager. In this situation, the line manager's manager should arrange for the employee to be contacted within 7 days to seek agreement as to how the grievance will be dealt with. This could include arranging for another manager to hear the grievance, or seeking the employee's agreement to await the line manager's return if the line manager is the most appropriate manager to hear the grievance.

At the grievance hearing, managers should listen to the grievance, and, where possible, reach their decision at the conclusion of the hearing. The manager will then have 7 days to confirm the decision in writing from the date of the hearing.

It may be necessary for the manager to adjourn the hearing to investigate and/or seek advice (the grievance procedure states: 'If a point is reached in the meeting where it is not clear how to deal with the grievance or further investigations are necessary the meeting should be adjourned to get advice or make further investigations'). If the manager needs to make further investigations and/or seek advice following the hearing, this should be done as soon as practicable.

Where a manager needs to undertake investigations and/or seek advice before reaching a decision, they should advise the employee of this at the conclusion of the grievance hearing, with a likely timescale within which they expect to reach a decision. If this process subsequently takes longer than originally envisaged, the manager should update the employee in writing within the original timescale, and provide a revised timescale for reaching their decision.

Once the decision has been made, the manager has 7 days to confirm the decision in writing.

Management Levels of Authority

The levels of decision-making within the Grievance Procedure are as follows:

Informal Stage/Formal Stage: No lower than operations manager

Appeal Stage: No lower than principal operations manager

Grievances should normally be raised with the line manager in the first instance. This includes if the line manager is the person who made the original decision giving rise to the grievance. In the first instance the grievance procedure provides an opportunity for the line manager to review a decision that they have made. The Manager hearing the grievance at the formal stage should however be at a level with the authority to review and change the original decision.

If the grievance relates to the behaviour of the line manager towards the employee, the employee can approach another manager to deal with the grievance (either the line manager's manager, or another manager at the same level).

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	02/08/2008	SDIA	18/05/2023	HSWIA	18/05/2023	RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	Reviewed as current, no changes made.	05/02/2010
Page 2 para 2.1	The terms "principal controller" and "control commander" have been replaced by "principal operations manager" and "operations manager" in line with the current role titles.	02/12/2010
Page 4 App 1	Replaced reference to the Disability Discrimination Act 1995 with the Equality Act 2010 in line with current legislation.	17/10/2011
Throughout	This policy has been reviewed as current, no changes were necessary.	31/01/2013
Page 8	SIA date added.	11/02/2014
Page 8	Subject list and FOIA exemptions tables updated.	22/12/2014
Throughout	This policy has been reviewed as current, no changes were necessary.	04/04/2016
Throughout	This policy has been reviewed as current with changes made throughout and to Appendix 2. Reference to the previous 'statutory' procedures have been deleted as these no longer exist. Footnotes referring to the Brigade's online grievance workflow system have been added.	16/07/2018
Appendix 3	A new appendix 3 has been added. Pleas re-read to familiarise yourself with the content.	
Throughout	Reviewed as current with no changes.	18/05/2023
Page 10	SDIA and HSWIA updated.	30/05/2023

Subject list

You can find this policy under the following subjects.

Grievance	

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification

Equality Impact Assessment (EIA) Form

The **purpose** of an EIA is to give **as much information as possible** about potential equality impacts, to demonstrate we meet our **legal duties** under the Equality Act 2010.

Please read the EIA Guidance [on Hotwire](#) before completing this form.

1. What is the name of the policy, project, decision or activity?
PN392a Disciplinary Procedure

Overall Equality Impact of this policy, project, decision or activity (*see instructions at end of EIA to complete*):

High	Medium	X	Low
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2. Contact details	
Name of EIA author	Gareth Liptrot
Department and Team	Professional Standards Unit
Date of EIA	February 2024

3. Aim and Purpose	
What is the aim and purpose of the policy, project, decision or activity?	Disciplinary Procedure (PN392a) – Informs employees & managers of the procedure to be followed to manage conduct (disciplinary offences).



