

Disciplinary Guidance

Details

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Introduction

This guidance is designed to help all KFRS colleagues understand the procedures for managing conduct issues. It's important to note that performance and attendance issues are covered under different policies. This guidance aims to ensure fairness and transparency in handling conduct concerns, and everyone should be treated with respect and fairness.

If you have any questions about this guidance, please contact the Human Resources Team (HR).

Guidance

Key Principles

- **Natural Justice:** Everyone should be treated fairly. If there's a complaint against you, you will be informed and given the chance to explain your side.
- **Respect and Kindness:** We aim to create a safe and respectful work environment for everyone.
- **Fair Process:** The procedures will be fair, consistent, and follow the principles of the ACAS Code of Practice and relevant laws.
- **Confidentiality**
 - We respect your privacy and will keep matters confidential. You should not share details of investigations or hearings, except with your representative.
 - External investigators may be used for senior leadership cases, and they will handle your information confidentially.
 - Disciplinary records will be kept secure and used only for necessary purposes.

Responsibilities

- Employees:** You must follow the Code of Ethical Conduct and attend required meetings, providing any necessary evidence or explanations.
- Managers:** Ensure your team understands conduct expectations and address minor issues informally when possible.
- Suspending Officers:** Carefully consider the need for suspension and follow proper procedures if suspension is necessary.
- Professional Standards Team:** Support the suspension process and oversee investigations.
- Commissioning Officers:** Manage formal investigations and ensure they are completed timely.
- Investigating Teams:** Conduct fair investigations and report findings without bias.
- Duty Welfare Support Officers:** Provide support and guidance to colleagues involved in disciplinary processes.

Procedure

1. **Fact-Finding:** When a concern is raised, a manager will gather facts to determine if a formal investigation is needed.
2. **Informal Stage:** Minor issues should be addressed promptly and informally by your line manager. Notes will be kept, and lack of improvement may lead to formal procedures.
3. **Formal Stage:** Serious issues will be formally investigated. The process includes:
 - Level 1 Meeting for misconduct (e.g., minor policy breaches)
 - Level 2 Hearing for serious misconduct (e.g., repeated policy breaches, unauthorized absence)
 - Level 3 Hearing for gross misconduct (e.g., theft, violence, serious policy breaches)

Meeting/Hearing Level	Examples (this list is not exhaustive and is for illustrative purposes)	Possible Sanction/Outcome
Level 1 – Misconduct	<ul style="list-style-type: none">• Failure to comply with service policies, including the Code of Ethical Conduct or Social Media Policy• Failure to adhere to an improvement plan issued at the informal stage• Minor breaches of health and safety rules	<ul style="list-style-type: none">• First Written Warning (Remains live on the personal file for 6 months)• and/or loss of pay progression (Green Book)• and/or inability to apply for sideways moves or promotional roles for the duration of the warning (Grey Book)
Level 2 – Serious Misconduct (or failure to comply with previous warning)	<ul style="list-style-type: none">• Serious or repeated failures to comply with service policies, including the Code of Ethical Conduct or Social Media Policy• Unauthorised absence• Refusal to obey or repeated failure to follow a reasonable instruction• Breach of confidentiality• Failure to adhere to a written warning, if one was issued at the previous stage of the process	<ul style="list-style-type: none">• Final Written Warning (Remains live on the personal file for 12 months)• and/or loss of pay progression (Green Book)• and/or inability to apply for sideways moves or promotional roles for the duration of the warning (Grey Book)
Level 3 – Gross Misconduct (or failure to comply with previous warning)	<ul style="list-style-type: none">• Very serious or repeated failures to comply with the Code of Ethical Conduct or other key service policies referred to within the Code of	<ul style="list-style-type: none">• Dismissal (with notice) or Summary Dismissal (without notice)• or Final Written Warning (Remains live on the personal file for 18

Meeting/Hearing Level	Examples (this list is not exhaustive and is for illustrative purposes)	Possible Sanction/Outcome
	Ethical Conduct, including Bullying and Harassment Policy (e.g., bullying, harassment, or victimisation, homophobic or racist behaviour directed at a customer or another member of staff) • Failure to adhere to a final written warning • Any repeated misconduct under Level 2 that demonstrates a pattern of behaviour • Theft, attempted theft, or dishonesty • Fraud or misrepresentation, including deliberate omissions or false statements in organisational documentation including the contract of employment • Assault, physical violence or threatening physical behaviour • Deliberate and malicious damage to property • Attendance at work under the influence of alcohol or drugs, or the use thereof whilst at work • Gross negligence, including serious breaches of Health and Safety Policy • Arson • Breach of contract (including actions leading to impact on the ability to carry out the contracted role, such as loss of driving licence or working whilst off sick without authorisation) • Actions leading to loss of trust and confidence in the employee's suitability for employment (including criminal conviction, actions outside of employment and anything that could bring the organisation into disrepute) • Covert recording of meetings	months) • or as an alternative to dismissal: • Demotion and removal from the promotion pool for the duration of the final written warning, disciplinary transfer, or loss of pay for up to a maximum of 13 days (Grey Book) • and/or loss of pay progression (Green Book)

