



STATUS:	COMPLETE
REQUIREMENT:	CEO SIGN OFF 4/06/2015 BOT SIGN OFF 24/06/2015
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CORPORATE POLICY 006: STAFF DISCIPLINARY POLICY

1. Applicability

- 1.1. This Policy applies to all employees, and staff on service contracts, of Great Britain Wheelchair Rugby Ltd (GBWR). It presumes that all employees and staff are competent and act in good faith in discharging their duties.
- 1.2. Where an employee's or a contractor's inadequate performance is believed to arise either from genuine incapability (e.g. lack of adequate skills and/or experience) or as a result of ill health, then this policy does not apply, and instead the relevant HR Policy should be followed.

2. Introduction

- 2.1. GBWR strives to operate effectively and provide the best possible service to the sport of Wheelchair Rugby in the United Kingdom. This is in line with standards of performance and conduct expected of all employees and contractors. Disciplinary rules and procedures are necessary to promote fairness, order and consistency in the treatment of individuals in employee, member, trustee, contractor, partner*, volunteer and public roles.
- 2.2. This Policy sets out the procedures to be followed where an employee or contractor has failed to uphold the standards of behaviour expected of them (for example: in cases of misconduct). Formal disciplinary action should only be taken as a last resort, and only if absolutely necessary. The procedures aim to treat all individuals fairly and consistently.
- 2.3. Line managers are responsible for communicating these standards to employees and contractors, and for maintaining them. Through consistency in this approach, the all staff throughout the organisation know what is expected of them.
- 2.4. (* 'Partners' are defined as other bodies – e.g. charities or commercial service providers – with which GBWR may be collaborating in the delivery of its events, activities or support operations.)

3. Key principles

- 3.1. The following key principles underpin this Staff Disciplinary Policy and its associated procedures:
 - 3.1.1. consistent, appropriate and prompt approach to discipline issues.
 - 3.1.2. respect for confidentiality and natural justice.
 - 3.1.3. all parties to act in good faith.
 - 3.1.4. individuals to be informed of allegations that have been made and given an opportunity to respond before decisions are reached.
 - 3.1.5. informal discussion and remedial action to be used where appropriate.



- 3.1.6. no formal disciplinary action to be taken until a matter has been fully investigated by an appropriate GBWR manager.
- 3.1.7. adequate notice and information relating to any Disciplinary Hearing to be given.
- 3.1.8. individuals have the right to be accompanied to any Hearing by a colleague or (in the case of employees) an appropriate trade union representative.
- 3.1.9. individuals have the right of appeal.

4. Disciplinary rules and definitions

- 4.1. It is important to distinguish between those issues which arise because of misconduct and those which arise relating to an individual's capability.
- 4.2. To assist in distinguishing between such issues, the following definitions are provided as a guide as to which procedure should be followed. Cases can arise where it is difficult to distinguish between misconduct and capability. In such circumstances managers in GBWR should endeavour to ensure that any action taken is fair to the individual concerned, having regard to all the circumstances.
- 4.3. Misconduct
 - 4.3.1. An employee or contractor who wilfully refuses to perform his or her duties to a satisfactory standard is committing an act of misconduct. This includes any breach of GBWR's Policies or some other act which, although not necessarily specified in policy, may be regarded as misconduct (or which may adversely affect the performance of an employee's contract of employment or a contractor's contract for services). Misconduct can be of varying degrees of seriousness culminating in gross misconduct, a definition of which is given below.
- 4.4. Gross Misconduct
 - 4.4.1. Gross misconduct is a serious breach of discipline that is considered so grave that, subject to any mitigating circumstances, it constitutes grounds for dismissal without notice and without previous warning. Therefore in the case of gross misconduct, GBWR reserves the right of summary dismissal of an individual (in the case of employees, without notice or pay in lieu of notice) or summary termination of a service contract. The decision on whether conduct can be construed as gross misconduct will be dependent on full consideration of all the facts and circumstances.
 - 4.4.2. Examples of gross misconduct include (but are not limited to):
 - 4.4.2.1. a criminal offence that is likely to adversely affect the performance of an individual or their relationship with GBWR as their employer
 - 4.4.2.2. fighting or physical assault in the workplace or at any GBWR event
 - 4.4.2.3. drunkenness and/or drug-taking in the workplace or at any GBWR event
 - 4.4.2.4. theft, fraud or dishonesty
 - 4.4.2.5. bringing GBWR into disrepute
 - 4.4.2.6. a breach of professional ethics
 - 4.4.2.7. offensiveness to partners, employees, contractors, volunteers, members, trustees or the public
 - 4.4.2.8. racial, sexual, homophobic or disability-centred harassment
 - 4.4.2.9. a breach of GBWR's Equality Policy; Anti-Doping Policy; GBWR's Safeguarding Safe and Sound Policy; and/or of GBWR's Confidentiality Policy
- 4.5. Other Misconduct
 - 4.5.1. Other breaches of discipline which constitute unacceptable behaviour (but which may not be considered so serious as to justify summary dismissal) may lead to warnings.



