



Disciplinary Procedure

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Reviewed:	
Approved by Board:	
Review Date:	
Owner:	Secretary

Introduction

In any organisation there is a need for rules and standards. It is important that any breaches of our rules, or failure to achieve and maintain satisfactory standards of conduct, attendance and job performance, are dealt with effectively, fairly and consistently.

This document sets out the procedure the WRUFC will normally follow, although we reserve the right, at our discretion, to vary, replace or terminate the procedure at any stage.

Scope of this procedure

This procedure applies to all members and associates, as well as those visiting the club as guests

Aims of this procedure

This procedure aims to help and encourage all of our members and guests to achieve and maintain satisfactory standards of behaviour and to ensure consistent and fair treatment for all.

Core principles

The following core principles should be followed by those dealing with disciplinary matters:

General

- No disciplinary action will be taken without full and proper investigation.
- In misconduct cases, where practicable, different people will carry out the investigation and disciplinary hearings. An investigatory meeting will not by itself result in any disciplinary action.
- Investigations will only be conducted by an independent committee member, appointed by the Secretary
- Each step in the procedure will be taken without unreasonable delay, the timing and location of any meetings will be reasonable and any meeting will be held in as private a location as possible without interruptions.
- A fair disciplinary process will always be followed, up to and including cases of dismissal for gross misconduct.
- We may omit any of the stages within the disciplinary procedure detailed below. It should be noted that, despite on-going disciplinary action, an individual may be dismissed for another unrelated disciplinary matter if sufficiently serious.

Suspension

- Except for suspension (used purely as a precautionary measure to allow a fair and impartial investigation to take place, and without any prejudgement of the outcome of any subsequent disciplinary hearing), no action will be taken against a member or guest until a disciplinary hearing has been held.

Invitation to hearing

- The member/guest will always be given written notice of an invitation to any disciplinary hearing of which he or she is the subject, and will be advised of the nature of the complaint against him/her, the circumstances that have led to us contemplating the need for disciplinary action or dismissal and the procedure to be followed. Copies of any written evidence will normally be provided in advance of the hearing.
- The member/guest will be given sufficient information and time to enable him/her to prepare a response. This may vary depending on the circumstances of each case but is not likely to be less than 24 hours.
- If either the member/guest or his/her chosen companion is unable to attend any meeting under this procedure for a reason that was not foreseeable at the time the meeting was arranged, then we will attempt to rearrange the meeting for a date within five working days of the original planned date. However, the member/guest is expected to take all reasonable steps to attend the hearing on the appointed date and at the appointed time. Where a member/guest persistently is unable or unwilling to attend an agreed disciplinary meeting,

without good reason, a decision may be made in the member/guest's absence based on the evidence available.

At the hearing

- At all formal stages of this procedure, the person chairing the meeting is advised to be accompanied by a suitable member/guest of the WRUFC who will act as a witness and take full notes of everything that is said. Where no internal person of sufficient seniority or confidential status is available, or where preferred, an external party may be invited to attend in this capacity.
- It will be made clear at the outset to all parties involved that notes will be taken as a full record of the meeting.
- The member/guest will have the right to be accompanied, either by a fellow worker, a representative of a trade union (who must be certified in writing by that union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings) or an official employed by a trade union. The member/guest should tell the person conducting the hearing in advance whom he or she has requested to act as a companion. It would not normally be reasonable for a member/guest to insist on being accompanied by someone whose presence would prejudice the hearing nor would it be reasonable to ask to be accompanied by someone from a remote geographical site if someone suitable and willing is available on site.

The companion is there to act as a witness to what was said, to provide moral support and to assist and advise the member/guest in presenting his/her case. He or she may address the hearing (provided the member/guest wishes this), ask questions on behalf of the member/guest and confer with the member/guest but not answer questions on behalf of the member/guest. Nor may the companion prevent the employer from explaining its case. Fellow workers may not be compelled to attend as a companion.

