

Disciplinary and Complaints Policy - Employees

INTRODUCTION

The following disciplinary procedures apply to all paid members of staff of the British Wrestling Association Ltd (BWA). The procedures set out below are designed to ensure that all staff are treated fairly and consistently whatever their respective job category.

For the purposes of this Policy an employee of the BWA is an individual who has entered into or works under a contract of employment, written or otherwise.

This Disciplinary Policy is designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all.

An employee of the BWA has a responsibility to perform the duties of his/her employment to the best of his/her ability and to the standards required of the appointment.

The BWA has a responsibility to make clear to its employees what is required of them and to provide guidance, coaching, support and/or training where necessary. Equally, an employee who feels uncertain at any stage about the standard of work required or the behaviour expected from him/her has a responsibility to bring this uncertainty to the attention of his/her line manager. In this way, the need for disciplinary action can be reduced.

Where practicable, informal and private meetings should be undertaken between the employee and line manager with the aim of identifying the nature of any problem and taking remedial action to rectify it. These meetings should emphasise communications, goal setting, mentoring and assistance to help the employee realise their full potential. Should these informal measures not resolve the problem it may be necessary to invoke the procedure set out below.

No disciplinary action will be taken against an employee until the case has been fully investigated. An employee may be suspended from duty (on full pay) as a precautionary measure during such an investigation and/or disciplinary hearing.

Suspension is not a disciplinary sanction.

Implementation of any stage of the formal disciplinary procedure will be discussed first between the Chair and the Chief Executive of the BWA. If the Chief Executive of the BWA is subject to formal disciplinary procedure then the matter will be discussed between the Chair and one other BWA Executive Director.

In the case where an employee commits an act of **SERIOUS MISCONDUCT**, Stages 1 and 2 of the procedure may be missed out and the employee may receive a final written warning. Dependant on the act of misconduct the BWA reserves the right to commence disciplinary action at any stage.

In the case of an employee who commits **GROSS MISCONDUCT** and is liable to **SUMMARY DISMISSAL**, the Stage 4 procedure will apply. The employee may be suspended with pay whilst enquiries are made.

The Head of Department/Line Manager shall have no power to dismiss an employee without prior consultation and authority. The authority is invested in the Chair of the BWA.

DISCIPLINARY PROCEDURE

Following a complaint regarding conduct or performance, an investigation and/or disciplinary hearing will be carried out within the BWA to determine whether or not there is sufficient information to warrant further action. As part of the investigation process the individual concerned will be entitled to explain their position regarding the allegations made. If the person investigating the matter considers that there is a case to answer, the following action may be taken.

STAGE 1 – RECORDED VERBAL WARNING

Following the investigation and/or disciplinary hearing, the Head of Department/Line Manager will, if it is considered that there is a case to answer, inform the employee that his/her performance or conduct is unsatisfactory. Reasons will be given. The Head of Department/Line Manager will then warn the employee verbally that there must be an improvement. This is a verbal warning.

- The warning must be recorded in the employee's presence.
- The employee must be given a reasonable time to improve performance or effect changes and this must be stated in the warning.
- A record of the meeting will be made and a copy given to the employee. The record of the verbal warning will be kept, but will be 'spent' after 12 months subject to satisfactory conduct and performance and removed from the employee's record at that stage.

The employee will be informed of his/her right to be accompanied by a person of his/her choice during any investigation and/or disciplinary hearing into conduct or performance and/or when any verbal warning is likely to be given. This may be a fellow employee.

The person carrying out the investigation and/or disciplinary hearing may be accompanied throughout by a member of the BWA or person acting in an advisory capacity to the BWA.

If there is either no improvement on expiry of the time allowed or there is a repetition of the poor performance following a reasonable period of time in which to allow for adjustments, the matter will be referred to Stage 2.

STAGE 2 – FIRST WRITTEN WARNING

Where there is a further allegation of poor performance or misconduct, the Head of Department/Line Manager will ensure the matter is investigated. If the person investigating the matter considers that there is a case to answer, the employee will be informed that there will be a disciplinary hearing.

The employee will be informed of his/her right to be accompanied by a person of his/her choice during any investigation and/or disciplinary hearing into conduct or performance and/or when any warning is likely to be given. This may be a fellow employee. As part of the investigation process and/or disciplinary hearing, the individual concerned will be entitled to explain their position regarding the allegations made.

The person carrying out the investigation and/or disciplinary hearing may be accompanied throughout by a member of the BWA or person acting in an advisory capacity to the BWA.

