

Disciplinary Policy and Procedure for Complaints Against the Chief Fire Officer and Principal Officers

Document Control

Responsible Dept	Chief Executive	Author / Reviewer	Director of Performance & Engagement
-------------------------	-----------------	--------------------------	--------------------------------------

Version Tracking Note: A maximum of the last 3 versions are to be tracked below.

Version No	Approval Date	Review Due Date	Approval Forum	Change(s) Summary
1.0	03/08/2026	AUG 2028	SGB Fire	

1. Introduction

- 1.1. This policy applies to the Chief Fire Officer and the Principal Officer Team (Deputy Chief Fire Officer, Assistance Chief Fire Officer and Director of Finance, Assets & Resources). It sets out the procedure to be followed in cases of alleged misconduct involving the Chief Fire Officer and Principal Officers. It complements the core Staffordshire Fire & Rescue Service (SFRS) Disciplinary Policy for All Staff and the SCO Whistleblowing Policy (which applies to all SFRS staff) and should be read alongside those policies. Where there is any conflict between this document and the general policy, this document shall take precedence for the individuals and roles it covers.
- 1.2. National guidance refers to Fire & Rescue Authorities and sub-committees that may be formed to deal with disciplinary matters. For clarity, the Police, Fire and Crime Commissioner for Staffordshire is the Fire & Rescue Authority (FRA) and certain responsibilities will sit with the SCO Chief Executive as Monitoring Officer to the FRA.
- 1.3. This procedure is guided by the principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures. It reflects the Code's emphasis on fairness, proportionality, early resolution, and the importance of a structured process for handling concerns relating to conduct.

2. Organisational Responsibility

- 2.1. The People and Organisational Development Directorate (shared service) have the responsibility needed to be the designated manager, ensuring this policy is effectively implemented.

- 2.2. SFRS Principal Officer Team will ensure that adequate resources, including finance are made available to enable the policy to be effectively implemented.

3. Scope

- 3.1. This policy applies to the Chief Fire Officer and the Principal Officer Team (Deputy Chief Fire Officer, Assistance Chief Fire Officer and Director of Finance, Assets & Resources. All these positions are appointed directly or with the approval of the Commissioner and these roles are together referred to as **“Principal Officers”**.
- 3.2. This Procedure has been adopted by the Commissioner for the purpose of dealing with disciplinary, conduct, capability and other substantial issues in relation to Principal Officers.
- 3.3. This Procedure is also consistent with Schedule 3 of the Local Authorities (Standing Orders)(England) Regulations 2001 as amended by the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 (hereafter referred to as the “Schedule 3 Provisions”).
- 3.4. This Procedure is also consistent with the National Joint Council for Brigade Managers of Fire and Rescue Services Constitution and Scheme of Conditions of Service (Sixth Edition 2025) (Gold Book) and Brigade Managers shall be entitled to terms and conditions of service no less favourable than those relevant terms and conditions applying to an Area Manager under the Scheme of Conditions of Service of the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service (Seventh Edition 2025) (Grey Book). Where an allegation is made in respect of a Brigade Manager, which could constitute either misconduct or gross misconduct, then the Fire Authority shall initiate this Procedure.
- 3.5. Minor conduct issues can often be resolved informally. Both parties are encouraged to seek to resolve differences by informal means whenever possible. Where this proves difficult, mediation and other alternative dispute resolution methods may assist in bringing a matter to a satisfactory conclusion. For minor conduct issues, formal steps will be taken under this Procedure if the matter is not resolved, or if informal discussion is not appropriate (for example because of the seriousness of the allegation).
- 3.6. The objective of this Procedure is to:
- a) encourage Principal Officers to achieve and maintain acceptable standards of behaviour and performance;
 - b) provide a fair and consistent message of dealing with alleged failure to maintain acceptable standards of behaviour or performance;
 - c) minimise disagreements about disciplinary matters; and

d) reduce the need for disciplinary action and dismissals.

3.7. The parties recognise that it may be necessary to depart from the Procedure from time to time, according to the circumstances of a case, but not to the extent that they contradict the Schedule 3 Provisions. In such circumstances, both parties agreed to consider reasonable proposals to modify the Procedure accordingly.

