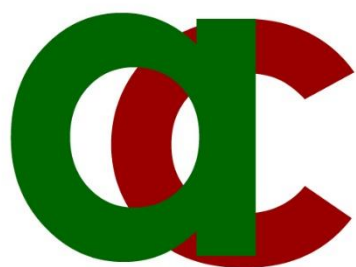


2020

# Disciplinary Policy



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Version 1.1



## Disciplinary Policy

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### Purpose

It is the policy of Angling Cymru (AC) to help and encourage all employees/members to achieve and maintain acceptable standards of behaviour and conduct. This policy and procedure applies to all employees/members and its aim is to ensure consistent and fair treatment, which is without discrimination, for all employees/members.

### Principles

- No disciplinary action will be taken against any employee/member until the circumstances have been fully investigated.
- At every stage of the procedure, the employee/member will be advised of the nature of the complaint(s) against him/her and will be given the opportunity to state his/her case before any decision is made.
- At every stage of the procedure, the employee/member has the right to be accompanied, whether by a friend, work colleague, NGB or trade union representative of their choice.
- No employee/member will be dismissed for a first breach of discipline **except** in the case of gross misconduct, when the penalty will be dismissal without notice or pay in lieu of notice.
- All employees/members have the right of appeal against any disciplinary penalty imposed.
- The procedure may be implemented at any stage if the alleged misconduct warrants such action – it is not always the case that a first “offence” always warrants a first warning.
- Disciplinary matters will be dealt with as speedily as possible; every effort will be made to adhere to the time limits set out in this policy. The time limits will be extended only with agreements of all parties.
- The officer hearing any disciplinary matter shall not have prior substantial knowledge of the facts of the matter.
- All employees/members will be advised of the disciplinary procedure.

### Guidelines

- Issues relating to behaviour and conduct will be dealt with under the disciplinary policy and procedures.
- Suspension must meet the criteria specified within the policy.
- Suspension must be confirmed in writing by company secretary.
- The nominated investigating officer will produce a report detailing allegations, findings, relevant facts, conclusions and recommendations.
- Written notifications must meet the timescales specified below:
  - notice of a disciplinary hearing, to include the report of the investigating officer and supporting materials, will be sent ten working days prior to the hearing.
  - disciplinary action will be confirmed in writing within ten working days of the hearing.
  - ten working days’ notice will be given of the appeal and notes of the disciplinary hearing sent;

- the decision of the appeal will be confirmed in writing within ten working days.
- A nominated Board Director will support the disciplining officer throughout.
- Spent warnings will be removed from personal files and destroyed in accordance with the timescales specified within the Outcomes section of this policy. (Please see page 5 of this policy for Outcomes section).
- Advice and guidance for staff is available from trade unions (for those who are members)

**There are some circumstances where suspension from duty should be considered, but suspension from duty is not part of disciplinary action. For further information on suspension from duty, please see page 8 of this policy.**

## Investigation

- All situations, which could result in disciplinary action, must be investigated.
- The AC Board must inform the employee/member in writing of the nature of the allegation(s), the name of the investigating officer and the right of representation. Where suspension from duty is considered appropriate, this must be confirmed in writing by the cluster co-ordinator.
- The investigating officer will be appointed by the AC Board and will:
  - start a thorough investigation immediately to obtain all relevant facts and information before memories fade, completing the investigation as a matter of urgency.
  - compile a report, to include all allegations, findings, conclusions and recommendations for the AC Board.
  - establish whether there is a case to answer at a disciplinary hearing.
  - if there is no case to answer, advise the AC Board in writing. The AC Board then advises the employee/member in writing that there is no case to answer (and lifts any suspension if appropriate);
  - if there is a case to answer that does not warrant a disciplinary hearing, an informal discussion should be arranged.
  - If there is a case to answer, arrange a formal disciplinary hearing.
  - present findings at any subsequent disciplinary hearing.

*Confidentiality must be maintained at all times.*

## Informal discussion

Informal discussions can often be the best way to resolve problems. They should always take a form which has the objective of encouraging and helping the employee/member to improve.

