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## **Disciplinary & Grievances Procedures Policy**

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# Sporting Chance Newport CIC

## Disciplinary & Grievances Procedures Policy

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### **Sporting Chance's Disciplinary & Grievance Procedures Policy**

We believe that clear, open and fair procedures for the resolution of problems are necessary both for the success of Sporting Chance and for the fair treatment of all our team.

This policy applies to all employees. It does not apply to self-employed contractors or agency workers.

### **Informal Action**

Any grievance or complaint can be discussed informally, or through the formal grievance procedure. Often raising issues promptly at the time in a sensible way helps to solve them and prevent further difficulties.

Sometimes we will choose to discuss a disciplinary issue with you before taking formal action.

In that case, we may issue an informal improvement letter after our discussion.

If a discussion fails to resolve the problem, or we feel this approach is inappropriate in the circumstances, we will normally use this formal procedure.

### **Investigations**

We will not take disciplinary action without inviting you to a formal meeting, but — depending on the circumstances — that meeting may be the only meeting we invite you to attend. In other words, there may not be separate meetings for the investigation and disciplinary stages.

Sporting Chance staff will ask a manager to investigate a complaint or may for some incidences use an outside consultant to ensure impartiality.

If you lodge a grievance while we are investigating a disciplinary matter, we will not normally put the disciplinary process on hold. If the subject of your grievance is linked to the matters involved in the disciplinary investigation, or the process we are following, then we will normally consider the matters you raise as part of the disciplinary process and not start a separate grievance process.

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### **Suspension**

If you face a misconduct allegation Sporting Chance may suspend you on full basic pay. Suspension is not a disciplinary penalty and carries no implication of guilt. If we suspend you:

- You must be available for work or meetings as required during normal working hours;
- You must stay away from work, not visit any Company premises or make contact with staff, clients, suppliers or contractors (unless we authorise this in writing). But if you want to contact somebody specifically to ask them to be a witness, or to accompany you at the hearing, then you may do so without asking us first.
- Suspension will be on full pay, unless your contract says otherwise. If you are suspended on full pay but tell us you are unfit to work because of sickness issues, then you will be paid according to our Sickness Policy (which could entail a reduction in what you are paid, for example only paying you statutory sick pay).
- If pre-approved holidays fall during a period of suspension, they will still count as holiday leave and will be deducted from your holiday entitlement as normal.

During a period of suspension your passwords will be barred and if you have access to the computer system it will be denied

### **The right to be accompanied at hearings**

You can be accompanied at any disciplinary or grievance hearing by:

- a work colleague;
- a full-time official employed by a trade union; or a lay official, so long as they have been certified in writing by their union as having received training in acting as a workers companion at disciplinary and grievance hearings.
- Your representative has the right to explain or sum up your case, and to respond to any views expressed at the hearing. The representative may not answer on your behalf.  
If the representative cannot attend on the date set for the interview, we will always postpone the interview for up to 5 days or at our discretion longer.

If we are holding separate investigation and disciplinary meetings, then your right to be accompanied only applies to the disciplinary meeting.

If you want to exercise this right, you should tell us as soon as possible who you want to accompany you. It is your responsibility to arrange for them to attend. If you choose a work colleague,

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we will not prevent them from attending, but we may rearrange the meeting if their absence from work causes operational problems.

*Note for colleagues:* We are pleased for colleagues to support each other through these proceedings but you are not obliged to do so. Having a colleague present helps to ensure that matters are dealt with fairly and we appreciate your assistance. You are asked to respect the confidentiality of these proceedings.

### **Grievance**

Your grievance should be raised with your manager. If your grievance is about your manager – or you do not want to raise it with them for some other reason – you must instead notify their line manager or somebody else holding the same level of responsibility as your manager.

### **Making a formal grievance**

To make a formal grievance, set out your complaint in writing, giving as full account of the situation as possible, including dates, names of individuals involved and any other relevant facts. It is helpful if you can set out any steps you have taken to resolve matters informally.

You must also explain clearly what you want to see Sporting Chance do to resolve your complaint. Send or hand your written grievance to your line manager together with any relevant documents. We will acknowledge receipt of your grievance in writing.