5. Stages of Disciplinary Procedure

5.1. The following stages will apply:

5.2. Informal Discussions & Remedial Action

5.2.1. Minor and/or limited deficiencies in conduct should be identified and brought to the individual's attention at an early stage and the individual concerned should be given encouragement, assistance and time to improve by the relevant GBWR line manager. A written record of any informal discussions will be kept.

5.2.2. In circumstances where a single incident of a serious nature occurs, however, an investigation under the formal procedures is appropriate.

5.2.3. Where alleged misconduct of any form has occurred which suggests a breach of GBWR's Safe and Sound Safeguarding Policy, it will initially be dealt with through the safeguarding route and referred to the GBWR Case Management Group (CMG) who will determine the appropriate process for dealing with the case.

5.3. Suspension

5.3.1. An individual may be suspended (on full pay, in the case of employees) by the Chief Executive (or – in the event that the Chief Executive is the subject of the investigation – by the Chair) in instances where this would facilitate the investigation. This is relevant in situations where, for example the alleged conduct:

5.3.1.1. could adversely affect the reputation of GBWR or has a significant bearing on the delivery of GBWR's programmes, events and/or activities; or

5.3.1.2. could be a danger to other staff; or

5.3.1.3. his/her attendance at work could negatively affect the disciplinary investigation.

5.3.2. A suspension is a natural act and should not be regarded as a form of disciplinary action and should be for as short a period as necessary.

5.4. Investigation Process

5.4.1. Where an alleged breach of discipline requires action beyond informal discussions, or where informal discussions have failed to bring about the required improvement, a full investigation will be undertaken by the GBWR Chief Executive or (in the event that the Chief Executive is the subject of the investigation) by a Trustee appointed by the GBWR Chairman.

5.4.2. The investigator will interview any witnesses and hold an investigation meeting with the individual (to which they can be accompanied by a colleague or a trade union representative). The purpose of such interviews and investigation meetings is to establish the facts of the case. Interviews and meetings should be noted and the notes signed and dated by the individuals and the investigator.

5.4.3. The investigator may find that:

5.4.3.1. there is no case to answer; or that

5.4.3.2. the matter could be resolved through guidance outside the formal procedure; or that

5.4.3.3. the matter requires a formal Disciplinary Hearing.

5.4.4. The individual concerned will be informed in writing of the outcome of the investigation, whatever the decision may be.

5.5. Disciplinary Hearings

5.5.1. If the outcome of the investigation is that the matter requires a formal Disciplinary Hearing, then an appropriate Member of the Board of Trustees, who has had no detailed contact with the events giving rise to the discipline case, will be appointed by the GBWR Chairman to chair a Disciplinary Panel to conduct a hearing into the findings of the investigation.