- If the member/guest is disabled, reasonable adjustments will be made to ensure that he or she is not disadvantaged at the hearing. This may include the provision of further assistance (e.g. for a signer or other support) where necessary. Arrangements may also be made to assist any member/guest who does not have English as his or her first language and who may need an interpreter.
- The person conducting the disciplinary hearing will explain the complaint against the member/guest and go through the evidence that has been gathered. The member/guest will be given the opportunity to present any information in his/her defence, explain or comment before any decision is made. Either party may ask questions, call witnesses, submit witness statements and also question any witnesses called by the other party. If the member/guest wishes to call any witnesses, he or she should notify the person conducting the hearing in advance. Witnesses cannot be compelled to attend.

- A disciplinary hearing may be adjourned at any stage by the person conducting the hearing, in order to calm a tense situation, to check out facts or to take advice. Such adjournments will be kept brief wherever possible in order not to hold up the resolution of the hearing but may be extended where particular information needs to be checked in the interests of fairness or consistency.

Making a decision

- Before making any decision on disciplinary action, we will take into account the member/guest's disciplinary and general record, any similar precedents, any mitigating circumstances or explanations given by the member/guest, what would be reasonable under the circumstances and whether any training, additional support or adjustments to the role or workload are necessary.
- An member/guest who is given a disciplinary warning or improvement note will be told where his or her performance or conduct falls short of what we consider satisfactory, what improvement in conduct or performance is required, and over what timescale this is to be achieved. For member/guests who are under-performing, a review date will be set and we will also confirm any support, including any training, that we will provide to assist the member/guest.
- A decision to dismiss should only be taken by someone with the authority to do so. The reasons for dismissal will be confirmed in writing, together with the date on which the employment will end, the appropriate period of notice and the right of appeal.

Post hearing

- Any warning or improvement note will be confirmed in writing to the member/guest. It will outline what the next stage in the procedure is (should the member/guest fail to reach a satisfactory standard or commit a further act of misconduct), specify for how long it will stand, and will inform the member/guest of his or her right of appeal.
- If the member/guest's standard of work or conduct remains unsatisfactory, and, after warnings, remains below the level that is acceptable, he/she may be dismissed.

Examples of gross misconduct

The list below is not exhaustive but is a guide to the type of offence which normally results in summary dismissal (i.e. dismissal without notice or pay in lieu of notice):

- Theft, fraud or falsification of records e.g. the WRUFC documentation, expense claims or attendance records etc.
- being in possession of, or under the influence of, non-medically prescribed drugs

- assault or fighting, either on our premises or whilst engaged on our business or where the act committed irrevocably damages the required trust and mutual confidence between the WRUFC and the member/guest
- violent, abusive or intimidating conduct
- act of unlawful discrimination, harassment, bullying or offensive behaviour
- misuse of property belonging to the WRUFC or of our name
- malicious damage to property belonging to the WRUFC, our clients or other member/guests
- flagrant disregard of our procedures, rules and regulations
- any action in serious breach of legislative requirements which may affect our organisation
- gross negligence
- use of foul language or any act that violates commonly accepted standards of behaviour
- actions which damage the reputation of the WRUFC or bring it into disrepute - this includes taking part in activities which result in adverse publicity to ourselves, or which cause us to lose faith in your professional integrity
- any action constituting a criminal offence which makes you unsuitable for employment with us
- unauthorised use or disclosure of confidential information
- failure to disclose correct information on your application form
- serious breach of Health and Safety rules
- accepting a gift which could be construed as a bribe
- acts of dishonesty
- undertaking private work on our premises and/or during working hours without express permission
- accepting gifts from outside organisations which have not been approved by the WRUFC
- smoking in an unauthorised area where this constitutes a serious risk to health and safety, or compromises our products
- driving under the influence of unlawful drugs or alcohol whilst on WRUFC business
- sleeping on duty
- inappropriate use of the internet or computer misuse in breach of our policies. This includes deliberately accessing internet sites containing pornographic, offensive or obscene material.
- using a hand held mobile whilst driving on WRUFC business
- setting off an alarm, such as a burglar or fire alarm, deliberately and without good cause
- gambling whilst at work, bribery or corruption.