Remember – in many cases the right word, at the right time, and in the right way, may be all that is needed. It can often be the best way of dealing with a minor breach of discipline.

## How should it be done?

- Hold the discussion out of the hearing of other employees/members, with a representative present if the employee/member wishes.
- Ensure the employee/member knows that the informal discussion is not disciplinary action.
- Explain your reasons for dissatisfaction. Criticism should be constructive, and the emphasis should be on finding ways in which the employee/member can remedy any shortcomings.
- Listen to any explanation put forward by the employee/member.
- Where an improvement is required, make sure that the employee/member understands what needs to be done, how this will be reviewed and over what period.
- Take care that an informal discussion doesn't turn into a formal disciplinary hearing.

- Keep a brief note (perhaps in a diary) that the informal discussion has taken place. Do not keep any other record.
- Informal discussions must not be used as a substitute for investigation.

## **Disciplinary hearing**

### **Preparation**

Where the investigating officer establishes that there is a case to answer, the employee/member must be informed in writing by the investigating officer ten working days in advance of the hearing of:

- the allegation(s) against him/her.
- the time and date of the hearing, the name and job title of the disciplining officer.
- the right to be accompanied.
- his/her own responsibility to make arrangements for witnesses to support his/her case to attend the hearing.

The investigating officer will provide a copy of his/her report to the employee/member. The report will include relevant documentary evidence, witness statements, records and reports.

The employee/member is expected to acknowledge receipt of the letter and accompanying documentary evidence and confirm his/her attendance at the hearing.

An employee/member who cannot attend a meeting should inform the investigating officer in advance wherever possible. If the employee/member fails to attend through circumstances outside their control and unforeseeable at the time the meeting was arranged, AC will arrange another meeting. A decision may be taken in the employee's/members absence if they fail to attend the re-arranged meeting without good reason. If the employee's/member's companion cannot attend on a proposed date, the employee/member can suggest another date so long as it is reasonable and is no more than five working days after the date originally proposed by AC. The five day time limit may be extended by mutual agreement.

*The hearing should take place as soon as possible.*

### **Disciplinary hearing process**

The disciplining officer:

- introduces those present and their role.
- explains the process to be followed.
- explains that the hearing is to address allegations and to consider all the evidence relevant to the case.
- explains that the allegations are viewed seriously and may result in disciplinary action (up to and including dismissal if this is appropriate);
- explains that the disciplining officer is responsible for providing a record of the proceedings.

### **Investigating officer's presentation**

The investigating officer presents his/her case. On conclusion, the employee/member and/or his/her representative may ask questions of the investigating officer. Following this, the Chairman asks questions of the investigating officer.

If witnesses were called by the investigating officer during his/her presentation, the witnesses are questioned first by the investigating officer, then by the employee/member and/or his/her representative and finally by the Chairman.

## **Employee's/Member's presentation**

The employee/member and/or his/her representative presents their case. On conclusion, the investigating officer may ask questions of the employee/member. Following this, the Chairman asks questions of the employee/member.

If witnesses were called by the employee/member during his/her presentation, the witnesses are questioned first by the employee/member, then by the investigating officer and finally by the Chairman.

Any party present may recall witnesses in order to seek clarification or further information.

Both the investigating officer and the employee/member will be invited to summarise their presentations, but will not be able to introduce new evidence.

At this point the hearing will be adjourned, the investigating officer, employee/member and his/her representative, any witnesses etc will leave the hearing allowing the Chairman/Committee to give full and fair consideration to the case.

When considering the need for disciplinary action, the Chairman/Committee must be satisfied that:

- The investigation and hearing have been conducted correctly and in accordance with AC policy and procedure.
- The offence(s) have, on balance, taken place.
- The disciplinary rules have been considered and applied.
- The action contemplated is reasonable in the circumstances and reflects the seriousness of the offence(s).

In determining disciplinary action, the Chairman/Committee will take into account any previous incidence of misconduct for which there are current warnings. Warnings may run concurrently for different reasons, for example one for misconduct and another for poor timekeeping.

