



## Employee Discipline Policy

### INTRODUCTION

This document outlines the Club's Disciplinary policy and procedure. The Club recognises the importance of attempting to resolve discipline issues, and welcomes the opportunity to address these matters informally wherever possible.

### WHEN DOES THE POLICY APPLY?

The Club will apply the procedures set out in this policy if it proposes or contemplates taking disciplinary action against or dismissing an employee (unless in its sole discretion, it decides that it is inappropriate to do so).

Misconduct related to work will normally lead to disciplinary action being taken. The type of action that will be taken will be decided in accordance with individual circumstances, including the seriousness of the misconduct and whether it is a first occurrence of unacceptable conduct. Examples of what would be classed as misconduct and gross misconduct can be found in APPENDIX 1.

### INVESTIGATION

Before any form of disciplinary action is taken or dismissal occurs the Club will normally undertake an investigation. In certain circumstances the Club may consider that it is not appropriate to carry out an investigation, for example where the issue is relatively minor, or where the employee has been caught in the act and there are no mitigating circumstances, or where he/she has admitted that they were in the wrong.

In circumstances where an investigation is not considered necessary, the manager will normally conduct a fact finding meeting and any subsequent disciplinary hearing where appropriate.

The Club will endeavour to ensure that investigations are completed in the shortest time consistent with the necessity for a full and thorough examination of the facts. If an employee's actions are subject to investigation they will be informed of this prior to the commencement of the investigation.

## **NO ACTION TAKEN**

Where the grounds are not deemed serious enough and / or there is not sufficient evidence to warrant a formal disciplinary hearing, the manager may choose to either progress informal action (see below) or take no further action. Under such circumstances the employee will be contacted to confirm that no further formal action is being taken.

## **INFORMAL DISCIPLINARY ACTION**

This is normally the first level of a disciplinary procedure for first occurrences of misconduct other than misconduct which is deemed serious enough to warrant a formal procedure.

The emphasis is upon discussing the situation with the individual and listening to any mitigating circumstances from which agreed remedial action can be taken or developed. The employee will be made aware that further misconduct could result in formal disciplinary action being instigated. This will constitute an informal warning.

A note of the meeting should be taken and kept for future reference by the manager initiating the discussion. Such a record is to be expunged after a period of 6 months.

The purpose of an informal warning is to provide an opportunity for improvement without the necessity of invoking the formal disciplinary procedure.

## **FORMAL DISCIPLINARY ACTION**

When it appears that an employee's work, behaviour, conduct, omission or capability is such as to warrant formal disciplinary action, the employee concerned will be invited to a disciplinary hearing.

The employee will be given at least a week's notice of the disciplinary hearing, they will be advised of the allegations against them, and / or the circumstances surrounding their case, and that the outcome of the hearing may include disciplinary action, up to and including dismissal.

The written statement inviting the employee to attend the disciplinary hearing will remind the employee of their right to be accompanied at the disciplinary hearing by a companion. At the hearing, a companion may not answer questions on the employee's behalf.

The hearing will be convened as soon as practicable and will be chaired by a Director of the Club. A second Club representative shall be present at all hearings and will act as recorder of information.

The Chair will outline the format of the disciplinary hearing. He / she will usually present the facts found during the investigation. The employee will then be given the opportunity to reply to the allegations against them, if any, or to the circumstances surrounding their case, present a defence and / or put forward mitigating circumstances which are relevant to their case.

During the hearing either party may request a brief adjournment to enable private discussion. In exceptional circumstances, the Club may wish to adjourn the hearing to allow for further investigation or gather further evidence. In such circumstances, it may be necessary to reconvene the hearing on a later date.

Prior to the conclusion of the hearing the employee will be given the opportunity to make a final statement. Thereafter the Chair shall adjourn the hearing and consider the matter in private. The Chair's role is to determine whether or not it is reasonable, given all the evidence and circumstances, to impose a disciplinary sanction and the level of sanction. The Chair will either recall the employee and any representative and give the decision verbally, or advise that the outcome will be confirmed in writing normally within 10 working days.