LONDON FIRE BRIGADE

	Disciplinary Rules (PN481) – Provides examples to employees of offences constituting gross misconduct & other misconduct. Also provides guidance to employees on what action they should take if arrested, charged or convicted of a criminal offence.
Who is affected by this work (all staff, specific department, wider communities?)	All staff

4. Equality considerations: the EIA must be based on evidence and information.	
What consultation has taken place to support you to predict the equality impacts of this work?	<p>Email consulting on proposed policy to ESGs and any responses</p> <p>Review of EDI data for LFB</p> <p>Review of CMP and ER data</p> <p>Review of Staff Survey ESG packs</p>

5. Assessing Equality Impacts

Use this section to record the impact this policy, project, decision or activity might have on people who have characteristics which are protected by the Equality Act.

Protected Characteristic	Impact: positive, neutral or adverse	Reason for the impact	What information have you used to come to this conclusion?
<i>Example: Age</i>	<i>Adverse</i>	<i>Moving this service online will adversely affect older people, who are least likely to have access to a computer or smart phone and may not be able to use the new service.</i>	<i>GLA Datastore: X% of the London community are aged 70 or over. GLA data shows that only 10% of those over the age of 70 have regular access to a computer or smart phone.</i>
Age (younger, older or particular age group)	Neutral	<p>There is no evidence to demonstrate an overrepresentation of any age group within the disciplinary process.</p> <p>It is important to note that there is a perception that older colleagues may find it harder to find new roles in the event of a dismissal.</p>	HR PMI Data – 3.44% of staff are 60+, 0.12% of staff are under 20.
Disability (physical, sensory, mental health, learning disability, long term illness, hidden)	Adverse	<p>8.62% of LFB staff have shared details of a disability with the organisation. However, 13.76% of conduct respondents have shared a disability – a disproportionate level of representation.</p> <p>The lengthy and sometimes complex nature of LFB documents may create an adverse impact for staff, alongside a potential lack of management understanding and support relating to neurodiverse conditions. The procedure did not advise managers on what to do if acts related to</p>	<p>HR PMI Data</p> <p>There are also currently more than 500 employees who are receiving support from the Learning Support Team for a neurodiversity condition.</p>

		<p>misconduct are related to a disability (e.g. poor timekeeping, unauthorised absence) and this will be strengthened through advice from the Professional Standards Unit at the earliest stage possible. The PSU, in all such instances, will take advice from the individual, from Occupational Health, Counselling and Trauma Service, and from the Learning Support Team.</p> <p>This potential impact has been mitigated through the introduction of the LFB standards of behaviours, which provides a clear framework for acceptable and unacceptable behaviour in the Brigade, alongside a clearer focus on welfare and wellbeing for those involved in the conduct process in any form.</p> <p>A training portfolio is being developed for PSU officers, which will incorporate elements relating to disability support and awareness, as well as allyship.</p> <p>A training pack for managers has been developed which articulates a clear set of guidance relating to bullying, harassment and discrimination, with examples relating to disability discrimination.</p>	
<p>Gender reassignment (someone proposing to/undergoing/ undergone a transition from one gender to another)</p>	<p>Neutral</p>	<p>There is no evidence to demonstrate an overrepresentation of trans staff in the disciplinary process. However, clear guidance has been produced within the disciplinary procedure on what constitutes bullying, harassment and discrimination, with specific reference to the gender identity protection of the Equality Act 2010.</p>	<p>Fewer than five staff identify as transgender in the LFB workforce.</p>

<p>Marriage / Civil Partnership (married as well as same-sex couples)</p>	<p>Neutral</p>	<p>This policy will apply equally to all employees regardless of their marital or civil partner status, and this characteristic has not found to have any disproportionate representation within the discipline process.</p>	
<p>Pregnancy and Maternity</p>	<p>Neutral</p>	<p>There is no evidence to demonstrate pregnant staff or those on maternity leave are adversely impacted or overrepresented in disciplinary processes. However, the guidance has been strengthened on the topic of harassment and discrimination, with a training package provided for all managers alongside this.</p>	
<p>Race (including nationality, colour, national and/or ethnic origins)</p>	<p>Adverse</p>	<p>18.03% of our overall workforce identify as from an ethnic minority background (15.25% of ops staff) and there are specific corporate targets to increase representation operationally.</p> <p>Data demonstrates that as of October 2023, 27.52% of respondents in conduct cases were from an ethnic minority background, an over-representation compared to the overall LFB representation of ethnic minority staff.</p> <p>The Culture Review in 2022 outlined the LFB to be an institutionally racist organisation, with a number of deeply concerning behaviours evidenced in the report. The revised discipline process will introduce an oversight body for ongoing cases of conduct to ensure they are managed proportionality and promptly. Commitments have been made to share data relating to cases and diversity with the organisation, and directly with RBs and ESGs. A regular engagement structure has been agreed with the RBs and ESGs to ensure that feedback can be provided to the PSU through a</p>	<p>HR PMI Data</p> <p>Evidence collected as part of the Culture Review.</p>