3.8. This Procedure does not form part of a Principal Officer's contract of employment and it may be amended at any time, subject to overall compliance with the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended).

3.9. Any matters dealing with disciplinary, conduct, capability and other substantial issues in relation to Principal Officers, will be dealt with sensitively and with due respect for the privacy of any individuals involved. All individuals involved must treat as confidential any information communicated to them in connection with an investigation or a disciplinary, conduct, capability or other substantial matter.

4. Definitions

4.1. What is Misconduct?

Misconduct is when an employee's inappropriate behaviour is not in line with Service policy. Some examples of what may constitute misconduct includes:

- Ongoing concerns relating to conduct that does not improve following informal resolution
- Insubordination
- Breach of service policy which is not serious enough to be covered in gross misconduct and therefore does not irreparably damage the employment relationship.

4.2. What is Gross Misconduct?

Gross Misconduct is generally seen as misconduct serious enough to overturn the contract of employment. Gross Misconduct could lead to dismissal or dismissal without notice. To reach the threshold of Gross Misconduct at a hearing there is an acceptance that the employment relationship being irreparably damaged. Examples of Gross Misconduct may include:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of the Service's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material

- serious insubordination
- unlawful discrimination or harassment
- bringing the Service into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- serious breach of health and safety rules
- a serious breach of confidence.

5. Resolving Issues Informally

5.1. Not all complaints against a Principal Officer should be dealt with under the formal process. In line with both national guidance and the Service's own disciplinary ethos, informal resolution should be considered in the first instance. Where grievances or concerns are raised regarding the conduct of a Principal Officer, the SCO Chief Executive (in consultation with the Service Director, People and OD), will assess whether the matter can be resolved informally or requires formal intervention. This process will filter out allegations against a Principal Officer which are:

- clearly unfounded (that is, an allegation not supported by any substantiating evidence)
- trivial, vexatious or malicious
- can be dealt with under a separate procedure.

5.2. The subject of the complaint will be provided with the full details of the complaint, and an initial interview will be carried out by the SCO Chief Executive. The SCO Chief Executive will prepare a report stating whether the complaint should be rejected for any of the reasons detailed at paragraph 5.1 or whether it should be subject to formal investigation. Where informal resolution is pursued, a brief record of the issue and agreed outcome should be retained by the SCO Chief Executive and reviewed periodically to ensure the matter remains resolved.

5.3. The Commissioner must be informed of any allegations concerning individuals from the outset, regardless of whether the matter proceeds formally.

6. Threshold for Formal Investigation

6.1. The importance of fact-finding is to take a considered, proportionate and person-centred response to concerns that are raised. The fact-finding and referral threshold must meet the FRA's expectations of evidential sufficiency and potential seriousness before a formal investigation is commissioned.

6.2. The status of the investigation and the stage of the procedure being followed must

be made clear to any interviewee at the outset before they meet a factfinder or investigator as part of the formal process.

- 6.3. The SCO Chief Executive will, as soon as is practicable, inform the Principal Officer in writing of the allegations or other issues under investigation and provide them with any evidence that the Commissioner is to consider. The Principal Officer will be invited to put forward written representations and any evidence, including any evidence from witnesses they wish the Commissioner to consider, within one month of being notified of the allegation. The Commissioner will also provide the opportunity for the Principal Officer to make oral representations. At this initial consideration of the need for further investigation, it is not anticipated that witnesses will be called, although the discretion to do so lies solely with the Commissioner.
- 6.4. The Commissioner will consider the allegations or other issues, supporting evidence and the case put forward by the Principal Officer before taking further action.
- 6.5. Having considered the guidance contained within Appendix 5 of the JNC Chief Executive's Handbook the Commissioner will decide whether:
- a) The issue requires no further formal action under this procedure; or
 - b) The issue should be referred to an Independent Investigator for formal investigation.
- 6.6. The threshold test for the appointment of an independent investigator is where the Commissioner considers:
- a) There is sufficient evidence in support of the allegation to require further investigation, and
 - b) Should the allegations be upheld it would lead to either dismissal or another formal sanction that would be recorded on the Principal Officer's file.
- 6.7. The SCO Chief Executive will inform the Principal Officer of their decision without delay.

