

## **VOLUNTEER DISCIPLINARY POLICY**

1. This policy sets out how the Unit will take disciplinary action against its volunteers. It does not cover disciplinary action against members of staff, the procedures for which are set out in the Staff Handbook.

### **Scope**

2. This policy applies to individuals who have been ratified, or who are seeking ratification, as a volunteer representative with the Unit (“Volunteers”).
3. A volunteer commits a disciplinary offence if they do any of the following:
  - a. fail to maintain and observe the professional standards expected of them;
  - b. fail to abide by any of the Unit’s policies and procedures.

This list is not exhaustive. Other actions may constitute disciplinary offences if it is reasonable in the circumstances.

### **The Relevant Person**

4. A disciplinary matter shall be dealt with by the “Relevant Person”. The Relevant Person will normally be the Principal Legal Officer responsible for the area of law the case involves. The Chief Executive may designate any member of staff employed by the unit to be the Relevant Person if it is appropriate to do so.
5. If the person who would ordinarily be the Relevant Person either:
  - a. has a personal relationship with the volunteer who is the subject of the disciplinary matter; or
  - b. their involvement in the subject matter of the disciplinary matter would make it impossible for them to remain objective; or
  - c. they would be unsuitable to investigate a complaint for any other reason,

another person at the appropriate level will be appointed to act as the Relevant Person.

### **Formal and informal disciplinary action**

6. Disciplinary action may be taken either as the result of a complaint received or following information received by any of the Unit’s staff from another source.
7. A Legal Officer or the Relevant Person may impose the disciplinary sanctions set out in paragraphs 16(a)-(f) below without following the formal procedure as set out in this Policy, where they consider this necessary to safeguard the interests of the Unit or its clients or to prevent a disciplinary offence from being committed. The Relevant Person may not impose the sanction under 16 (f) for a period exceeding 6 weeks without instigating the formal procedure.

### **Formal procedure for disciplinary action**

8. The procedure set out below should be followed in most cases. There may be occasions however where the particular circumstances of a complaint make the normal procedure impractical, the Relevant Person can follow a procedure they decide upon. If this happens, the Relevant Person shall inform the volunteer what procedure they intend to adopt.
9. The Relevant Person shall initially conduct an investigation which is reasonable in the circumstances.
10. The Relevant Person shall write to the volunteer setting out the allegations against them and the possible disciplinary sanctions which might be applied to them. In the normal course of events, the person complained about will have the opportunity to respond to the allegations made about them.
11. The Relevant Person may hold a meeting with the volunteer to discuss the disciplinary matter. The volunteer is entitled to be accompanied by another volunteer.
12. Following the meeting the Relevant Person shall consider all the evidence and determine whether, on the balance of probabilities, the volunteer has committed a disciplinary offence and whether a disciplinary sanction should be imposed, as set out in paragraph 14.. The Relevant Person shall, if they consider it appropriate, discuss the sanction to be imposed with the Chief Executive or, if they are the Chief Executive, the Senior Trustee.
13. After the Relevant Person has reached a determination, they shall inform the volunteer of this in writing.

### **Sanctions**

14. The following sanctions may be imposed:
  - a. Verbal reprimand;
  - b. Formal written reprimand;
  - c. Removing the volunteer from a case;
  - d. Requiring the volunteer to write provide a written apology to any person;
  - e. Requiring the volunteer to be ratified again;
  - f. Prohibiting the volunteer from taking on new cases for not more than 3 years;
  - g. Requiring the volunteer to attend a training day and/or pass a written test again;
  - h. Requiring the volunteer to attend a meeting with one or more trustees;
  - i. Suspending or terminating the volunteer's membership of the Unit;
  - j. Reporting the volunteer to a relevant senior person within a place of work or study to which the volunteer belongs; or

- k. Reporting the volunteer to any professional body (including an Inn of Court) to which the volunteer belongs.

**Disciplinary sanctions imposed by other bodies**

- 15. A decision by a professional regulator to impose a sanction on a volunteer of the Unit may, at the discretion of the Chief Executive, result in a similar or the same sanction being imposed on them by the Unit without holding a disciplinary hearing.

**Appeal**

- 16. There shall be no right of appeal against any decision taken or sanction imposed in accordance with this Policy except in the case of a sanction being imposed under paragraph 17 where the decision of the professional regulator is overturned or reduced. In such circumstances, the Chief Executive may revoke the sanction or amend it as appropriate.

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