5.5.2. The Disciplinary Panel Chair will select the following additional members of the Panel (none of whom will have been involved with the Disciplinary Investigation to date):

5.5.2.1. another GBWR Trustee (preferably with legal and/or HR experience)



- 5.5.2.2. an external member (with appropriate experience from another National Governing Body)
- 5.5.3. The individual concerned should receive adequate written notice of a Disciplinary Hearing; normally this will be fifteen working days unless a shorter period is agreed by both parties.
- 5.5.4. The convening notice of the Disciplinary Hearing will state fully the nature of the misconduct as indicated from the Investigation findings and will enclose copies of any papers which are to be produced at the Hearing.
- 5.5.5. The individual should supply, normally at least five working days prior to the Hearing, copies of any and all documents that he or she intends to submit.
- 5.5.6. The Disciplinary Hearing will be structured to enable the investigator to present their case and the individual to present their case. Questions can be asked by the investigator, the individual and the members of the Disciplinary Panel. Any witnesses called by either the investigator or the individual will only be present in the Hearing for so long as they are giving their evidence.
- 5.5.7. The Disciplinary Hearing Panel will retire to consider the evidence before reaching a majority or unanimous decision on the balance of probabilities.
- 5.5.8. The Panel will inform the individual of its decision. The Panel will set out:
 - 5.5.8.1. the reasons for its decision;
 - 5.5.8.2. any mitigating circumstances it has taken into account; and
 - 5.5.8.3. any Disciplinary Action that it considers appropriate.

6. Disciplinary Action

- 6.1. Any disciplinary action should be reasonable in relation to the breach of discipline and all the circumstances surrounding it. Where it is decided that disciplinary action is required, the following staged levels of action are to be considered in line with the nature of the misconduct.
- 6.2. Formal Verbal Warning
 - 6.2.1. The individual is to be advised that this is the first level of the formal disciplinary procedure and made aware that, if the issue remains unresolved or if the misconduct is repeated, this could lead to the next stage. The Disciplinary Panel must advise that a note of this formal verbal warning will be kept on record and that, provided that the issue is resolved at this stage, all papers relating to the warning will be deleted from the files six months after the date the warning was given.
- 6.3. Formal Written Warning
 - 6.3.1. If there is further misconduct, or if the misconduct is more serious, a formal written warning is to be given by the Disciplinary Panel. A copy of the formal written warning will be placed on file for a period of one year after which it will be removed from the file, provided the issue is resolved within that timeframe. The individual must be made aware of this.
- 6.4. Final Written Warning
 - 6.4.1. If there is further misconduct, or if the initial misconduct is sufficiently serious, then a final written warning is to be given by the Disciplinary Panel, making it clear that any recurrence or other serious misconduct will normally result in dismissal.
 - 6.4.2. A copy of the warning will be placed on file for a period of one year from the date of issue, after which it will be removed from the file.
- 6.5. Dismissal



- 6.5.1. If a final warning has been given and the situation has still not improved, the final stage will be dismissal, (in the case of employees, normally with notice). The individual will be informed by the Board of the reasons for the dismissal.
- 6.5.2. Gross misconduct, subject to any mitigating circumstances, constitutes grounds for dismissal without notice or termination of service contract without previous warning.

7. Appeals within GBWR

- 7.1. If disciplinary action is taken and the individual does not accept the outcome, then he/she has a right to appeal to the Chairman. The Chairman (or his/her representative, who will be a GBWR Trustee not personally connected with the subject of the disciplinary action) will review the outcome of the disciplinary process and make any further investigations into the matter; and give his/her decision within 14 working days of the appeal being received and will report the decision of the appeal back to the individual.

8. Disputes regarding this Policy and Procedures

- 8.1. If all internal GBWR processes have been exhausted, then individuals and GBWR Ltd agree to submit any further dispute concerning any matter connected with or arising out of this Staff Disciplinary Policy and its Procedures exclusively to binding arbitration to be conducted by an Arbitrator (or Panel) appointed by Sports Resolutions UK and pursuant to any rules of conduct of the arbitration laid down by SR (UK) or the appointed Arbitrator.
- 8.2. The Parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under this Policy and Procedures in any court of law or any other dispute resolution procedure. The outcome of the SR (UK) arbitration shall be final and binding.