7. Appointment of an Independent Investigator

- 7.1. The SCO Chief Executive will be responsible for appointing an individual to investigate the complaint ("the Independent Investigator") providing the necessary facilities, paying the remuneration and providing all available information about the allegations.
- 7.2. The Independent Investigator should be selected from the list of suitably qualified individuals maintained by the National Joint Secretaries. The JNC operates a 'taxi rank' system whereby a Fire Authority (in this case the Commissioner as the FRA)

will be given the next three names from the list which, if acceptable to the Commissioner, will be given to the Principal Officer, who will select one of the three.

- 7.3. The Principal Officer will be entitled to reject any of those listed in the case of a conflict of interest. If an appointment is not agreed nor a notification of rejection on grounds of conflict of interest made by the Principal Officer within 14 days of the date of the names being supplied, the Commissioner will be at liberty to select an Investigator from the names provided.

8. The Independent Investigation

- 8.1. The Independent Investigator will undertake an investigation in accordance with the ACAS Code of Practice on Discipline and Grievance and the principles set out in the Gold Book and JNC Handbooks for Chief Executives or Chief Officers, to establish the facts of the case before proceeding to a disciplinary hearing.
- 8.2. Once appointed it will be the responsibility of the Independent Investigator to investigate the issue/allegation and to prepare report stating in their opinion whether (and if so, the extent to which) the evidence they obtained supports any allegation of misconduct or incapability or supports a need for action under this Procedure for some other substantial reason.
- 8.3. The Independent Investigator will recommend any disciplinary action (if any is appropriate) or range of actions which appear to be appropriate for the Commissioner to take against the Principal Officer.
- 8.4. The Independent Investigator will be entitled to interview witnesses and carry out such inquiries as they deem necessary. This may include examining the Service's e-mail, Internet and other IT systems, including the accounts of the Principal Officer. The Principal Officer shall fully cooperate with the Independent Investigator and shall make themselves available for such interviews and meetings and provide any relevant documentation or information as the Independent Investigator deems necessary.
- 8.5. Investigations should be completed as promptly as circumstances allow, normally within 30 working days, unless otherwise advised due to the number of witnesses, complexity or availability of parties.
- 8.6. Following the conclusion of the investigation, the Investigating Officer will provide a written report to the SCO Chief Executive, setting out the findings and recommending whether there is a case to answer at a hearing. Where a case to answer is identified, the SCO Chief Executive will determine whether the matter proceeds to a formal disciplinary hearing.

8.7. The Investigating Officer will not determine whether the allegation is substantiated. This determination rests solely with the appointed hearing panel.

8.8. Any recommendation to suspend the subject of the investigation during this period must be risk-assessed and reviewed in line with existing Service policy and the Gold Book. Necessary welfare arrangements will be put in place immediately on suspension.

9. Timescale

9.1. It is in the interests of all parties that proceedings be conducted in a timely manner.

9.2. It is recognised that it would be inappropriate to impose timescales that could in practical terms be difficult to achieve.

10. Suspension

10.1. Suspension will not always be appropriate as there may be alternative ways of managing the investigation.

10.2. However, the Commissioner will need to consider whether it is appropriate to suspend the Principal Officer. Suspension may be considered where:

- It is believed that the allegations could be considered to amount to gross misconduct
- Where it is inappropriate for the individual to be in the workplace or be involved on work matters in light of the nature of the allegations in question
- Where the continued presence of an individual may prejudice an investigation
- Where the continued presence of an individual may put others at risk
- Where an individual's own interests may be harmed by their continued presence in the workplace.

10.3. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary in other cases if the continuing presence at work of the Principal Officer might compromise the investigation or impair the efficient exercise of the FRA's or the Service's functions.

10.4. In any case, the Principal Officer shall be informed of the reason for the proposed suspension and have the right to present information before such a decision is taken.

10.5. The continuance of a suspension should be kept under regular review. Any

suspension is to be reviewed no later than two months after having been put in place.

