

Discipline and Grievance Policy

1. Conduct

The Forestry Commission expects you to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. These values, set out in the **Civil Service Code** support good government and ensure the highest possible standards.

The Forestry Commission guidance on standards of conduct, including the Official Secrets Act, conflicts of interest, involvement in political activities, the acceptance of outside appointments and the internet/e-mail codes of practice is set out in **Staff Handbook 4**.

FC Values

The Commission's organisational values are: -

Teamwork
Respect
Communications
Professionalism
Learning
Creativity

All employees are expected to treat colleagues, customers and members of the public with respect, politeness and consideration. Failure to demonstrate acceptable standards of behaviour towards others, after informal warning, will be managed under the discipline procedure as misconduct

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Discipline

Introduction

The aims of disciplinary procedures include helping and encouraging employees to improve, as well as imposing appropriate punishments. Where disciplinary action is needed, they ensure a fair process for employees.

When misconduct is suspected, the FC will use this procedure to investigate and take any resulting action, including dismissal in the most serious cases.

Examples of misconduct are provided in the **Staff Handbook** ([link to handbook](#)). These are not exhaustive and employees are expected to seek guidance where they are unsure of what is permitted. Line managers will cover standards of conduct in their process of inducting new employees.

Any circumstances where the behaviour, action or inaction of individuals significantly disrupts or damages the performance or reputation of the Commission will be treated as misconduct.

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- It is the role of line managers to tackle minor problems, with the aim of 'nipping problems in the bud'. However, where there is no improvement after discussion and warning, or where the misconduct is more serious, unit and senior managers will apply the disciplinary procedures.
- The procedures apply to all employees of the Commission.
- The procedures will generally not apply when the problem is one of poor performance ([link](#)) or poor attendance ([link](#)) unless aggravating factors such as dishonesty, negligence, failure to follow instructions, poor behaviour or other misconduct is involved.
- The appropriate manager will decide on what form of investigation is required where misconduct is suspected. No one who is likely to be interviewed as a witness will be involved in carrying out the investigation. The facts will be established and set out in a report before disciplinary action is considered.
- Individuals under disciplinary procedures or criminal investigation may be suspended from duty if necessary to protect the public interest.
- The individual suspected of misconduct may be interviewed as part of any investigation.

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- Individuals have the right to be accompanied by a Trade Union official or workplace colleague throughout disciplinary proceedings.
- Where an individual is charged with a disciplinary offence, the investigation report will be disclosed to the individual.
- Managers will comply with timescales in the procedure wherever possible. If there is a delay, the individual being investigated will be told of the new date of completion.
- The manager who is responsible for taking the decision on the penalty will conduct the disciplinary hearing.
- The manager conducting the hearing will take in to account evidence of relevant mitigating factors.
- Disciplinary decisions will always be taken by someone who is at least 1 level higher than the individual investigated and appeals will normally be heard by someone at least 1 level higher than the decision maker.
- No one will be dismissed for a first offence, unless there is gross misconduct, or there is further serious/gross misconduct following a final written warning still within its shelf life.
- Any one who is dismissed may have the right of appeal to the Civil Service Appeal Board, as well as an internal right of appeal.
- The grounds for appeal will be set out in writing. The appeal will include a meeting with the appeal manager.
- The Commission is required to apply the rules that apply to the recovery of losses to public funds on dismissal and to forfeiture of pension benefits in respect of dismissal for certain criminal offences.
- Recognised Trade Unions have the right to make representations on procedural matters and on general principles underlying disciplinary action.

Grievance

Introduction

Grievances are concerns, problems or complaints that employees raise with their employers about actions their employer has taken (or omissions they have failed to take) against them.

Policy

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- Grievances can and should, wherever possible, be resolved informally with the immediate line manager or Confirming Officer through discussion and agreement. Both parties will aim to do this as a first step.
- The formal grievance procedure should only be used where this approach had failed to resolve a grievance.
- Grievances that have as their root working relationship problems between colleagues are best dealt with through an informal route or mediation, unless serious misconduct has occurred.
- Individuals have the right to be accompanied by a Trade Union official or workplace colleague throughout the formal grievance meetings.
- If a grievance is raised about an issue that relates to a disciplinary investigation, both procedures will be applied concurrently.
- The Civil Service Code provides for internal complaints to be made if a civil servant believes he or she is being required to act in a way which conflicts with the Code, or becomes aware of actions by others which he or she believes conflicts with this Code. Such complaints may be dealt with outwith the grievance procedure. Guidance is contained in
- No one will be penalised for raising a grievance or complaint under the Civil Service Code.
- If the grievance is not upheld, the individual bringing the complaint is entitled to request the investigation report.
- If the grievance is not upheld, or only partially upheld, a meeting will be arranged between the line manager and the individual bringing the complaint to ensure continuing working relationships are maintained.
- If the individual is not satisfied with the conclusions of the line manager, they are entitled to appeal the decision.