		safe route on matters relating to inclusion, and that new initiatives and interventions to improve the inclusion of this process can be shared with ESGs for consideration.	
Religion or Belief (people of any religion, or no religion, or people who follow a particular belief (not political))	Neutral	There is no evidence to demonstrate staff of any particular religion are adversely impacted or overrepresented in disciplinary processes	HR PMI Data
Sex (men and women)	Neutral	<p>The large majority of staff in the disciplinary process are male, which is broadly representative of the wider organisation, where there is a significant overrepresentation of men especially in the operational workforce (90% of ops staff are male).</p> <p>Sexual harassment and misconduct has arisen as a key concern for the organisation, with the Culture Review demonstrating the LFB to be an institutionally misogynistic organisation. Recognising that victims of harassment tend to be disproportionately women, we've taken advice from the Women's Action Committee on the importance of ensuring that victims are well-supported within the process, including proper witness support and a refreshed focus on pastoral care and welfare for individuals raising concerns. The training package for all managers for this policy focuses specifically on misogyny, giving clear examples of unacceptable behaviour and reminding all staff of their responsibility to speak up when they observe unacceptable behaviour. We have been working with the Phoenix ESG to provide specific support and guidance relating to domestic abuse matters, and are developing a training programme for all PSU staff that will</p>	HR PMI Data

		incorporate this, as well as allyship and proper support in the investigation process. Language used throughout the policy documentation is gender neutral.	
Sexual Orientation (straight, bi, gay and lesbian people)	Neutral	The large majority of staff in the disciplinary process are heterosexual, with a minority not disclosed, this is broadly representative of the wider organisation. There is no evidence to demonstrate staff of any particular sexual orientation are adversely impacted by the disciplinary process – to ensure full and proactive support, members of the PSU will undergo allyship training and the engagement and training packs provide clear examples of unacceptable behaviour relating to sexual orientation.	HR PMI Data

6. Impacts outside the Equality Act 2010
What other groups might be affected by this policy, project, decision or activity?
Consider the impact on: carers, non-binary people, people with learning difficulties, neurodiverse people, people with dyslexia, autism, care leavers, ex-offenders, people living in areas of disadvantage, homeless people, people on low income / in poverty.
Consulting the relevant groups (Equality and Inclusion Team and Learning Support Team) will ensure that any impacts identified can be mitigated appropriately, especially for staff with learning needs or neurodiverse conditions.

7. Legal duties under the Public Sector Equality Duty (s149 Equality Act 2010)	
How does this work help LFB to:	
Eliminate discrimination?	This EIA contains recommendations to mitigate the impact of the disciplinary process on the characteristics of disability and race in particular, but also gives rise to opportunities to foster positive impacts and proactively address concerns relating to discrimination across disability, gender, race and sexual orientation. Although there is no evidence that these impacts arise from

	discrimination, implementing these recommendations will also support the Brigade to ensure any discrimination which may exist is eliminated.
Advance equality of opportunity between different groups?	Implementing the recommendations in relation to improving accessibility of this policy for staff with disabilities or learning needs will significantly help to advance equality of opportunity of access to the documentation in relation to the disciplinary process.
Foster good relations between different groups?	There is no anticipated direct impact on this section of the PSED in relation to this work.