You must co-operate with us to ensure our investigation is fair and thorough. How we investigate will depend on the nature of your grievance. We will look at relevant documents and may interview you and/or take a statement from you and from other people able to provide information.

In serious cases or cases where the Manager is the cause of the grievance another Manager, Director or independent consultant will be asked to investigate the complaint.

### **Grievance Meeting**

We will invite you to a meeting to discuss the grievance and ask how you think it can be resolved.

You can bring a companion with you to the meeting as outlined above.

Please do not record the meeting without our consent, as this suggests that you do not trust Sporting Chance's process or the managers who are conducting it. If you do have misgivings about either the process or the managers leading it, you should tell us openly so that we can address your concerns.

For our part, we in turn will not record the meeting without your knowledge.

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After the meeting, we will take any steps to investigate further that we consider appropriate. Sometimes this will involve looking at documents, or interviewing other people. We will not normally allow you to participate in this part of the investigation (for example, you will not normally be allowed to question other people directly). Sometimes, we may ask you for more information or for another meeting. And sometimes, we may think there is no need for any further investigation. After the meeting we will write to you with the outcome of the grievance and let you know if we plan to take any action to address your grievance. The letter will remind you of your right to appeal if you are not satisfied with the outcome.

### **Appeals**

You can appeal in writing within a week of us giving you our decision. You must address whomever is named in the letter you received telling you of our decision, and you must explain clearly why you are appealing. You should also give us any new evidence you may have acquired since the initial investigation was completed.

Wherever possible, the appeal meeting will not be led by the manager who held the original grievance meeting. You may be accompanied by a trade union representative or work colleague, in line with the process outlined above.

Sporting Chance final decision will be sent to you in writing. You do not have any further right to appeal against our decision.

### **Disciplinary Procedure**

The disciplinary process has been designed to help and encourage you to achieve and maintain good standards of conduct, attendance and job performance. On occasions people may fall short of the expected standards of behaviour or performance in these circumstances disciplinary action may be taken.

At all stages of the disciplinary procedure you will:

- be given a right of reply to all and any allegations made against you BEFORE any decision or disciplinary action is taken;
- be advised of the nature of any disciplinary action taken against you and the consequences of such action;
- be advised of any improvement in conduct or performance required and over what time frame; and

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- Have the opportunity to be accompanied by a work colleague or Trade Union representative to any disciplinary hearing as described above.

### **The Disciplinary Hearing**

Disciplinary hearings will usually be conducted by your line manager.

We will write to you to tell you:

- when and where your disciplinary meeting will take place;
- the details of the allegation of misconduct made against you; and
- the possible consequences.

We will include copies of any witness statements and other relevant documents, unless there is a good reason not to do so.

You are entitled to bring a companion with you to the meeting - see above for details of what they can and cannot do.

At the meeting you will be given the opportunity to respond and to put forward any defence or arguments you want. You may ask questions, present evidence and call witnesses.

You must let us know as soon as possible if you want to bring your own witnesses to the meeting and/or you have documents or other evidence you want to present.

It is your responsibility to attend the meeting but, if you cannot, we will normally reschedule it provided we are satisfied with your explanation for why you cannot attend. We will not reschedule, however, if it is likely to lead to unreasonable delay. We may be obliged to make our decision without you being present, and we will in any case only reschedule the meeting once, unless there are very good reasons to justify a second rescheduling.

Please do not record the meeting without our consent, as this suggests that you do not trust Sporting Chance process or the managers who are conducting it. If you do have misgivings about either the process or the managers leading it, you should tell us openly so that we can address your concerns. For our part, we in turn will not record the meeting without your knowledge.

We will go through all the details at the meeting so that you fully understand the allegation of misconduct made against you. We will also outline the evidence we found when we carried out our investigation.

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We will give you the time you need to respond to the allegations made against you and to put your own case. We will also give you the opportunity to question us, to present your own evidence, to call your own witnesses, and to respond to evidence Sporting Chance's witnesses put forward. If there are any questions you want us to put to the Sporting Chance's witnesses, please tell us and (unless there is a good reason not to) we will make sure they are asked. Sporting Chance's decision following the meeting will be sent to you in writing.