After the Chairman has completed his/her deliberation, the employee/member and their representative will be recalled and advised of the conclusion reached and the reason for them.

If in the event of the allegation(s) being found to be proven, the employee/member or their representative will be given the opportunity to make representation in mitigation.

## **Outcomes**

### **First warning**

If conduct does not meet acceptable standards, the employee/member will normally be given a warning, which will be removed from the personal file and destroyed after six months. The employee/member will be informed, in writing, that this has been done.

### **Second warning**

If conduct does not improve after a warning, or if there is already a first warning on file, or if the misconduct is considered serious, a written warning will be given which will be removed from the personal file and destroyed after twelve months. The employee/member will be informed, in writing, that this has been done.

### **Final warning**

If the conduct does not improve after a second warning, or if there is a second warning on file, or if the misconduct is considered more serious, a final written warning will be given which remains on the personal file for two years. A final written warning will be reviewed after twelve months. If there has been sufficient, sustained improvement, the warning will be removed from the personal file and destroyed. The employee/member will be informed, in writing, of the outcome of this review and whether the warning has been removed from their personal file.

Warnings can only be issued by disciplining officers.

## **Dismissal**

If the conduct does not improve after a final written warning, or if a final warning is already on file, or where there is gross misconduct, dismissal will occur.

Dismissal after the issue of a final written warning will be with notice or pay in lieu of notice (for employees).

Dismissal for gross misconduct will be considered summary dismissal, ie without notice or pay in lieu of notice (for employees).

**It should be noted that there may be occasions when, depending on the seriousness of the misconduct involved, it will be appropriate to enter the procedure at the stage of a final written warning or to consider dismissal (re. employees) It is not always the case that a first 'offence' always warrants a first warning.**

Dismissal of employees can only be undertaken by the AC Board after seeking further advice from a suitable agency.

The Company Secretary will confirm the disciplinary action, in writing, as soon as possible, but within ten working days. Included within this letter must be the right of appeal within ten working days from the date of the letter.

In cases of dismissal for employees, the date of dismissal will be included.

All disciplinary action will be confirmed in writing, the written confirmation will include the following:

- the nature of the misconduct;
- the nature of the action;
- the consequence of any subsequent act of misconduct during the currency of the warning;
- the period during which the warning will remain on the file and may be taken into account;
- the employees/members right to appeal.

## **The disciplinary appeal**

Employees/members who wish to appeal against disciplinary action must do so in writing to the Company Secretary within ten working days from the date of the letter confirming the disciplinary action. The letter of appeal should state the broad grounds upon which the appeal is being made.

## **Preparation**

When an appeal against disciplinary action has been made, the Company Secretary must inform the employee/member, in writing, of:

- the time and date of the appeal, giving ten working day's notice of the appeal;
- of their right of representation;
- that the appeal is to review the disciplinary decision.

Notes of the disciplinary hearing must be sent to the employee/member with the notification.

It is expected that the employee/member will acknowledge receipt of the letter and papers and confirm his/her attendance.

At the appeal hearing, the chair of the appeal will:

- introduce those present;
- explain that the appeal is to review the disciplinary decision;
- explain the process to be followed;
- explain that the chair is responsible for providing a record of the proceedings.

### **Employee's/Member's presentation**

- The employee/member and/or his/her representative presents their case.
- The chair of the appeal invites questions from the appeal committee members. The chair may also ask questions.

### **Disciplinary presentation**

- The disciplinary case is read out.
- The employee/member and/or his/her representative may ask questions.
- The chair of the appeal invites questions from the appeal committee members.
- The chair may also ask questions.

At this point, the employee/member and his/her representative leave the room, and the chair and appeal committee will give full and fair consideration to the case.

A verbal decision will be given by the chair of the appeal to the employee/member and, their representative. The Company Secretary will confirm the decision, in writing, to the employee within ten working days.

