

## Introduction

It is the club's desire to work harmoniously with employees for our mutual benefit. However, some times things go wrong. The club as employer may not be entirely happy with aspects of your work through either capability – when we feel there is a need to improve some aspect of performance – or conduct - when there may have been a case of unacceptable or improper behaviour. Where these matters are of minor significance, they should be dealt with informally and amicably by a line manager and often as part of a review process, staff training or counselling.

In the case of capability or misconduct of a more significant nature, the club as the employer will deal with the matter through the discipline policy and procedure which are described in detail below. In cases of gross misconduct or a failure to reach required standards in carrying out your work after reasonable support, the club as an employer, may terminate your contract after due process.

Equally, employees may feel that they have an issue which they have with the club as their employer and may wish to use the grievance policy and procedure to resolve the issue. Usually this will be the case if informal efforts have failed to resolve matters in a satisfactory way from the employee's perspective.

## General principles

All matters of discipline and grievance will follow the procedures outlined below and the principles outlined here.

All employees will be treated equally and without discrimination.

Employees will be given a clear statement of the issue or issues if the disciplinary procedure has been invoked and at the relevant stage will be given copies of evidence, including witness statements where relevant.

All matters will be investigated as thoroughly as possible and employees will be entitled to see the evidence assembled by that investigation.

In cases of misconduct, different people will carry out the investigation from those who will hear the disciplinary case. Where possible, those who hear an appeal will be different from those who made the original decision.

Employees will be given ample opportunity to answer any issues raised and to explain their point of view and present their evidence if applicable.

Matters will be dealt with in a timely way.

All decisions are subject to an appeals process.

All cases will be heard of in isolation from previous or pending disciplinary matters – but the outcome may be impacted by an accumulation of disciplinary issues.

The discipline procedure and the grievance procedure are entirely non-contractual and do not form part of the contract of employment with the exception of the modified dismissal procedure.

## Key expectations

Sale Sports Club serves its members and its community and depends for its viability on a positive interface between employees and members, visitors, guests and hirers – as well as the local community. The club therefore requires of its employees that they behave at all times in a courteous manner even when dealing with the challenges which come with employment in a client-focused organisation. This does not limit the right and the obligation of employees to adopt a firm stance on rare occasions where that is merited or demanded.

## **1. Disciplinary procedure**

It is Club policy that the following procedure must be followed when an employee is being disciplined or dismissed. The stages of the procedure that apply when discipline or dismissal is being contemplated comply with statutory dismissal and grievance procedures.

Matters that may be dealt with under this disciplinary and dismissal procedure include discipline and dismissal for the following reasons:

- misconduct
- sub-standard performance
- harassment or victimisation
- misuse of company facilities including computer facilities (e.g. email and the internet)
- poor timekeeping
- unauthorised absences

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal (or statutory) disciplinary procedure. No formal record of this type of warning will be kept.

If there is no improvement or the matter is sufficiently serious, you will be invited to a disciplinary meeting at which the matter can be properly discussed. You will be allowed to bring a work colleague or Trade Union representative to the meeting. You will be permitted to submit evidence and to bring witnesses where relevant. The outcome of the meeting will be communicated to you. There are a number of possible outcomes:

### ***Oral warning***

In the case of minor infringements, you may be given a formal oral warning. A note of the oral warning will be kept on your file but will be disregarded for disciplinary purposes after a specified period (e.g. six months). You have the right to appeal against a formal oral warning.

### ***Written warning***

If the infringement is more serious or there is no improvement in conduct after a formal oral warning you will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after a specified period (e.g. 12 months).

### ***Final written warning***

Where there is a failure to improve or change behaviour during the currency of a prior formal written warning, or where the infringement is sufficiently serious, you may be given a final written warning. This will give details of the complaint, warn that failure to improve will lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after a specified period (e.g. 12 months).

### ***Dismissal***

If your conduct or performance still fails to improve, the final step will be to contemplate dismissal. If your employer is contemplating dismissing you, he must follow the "Standard Disciplinary and Dismissal Procedure" which is a statutory requirement. Failure to do so will usually result in a finding of automatically unfair dismissal

## ***The Standard Disciplinary and Dismissal Procedure***

### Step 1: Employer gives employee a written statement and calls a hearing.

The employer will set out in writing your alleged conduct, characteristics or other circumstances, which lead him/her to contemplate dismissal, or taking disciplinary action against you. The employer will inform you, in the written statement, of the basis on which he/she has made allegations against you. If possible, the employer will provide you with copies of any relevant evidence against you. The employer will invite you to a hearing to discuss the matter.

### Step 2: Meeting is held and employer informs employee of the outcome

The meeting will take place before any action, other than if suspension on full pay has been decided. The meeting will be held without undue delay but only when you have had a reasonable opportunity to consider your response to the employer's written statement and any further verbal explanation the employer has provided. You must take all reasonable steps to attend the meeting. You may be accompanied by a friend, a work colleague or a trade union official who has been certified to carry out such support.