An member/guest will not normally be dismissed for a first incident of misconduct, unless it amounts to gross misconduct, in which case summary dismissal without notice and without the need for any prior warnings may take place.

Examples of general misconduct

The following is a non-exhaustive list of examples of offences which amount to misconduct falling short of gross misconduct:

- unauthorised absence from work
- unsatisfactory time-keeping or attendance
- unsatisfactory job performance
- time wasting
- failure to follow a reasonable management instruction
- minor contravention of health and safety regulations
- disruptive behaviour
- unauthorised use of the telephone
- unauthorised use of e-mail and/or the internet
- failure to wear personal protective equipment, if issued
- minor damage to our property
- minor breach of our rules
- leaving your place of work without authority
- failing to notify us of your absence from work
- persistent absence/sickness
- taking extended breaks
- disrupting our business by receiving and making what we consider to be excessive personal telephone calls.

Informal counselling

Formal disciplinary action is regarded by the WRUFC as the last resort. We recognise that cases of minor misconduct or poor performance may best be resolved through informal counselling, goal or target setting, advice or training and these do not form a formal part of this procedure.

It is hoped that the majority of concerns will be successfully dealt with in one of the ways outlined below.

Only when these options have been exhausted, or where matters are more serious, or where the issue is one of gross misconduct, should managers enter into the formal Disciplinary Procedure.

Concerns re conduct

(For example, but not limited to: initial and minor incidences of poor timekeeping, initial and minor incidences of bad language, initial and minor failure to follow our procedures etc.)

The manager will discuss the conduct concern with the member/guest as soon as possible after the misconduct has been observed. The conduct giving rise to the concern will be explained and the required improvement stated along with a reasonable timescale. Any foreseeable problems with complying with the request should be discussed and dealt with. The manager should ask what support the member/guest needs in order to make the improvement.

The manager should make a diary or file note that the conversation has taken place and it is reasonable to expect that the improvement is sustained – the member/guest should be informed of this, plus the fact that it may be necessary to move to use of

the formal procedure (outlined below) in the event that the informal route is unsuccessful.

Concerns re capability

(For example, but not limited to: initial / short term failure to work to the required standard or at an acceptable pace, initial / short term failure to engage with clients etc.).

The manager will discuss the capability concern with the member/guest as soon as possible after it has been observed. The performance giving rise to the concern should be explained and the required improvement stated, along with a reasonable timescale.

A Personal Improvement Plan (PIP, see Appendix 1) should be completed with the member/guest. Any foreseeable problems with complying with the request should be discussed and dealt with, in particular agreeing whether this is a health matter, in which case the sickness procedures should be referred to. Timescales for improvement will be agreed with the member/guest and review dates set. Timescales should be adequate to allow the member/guest to make the required improvements and to evidence that this can be sustained, at least for the short term. Training needs may be identified and should be addressed in the quickest and most practical way where feasible. The manager should ask what further, if any, support the member/guest needs in order to make the improvement.

The manager should make a diary or file note that the conversation has taken place and the member/guest should be informed of the agreed improvement plan in writing plus the fact that it may be necessary to move to use of the formal procedure in the event that the informal route is unsuccessful.

The manager will arrange to regularly meet with the member/guest to review their progress against the PIP. These meetings will take place at intervals that allow time for improvements to be made at a pace that is reasonable for the member/guest and acceptable to the WRUFC. The manager will take notes at these meetings and update the PIP, which will include details of progress against the improvements required. If very poor or unacceptable effort or progress is being made, or if the required improvements are not achieved within the specified periods, or are not sustained, the member/guest will be invited, in writing, to attend a meeting under the formal procedure.

If, during the process or after the final review meeting, the individual has demonstrated that they have met or have exceeded the requirements expected of them, the line manager will confirm to them in writing that the PIP has been completed. The letter will emphasise the need to maintain the required standards of performance, and will detail that any recurrence within a period of 12 months could result in the formal disciplinary procedure being invoked.

NB, where the below standard performance is due to negligence on the part of the member/guest then some form of disciplinary action will normally be appropriate even in the first instance.