### **Suspension from duty**

**This is not part of disciplinary action.**

Suspension from duty should be considered where continued presence in work may:

- endanger the safety or well-being of any employee/member **OR**
- compound the alleged offence **OR**
- frustrate or interfere with an investigation.

If the decision is taken to suspend an employee/member, the employee/member must be told face to face, where possible, that the suspension is:

- on normal pay (where applicable);
- without prejudice.
- not disciplinary action.
- pending investigation of the allegation(s) and the employee/member must be told what the allegation(s) are.
- to be confirmed in writing within five working days.
- effectively preventing the employee/member from having access to AC equipment and/or other AC employees/members.

### **Authority to suspend**

Employees/members may only be suspended by the AC Board.

## **If a grievance is raised during a disciplinary case**

In the course of a disciplinary process, an employee/member might raise a grievance that is related to the case. If this happens, the disciplinary process may be suspended for a short period while the grievance is dealt with, depending on the nature of the grievance.

## **Disciplinary rules**

AC has set out the following disciplinary rules, which establish standards of conduct at work or for members undertaking AC business. These rules apply to all employees/members. They are listed for your information and guidance. AC hopes that the examples given will assist in ensuring that the conduct of all AC employees/members is conducive to the provision of an effective and efficient service.

Please note that these rules are not exhaustive, but they help to set the general tone of acceptable and unacceptable conduct.

### **Attendance**

No employee should be absent from work without reporting in the prescribed manner.

### **Obeying instructions**

Employees should always carry out lawful and reasonable instructions from more senior employees.

### **Care of AC property**

All employees have a duty to take good care of AC property, and to report any loss or damage immediately.

### **Health and safety**

All employees have obligations under the Health and safety at work act, and associated legislation, to ensure safe working practices. Further specific information is contained within the AC Health and safety policy.

### **Smoking and alcohol**

Employees/members must conform with 2007 anti-smoking legislation.

Employees/members should ensure that they never attend work/partake in AC activities in an unfit state due to alcohol or non-prescription drug consumption.

### **Discrimination**

Employees/members must not discriminate on the grounds of gender, marital status, sexual orientation, colour, race, ethnic origin, nationality, age, disability, religious or political belief. Further information is contained in the AC Equal opportunities policy.

### **Harassment and bullying**

Employees/members must not harass or bully other employees/members.



## **Contact with AC members and members of the public**

All employees/members are expected to be courteous and considerate to other AC members and the public, and to respect confidentiality. All employees/members are expected to dress and maintain an appearance consistent with their function within AC.

## **Financial propriety**

Employees/members are expected to behave appropriately when dealing with all financial matters. Gifts should be reported to the Company Secretary for recording.

## **Misconduct**

Examples of misconduct are listed below for information. This list is not intended to be exhaustive:

- unacceptable, unsubstantiated, excessive or unauthorised absence from work;
- lateness, failure to comply with core time, or leaving the premises without permission;
- improper use of working hours of AC equipment.
- breaking health and safety regulations, including the failure to report an accident;
- discrimination against others on the grounds of race, colour, gender, marital status, sexual orientation, disability, age, religious or political beliefs etc;
- unsatisfactory condition or appearance relating to personal hygiene.
- Actions or behaviour bringing the sport to disrepute.

## **Gross misconduct**

Examples of gross misconduct are listed below for information. Please note that this list is not exhaustive:

- extreme verbal abuse or insolence;
- serious acts of insubordination, wilful refusal or failure to carry out a reasonable instruction;
- fighting, assault, physical provocation (actual or threatened);
- deliberate damage to AC equipment,
- serious negligence, causing unacceptable loss, damage or injury;
- serious breaches of safety regulations, endangering oneself or others, including damage to, neglect of or misappropriation of safety equipment;
- serious harassment or bullying;
- serious incapability through alcohol or non-prescription drugs;
- indecent behaviour.
- serious breaches of confidentiality;
- bribery or corruption;
- theft, fraud or falsification of records;
- falsification of remuneration claims (eg time sheets, expense claims etc);
- unauthorised or improper use of vehicles, equipment or computers.

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