- 10.6. The power to suspend may be exercised by the Commissioner in respect of the Principal Officer.
- 10.7. In cases of urgency, whereby allegations of misconduct by the Principal Officer are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information, or reputation of the Service or the Commissioner, the power to suspend may be exercised by the SCO Chief Executive.
- 10.8. Save in urgent or exceptional cases, prior to imposing suspension in any case the Commissioner shall inform the Principal Officer in writing of the reason for the proposed suspension, and the Principal Officer shall have the opportunity to make representations before a decision is taken.
- 10.9. Specific consideration should be given as to whether alternative working arrangements might be implemented which could avoid the need for the Principal Officer's suspension whilst avoiding any prejudice to the investigation or to the efficient exercise of the Commissioner's functions.
- 10.10. Absence from duty during any period of suspension shall be on full pay throughout the period of the suspension unless the individual commences sickness absence in which case their pay will be in accordance with their sick pay scheme. If the individual is still suspended at the commencement of reduced sick pay then the Commissioner should consider continuing to pay the individual the full rate of pay.

11. Right to be accompanied

- 11.1. Other than in circumstances where there is an urgent requirement to suspend the Principal Officer, they will be entitled to be accompanied at all stages by their trade union representative, or some other person of their choice, at their own cost. No reasonable request for representation or to be accompanied by a companion would be refused at the informal stages of the procedure.
- 11.2. The representative or fellow colleague can also confer with the employee during the meeting or hearing and participate as fully as possible, including asking witnesses questions. The representative or companion has no right to answer questions on the Principal Officer's behalf, or to address the hearing if the employee does not wish it, or to prevent the FRA from explaining their case.

12. Hearing Arrangements

- 12.1. Hearings will be conducted in accordance with the ACAS Code of Practice, Appendix 5 of the JNC Chief Executives Handbook.
- 12.2. The SCO Chief Executive shall give the Principal Officer written notice of the date of the hearing. The notice shall include:
- (a) the time and place of the hearing;
 - (b) who will be in attendance at the hearing including the members of the panel;
 - (c) a copy of the Investigation Report and any supporting documentation (including any witness statement where relevant) and the allegations to be considered at the hearing;
 - (d) confirmation that the meeting is convened under this Procedure and could result in disciplinary action;
 - (e) confirmation that the Principal Officer may be accompanied at the hearing by a staff association representative or a fellow work colleague or some other person of their choice, at their own expense ("**Companion**");
 - (f) confirmation that the Principal Officer may ask any person to be present as a witness or produce any documents or written statements in support of their response, provided full details of such witnesses and copies of any such documents or statements are provided to the Commissioner or their nominee, at least five working days before the date of the hearing for distribution to all parties.
- 12.3. The Principal Officer and their Companion must make every effort to attend the meeting. Failure to attend without good reason may be treated as misconduct in itself. If the Principal Officer fails to attend without good reason, or persistently fails to do so, the meeting of the panel may proceed in their absence under decision may be made based on the available evidence.
- 12.4. If the hearing panel are to hear the case in full, at least five working days before the date of the hearing the Principal Officer shall give to the Commissioner, or their nominee:
- (a) Full details of any witnesses they wish to call;
 - (b) Copies of any documents which they wish to refer to in support of their response;
 - (c) Any written statements or submissions which they wish to rely upon; and
 - (d) details of the Companion they wish to bring to the hearing.
- 12.5. Hearings will be chaired by the Commissioner. If dismissal is a potential outcome, at least two Independent Members will also be included on the panel, as defined by section 28(7) of the Localism Act 2011. If dismissal is not under consideration, one Independent Member is sufficient. The panel will be supported by an external

HR or legal advisor.

12.6. The procedure for the hearing will be as follows:

- (a) the Commissioner will set out the complaint, explain the purpose of the hearing and the procedure to be followed;
- (b) the Independent Investigator will present the complaint and introduce evidence in support of the complaint including their report, documents and witness evidence either in person or in writing as previously notified;
- (c) the Principal Officer or their Companion, and the Commissioner and independent panel members, will have the opportunity to ask questions of the Independent Investigator, including direct questions to the witnesses;
- (d) the Principal Officer or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;
- (e) the Independent Investigator, or their nominee, and the Commissioner and independent panel members will have the opportunity to ask questions of the Principal Officer and/or their Companion, including direct questions to the witnesses;
- (f) both sides will sum up their presentations commencing with the Independent Investigator.

12.7. The Principal Officer's Companion can address the hearing, put and sum up the Principal Officer's case, make representations on behalf of the Principal Officer to any views expressed at the hearing and confer with the Principal Officer during the hearing. The Companion does not, however, have the right to answer questions on behalf of the Principal Officer.