Investigation

As soon as a disciplinary matter arises the investigating officer should first establish the facts, using investigatory interviews with those identified as being involved in or witnesses to the incident. Other useful evidence may include emails and other organisation documents and in some case photographs, or CCTV footage.

The investigating officer will conduct the investigations, but may be accompanied by a third party who will take notes on behalf of the investigating officer.

In some cases, for example unsatisfactory timekeeping or attendance, there may be no requirement for investigatory interviews. In such cases, the evidence gathered at this stage of the process may include file notes, return to work interviews etc. The important point is that all available evidence is gathered before a decision is taken with regard to formal or informal action.

Investigations should be carried out immediately, while the events remain clear in the memory of those involved. All efforts should be made to ensure that investigations are completed within 2 weeks of the alleged misconduct arising although we acknowledge that more complex cases may take longer. Where this arises, we will keep the member/guest informed.

Where a client is involved, an assessment should be made about whether it is appropriate for them to be interviewed by the investigating officer, taking into account their own personal circumstances. If the client is interviewed, then they can choose to have an appropriate worker or other person of their choosing present for support.

The member/guest may be accompanied by a work colleague or trade union representative providing this does not unnecessarily delay the investigation. There is no statutory right to be accompanied to an investigatory interview.

Once all investigatory interviews have been held and the investigation is concluded, the investigating officer should prepare a summary report to be passed on to the disciplining officer (who may be the line manager), along with any supporting evidence including notes of investigatory interviews and other relevant documents.

The disciplining officer will then decide one of the following options:

- *no further action is necessary*: in which case the member/guest concerned should be told of the outcome of the investigation by the disciplining officer as soon as possible;
- *informal action should be taken (which may include an informal letter of concern)*: in which case the member/guest concerned should be invited to an informal counselling meeting with their line manager, as outlined in the section above. This meeting is informal, and should not turn into disciplinary action. If the discussion reveals issues of a more serious nature, then the meeting should be adjourned, and the member/guest advised that the matter will now be considered under the formal disciplinary process;

- *a formal disciplinary hearing is required:* the member/guest should be invited in writing to attend a formal disciplinary hearing.

Stages of the procedure

1. Verbal warning: for unsatisfactory performance or misconduct of a relatively minor nature

The member/guest should be sent a letter inviting them to attend a meeting to discuss the shortfalls in their performance or conduct.

At this meeting the member/guest should be told the areas of concern and should be given a chance to explain. If there is no satisfactory explanation the member/guest should be told:

- the timescale in which his or her conduct must alter, or performance must improve and the standards required; there should be no doubt as to what would be considered to be “satisfactory” or “acceptable” performance or conduct;
- that he or she is being issued with a verbal warning, and that failure to improve will result in a first written warning, or improvement note.

The member/guest's conduct or performance should be reviewed at regular intervals during the time-scale set for improvement. With a performance issue, what amounts to a reasonable amount of time within which to improve will depend on the nature of the job, the member/guest's length of service and the member/guest's past performance. With some misconduct cases, it may well be reasonable to expect an immediate and sustained improvement.

The member/guest should receive written confirmation of the warning, and must be told of their right to appeal against the decision (see Appeal section below). A copy of the letter will be kept on the member/guest's file.

2. First written warning (or improvement note): for incidents of misconduct or unsatisfactory performance

If the member/guest's poor conduct continues, or their performance fails to improve within the given timescale, or another incident of misconduct occurs, he or she should be sent a letter inviting them to attend another meeting to discuss the shortfalls.

At this meeting the member/guest should be told the areas in which they failed to improve or make the required changes, or where the conduct is unsatisfactory, and should be given a chance to explain. If there is no satisfactory explanation the member/guest should be told:

- the timescale in which his or her conduct must alter, or performance must improve and the standards required;
- that he or she is being issued with a first written warning or improvement note, and that failure to improve will result in a final written warning.

The member/guest should receive written confirmation of the warning, and must be told of their right to appeal against the decision (see Appeal section below). A copy of the letter will be kept on the member/guest's file.

