Louth Playgoers Society Limited



**Policy Title** – Disciplinary Policy

**Purpose -** The aims of this policy are to:

· ensure when standards of conduct /behavior or performance fall below the required level, they are addressed in a fair and consistent manner.

· provide a fair means of deciding appropriate disciplinary sanctions.

**Policy Governance**

The following table identifies who is accountable, responsible, informed or consulted with in regard to this policy.

· Responsible – the person(s) responsible for developing the policy

· Accountable – the person who has ultimate accountability and authority for the policy

· Consulted – the person(s) or groups to be consulted prior to final policy implementation or amendment

· Informed – the person(s) or groups to be informed after policy implementation or amendment.

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| **Responsible** | Chairman of the Board |
| **Accountable** | Theatre Manager |
| **Consulted** | Board  |
| **Informed** | All Volunteers and employees |

**What could instigate disciplinary action?**

Examples of issues, which will be dealt with as disciplinary matters include (but are not limited to):

• Unauthorised absence

• Inappropriate Conduct

• Poor performance

• Breach of Health & Safety

• Abuse of sickness or other company benefits

• Misuse of email or internet

• Failure to follow the company’s/theatres policies or procedures

• Non compliance of a reasonable instruction

• Breach of the Code of Conduct

* Breach of the Safeguarding Policy

**Informal Action**

Cases of minor misconduct or unsatisfactory performance are usually best dealt with informally. An informal conversation is often all that is required to improve conduct or performance. In some cases, additional training, coaching and advice may be what is needed.

The employee and Theatre Manager (or Company Secretary) should discuss the alleged concerns. The employee must be given a full opportunity to respond to the alleged concerns.

If, during the discussion, it becomes obvious that the matter may be more serious, the meeting should be adjourned. The employee should be told that the matter will be continued under the formal disciplinary procedure (see below).

At the conclusion of the meeting, the theatre manager (or Company Secretary) should make a brief note outlining any agreed action plan and the possible implications should these not be met. Both the theatre manager (or Company Secretary) and employee should sign agreeing to the action plan. If not agreed the theatre manager (or Company Secretary) will write to the employee detailing future expectations.

In some cases, Louth Playgoers Society Ltd. will encourage use of third party internal mediation so long as they are not involved in the issue.

**Formal Action**

Louth Playgoers Society Ltd. will undertake a full investigation before any disciplinary action is considered. This will normally be undertaken by the immediate line manager. Disciplinary sanctions are delegated as follows;

* Verbal Warning – Theatre Manager or Company Secretary
* First Written warning – Theatre Manager or Company Secretary
* Final Written warning and dismissals – Chairman and the Board

In certain cases, for example, in cases of gross misconduct, where relationships have broken down or there are risks to property or people, the employee may be suspended on full pay. Suspension is a neutral act and does not presume guilt or serve as a disciplinary sanction. Any suspension will be reviewed on a fortnightly basis and the decision communicated to the employee.

Stage 1: Investigate the case

It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case.

At this initial stage, the employee must be informed of the allegation, in writing. The employee must be informed such an initial enquiry does not constitute any form of disciplinary action.

The Theatre Manager (or Company Secretary), who will hear the case, **if** it requires a formal disciplinary hearing, will appoint another independent person (usually the employee’s line manager) to conduct an investigation and collect information / statements relevant to the allegation(s) made. The person appointed must not have been involved in the matter being investigated.

Stage 2: Investigatory Meeting

Most cases will require the holding of an investigatory meeting between the investigatory manager and the employee. Statements may be taken from witnesses, if appropriate. Steps should be taken to protect a witness`s identity if they believe a personal risk exists if their identity becomes known. Advice and guidance can be provided by the theatre’s Legal advisors. An employee may be accompanied by a trusted friend or a theatre colleague.

Stage 3: Examining the Evidence

Having established the facts, the investigatory Theatre Manager (or Company Secretary) should make a recommendation to the Chairman who will hear the case if disciplinary action is required. That recommendation should include an opinion about the appropriateness of disciplinary action. The Board will decide if disciplinary action is appropriate.

Stage 4: Arranging the Disciplinary

If it is decided disciplinary action is required the employee should be notiﬁed of this in writing. The Theatre manager (or Chairman) will arrange for a formal meeting to be held normally within 7 working days of the letter being sent to the employee. The letter should contain the following information:

· Details of the allegation

· details of the date, time and venue of the meeting.