- Notes:
- The above list of examples is not exhaustive, and the outcomes above will not apply automatically. A lower sanction or re-issuing of the previous sanction may be applied at the discretion of the hearing manager, depending on the specifics of the case or any mitigation.
 - Any instance of further misconduct during a current period of sanction or warning will result in the matter being escalated to the next level of the procedure. If there are any live warnings, looking at the cumulative impact of these is appropriate and can lead to a fair dismissal.
 - In exceptional circumstances, it may be reasonable to consider expired warnings when deciding a fair and appropriate level of disciplinary sanction if the misconduct is gross misconduct.
 - We operate a zero-tolerance policy on any fraud or corruption detected. Any allegations of fraud may be referred to Kent County Council's specialist fraud investigation team.
 - We will consider referring any suspected criminal activity to the Police.

Time periods:

Investigations: If you are being investigated, you will get at least 2 days' notice before any meetings. If you need more time to prepare, you can ask for up to 5 days' notice.

Witnesses: If you are a witness in an investigation, you will get at least 1 day's notice before any meetings.

Stage 1: If you are invited to a stage 1 disciplinary hearing, you will get 7 days' notice.

Stage 2 disciplinary hearing, you will get 10 days' notice.

Stage 3 disciplinary hearing involving gross misconduct, you will get at least 21 days' notice. Notice periods can be shortened if both sides agree.

To reduce stress and handle hearings quickly, you might agree to have less than 21 days' notice for a gross misconduct hearing. You will still get at least 7 days' notice. You might need to confirm this agreement in writing to the Commissioning Manager.

Recording of Meetings

You and your representative cannot make electronic recordings of meetings or hearings unless it is needed as a reasonable adjustment and has been approved in advance by the investigating manager, ER Adviser, or hearing chair.

Suspension

- Suspension is a precautionary measure, not a judgment. It will be on full pay and reviewed regularly. Alternatives to suspension will be considered where possible.

Investigation

- Investigations aim to establish the facts fairly. They should be completed within 8 weeks, but this can be extended if necessary.
- Meetings may be recorded for accuracy, and welfare support will be provided.

Appeals

- You have the right to appeal against disciplinary actions. Appeals must be submitted in writing within 7 days of receiving the disciplinary outcome to the Director of HR and Culture.

Your Right to Be Accompanied

- You can bring a work colleague, union representative, or staff forum member to investigation or disciplinary meetings.
- Your companion can support you but cannot answer questions on your behalf or disrupt the meeting.

Reasonable Adjustments

In line with UK legal principles and best practices, reasonable adjustments will be made for colleagues who are disabled to ensure they are not disadvantaged during the disciplinary process. These adjustments may include providing additional time to prepare for meetings, arranging for a support person or interpreter, adjusting the format of documentation to meet individual needs, and offering flexible scheduling of meetings. The aim is to ensure that all employees have an equal opportunity to participate fully and fairly in the process. Any required adjustments should be discussed and agreed upon in advance with the investigating manager, ER Adviser, or hearing chair to ensure they are appropriately implemented.

For any further information or clarification, please contact the Human Resources Team (HR).

^ Relevant legislation and documentation

This policy complies with the following UK legislation and guidelines:

- ACAS Code of Practice and Guidelines
- NJC (National Joint Council) Schemes and Conditions of Service (Grey Book)
- Employment Rights Act 1996

We adhere to all relevant labour laws, regulations, and industry standards related Disciplinary/ Conduct Management. Compliance with legal requirements ensures fairness, equity, and transparency in our practices.

^ Linked policy (Tier 2)

[Disciplinary Policy](#)

[Code of Ethical Conduct - Keeping Kent Fire and Rescue Service a good place to work](#)

^ Linked policy (Tier 4)

[Appendix 10. Disciplinary Hearing Levels of Authority.docx](#)

^ Policy link to KFRS Cultural Focus Areas

This policy supports delivery of the following cultural focus areas for KFRS, as outlined within CRMP.

Focus on Customer, Continuous Improvement and innovation, Being Collaborative, Positive leadership at all levels, Healthy and Safe, Being Inclusive, being professional and ethical and Seeking to be excellent in your professional technical skills