3. Final written warning: for further misconduct or continued unsatisfactory performance or if an incident of serious misconduct occurs

If the member/guest's poor conduct is not addressed or fully addressed, or their performance still fails to reach a satisfactory standard, or another incident of misconduct occurs, or an incident of serious misconduct occurs, a meeting should be held to discuss the shortfalls. The member/guest should be told the respects in which his or her work or actions are unsatisfactory and should be given a chance to explain. If there is no satisfactory explanation the member/guest should be told:

- the timescale in which his or her performance must improve or conduct alter and the standard which would be considered satisfactory;
- that he or she is being issued with a final written warning, and that if he or she is unable to reach a satisfactory standard of performance or conduct, they may be dismissed.

The member/guest should receive written confirmation of the warning, and must be told of their right to appeal against the decision (see Appeal section below). A copy of the letter will be kept on the member/guest's file.

4. Dismissal with notice: for continued unsatisfactory conduct or performance

If there is no improvement within the given timescale, the member/guest should be written to, told in what ways his or her performance fails to meet the required standard or conduct continues to cause concern, and asked to attend another meeting at which dismissal will be considered. It is important that the member/guest is informed in writing at this stage that dismissal may be the outcome of this meeting but that no decision has been made at this stage. At this meeting the member/guest should be told the respects in which they have failed to improve and should be given the chance to explain. If no satisfactory explanation is given, the member/guest may be dismissed with notice.

The member/guest should be given written notice of their dismissal and must be told of their right to appeal against the dismissal (see Appeal section below). A copy of the letter will be kept on the member/guest's file.

Gross misconduct and summary dismissal

Certain offences may be regarded as so serious as to render the member/guest liable to summary dismissal without prior warning (see examples above). A dismissal for gross misconduct will only be made following a disciplinary hearing and will be confirmed in writing, giving the reasons for dismissal, confirming that the employment terminates immediately without notice, or pay in lieu of notice, and outlining the member/guest's right of appeal.

Penalties other than dismissal

There may be circumstances where we consider alternative disciplinary action to dismissal to be appropriate. Such action could include suspension without pay, demotion (which may result in a reduction in pay for the member/guest), or transfer to another position which may result in a reduction of pay.

Suspension

We reserve the right at any stage of this procedure to suspend the member/guest. Suspension will be on full basic pay and will be for as short a period as possible in order to carry out any investigation of an alleged serious offence or to prevent any recurrence. Such suspension is not disciplinary action and does not involve any prejudgement.

If suspended, the member/guest must be available to attend any fact finding interview called during the suspension period. Contact will be maintained with the member/guest throughout the period of suspension to keep him/her informed of the investigation. An member/guest who is suspended will only be allowed to contact the WRUFC through a nominated person.

Any of the following are permitted to authorise suspension: Chairman Secretary and members of the Executive committee.

Appeal

An member/guest who feels that a disciplinary warning, improvement note or dismissal is unfair may appeal against this. Such appeals should be lodged, in writing, without unreasonable delay (we would expect this to be within seven calendar days of the decision being notified to the member/guest). The member/guest should clearly state the grounds on which the appeal is made (e.g. the finding is unfair, the penalty too harsh, new evidence comes to light, or because of a procedural defect).

An appeal hearing will be arranged without unreasonable delay. Where possible, the appeal will normally be heard by a member of staff senior to the person making the original decision and not previously connected with the disciplinary process so that an independent decision may be made. If this is not possible, one or more members of the Board or a further independent party or other external party may be requested to attend the hearing and advise.

The person conducting the appeal is advised to be accompanied by a suitable member/guest of the WRUFC who will act as a witness and take full notes of everything that is said. Where no internal person of sufficient seniority or confidential status is available, or where preferred, an external party may be invited to attend in this capacity.