8. Mitigating and justifying impacts		
Where an adverse impact has been identified, what steps are being taken to mitigate it? If you're unable to mitigate it, is it justified ?		
Characteristic with potential adverse impact (e.g. age, disability)	Action being taken to mitigate or justify	Lead person responsible for action
Disability	The procedure does not currently advise managers on what to do if acts related to misconduct are related to a disability (e.g. poor timekeeping, unauthorised absence) and this will be strengthened by advice and guidance to managers in the Disciplinary Toolkit on Hotwire.	Gareth Liptrot
Gender	Collaboration with the appropriate ESGs, allyship and victim support training, and clear examples of unacceptable behaviour relating to gender are all actions underway currently.	Gareth Liptrot
Race	Although an adverse impact has been identified against this characteristic, the actions referenced above will support the mitigation of this impact, through the further work and research needed to understand the reasons for the overrepresentation of ethnic minority staff in the process.	Gareth Liptrot

Now complete the RAG rating at the top of page 1:



LONDON FIRE BRIGADE

High: as a result of this EIA there is evidence of significant adverse impact. This activity should be stopped until further work is done to mitigate the impact.

Medium: as a result of this EIA there is potential adverse impact against one or more groups. The risk of impact may be removed or reduced by implementing the actions identified in box 8 above.

Low: as a result of this EIA there are no adverse impacts predicted. No further actions are recommended at this stage.

Equality Impact Assessment (EIA) Form

The **purpose** of an EIA is to give **as much information as possible** about potential equality impacts, to demonstrate we meet our **legal duties** under the Equality Act 2010.

Please read the EIA Guidance [on Hotwire](#) before completing this form.

1. What is the name of the policy, project, decision or activity?
PN394 Grievance Procedure

Overall Equality Impact of this policy, project, decision or activity (*see instructions at end of EIA to complete*):



2. Contact details	
Name of EIA author	Gareth Liptrot
Department and Team	Professional Standards Unit
Date of EIA	February 2024

3. Aim and Purpose	
What is the aim and purpose of the policy, project, decision or activity?	What is grievance?



LONDON FIRE BRIGADE

Who is affected by this work (all staff, specific department, wider communities?)	All staff
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4. Equality considerations: the EIA must be based on evidence and information.	
What consultation has taken place to support you to predict the equality impacts of this work?	<p>Email consulting on proposed policy to ESGs and any responses</p> <p>Review of EDI data for LFB</p> <p>Review of CMP and ER data</p> <p>Review of Staff Survey ESG packs</p>

5. Assessing Equality Impacts

Use this section to record the impact this policy, project, decision or activity might have on people who have characteristics which are protected by the Equality Act.

Protected Characteristic	Impact: positive, neutral or adverse	Reason for the impact	What information have you used to come to this conclusion?
<i>Example: Age</i>	<i>Adverse</i>	<i>Moving this service online will adversely affect older people, who are least likely to have access to a computer or smart phone and may not be able to use the new service.</i>	<i>GLA Datastore: X% of the London community are aged 70 or over. GLA data shows that only 10% of those over the age of 70 have regular access to a computer or smart phone.</i>
Age (younger, older or particular age group)	Neutral	There is no evidence to demonstrate an overrepresentation of any age group within the grievance process.	HR PMI Data – 3.44% of staff are 60+, 0.12% of staff are under 20.
Disability (physical, sensory, mental health, learning disability, long term illness, hidden)	Adverse	8.62% of LFB staff have shared details of a disability with the organisation. The lengthy and sometimes complex nature of LFB documents may create an adverse impact for staff, alongside a potential lack of management understanding and support relating to neurodiverse conditions. The procedure did not advise managers on what to do if acts related to a grievance are related to a disability and this will be strengthened through advice from the Professional Standards Unit at the earliest stage possible. The PSU, in all such instances, will take advice from the individual, from Occupational Health, Counselling	HR PMI Data There are also currently more than 500 employees who are receiving support from the Learning Support Team for a neurodiversity condition.

