

**British Disabled Water Ski Association
The Tony Edge National Centre**

**HERON LAKE
Wraysbury**

Southern Region

**Disciplinary Procedure
Employees and volunteers**

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Disciplinary Procedure

It is Association policy that the following procedure should be followed when an employee is being disciplined or dismissed. The procedure provides that in normal cases a series of warnings will be given before discipline or dismissal is contemplated. The stages of the procedure that apply when discipline or dismissal is being contemplated comply with the statutory dismissal and grievance procedures.

Matters which may be dealt with under this disciplinary and dismissal procedure include discipline and dismissal for the following reasons:

- misconduct
- sub-standard performance
- harassment or victimisation
- misuse of Association facilities including computer facilities (e.g. e-mail and the Internet)
- poor timekeeping
- unauthorised absences

Minor cases of misconduct and most cases of poor performance may be dealt with by informal advice, coaching and counselling. An informal oral warning may be given, which does not count as part of the formal (or statutory) disciplinary procedure. No formal record of this type of warning will be kept.

If there is no improvement or the matter is serious enough, you will be invited to a disciplinary meeting at which the matter can be properly discussed. You will be allowed to bring a friend or legal representative to the meeting. The outcome of the meeting will be communicated to you. There are the following possible outcomes:

Oral warning

In the case of minor infringements you may be given a formal oral warning. A note of the oral warning will be kept on your file but will be disregarded for disciplinary purposes after a specified period (e.g. six months). You have the right to appeal against a formal oral warning.

Written warning

If the infringement is more serious or there is no improvement in conduct after a formal oral warning you will be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but will be disregarded for disciplinary purposes after a specified period (e.g. 12 months).

5. There are some cases in which the statutory procedure does not have to be followed Or, does not have to be followed in full, for example where your grievance is about the fact that the employer intends to dismiss you. In these cases, the employer will not necessarily follow the statutory procedures set out above.

If you want to seek resolution of a grievance you must contact the Association Chairman

you have set out in your written statement, and the employer has had a reasonable opportunity to consider what response to make. You must take all reasonable steps to attend the meeting.

After the meeting the employer must inform you of the decision taken in response to the grievance and notify you of your right to appeal if you are not satisfied with the employer's decision. You must appeal to complete the statutory procedure.

Step 3: Appeal if necessary

If you wish to appeal you must inform the employer. The employer will then invite you to attend another meeting. You must take all reasonable steps to attend. If reasonably practicable, a more senior manager who has not been involved in the grievance procedure so far will deal with the appeal. After the meeting the employer must inform you of the decision taken.

The Modified Grievance Procedure

The Modified Grievance Procedure will apply in relation to your grievance only if:

- you no longer work for the employer
- you have agreed with your employer in writing that it will apply
- you raised it before you left, but the standard procedure wasn't completed, or you didn't raise it until after you left

There are two steps within the Modified Grievance Procedure:

Step 1: Employee gives written statement of grievance

You must put your grievance in a written statement and send a copy to the employer.

Step 2: Employer gives written response

The employer must write back to you giving his response to the points you have raised.

Principles Applicable to the Standard and Modified Grievance Procedure

1. Each step in the grievance procedure should be carried out without unreasonable delay. The times and locations of meetings should be reasonable.
2. Meetings must be conducted in a way that allows both parties to explain their case.
3. Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it. These records should be kept confidential.
4. You have the right to be accompanied to the hearing by a friend or legal representative.

Final written warning

Where there is a failure to improve or change behaviour during the currency of a prior formal written warning, or where the infringement is sufficiently serious, you may be given a final written warning. This will give details of the complaint, warn that failure to improve will lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but will normally be disregarded for disciplinary purposes after a specified period (e.g. 12 months).

Dismissal

If your conduct or performance still fails to improve the final step will be to contemplate dismissal. If the Association is contemplating dismissing you they must follow the "Standard Disciplinary and Dismissal Procedure" which is a statutory requirement. Failure to do so will usually result in a finding of automatically unfair dismissal.