The member/guest may, if he/she so wishes, be accompanied by a work colleague, a trade union representative (who must be certified in writing by that union as having experience of, or having received training in, acting as a worker's companion at

disciplinary or grievance hearings) or by an official employed by a trade union at any appeal hearing. The member/guest should tell the person conducting the appeal hearing in advance whom he or she has chosen as a companion. As with a disciplinary hearing, the companion will be able to address the hearing, ask questions on behalf of the member/guest and to confer with the member/guest but not to answer questions on behalf of the member/guest.

If either the member/guest or his/her chosen companion is unable to attend an appeal meeting arranged under this procedure for a reason which was not foreseeable at the time the meeting was arranged, we will attempt to rearrange the meeting for a date within five days of the original planned date.

If the member/guest is disabled, reasonable adjustments will be made to ensure that he or she is not disadvantaged at the hearing. This may include the provision of further assistance where necessary. Arrangements may also be made to assist any member/guest who does not have English as his or her first language and who may need an interpreter.

The grounds of the appeal will be considered when deciding the extent of any new investigation: it may be that a complete re-hearing will be held should there be any suspected procedural defects.

The member/guest will be notified of the appeal decision in writing: whatever decision is taken at the appeal hearing will be final.

Duration and removal of warnings

A copy of the written confirmation of any warnings, improvement notes, dismissal, suspension or other disciplinary penalty (plus any appeal documentation) will be given to the member/guest and a copy placed on the member/guest's personnel file. Such documentation will be regarded as confidential.

Warnings will remain 'active' for the following periods unless a different period is confirmed in writing to the member/guest:

- verbal warning: 6 months from the date the warning is notified to the member/guest or such other period as may be specified
- first written warning or improvement note: 12 months from the date the warning is notified to the member/guest or such other period as may be specified
- final written warning: 2 years from the date the warning is notified to the member/guest, or indefinite, depending on the circumstances resulting in the warning

Following completion of the appropriate period, the warning will no longer be active and will normally be disregarded for the purposes of any future disciplinary action. Records of disciplinary warnings will however be retained on file for purposes of

disclosure as required by regulation 11 of the Transfer of Undertakings Regulations 2006.

Authority to give disciplinary warnings, to dismiss, and to hear appeals

The following are authorised by the WRUFC to give warnings or dismiss as follows:

- Verbal warning: Chairman Secretary and members of the Executive committee.
- First or final written warning or improvement note: Chairman Secretary and members of the Executive committee.
- Dismissal or other penalty such as disciplinary transfer or demotion/loss of pay: Chairman Secretary and members of the Executive committee.

The following are authorised by the WRUFC to hear appeals as follows, (subject to the requirement that where possible, the appeal will normally be heard by a member of staff senior to the person making the original decision and not previously connected with the disciplinary process);

- Verbal warning: Chairman Secretary and members of the Executive committee.
- First or final written warning or improvement note: Chairman Secretary and members of the Executive committee.
- Dismissal or other penalty such as disciplinary transfer or demotion/loss of pay: Chairman Secretary and members of the Executive committee.

Probationary member/guests

Member/guests who are still within their probationary period are not covered by this procedure. If a probationary member/guest is not performing satisfactorily or there are incidences of misconduct, he or she will normally be seen by his or her manager, informed of any shortcomings in performance or conduct, offered training and support (where appropriate) and warned that failure to improve will result in dismissal.

If there is doubt about the member/guest's ability to reach a satisfactory standard, the probationary period may be extended, in which case the member/guest will be told of this and a new date set for the expiry of the probationary period. If the member/guest is unable to reach a satisfactory standard of performance or conduct, he or she will normally be invited to a formal meeting (with the right to be accompanied) prior to a decision being taken concerning his or her continued employment.

A probationary member/guest who commits an act of gross misconduct will be summarily dismissed.

Related policies

We also have the following related policies: Absence Reporting and Sick Pay policy, Equality and Diversity policy, Whistleblowing policy.

Implementation, monitoring and review of this procedure

This procedure took effect from the 19th of April 2013. The Chairman has overall responsibility for implementing and monitoring this procedure, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

- Any questions or concerns about the interpretation or operation of this policy should be taken up in the first instance with the Chairman Secretary and members of the Executive committee.