

FFR Disciplinary Procedure

1. Preamble

1.1 It is a condition of membership that members observe the highest standards of professional, safety and ethical conduct in connection with their work activities. Members who breach FFR's Code of Conduct or otherwise bring FFR into disrepute through their behaviour, acts or omissions, may be subject to the Disciplinary Procedures as set out in this document.

1.2 FFR's Board of Representatives (The Board) is the governing body with the ultimate responsibility for the integrity of the disciplinary process. It has a duty to review complaints made against members for failure to observe the professional safety and ethical standards as set out in the Code of Conduct.

1.3 A copy of the Code of Conduct (the Code) is attached. The Code is regularly reviewed and revised to ensure that it embodies and protects the very highest standard of professional conduct.

1.4 The Board will ensure that any review will be undertaken with appropriate discretion, care and consideration and that all steps in the process remain fair, transparent and in line with equal opportunities and anti-discrimination procedures.

1.5 The disciplinary process set out in this paper is underpinned by principles of natural justice, namely:

- the right to a fair hearing
- the right of reply
- no bias or conflicts of interest (or the appearance of such)

1.6 Without prejudice to the above, the Board acknowledges that it has limited resources to conduct comprehensive investigations. In circumstances where the Board cannot review a complaint (see paragraph 2.2), it will endeavour to do its best to refer the complainant to more suitable and specialist organisations or resources for further support.

2. The Disciplinary Committee

2.1 A Disciplinary Committee (DC) will be convened by FFR's director to review allegations of breaches of the Code. The DC will compose of a Frontline Club Charity Trustee, 2 rotating Board members, or 1 FCCT Trustee, 1 Board member and an FFR member. It is an ad hoc committee that only convenes when a case is referred to it. If any member of the DC has any

relationship or conflict of interest with the member under investigation, they must declare it to the board and they cannot take part in the process.

2.2 The DC cannot review a complaint if:

- a. The person who is subject of the complaint is not, or is no longer, a member of FFR
- b. The complaint is not communicated in writing (or by email) to the Board
- c. The person who is subject of the complaint and/or the nature of the complaint is kept anonymous to the DC
- d. The DC cannot review the complaint if it is subject to court proceedings so as not to prejudice any due legal process. However, without prejudice to those proceedings, the DC, at its discretion, may suspend the member subject to the complaint until the conclusion of those proceedings.
- e. If the complaint relates to criminal behaviour but no legal proceedings are in place, for example, because of the lack of a competent legal authority to report the crime to, the DC may seek the advice of legal counsel to provide guidance on whether it is able to review the complaint.

3. The Preliminary Review

3.1 Information about an alleged breach of the Code Conduct by an FFR member may be presented by another FFR member[, a colleague, or a member of the public].

3.2 The allegation must be made in writing and, where possible, supported by appropriate documentary evidence.

3.3 Each allegation must be recorded in a Register and acknowledged by the DC within ten working days to the Board and the party making the allegation.

3.4 The DC will review the evidence they have been given and determine the following:

- a. whether, on the basis of the evidence, that there is a case to answer. If the DC decides there is no case to answer the party making the allegation will be informed and the case will be closed;
- b. whether, on the basis of the evidence received, the DC will determine if the misconduct is classified as minor or severe. If the former, a formal warning will be given to the member which may include a recommendations to remedy the misconduct;
- c. whether, on the basis of the evidence, the DC decides that there is a case to answer the member who is the subject of the allegation will be informed that an allegation has been made and that it is being investigated. S/he has the right to object to the composition of the DC and in this scenario, all or some of the DC will be replaced (see paragraph X for content of communication)*
- d. if the DC decides there is a case to answer the member subject to the allegation of misconduct shall be provided with copies of any paperwork held by the DC

4. The Formal Review

4.1 The member who is subject to the allegations of breach of the Code, will receive a written communication from the DC confirming:

- a. the allegation;
- b. who the members of the DC are;
- c. that the member will have the opportunity to respond to the formal complaint in writing and provide any documentation to support their defence.

4.2 If the member does not respond to communications within a reasonable time or refuse to engage with the review process, s/he will be deemed to have nothing to add to the review.

4.3 Once the steps in paragraphs 3 and 4 have been followed, the procedure adopted for how it will conduct the formal review shall be determined at the discretion of the DC, for example, members of DC can review the evidence and paperwork together in a meeting, over online conferencing or through email correspondence. The DC will carry out its inquiries with efficiency and expediency and inform all parties involved of its decisions as soon the review comes to a conclusion.

5. Sanctions and Disciplinary Action

5.1 The DC will judge what it considers to be the most appropriate sanction, and such sanction must be proportionate to the seriousness of the nature of the complaint.

The DC has the following sanctioning options:

- a. expulsion from membership (lifetime); or
- b. suspension from membership with conditions imposed for reinstatement; or
- c. a written reprimand with conditions imposed for continuation of membership; or
- d. no sanction.

5.2 The DC will report to the Board the result of its review and its recommended sanction/s, if any. The Board will vote by simple majority whether it will adopt the DC's recommendations.

6. The Legal Position

6.1 FFR's disciplinary procedure is not comparable to court of law proceedings and there is no requirement for the allegations to be proven 'beyond all reasonable doubt'. The DC's role is to take due account of all the evidence available to it and to make a decision on a 'balance of probabilities'.

6.2 FFR is not a regulatory body with a legal mandate and there are no provisions for legal representatives to be present. However, FFR will ensure that all procedures are followed correctly and that all relevant legislation, is adhered to.

6.3 FFR's disciplinary process is not designed to provide evidence for any formal legal proceedings associated with the case. However, both the member and complainant should be aware that any documents produced as part of the disciplinary process may be classified as "discoverable" if subsequent court proceedings occur.

7. Confidentiality

7.1 It is important to ensure that any disciplinary action is kept confidential at all times. All documentation and information relating to the allegation of misconduct will not be distributed to any parties not involved with the process. Any information relating to the case will be kept in accordance with the Data Protection Act 1998.