· Their right to be accompanied by a trusted friend, legal representative or a theatre colleague.

· Copies of any written evidence, which may include witness statements.

· Contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting.

Stage 5: Conducting the Disciplinary Meeting

The Theatre Manager and Chairman will ensure all present are aware of the process as follows

· Theatre Manager and Chairman presents his/her findings and produces any witnesses if appropriate

· The employee and/or the representative can ask any questions of the Theatre Manager and Chairman

· The employee and/or the representative presents their case

· If new facts emerge, it may be necessary to adjourn the hearing to investigate them and reconvene the meeting when this has been done

· The chairman to ask if the employee wishes to put forward any mitigating circumstances; the employee and/or representative responds appropriately

· The employee and /or representative sums up as does the investigatory officer (if they wish to do so)

· The hearing is adjourned and the Chairman makes a recommendation based upon facts to the Board. After the Board decision everyone is reconvened to the hearing and the decision is conveyed to them. This decision is communicated in writing and any right of appeal detailed.

Stage 6: Types of decisions

1. Exoneration – there is no case to answer and the allegation is not proven based on the “balance of probabilities”

2. First Written warning -A Written warning will be issued where the conduct/performance of the employee is below acceptable standards or where the allegation justifies a warningl. It will be recorded on an employee’s personal file and will be disregarded for disciplinary purposes after 6 months.

3. Final Written warning - The Final Written warning will be issued where the conduct/performance of the employee is significantly below acceptable standards, and (if appropriate) previous warning(s) have not resulted in sufficient improvement, or where the allegation is so serious that a final warning is appropriate, or where dismissal was a clear possibility, but significant mitigating circumstances were accepted.

It will be recorded on an employee’s personal file and will normally be disregarded for disciplinary purposes after 6 months.

4. Action short of dismissal - In certain circumstances the appropriate decision will be to move someone into a different position at the same or at a lesser salary rather than dismiss them. This is more likely to be in situations where their performance is below the accepted standard or their behaviour is not compatible with the position they hold. This sanction will be regarded at the same level as a final written warning.

5. Dismissal - When all options have failed or the conduct/performance of the employee continues to be significantly below acceptable standards and all previous warnings, support, advice and guidance have not resulted in sufficient improvement, dismissal with notice or payment in lieu of notice may be necessary. Dismissal must be reasonable in all the circumstances of the case. Unless the employee is being dismissed for reasons of gross misconduct, he or she should receive the appropriate period of notice or payment in lieu of notice.

An employee can be dismissed for a first offence where it constitutes gross misconduct. Examples of gross misconduct might include:

· theft or fraud.

· physical violence or bullying.

· deliberate and serious damage to property.

· serious misuse of an organisation’s property or name.

· deliberately accessing internet sites containing pornographic, child sexual abuse, offensive or obscene material.

· serious insubordination.

· unlawful discrimination or harassment.

· bringing the organisation into serious disrepute.

· serious incapability at work brought on by alcohol or illegal drugs.

· causing loss, damage or injury through serious negligence.

· a serious breach of health and safety rules.

· a serious breach of confidence.

The list is neither exclusive nor exhaustive and in addition there may be other offences which would constitute gross misconduct.

**What if an employee repeatedly fails to attend a meeting?**

There may be occasions when an employee is repeatedly unable or unwilling to attend a meeting. This may be for various reasons, including genuine illness or unwilling to attend a meeting. We will consider all the facts and come to a reasonable decision on how to proceed. Where an employee continues to be unavailable to attend a meeting we may conclude that a decision will be made on the evidence available. The employee should be informed where this is to be the case.

**Right to appeal**

The grounds for any appeal must be submitted to the Board, in writing, within 7 working days of the outcome. The appeal will be dealt with impartially by the Chairman and assigned Deputy who has not previously been involved in the case normally within 7 working days of the appeal. Employees have a right to be accompanied at the appeal hearing by a trusted friend, legal representative or a theatre colleague. The outcome of the appeal will be communicated to the employee in writing within 7 working days of the meeting. This decision will be final.

**Overlapping grievance and disciplinary cases**

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

**Criminal offences**

If an employee is charged with or is convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the employee’s suitability to do the job and their relationship with their employer, work colleagues and customers. An employee should not be dismissed or otherwise disciplined solely because he or she has been charged with or convicted of a criminal offence other than a sexual/child sex offence.