		<p>and Trauma Service, and from the Learning Support Team.</p> <p>This potential impact has been mitigated through the introduction of the LFB standards of behaviours, which provides a clear framework for acceptable and unacceptable behaviour in the Brigade, alongside a clearer focus on welfare and wellbeing for those involved in the conduct process in any form.</p> <p>A training portfolio is being developed for PSU officers, which will incorporate elements relating to disability support and awareness, as well as allyship.</p> <p>A training pack for managers has been developed which articulates a clear set of guidance relating to bullying, harassment and discrimination, with examples relating to disability discrimination.</p>	
<p>Gender reassignment (someone proposing to/undergoing/ undergone a transition from one gender to another)</p>	<p>Neutral</p>	<p>There is no evidence to demonstrate an overrepresentation of trans staff in the grievance process. However, clear guidance has been produced within the grievance procedure on what constitutes bullying, harassment and discrimination, with specific reference to the gender identity protection of the Equality Act 2010.</p>	<p>Fewer than five staff identify as transgender in the LFB workforce.</p>
<p>Marriage / Civil Partnership (married as well as same-sex couples)</p>	<p>Neutral</p>	<p>This policy will apply equally to all employees regardless of their marital or civil partner status, and this characteristic has not found to have any disproportionate representation within the grievance process.</p>	

<p>Pregnancy and Maternity</p>	<p>Neutral</p>	<p>There is no evidence to demonstrate pregnant staff or those on maternity leave are adversely impacted or overrepresented in grievance processes. However, the guidance has been strengthened on the topic of harassment and discrimination, with a training package provided for all managers alongside this.</p>	
<p>Race (including nationality, colour, national and/or ethnic origins)</p>	<p>Adverse</p>	<p>18.03% of our overall workforce identify as from an ethnic minority background (15.25% of ops staff) and there are specific corporate targets to increase representation operationally.</p> <p>The Culture Review in 2022 outlined the LFB to be an institutionally racist organisation, with a number of deeply concerning behaviours evidenced in the report – a specific example of concern was the higher rate of grievances raised by ethnic minority colleagues compared to white peers. The revised grievance process will introduce an oversight body for ongoing grievances to ensure they are managed proportionality and promptly. Commitments have been made to share data relating to grievances and diversity with the organisation, and directly with RBs and ESGs. A regular engagement structure has been agreed with the RBs and ESGs to ensure that feedback can be provided to the PSU through a safe route on matters relating to inclusion, and that new initiatives and interventions to improve the inclusion of this process can be shared with ESGs for consideration.</p>	<p>HR PMI Data</p> <p>Evidence collected as part of the Culture Review.</p>
<p>Religion or Belief (people of any religion, or no religion, or people who follow a particular belief (not political))</p>	<p>Neutral</p>	<p>There is no evidence to demonstrate staff of any particular religion are adversely impacted or overrepresented in grievance processes</p>	

<p>Sex (men and women)</p>	<p>Neutral</p>	<p>One of the most prevalent reasons for BHD concerns since the Culture Review is sexual harassment, or sexual harassment alongside another form of harassment. Currently, this is managed through a standalone harassment procedure that does not allow for appeals to take place, and can be rejected at an early stage if felt not to fit the guidance.</p> <p>Sexual harassment and misconduct has arisen as a key concern for the organisation, with the Culture Review demonstrating the LFB to be an institutionally misogynistic organisation. Recognising that victims of harassment tend to be disproportionately women, the grievance procedure will be the key route for raising concerns relating to harassment and discrimination. This will provide an individual-led route to concerns being raised in the LFB, where the reporting individual has greater control over the process used to consider their concern.</p> <p>We've taken advice from the Women's Action Committee on the importance of ensuring that victims are well-supported within the process, including proper witness support and a refreshed focus on pastoral care and welfare for individuals raising concerns.</p> <p>The training package for all managers for this policy focuses specifically on misogyny, giving clear examples of unacceptable behaviour and reminding all staff of their responsibility to speak up when they observe unacceptable behaviour. We are developing a training programme for all</p>	
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		<p>PSU staff that will incorporate this, as well as allyship and proper support in the investigation process.</p> <p>Language used throughout the policy documentation is gender neutral.</p>	
Sexual Orientation (straight, bi, gay and lesbian people)	Neutral	There is no evidence to demonstrate staff of any particular sexual orientation are adversely impacted by the grievance process – to ensure full and proactive support, members of the PSU will undergo allyship training and the engagement and training packs provide clear examples of unacceptable behaviour relating to sexual orientation.	

