

NHFOA DISCIPLINARY PROCEDURE

Introduction

The purpose of the NHFOA Disciplinary Procedure is to help and encourage all members to achieve and maintain required standards of conduct. The aim is to ensure that the NHFOA services are maintained and effective while all members are treated fairly and equitably.

This procedure sets out the action that will be taken in response to alleged misconduct.

The NHFOA Council must ensure that members are aware of general and specific rules, standards and procedures covering work and conduct. Members must familiarize themselves with these standards and procedures and follow them.

In cases of minor misconduct, the NHFOA should use informal action before formal disciplinary action is taken. This may include setting clear targets and expectations.

No disciplinary action will be taken until a case has been thoroughly investigated. When starting an investigation into an allegation of misconduct, there shall be no assumption that disciplinary action will automatically follow.

The investigation is a crucial part of the disciplinary procedure. The aim of the investigation is to establish the facts before taking any disciplinary action. It should be carried out without unreasonable delay. A fact-finding meeting with the member and any witnesses may be necessary, or it may just involve collation of evidence, whatever is appropriate for the case. Without some means of establishing the facts through an investigation, any subsequent decision may be unfair.

If an investigation meeting is required with the member, the member will be given advance notice and time to prepare.

What is gross misconduct?

Gross misconduct is defined as misconduct serious enough to destroy the working relationship and trust between the NHFOA and the member and would warrant immediate dismissal. The principal reasons for immediate dismissal could include but are not limited to:

- criminal offence
- physical assault
- giving or receiving of bribes or unauthorized gifts
- serious infringement of safety rules or negligence which causes unacceptable loss, damage or injury
- making malicious or unfounded allegations of a serious nature
- deliberate falsification of any documents or claims
- misconduct at work or away from work of such a serious nature

as to bring into disrepute either the member's position or the NHFOA
discrimination relating to a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
harassment of a serious nature;
persistent alcohol or drug abuse;
failure to disclose criminal conviction(s) or any convictions, whether spent or not

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If informal action fails to achieve the required behavior, then this procedure applies to all members.

Invitation to a Disciplinary Meeting

Following an investigation, the member should be given a letter detailing the allegation, the possible consequences and inviting him/her to a disciplinary meeting.

Disciplinary Meeting

The Committee Chair will open the meeting with an explanation of its purpose and will read aloud the allegations.

The Chair will then ask the member if s/he wishes to take the opportunity to respond to the allegations or concerns or if there are any mitigating circumstances to be taken into account. The Chair may question the member. The Chair will summarize the main points of the discussion and ask the member if they have anything further to say.

The Chair will then decide whether the case against the member has been established on the balance of probabilities, i.e. whether the alleged misconduct, more likely than not, occurred.

When considering appropriate disciplinary action, the Chair will consider any special, mitigating circumstances, the member's previous disciplinary record, how the NHFOA has dealt with similar cases in the past and whether the proposed action is reasonable in view of all the circumstances.

The Chair shall give the member written confirmation of the decision normally within thirty calendar days of the meeting. This will include notifying the member of her/his right of appeal and the procedure to be followed.

Disciplinary Action

If following the disciplinary meeting it is decided discipline is warranted, one of the sanctions below may be applied.

Stage 1 - Written Warning

If conduct does not meet acceptable standards, the NHFOA Council may give the member a written warning. He/she will be advised of the reason for the warning and of their right of appeal.

Stage 2 – Suspension

If conduct does not meet acceptable standards, the NHFOA Council may suspend the member. The suspension letter will warn that dismissal may result if there is no change in behavior and will advise of the right of appeal. A copy of the suspension will be kept on file with the NHFOA Secretary.

Stage 3 - Dismissal

If conduct remains unsatisfactory and the member fails to reach the prescribed standards, or if the offence constitutes gross misconduct, dismissal may result. The member will be provided as soon as reasonably practicable with written reasons for the dismissal, the date on which his/her membership will terminate and be advised of the right of appeal.

Appeal

A member may appeal any decision of the disciplinary committee taken under this procedure to the Chair of the Council, or if the Chair has already been involved in an earlier stage of the procedure, to the Vice President Elect.

The member wishing to appeal a disciplinary decision, must do so in writing within thirty calendar days of receiving written notification of the disciplinary action, stating the reasons for the appeal. Any documents submitted in support of the appeal must be attached.

The Chair of the Council or Vice President Elect, as appropriate, will arrange for the appeal meeting. The appeal meeting should be held without unavoidable delay. The Chair of the Council or Vice President Elect, as appropriate, will select at least three members of the Council to serve with him/her as an Appeal Panel.

The decision of the Appeal Panel shall be final.