



Disciplinary Procedure & Policy

Version	Date	Action
1	February 2024	New Policy

Purpose and scope

Penketh Gymnastics Club aims to ensure that there will be a fair and consistent approach to the enforcement of the code of conduct throughout the organisation. This policy and procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, performance and attendance and aims to resolve problems of conduct wherever possible to avoid dismissal.

The Club Disciplinary Procedure will be used only when necessary and as a last resort. Where possible, informal warnings and/or counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken.

An employee can discuss any part of this policy with the Club Chairperson or Coach Representative. They can help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation at any point during the disciplinary process.

The club's aim is to encourage improvement in individual conduct and/or performance. This procedure sets out the action that will be taken when disciplinary rules are breached.

The club reserves the right to amend this policy from time to time, where appropriate.

Informal Warnings

It will sometimes be appropriate for an employee to receive an informal warning prior to formal disciplinary action being taken. This will be for the purpose of allowing the employee a chance to address the issue without formal proceedings. An informal warning is not recorded in writing (although an informal file-note will be made in the personnel file and will remain live for a period of 3 months)

Counselling

Counselling is an attempt to correct a situation and prevent it from getting worse without having to use the disciplinary procedure. Where improvement is required, the employee must be given clear guidelines as to:

- what is expected in terms of improving shortcomings in conduct or performance
- the time scales for improvement
- when this will be reviewed
- the employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.

A record of the counselling should be given to the employee and a copy retained in their personnel file. It is imperative that any counselling should be followed up and improvements recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employees file.

If during counselling it becomes clear that the matter is more serious, then the discussion should be adjourned, and pursued under the formal disciplinary procedure.

Disciplinary Principles

The procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently. No disciplinary action will be taken until the matter has been fully investigated. The employee will be advised in writing of the nature of the complaint against him or her and the arrangements for the hearing. All employees under the age of 18 will be requested to bring a parent/guardian with them to any disciplinary hearings/meetings.

Employees will have the opportunity to state their case at a disciplinary hearing and be represented or accompanied, if they wish, by a work colleague.

An employee has the right to appeal against any disciplinary penalty. An appeal meeting will be arranged as soon as possible and will be conducted by a more senior manager if possible.

- No disciplinary action will be taken against an employee until the case has been fully investigated and a disciplinary hearing has taken place. The employee will be advised in writing of the nature of the complaint against him or her and the arrangements for the hearing
- The employee will be given the opportunity to state his or her case before any decision is made
- The employee will have the right to be accompanied by a colleague during the disciplinary interview or disciplinary appeal
- The Club Committee will take into account any mitigating circumstances when reaching decisions on appropriate disciplinary penalties
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct. The penalty for this will be summary dismissal, i.e. dismissal without notice or pay in lieu of notice
- An employee will have the right to appeal to a higher level of management, where possible, against any disciplinary penalty imposed
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action
- Where an employee's absences are deemed to be of a casual nature, the employee will be dealt with under the disciplinary procedure. Where the reason is not within the control of the employee, this policy will still apply however circumstances will be taken into account and actions/outcomes as a result of the procedure may vary to that of the aforementioned casual nature.

Procedure

All complaints or grievances concerning an employee's conduct, performance or attendance should in the first instance be addressed by speaking with the Head Coach. Should the complainant not be satisfied with the response from the Head Coach, then the complaint should be submitted in writing to the Club Secretary.

At the conclusion of the disciplinary hearing, any of the following actions may be deemed to be appropriate.

Stage 1 – First Written Warning

If conduct or performance is unsatisfactory, the employee will be given a first formal disciplinary warning. Such warnings will be recorded and will remain live for a period of 6 months.

Stage 2 – Final Written Warning

If the offence is serious, or there is no improvement in standards, or if a further offence occurs, a final written warning will be given which will remain live for a period of 12 months.

Stage 3 – Dismissal or Action Short of Dismissal

If the conduct or performance has failed to improve, the employee may suffer demotion, disciplinary transfer, loss of seniority (as allowed in the contract) or dismissal.

The club reserves the right to “skip” any of the above stages should the allegation justify the same.

Gross Misconduct

If an employee has committed an offence of the following nature the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft, fraud
- any involvement in bribery, giving, receiving or facilitating bribes
- unauthorised entry to computer records or deliberate falsification of records
- a serious breach of the organisation’s rules on email and internet usage, health and safety policy, harassment policy or data protection policy
- fighting or assault
- deliberate or reckless damage to organisation property
- an inability to perform job duties through being under the influence of alcohol or drugs
- a serious breach of the organisation’s safety rules or a single error due to negligence which causes, or could have caused, significant loss, damage or injury to the organisation, its employees or customers
- conviction of a criminal offence that makes the employee unsuitable or unable to carry out his or her duties
- a serious act of insubordination, such as deliberate refusal to carry out proper instructions
- acts of bullying, harassment or discrimination
- a serious breach of trust or confidentiality.

This list is not intended to be an exhaustive one and only gives an indication of the types of offence that may be considered gross misconduct.

The employee may be suspended while the alleged gross misconduct is being investigated. During this time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the employer after full investigation. When this investigation has been completed the employee will be invited to attend a disciplinary meeting (at which s/he will be entitled to representation by a fellow colleague) to respond to the allegations.

In cases of misconduct (situations less serious than gross misconduct) it might also be appropriate to suspend the employee if this assists with the investigation.

Appeals

You have the right to appeal after a disciplinary sanction has been applied. You can exercise your right to appeal by writing to the person named in the letter confirming the outcome of the disciplinary hearing within five working days of receiving written notification of the disciplinary sanction. Your

letter should state the grounds upon which you are lodging your appeal. If your appeal is against dismissal, the dismissal decision will stand unless or until the appeal officer decides otherwise. The decision of the appeal officer will be notified to you in writing and will be final and binding.

The club may need to adjourn the appeal hearing if further investigations are required and deemed reasonable.