At the conclusion of any hearing resulting in disciplinary action, the employee will be advised of the right of appeal.

The employee will be issued with written confirmation of any disciplinary action resulting from a disciplinary hearing within 10 working days of the conclusion of the hearing. This will include, where relevant, details of any previous issues relating to them, details of any timescales within which improvement is to be achieved and the likely consequences if there is no improvement. A copy of the written confirmation will be retained in their personnel file.

## **DISCIPLINARY SANCTIONS**

For minor offences, a formal **verbal warning** will be issued making it clear that further misconduct and / or failure to improve will render the employee liable to further disciplinary action. They will be told the reason for the warning and what action they need to take to reach an acceptable standard of conduct. If appropriate, they will be offered extra training and/or counselling and given a time limit for improvement.

For a more serious offence, or further misconduct following a lesser warning, or where the employee has failed to respond satisfactorily to earlier warnings a **written warning** will be issued making it clear that further misconduct and / or failure to improve will render the employee liable to further disciplinary action. They will be told the reason for the warning and what action they need to take to reach an acceptable standard of conduct. If appropriate, they will be offered extra training and/or counselling and given a time limit for improvement.

Where the severity of misconduct merits it, or further misconduct following a lesser warning happens, or where the employee has failed to respond satisfactorily to earlier warnings where the warning is extant/live, a **final written warning** will be issued making it clear that further misconduct and / or failure to improve will render the employee liable to further disciplinary action and could result in their dismissal. They will be told the reason for the warning and what action they need to take to reach an acceptable standard of conduct. If appropriate, they will be offered extra training and/or counselling and given a time limit for improvement.

For an act or acts of further misconduct, other than gross misconduct, and / or failure to improve when still subject to a previous warning, the employee may be liable to **dismissal** with notice or with pay in lieu of notice.

In cases where gross misconduct is alleged and is established on the balance of probabilities, the employee will be liable to **summary dismissal** and have no entitlement to notice or pay in lieu of notice.

Warnings may only be authorised by the person holding a hearing. If a warning is issued, that fact shall be recorded in the employee's file.

## RETENTION PERIODS

Subject to satisfactory conduct, warnings will normally be expunged from an employee's personnel file after the following period:

Verbal Warning - 6 months from the date of issue

Written Warning - 12 months from the date of issue

Final Written Warning - 18 months from the date of issue

If on appeal, or any other reconsideration, any disciplinary action is effectively withdrawn, then all written reference to that action will be expunged from an employee's personnel file and they will be notified accordingly.

Where their conduct is such that a pattern of abuse of the system emerges, or that due to the nature of the offence, evidence of satisfactory conduct can only be satisfied over an extended period, warnings will remain on their record for a longer period to be determined by the Chair of the disciplinary hearing. They will be notified of the length of time for which the warning will remain extant.

## APPEALS

Employees may appeal against any formal disciplinary action taken under the above procedures. Appeals should be submitted in writing by the employee within one week of receipt of the confirmation of a disciplinary action. The appeal should be submitted to the Club Secretary.

The employee should also make clear the basis of their appeal, i.e. they have not committed the alleged act or acts of misconduct (if so, new evidence should be submitted); and/or the disciplinary sanction decided upon.

An appeal will not normally be by way of re-hearing unless the employee has additional material to introduce which was not available at the time of the disciplinary hearing. Normally, the appeal hearing will reconsider the original decision. If the decision that the employee is appealing is a decision to dismiss them, the appeal hearing may take place after their dismissal has taken effect.

Appeal hearings will be arranged as soon as possible and normally within 4 working weeks of receipt of the appeal but this may depend on the availability of persons holding the appeal or on other factors. Reasonable notice of the date of an appeal will be given.

The Club will remind the employee of their right to be accompanied at the appeal hearing. Appeals will be heard by the Club President or a Director nominated by them, supported by the Club Secretary or their nominee. Any person previously involved in the case will be excluded from membership of the panel. All supporting papers will be issued to Panel members prior to the date of the Appeal Hearing.