The Standard Disciplinary and Dismissal Procedure

Step 1: Employer gives employee a written statement and calls a hearing

The employer will set out in writing your alleged conduct, characteristics or other circumstances which lead him/her to contemplate dismissing or taking disciplinary action against you. The employer will inform you, in the written statement of the basis on which he has made the allegations against you. If possible the employer will provide you with copies of any relevant evidence against you. The employer will invite you to a hearing to discuss the matter.

Step 2: Meeting is held and employer informs employee of the outcome

The meeting will take place before any action, other than suspension on full pay, is taken. The meeting will be held without undue delay but only when you have had a reasonable opportunity to consider your response to the employer's written statement and any further verbal explanation the employer has provided. You must take all reasonable steps to attend the meeting.

After the meeting the employer will inform you of his/her decision and notify you of your right to appeal against the decision if you are not satisfied with it. You must appeal to complete the statutory procedure.

Step 3: Appeal against the disciplinary decision if necessary

If you wish to appeal you must inform the Association Chairman in writing within a reasonable time. If you do this the employer will invite you to attend a further meeting. You must take all reasonable steps to attend the meeting. If practicable a more senior

manager not previously involved in the disciplinary procedure will hear the appeal. The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing the employer will inform you of his/her final decision and will confirm it in writing as soon as practicable.

Gross misconduct

If after investigation it is confirmed that you have committed one of the following offences (the list is not exhaustive), you will normally be dismissed:

- theft
- fraud and deliberate falsification of records
- physical violence
- serious bullying or harassment
- deliberate damage to property
- serious insubordination
- misuse of an organisation's property or name
- bringing the employer into serious disrepute
- serious incapability whilst on duty brought on by alcohol or illegal drugs
- serious negligence which causes or might cause unacceptable loss, damage or injury
- serious infringement of health and safety rules
- serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998).

While the alleged gross misconduct is being investigated, you may be suspended, during which time you will be paid. Any decision to dismiss will be taken by your employer only after a full investigation.

The Standard Disciplinary and Dismissal Procedure applies to dismissals for gross misconduct.

Modified Dismissal Procedure

In a few cases of gross misconduct the employer may be justified in dismissing immediately without conducting an investigation. In these cases a two-step "Modified Dismissal Procedure" will be followed, otherwise the dismissal will be automatically unfair.

Step 1: Employer gives written statement

The employer must give you a written statement setting out the conduct that has resulted in the dismissal and informing you of the right to appeal against the decision to dismiss. You must appeal to complete the statutory procedure.

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Step 2: Appeal against the disciplinary decision

If you wish to appeal you must inform the Association Chairman. A meeting must be held (in accordance with the general principles set out above). The employer must inform you of his decision following the meeting.

General Principles

The following principles apply to the Standard Dismissal and Disciplinary Procedure and the Modified Dismissal Procedure set out above:

1. The person who has authority to discipline you in accordance with this procedure is the Association Chairman.
2. You have the right to be accompanied to any meeting by a friend or legal representative.
3. Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
4. Meetings will be conducted in a manner that enables both employer and employee to explain their cases.
5. Records will be kept detailing the nature of any breach of disciplinary rules or unsatisfactory performance, your defence or mitigation, the action taken and the reasons for it, whether an appeal was lodged, its outcome and any subsequent developments. These records will be kept confidential.

Grievance Procedure

It is Association policy to ensure that any employee with a grievance has access to a procedure, which can lead to a speedy resolution of the grievance in a fair manner. Most routine complaints and grievances are best resolved informally in discussion with your immediate line manager.

Where the grievance cannot be resolved informally it will be dealt with under the following procedure that complies with the statutory standard three-step grievance procedure.

The Standard Grievance Procedure

Step 1: Employee gives written statement of grievance

You must put your grievance in a written statement of grievance and send a copy to the Association Chairman. Where the grievance is against the line manager the matter should be raised with a more senior manager if there is one.

Meeting is held and employer informs employee of the outcome

The employer will invite you to attend a meeting to discuss the grievance. The meeting will only take place once you have informed the employer of the basis for the grievance