If the allegation of misconduct or poor performance is proven to the satisfaction of the investigating person, a first written warning may be given to the employee following the meeting. This will normally be given by Head of Department/Line Manager following consultation with the Chair of the BWA.

- A record of the meeting will be made and a copy will be provided to all parties concerned
- The warning will be confirmed in writing to the individual concerned
- The employee must be given reasonable time to improve performance or effect change and this must be stated in the warning.
- The improvements or changes required must be stated in the warning.
- The record of the first written warning will be kept, but will be 'spent' after 12 months, subject to satisfactory conduct and performance. It will be removed from the employee's record at this stage.

If there is either no improvement on expiry of the time allowed or there is a repetition of the poor performance following a reasonable period of time in which to allow for adjustments, the matter will be referred to Stage 3.

STAGE 3 – FINAL WRITTEN WARNING

Where there is a further allegation of poor performance or misconduct, the Head of Department/Line Manager will ensure the matter is investigated. If the person investigating the matter considers that there is a case to answer, the employee will be informed that there will be a disciplinary hearing.

The employee will be informed of his/her right to be accompanied by a person of his/her choice during any investigation and/or disciplinary hearing into conduct or performance and/or when any warning is likely to be given. This may be a fellow employee. As part of the investigation process and/or disciplinary hearing, the individual concerned will be entitled to explain their position regarding the allegations made.

The person carrying out the investigation and/or disciplinary hearing may be accompanied throughout by a member of the BWA or person acting in an advisory capacity to the BWA.

If the allegation of misconduct or poor performance is proven to the satisfaction of the person carrying out the investigation and/or disciplinary hearing, a final written warning may be given to the employee. This will normally be given by the Head of Department/Line Manager following consultation with the Chair of the BWA

- A record of the meeting will be made and a copy provided to the employee
- The warning will be confirmed in writing to the individual concerned
- The employee must be given reasonable time to improve performance or effect changes and this will be stated in the warning.
- The improvements or changes required must be stated in the warning.
- A copy of the warning will be kept on the employee's file, but will be 'spent' after 12 months, subject to satisfactory conduct and performance and removed from the employee's record at this stage.

If there is either no improvement on the expiry of the time allowed or if there is a repetition following a reasonable period of time in which to allow for adjustments, the issue will be referred to Stage 4.

STAGE 4 – DISMISSAL OR ALTERNATIVE ACTION

If there is no improvement on expiry of the time allowed or there is a repetition of the issue following a reasonable period of time in which to allow for adjustments, or there is a further allegation of poor performance/misconduct the Head of Department/Line Manager will ensure the matter is investigated. If the person investigating the matter considers that there is a case to answer, the employee will be informed that there will be a disciplinary hearing.

The employee will be told that the disciplinary hearing could lead to his/her dismissal or some other action short of dismissal. The employee will be notified in writing of the date of the disciplinary hearing and continued alleged poor performance/misconduct.

The employee will be informed of his/her right to be accompanied by a person of his/her choice during any investigation and/or disciplinary hearing into misconduct or poor performance. This may be a fellow employee. As part of the investigation process and/or disciplinary hearing, the individual concerned will be entitled to explain their position regarding the allegations made.

The person carrying out the investigation and/or disciplinary hearing may be accompanied throughout by a member of the BWA or person acting in an advisory capacity to the BWA.

If the allegation of misconduct or poor performance is proven to the satisfaction of the person carrying out the investigation and/or disciplinary hearing, a decision to dismiss the employee may be taken.

- A formal record of the interview will be made and a copy provided to the employee
- Any decision will be communicated to the employee in writing. This will normally be done by the Chair of the BWA

If the employee does not accept the action as a result of this meeting, s/he may appeal.

APPEALS PROCEDURE

If the employee wishes to appeal any of the decisions made at any stage of the disciplinary procedure s/he should appeal to the Chair of the BWA within 10 working days of being informed of the decision in writing.

If the disciplinary action taken does not involve dismissal, the Chair of the BWA will arrange for a senior independent member of the BWA Board to review the appeal.

Unless there are exceptional circumstances this should normally be completed within one month after the matter has been raised with the Chair of the BWA. The Chair of the BWA will arrange for appropriate support to be given to the senior independent BWA Board member reviewing the appeal.

If the disciplinary action involves dismissal the Chair of the BWA will arrange a meeting of the Disciplinary Appeals Committee, at the earliest convenient date. This should normally be within one month after the matter has been formally raised with the Chair of the BWA.