After the meeting, the employer will inform you of his/her decision and notify you of your right to appeal against the decision if you are not satisfied with it. You must appeal to complete the statutory procedure.

### Step 3: Appeal against the disciplinary decision if necessary

If you wish to appeal, you must inform your line manager in writing within a reasonable time. If you do this, the employer will invite you to attend a further meeting. You must take all reasonable steps to attend the meeting. If practicable, another member of the Club's Management Board not previously involved in the disciplinary procedure will hear the appeal. The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing the employer will inform you of his/her final decision and will confirm it in writing as soon as practicable.

### ***Gross misconduct***

If after investigation it is confirmed that you have committed one of the following offences (the list is not exhaustive), you will normally be dismissed:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name
- bringing the employer into serious disrepute, especially in dealing with a customer
- serious incapability whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid. This suspension is a neutral act in law and does not imply any presupposition of

culpability by the employer. Any decision to dismiss will be taken by your employer only after a full investigation.

The Standard Disciplinary and Dismissal Procedure applies to dismissals for gross misconduct.

### ***Modified Dismissal Procedure***

In a few cases of gross misconduct, the employer may be justified in dismissing immediately without conducting an investigation. In these cases a two-step "Modified Dismissal Procedure" will be followed, otherwise the dismissal will be automatically unfair.

#### Step 1: Employer gives written statement

The employer must give you a written statement setting out the conduct that has resulted in the dismissal and informing you of the right to appeal against the decision to dismiss. You must appeal to complete the statutory procedure.

#### Step 2: Appeal against the disciplinary decision

If you wish to appeal, you must inform the Club Chairperson or the Club Secretary. A meeting must be held (in accordance with the general principles set out above). The employer must inform you of his decision following the meeting.

### ***General Principles***

The following principles apply to the Standard Dismissal and Disciplinary Procedure and the Modified Dismissal Procedure set out above:

1. The person who has authority to discipline you in accordance with this procedure is the Club Chairperson.
2. You have the right to be accompanied to any meeting by a Trade Union representative or a fellow employee.
3. Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
4. Meetings will be conducted in a manner that enables both employer and employee to explain their cases.
5. Records will be kept detailing the nature of any breach of disciplinary rules or unsatisfactory performance, your defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be kept confidential.

## **2. Grievance procedure**

It is Club policy to ensure that any employee with a grievance has access to a procedure, which can lead to a speedy resolution of the grievance in a fair manner.

Most routine complaints and grievances are best resolved informally in discussion with your immediate line manager. Where the grievance cannot be resolved informally, it will be dealt with under the following procedure that complies with the statutory standard three-step grievance procedure.

### ***The Standard Grievance Procedure***

#### Step 1: Employee gives written statement of grievance

You must put your grievance in a written statement of grievance and send a copy to a member of the Club management team who is not the subject of the grievance.

#### Step 2: Meeting is held and employer informs employee of the outcome

The employer will invite you to attend a meeting to discuss the grievance. The meeting will only take place once you have informed the employer of the basis for the grievance you have set out in your written statement, and the employer has had a reasonable opportunity to consider what response to make. You must take all reasonable steps to attend the meeting.

After the meeting, the employer must inform you of the decision taken in response to the grievance and notify you of your right to appeal if you are not satisfied with the employer's decision. You must appeal to complete the statutory procedure.

#### Step 3: Appeal if necessary

If you wish to appeal, you must inform the employer. The employer will then invite you to attend another meeting. You must take all reasonable steps to attend. If reasonably practicable, another member of the Club Management Board who has not been involved in the grievance procedure so far will deal with the appeal. After the meeting, the employer must inform you of the decision taken.

The decision taken at the appeal and communicated to you will be deemed to be final.

### ***The Modified Grievance Procedure***

The Modified Grievance Procedure will apply in relation to your grievance only if:

- you no longer work for the employer; or
- you have agreed with your employer in writing that it will apply; or
- you raised it before you left, but the standard procedure wasn't completed; or
- you did not raise it until after you left.

There are two steps within the Modified Grievance Procedure:

#### Step 1: Employee gives written statement of grievance

You must put your grievance in a written statement and send a copy to the employer.

#### Step 2: Employer gives written response

The employer must write back to you giving his response to the points you have raised.

### **Principles Applicable to the Standard and Modified Grievance Procedure**

1. Each step in the grievance procedure should be carried out without unreasonable delay. The times and locations of meetings should be reasonable.
2. Meetings must be conducted in a way that allows both parties to explain their case.
3. Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential.
4. You have the right to be accompanied to the hearing by a Trade Union representative or a fellow employee.
5. There are some cases in which the statutory procedure does not have to be followed or does not have to be followed in full, for example, where your grievance is about the fact the employer intends to dismiss you. In these cases, the employer will not necessarily follow the statutory procedures set out above.

If you want to seek resolution of a grievance, you must initially contact the Club Facilities and Events managers or another member of Club Management Board.

**Formally adopted by the CBS Board of Trustees March 22 2022**