6. Impacts outside the Equality Act 2010
What other groups might be affected by this policy, project, decision or activity?
Consider the impact on: carers, non-binary people, people with learning difficulties, neurodiverse people, people with dyslexia, autism, care leavers, ex-offenders, people living in areas of disadvantage, homeless people, people on low income / in poverty.
Consulting the relevant groups (Equality and Inclusion Team and Learning Support Team) will ensure that any impacts identified can be mitigated appropriately, especially for staff with learning needs or neurodiverse conditions.

7. Legal duties under the Public Sector Equality Duty (s149 Equality Act 2010)	
How does this work help LFB to:	
Eliminate discrimination?	This EIA contains recommendations to mitigate the impact of the grievance process and also gives rise to opportunities to foster positive impacts and proactively address concerns relating to discrimination across disability, gender, ethnicity and sexual orientation. Implementing these recommendations will also support the Brigade to ensure any discrimination which may exist is eliminated.

Advance equality of opportunity between different groups?	Implementing the recommendations in relation to improving accessibility of this policy for staff with disabilities or learning needs will significantly help to advance equality of opportunity of access to the documentation in relation to the grievance process.
Foster good relations between different groups?	There is no anticipated direct impact on this section of the PSED in relation to this work.

8. Mitigating and justifying impacts		
Where an adverse impact has been identified, what steps are being taken to mitigate it? If you're unable to mitigate it, is it justified ?		
Characteristic with potential adverse impact (e.g. age, disability)	Action being taken to mitigate or justify	Lead person responsible for action
Disability	The procedure does not currently advise managers on what to do if acts are related to a disability (e.g. poor timekeeping, unauthorised absence) and this will be strengthened by advice and guidance to managers in the Manager's training pack on Hotwire.	Gareth Liptrot
Gender	Collaboration with the appropriate ESGs, allyship and victim support training, and clear examples of unacceptable behaviour relating to gender are all actions underway currently.	Gareth Liptrot

Now complete the RAG rating at the top of page 1:

High: as a result of this EIA there is evidence of significant adverse impact. This activity should be stopped until further work is done to mitigate the impact.

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Low: as a result of this EIA there are no adverse impacts predicted. No further actions are recommended at this stage.



Disciplinary rules

New policy number: **481**
 Old instruction number: **PER:J010:a3**
 Issue date: **1 January 2006**
 Reviewed as current: **10 June 2016**
 Owner: **Assistant Director, People Services**
 Responsible work team: **Culture and Organisational Development**

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1 Introduction

- 1.1 The Disciplinary Rules which apply to all employees is attached as Appendix 1. This was agreed at the Authority meeting on 23 November 2006, see FEP947.

2 Further information

- 2.1 At the Authority meeting on 23 November 2006, further information was provided as follows:
- In relation to share-holding (see 'Offences Constituting Gross Misconduct', 13th bullet point) any offence is contingent on there being a breach of the conditions applicable to the employee's staff group. 'Being a major shareholder' is not intended to mean holding large numbers of shares where they represent only a small percentage of the total equity in a publicly quoted company.
 - In relation to notifications in connection with criminal offences (see footnotes at Appendix 1), 'criminal offence' is not intended to include minor road traffic offences where these are dealt with by way of a civil penalty (e.g. a fine payable on a fixed penalty notice), unless there is a separate contractual provision which requires such a notification.

Appendix 1 - Disciplinary Rules

Offences constituting gross misconduct

The nature of the Brigade's work is such that the public are entitled to expect a high standard of behaviour from its employees.

The following are examples of the type of conduct that may lead to summary dismissal, i.e. dismissal without notice. This list is not exhaustive and there may be other offences of a similar gravity that could constitute gross misconduct.