12.8. The hearing may be adjourned if the Commissioner decides that further investigations need to be carried out such as re-interviewing witnesses in light of any new points which are raised at the hearing. The Principal Officer will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

12.9. Upon conclusion of the hearing the Commissioner may:

- (a) take no further action;
- (b) recommend informal resolution;
- (c) refer back to the Independent Investigator for further investigation and report;
- (d) take disciplinary action against the Principal Officer short of dismissal;
- (e) dismiss the Principal Officer

12.10. Where practicable, the decision of the Commissioner will be delivered orally together with the reasons for the decision. However, in order to ensure that the Commissioner shall be afforded sufficient time to fully consider their decision, their

decision may be deferred and issued to the Principal Officer in writing as soon after the hearing as is reasonably practicable and within no more than 5 working days or as otherwise agreed between the parties.

12.11. A letter will be sent to the Principal Officer which outlines the decision, the reasons for the decision and the action, if any, to be taken and will set out the rights of appeal ("Decision Letter"). Any appeal must be made in writing to the SCO Chief Executive within 10 working days of the date of the decision letter and include the grounds for appeal.

12.12. Where the Commissioner decides to dismiss the Principal Officer, this will not be enacted until the period for appeal has elapsed and no appeal has been submitted.

13. Action short of dismissal

13.1. In the case of disciplinary action short of dismissal, the Commissioner may impose the necessary penalty up to the maximum recommended by the Independent Investigator and this can include:

- (a) a written warning for the duration of 6 months;
- (b) a final written warning for the duration of 18 months;
- (c) in exceptional circumstances where the misconduct warrants dismissal but there are mitigating circumstances, action short of dismissal may be considered as an alternative to dismissal. This may include transferring to alternative employment or reducing the seniority or level of responsibility. This may result in a reduction in pay and/or a change to terms and conditions. If the Principal Officer does not agree to this, then they may be dismissed with notice or with payment in lieu of notice in accordance with the remainder of this Procedure.

13.2. Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.

14. Where dismissal is proposed

14.1. The Commissioner will notify the SCO Chief Executive of the decision to dismiss and provide any other particulars relevant to the dismissal.

14.2. The SCO Chief Executive will inform the Principal Officer of the decision and provide any necessary material or documentation it considers appropriate.

15. Appeal Arrangements

- 15.1. An appeal must be submitted in writing to the SCO Chief Executive within ten working days of receiving the hearing outcome. The notice of any appeal must be in writing and should clearly specify one or more of the grounds for appeal, such as:
- There was a defect in the procedure;
 - The Independent Investigator's report being inaccurate or incomplete;
 - The issue is not proven on the balance of probabilities;
 - The disciplinary sanction was too severe; or
 - New evidence has come to light since the hearing which will have an impact on the decision.
- 15.2. All Appeals Panels for Principal Officers will be chaired by an independent Chair not involved in the original hearing. The Chair will be supported by independent panel members not involved in the original hearing and an external HR or legal advisor.
- 15.3. The Appeals Panel will consider the report of the Independent Investigator and any other relevant information. The Principal Officer will have the opportunity to appear at the meeting and present their case.
- 15.4. The Appeals Panel will have the authority to uphold the original decision, uphold the appeal and impose an alternative sanction, or uphold the appeal and take no further action. The decision of the Appeals Panel is final.
- 15.5. The Chair of the Appeals Panel will present a report to the Commissioner setting out the outcome and rationale for the Panel's decision.

16. Status and Review

- 16.1. This policy will be subject to review at three-yearly intervals or following significant changes to organisational structure, governance, personnel, procedures, legislation or national guidance, etc.
- 16.2. It must be reviewed in conjunction with the Service's Disciplinary Policy, relevant employment law, national terms and conditions, and statutory guidance.
- 16.3. The SCO Chief Executive, as Monitoring Officer, is responsible for reviewing and maintaining this policy in consultation with the Service Director, People and OD.
- 16.4. Any amendment to this policy requires the approval of the Commissioner.

17. Monitoring

- 17.1. Compliance with this Policy will be monitored by the Chief Executive in their role as Monitoring Officer and the Deputy Monitoring Officer

DRAFT