### **The disciplinary action and dismissal process**

Depending on the severity of the offence and taking into account all the circumstances the disciplinary action may take any one of the following forms:-

#### **Stage 1**

- We will issue you with a first written warning.
- Unless you already have active written warnings relating to disciplinary matters on your work record, a first written warning will usually remain in place for 12 months from the date you are notified of the decision. It will then be removed from your record.
- This will state the nature of the complaint, the required standards that must be met and where appropriate a time limit for improvement. It will also state that further disciplinary action will be followed if the required standards are not met. One copy of which will be retained by you and one placed on your file.

#### **Stage 2**

- If there is an active first written warning on your record and you are involved in further misconduct, we will usually issue you with a final written warning.
- In serious cases of misconduct we issue a final written warning without first issuing a first written warning.
- In either case a final written warning remains active for 12 months from the date you are notified of the decision. It will then be removed from your record.
- This will state the nature of the complaint, the required standards to be met and where appropriate a time limit for improvement. It will also state that you will be dismissed if the standards are not met or if there is further misconduct. One copy of which will be retained by you and one placed on your file.

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### Stage 3

- If there is an active final written warning against you and you are involved in further misconduct, you may be dismissed.
- You may also be dismissed for a serious case of misconduct or, if you are involved in Gross Misconduct.
- We explain what ‘misconduct’ and ‘gross misconduct’ comprise in the lists given below.
- In extenuating circumstances we may prepared to explore other actions short of dismissal These may include deploying you to a different role, demoting you, and/or extending your final written warning period to allow us further time to review how you respond. Redeployment or demotion may result in a reduction in pay.
- You will usually be dismissed without notice and without payment in lieu of notice if we find you have committed an act of gross misconduct. This is known as summary dismissal.

### Appeals

You have the right of appeal against any disciplinary decision taken against you. Your appeal should be in writing and sent to whoever is named in the letter you received within five working days of the decision and state the reasons for your appeal.

We will invite you to an appeal meeting. Wherever possible, the appeal meeting will not be led by the manager who held the meeting at which we decided what disciplinary action to take.

You may be accompanied by a trade union representative or work colleague, in line with the process outlined above.

The Company’s final decision will be sent to you in writing. You do not have any further right to appeal against our decision.

The following are examples of Misconduct and gross Misconduct. These are examples only and not an exhaustive list:

- Poor time keeping.
- Unauthorised and unreasonable absence from work.
- Failure to meet the adequate standard of job performance.
- Failure to comply with procedures.
- Failure to answer a question during a properly constituted investigation.
- Minor violation of safety practices.
- Minor breaches of Sporting Chance regulations.
- Improper use of business funds or property.

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### **Gross Misconduct**

The following acts are examples of gross misconduct and as such are considered so serious that the employee may be liable to instant dismissal.

- Theft or wilful damage of or negligence which leads to loss, damage to property or goods belonging to the Sporting Chance, its customers or suppliers, or other employees.
- Unreasonably refusing to the Sporting Chance searching your bags or vehicle.
- Unauthorised disclosure or use of confidential information from the Sporting Chance or about any of its customers.
- Conduct likely to damage the reputation of the Sporting Chance.
- Drunkenness and unlawful drug abuse.
- Discrimination on the grounds of age, sex, race, religious belief, disability or sexual orientation or harassment or bullying of colleagues, customers, service users or clients
- Accepting bribes.
- Fraud, dishonesty or any other offence which would be a breach of the law of the land.
- Assault or attempted assault of other employees or members of the public.
- Failure to carry out a reasonable order given by a manager during working hours or serious disregard of duties.
- Serious insubordination.
- Serious breaches of the IT Security policy.
- Serious breaches of the Health and Safety policy
- Failure to report accident damage to a Sporting Chance vehicle.
- Serious breaches of the Sporting Chance Social Media Policy.
- Malicious misuse of any of our procedures, for example if you make up allegations when taking out a grievance against someone
- Negligence or carelessness, particularly if it leads to Sporting Chance losing trust and confidence in you;
- Serious and intentional damage to Sporting Chance property.
- Improper use of business funds or property.



[www.sportingchancegroup.org.uk](http://www.sportingchancegroup.org.uk)