The Chair of the BWA will establish and service the Disciplinary Appeals Committee which should comprise:

- The Chair of the Disciplinary Appeals Committee shall be someone with at least 7 years experience in legal matters who is not a member of the BWA
- Two further Disciplinary Appeals Committee members will be appointed by the Chair of the Disciplinary Appeals Committee from the membership of the BWA who have held continued membership of the BWA for a period of not less than 5 years prior to the date of the Disciplinary Appeals Hearing.

The individual raising the Appeal will be informed of the composition of the Disciplinary Appeals Committee. Should s/he have any concerns these should be raised with the Chair of the BWA. If agreement on the composition of the Disciplinary Appeals Committee cannot be reached the matter will be referred to the Board of the BWA whose decision will be final.

An employee raising an appeal to the Disciplinary Appeals Committee has his/her right to be accompanied by a person of his/her choice. This may be a fellow employee.

In all cases the decision of the senior independent member of the BWA Board reviewing the appeal or the Chair of the Disciplinary Appeals Committee shall be final.

In all cases the result of any appeal will be communicated in writing to the employee within 3 days of completion of the appeal giving reasons for the appeal decision.

APPENDIX 'A'

MISCONDUCT

DEFINITION

The term MISCONDUCT is broadly defined as behaviour that is not in keeping with the values of the BWA. This includes behaviour that:

- Has an adverse impact upon their work;
- Has an adverse effect upon the employee's relationship(s) with other employees;
- Is counter to the interests of the BWA

TYPES OF MISCONDUCT

Progressive Misconduct

This type of misconduct requires RECORDED VERBAL and WRITTEN WARNINGS in accordance with the Disciplinary Procedures before dismissal or alternative action is taken.

Serious Misconduct

See Appendix 'B' for examples of serious misconduct.

This could result in one Stage 3 FINAL WRITTEN WARNING before dismissal. A dismissal in such a case would normally be with notice or money in lieu of notice.

Gross Misconduct

See Appendix 'C' for examples of Gross Misconduct.

This could result in SUMMARY DISMISSAL. This means dismissal without either notice or money in lieu of notice.

APPENDIX 'B'

EXAMPLES OF MISCONDUCT

Misconduct of the type listed below, if proven, may lead to disciplinary action being taken and repeated misconduct could culminate in dismissal.

The requirements of the BWA or rules or regulations can vary within areas of work/protocols. It is therefore not possible to be totally prescriptive about the breaches that can lead to MISCONDUCT. However, those which may be detrimental to the Health and Safety or dignity of others will be classed as such and may give rise to an accusation of GROSS MISCONDUCT.

Some examples of misconduct are shown below (these are not exclusive):

- a) Condoning serious actions contrary to the interests of the BWA;
- b) Irresponsible conduct of a type likely to endanger the health and safety of others;
- c) Unsatisfactory performance of the duties of the post;
- d) Refusing to comply with reasonable instructions;
- e) Unsatisfactory timekeeping;
- f) Unauthorised absence from work;
- g) Breach of confidentiality;
- h) Breach of BWA Health and Safety Regulations;
- i) Breach of Codes of Conduct applicable to the individual employee;
- j) Failure to conform to any other relevant BWA Rules or Regulations.
- k) Breach of any other condition of employment.

APPENDIX 'C'

EXAMPLES OF GROSS MISCONDUCT

If an employee acts in a way which is incompatible with the faithful discharge of his/her duty to the BWA, he/she may be dismissed without notice of salary in lieu of notice.

Some examples of gross misconduct are shown below (these are not exclusive):

- a) Wilful disobedience of a lawful order;
- b) Theft or unauthorized possession of property or money belonging to the BWA or to any member of the BWA, or to any other person legitimately present within the precincts/boundaries of the BWA;
- c) Using threatening/harassing behaviour or physical violence against any member of the BWA or any other person legitimately present within the precincts/boundaries of the BWA;

- d) Making false entries in BWA records or other official documents;
- e) Wilful damage to BWA property;
- f) Incapacity to perform the duties of the post in a manner consistent with the BWA Health and Safety Regulations because of drunkenness and/or illegal drug taking;
- g) Action liable to cause unacceptable damage to the BWA's reputation e.g. trafficking in drugs, unauthorised disclosure of information to the press/media;
- h) Serious breach of confidentiality;
- i) Downloading and/or distributing illegal, offensive or unsavoury material from the Internet;
- j) A serious breach of safety procedures or regulations.