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CAUTIONARY DIRECTIVE FOR STRICT OBSERVANCE OF PROCEDURES FOR FDP INVESTIGATION OF DEFAULTING STAFF

The above subject refers.

2. Management has noticed, with displeasure, the increasing rate of procedural errors and non-compliance by field Commands in FDP investigation of defaulting staff under their purview. While the Management is striving to entrench a sound and robust disciplinary system in the Corps, the increasing number of haphazard FDP reports forwarded by field Commands to RSHQ has tended to derail such effort.

3. The procedures for administration of disciplinary cases, from the receipt of report of alleged misconduct to FDP investigation of such misconduct, are clearly spelt out in the FRSC Regulations on Discipline, 2018. However, since many field Commands advertently keep closed eyes on these procedures and for purposes of emphatic recreation, these procedures are as follows:

- a. Report of misconduct is made either orally or in writing.
- b. The appropriate authority receives the report and considers it in the light of the FRSC Regulations on Discipline, 2018.
- c. The appropriate authority issues a query (demand for explanation) to the staff against whom the report of misconduct is made.
- d. The staff responds to the query and submits same to the issuer of such query.
- e. The appropriate authority reviews the response to query and if it is satisfactory, the appropriate authority terminates the case at that stage and conveys same to the staff queried.
- f. Where the response is marked unsatisfactory, same is conveyed to the staff and the appropriate authority convenes an FDP (as the case may be) for his or her investigation.
- g. Summons and written information of the alleged misconduct, against the background of the particular Regulation applicable to it, are served on the staff.
- h. From the date of service of such summons and written information of allegation, the staff shall be given not less than 72hrs (3 days) to prepare his or her defence.
- i. The FDP investigation shall hold at the expiration of the period given above, at the place and time specified in the summons already served.
- j. The FDP shall be composed of five (5) members of required ranks (no more, no less); the membership shall include a Legal Officer and a Marshal (where a Marshal is to be investigated).
- k. At the investigation, the allegation shall be clearly stated to the staff (alleged defaulter) and he or she makes statement as to liability or otherwise. The FDP shall call on witnesses for the allegation to give evidence, before calling on the alleged defaulter to open his or her defence. Note: The alleged defaulter's right

of cross-examination of witnesses for the allegation shall be observed by the FDP at all time.

- l. At the close of evidence and defence, the FDP shall make its findings and recommendation, which shall be pronounced to the alleged defaulter (with a remark that the recommendation is not final, but subject to Management's consideration and decision).
- m. The alleged defaulter may exercise his or her right of appeal, which must be within the time allowed by the FRSC Regulations on Discipline, 2018.
- n. In cases of desertion, specific compliance shall be with the pre-requisite procedures under Regulation 6(b) of the FRSC Regulations on Discipline, 2018.
- o. Zonal Commands shall carry out first review of the concluded FDP investigation report from the Unit and Sector Commands under them, before forwarding same to RSHQ.

4. The above listed procedures are just to mention but a few, as a lot more procedures are embedded for compliance in the FRSC Regulations on Discipline, 2018. This painstaking itemisation of procedures is to fulfil the presumption of first information. Henceforth, any Command found wanting in disciplinary procedures shall be termed recalcitrant and made to face the wrath of the Management, under the extant rules and regulations of the Corps.

5. To be forewarned is to be forearmed, and Commanding Officers should view this directive on disciplinary procedures as sacrosanct.

6. Treat as imperative.

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For: Corps Marshal

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