At any appeal hearing the employee will be given the opportunity to submit a case for confirmation, reduction or withdrawal of the disciplinary action taken. If the employee is appealing the decision they should submit further / new evidence for the panel's consideration.

It is the responsibility of the employee and/or their representative to make any necessary arrangements in respect of taking statements and arranging for their witnesses to attend the hearing if required. In submitting an appeal, the employee must be aware that the severity of sanction could be increased as well as being reduced.

The decision of an appeal panel may be given immediately after the conclusion of the appeal hearing or in writing, within 10 working days of the appeal procedure being concluded.

The Club will either uphold the original disciplinary decision and confirm the original disciplinary sanction or dismissal (no change), confirm the original disciplinary decision and substitute a new sanction (increase or decrease to sanction) or overturn the disciplinary decision (remove the disciplinary sanction).

There is no right of further appeal.

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## Appendix 1

### MISCONDUCT

Most breaches of disciplinary rules fall within this category and would not normally result in dismissal, except in cases of repeated misconduct after a warning or warnings have been given. Examples of misconduct are given below, but are not exclusive or exhaustive:

- Negligence in the performance of official duties or non-compliance with Club procedures;
- Habitual poor timekeeping or absence;
- Discrimination (on the basis of any of the protected characteristics i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation)), harassment, bullying or intimidation of other employees or members of the public. In certain circumstances the seriousness of an offence may result in an immediate charge of Gross Misconduct;
- Refusal to carry out a reasonable instruction from an appropriate manager;
- Failure to wear protective clothing when required or not using safety equipment provided for any specific task;
- Undertaking any form of unauthorised private business activity which, in any way is in conflict with the interests of the Club, or which relates to the nature of the duties undertaken by the individual;
- Misuse of Club IT facilities including inappropriate use of the Internet;
- Disclosure of information in contravention of rules on Data Protection;
- Inappropriate or offensive behaviour or conduct;
- Careless disregard of the Club's rules or a breach of its policies and procedures.

### GROSS MISCONDUCT

Gross misconduct will be considered to have taken place when an employee's conduct, behaviour or omission, whether in the course of employment or otherwise, is so grave as to strike at the basis of the relationship between employer and employee.

The following list of offences arising in the course of employment are examples of incidents that may be treated as gross misconduct. Examples given below are not exclusive or exhaustive.

- Inability to carry out the functions of the post due to being under the influence of alcohol and/or drugs;
- Wilful damage to, or destruction of property or equipment;
- Theft or unauthorised possession of property or facilities belonging to the Club or another employee or student;
- Fraud or deliberate falsification of official documentation for example Club records, registers, reports, accounts, expenses claims or falsely awarding pass marks to students;
- Repeated or serious refusal to carry out any legitimate instruction from an appropriate or senior manager;
- Absence from work without permission or without notification or contrary to the conditions on which specific permission to be absent has been granted;
- Serious negligence in the performance of official duties or non-compliance with Club procedures which causes or might cause unacceptable loss, damage or injury;
- Conduct likely to bring the Club into disrepute, for example damage to college reputation, abusive language, violent behaviour, fighting, threatening violence, immoral or obscene conduct, whether within or outside the workplace;
- Excessive or inappropriate use of foul or abusive language or threats made to other employees, students or members of the public;
- Conviction of a criminal offence considered potentially damaging to the Club, or preventing an individual from performing their work;
- Serious disregard to any safety requirement imposed by law or specified within the Club Safety Policy documents;
- Serious discrimination (on the basis of any of the protected characteristics i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation) harassment or intimidation of other employees, students or members of the public;
- Inappropriate relationship or behaviour with a Club member;
- Misuse of the Club's property or name or otherwise bringing the Club into serious disrepute;
- Serious misuse of IT facilities including downloading or viewing pornographic images from the intranet;
- Serious breach of confidence (subject to the Public Interest Disclosure Act 1998) or serious breaches of rules on Data Protection.