- Theft, fraud, other offences of dishonesty, and/or corrupt practices.
- Assault, physical violence and/or threatening behaviour.
- Harassment, victimisation, bullying, or discrimination.
- Serious acts of failure/refusal to carry out legitimate management instructions.
- Serious breaches of health and safety regulations and/or endangering others.
- Unfit for work through the influence of alcohol or illegal drugs.
- Serious damage to, or unauthorised/improper use of, Brigade equipment, name, badge, logo, information, vehicles, property, premises or funds.
- Conduct inside or outside work which would bring the London Fire Commissioner (LFC) into serious disrepute.
- Deliberately accessing and/or displaying, and/or distributing, and/or otherwise being in possession of, pornographic, offensive or obscene material.
- Breaches of confidentiality (subject to the Public Interest Disclosure Act 1998 and [Policy number 569](#) - Confidential reporting ("whistleblowing") policy).
- Criminal charges or convictions which, in the LFC's view, makes the employee unsuitable for his/her type of work or unacceptable to other employees or the public.
- Engaging in private or unpaid work on LFB premises or during hours when contracted to work for the LFB or during periods of sick leave without express LFB permission.
- Engaging in outside employment (paid or unpaid) without permission, including holding office or being a major shareholder in a company, where this is in breach of the conditions applicable to the employee's staff group.
- Utilising for private advantage (which includes in the course of outside employment) contacts, equipment, or any information not available generally to the public, acquired in the course of LFC employment.
- Causing loss, damage or injury through serious negligence.
- Serious breach of LFB policy, Staff Code, Regulations, policies/procedures and rules of the LFB in force from time to time.

Anti-bribery statement

The Brigade prohibits any employee or associated person acting for, or on behalf of, the Brigade from offering, promising, giving, soliciting or accepting any bribe. A bribe may be cash, a gift or other inducement to, or from, any person or company, whether public or government, official of a state-controlled industry, political party or a private person or company. A bribe might be made to ensure that a person or company improperly performs duties or functions (for example, by not acting impartially or in good faith or in accordance with their position of trust) to gain any commercial, contractual or regulatory advantage for the Brigade, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

This prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance, for example through consultants, contractors or sub-contractors, or other third parties.

Bribery will normally constitute an act of gross misconduct, is a criminal matter for the individual concerned and may also result in bringing the Brigade into disrepute.

Other Misconduct

The great majority of instances of misconduct will not normally be sufficiently serious to warrant dismissal without previous warning but may nevertheless warrant disciplinary action of a lesser nature. The LFC considers that the following actions by employees are examples of offences, which warrant disciplinary action of a lesser nature. However, a more serious penalty may be justified depending on the seniority of the employee, the severity of the offence and whether there have been repeated occurrences of it:

- Poor timekeeping.
- Unauthorised absence from duty.
- Failure to notify his/her Head of Service or the Head of Human Resource Management of being convicted of any criminal offence whether or not committed in the course of duty.
- Misuse of company facilities (for example e-mail and Internet).
- Failure to follow instructions.
- Swearing or rudeness to colleagues, members of the LFB or the public.
- Breach of LFB policy, Staff Code, Regulations, policies/procedures and rules of the LFB in force from time to time.

Uniformed staff (including non-operational and Control staff)

Please note that you are required to notify the Brigade if you are arrested, charged or convicted in connection with any criminal offence (including driving offences) whilst in the LFC's employ.

Non-uniformed staff

Please note that you are required to notify the Brigade if you are convicted of any criminal offence (including driving offences) whilst in the LFC's employ.

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	21/12/2006	SDIA	10/08/2023	HSWIA		RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	Reviewed as current, no changes made	29/01/2010
Throughout	This policy has been reviewed as current no changes were required at this time.	15/05/2013
Page 5	SIA date added.	31/10/2013
Page 3	Anti-bribery statement added.	29/04/2014
Page 5	Subjects list and Freedom of Information Act exemptions tables updated.	28/01/2015
Throughout	Reviewed as current with no changes.	10/06/2016
Page 1	Owner title updated from 'Head of Human Resource Management' to 'Assistant Director, People Services'.	22/09/2020
Throughout	References to 'Authority' changed to LFB,LFC or Brigade as appropriate.	15/12/2021
Page 5	SDIA updated.	17/08/2023

Subject list

You can find this policy under the following subjects.

Discipline	Conduct

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification