



DISCIPLINARY POLICY & PROCEDURES

Statement of Policy:

This Policy is designed to help and encourage all members of Streetwise Community Circus CIC (Core & Freelance) to achieve, maintain and improve the highest standards of conduct, attendance and job performance. Through our post-workshop reviews, we seek to continually monitor and improve our performance, accepting and providing constructive and helpful criticism to one another.

However, we recognize the possibility that members may act below the standards we set for ourselves, and/or may contravene our policies. This policy is to clarify our procedures under such circumstances.

It also identifies the type of offence which would result in disciplinary action being taken, what that action would be and what further action would result if there is no improvement or a recurrence takes place.

The Management Board, acting on behalf of the Membership, has authority to take disciplinary action, and aims to ensure that members are protected against unjustifiable or inconsistent disciplinary action.

The aim of the Policy is to ensure consistent and fair treatment for all core and freelance staff who work for the organisation.

Policy

- No disciplinary action will be taken against a core/contracted staff member until the case has been fully investigated
- At every stage in the procedure the core/contracted staff member will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made
- At all stages of the procedure the core/contracted staff member will have the right to be accompanied by a trade union representative, staff representative or colleague

- No core/contracted staff member will be dismissed for a breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice
- A core/contracted staff member will have the right to appeal against disciplinary penalty imposed
- The procedure may be implemented at any stage if the core/contracted staff member alleged misconduct warrants such action.

Actions

Informal Action

As a members' cooperative, all members are responsible to encourage and help each other achieve the highest standards. Where informal peer discussions do not resolve issues of performance and/or conduct, all members have recourse to the Management Board.

Cases of minor misconduct or unsatisfactory performance may be dealt with informally. The Administrator (acting on behalf of the Board) and/or Chair may have a quiet word of caution or advice and encouragement with the member in order to improve a member's conduct or performance. This informal approach may be used in dealing with problems quickly and confidentially. There will, however be situations where matters are more serious or where this informal approach has been tried but is not working. In these circumstances, the Management Board will use the formal procedure.

1. Formal Action

Investigation. At any stage the Management Committee may instigate a disciplinary hearing to allegations regarding performance or conduct. The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations against the member, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the member and any witnesses, and/or reviewing relevant documents. The Management Board may appoint an investigating officer to carry out the investigation.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

2. Preliminary Discussions

- **Performance**

Where the member's performance is below the required level expected for the job, this should be brought to the member's notice at the time of the deficiency. The Management Board should advise the member of the areas where improvements are required and define the expected standard of work or conduct. The Management Board will give assistance wherever possible to bring about this improvement. A review should normally be agreed to monitor subsequent progress.

- **Conduct**

Where a member's conduct is in question, the Management Board will investigate the facts promptly and if an offence is established, every reasonable endeavour will be made to find the reason for the offence. If the reason is considered to be outside the member's control, appropriate action to attempt to resolve the problem will be taken or some allowances made. The nature and reason for any allowance should be explained to other members who may be affected by this.

If the reason is considered within the member's control, the Management Board will interview the member to give him/her an opportunity to explain the alleged shortcomings. The matter may be closed at this stage; reviewed at a later stage; or disciplinary action may be taken.

Preliminary discussion does not form part of the Disciplinary Procedure; any discussions or resulting plans will be regarded as informal. It should be regarded as a desirable activity which should precede wherever possible any decision to take disciplinary action.

Disciplinary Procedure

Stage 1: First Warning

- **Oral Warning** – If conduct or performance does not meet acceptable standards the core/contracted staff member will normally be given a formal oral warning. The individual will be advised of the reason for the warning and that it constitutes the first stage of the disciplinary procedure. A note of the oral warning will be kept but it will be spent after **three** months, subject to achievement and sustainment of satisfactory conduct or performance.
- **Written Warning** – If the misconduct or poor performance is more serious the core/contracted staff member will receive a first written warning from their supervisor. This will give details of the complaint, the improvement or change in behaviour required, the timescale allowed for this and the right to appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after **three** months subject to subject to achievement and sustainment of satisfactory conduct or performance. The warning will also inform the worker of the right of appeal, and that a final written warning may be considered if there is no sustained satisfactory improvement or change.

Stage 2: Final Written Warning

- If the offence is serious, or there is a failure to improve during the currency of a prior warning for the same type of offence, a final written warning may be given to the core/contracted staff member. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to action under Stage 3 (dismissal or some other action short of dismissal), and will refer to the right of appeal. A copy of this written warning will be kept by your manager and will be disregarded for disciplinary purposes after **six** months subject to achievement and sustainment of satisfactory conduct or performance.

Stage 3: Dismissal or Other Sanction

- If there is still a failure to improve the final stop in the procedure may be dismissal or some other action short of dismissal. Dismissal decisions can only be taken by the appropriate Senior Manager, with the agreement of the Board and the worker will be provided with written reasons for dismissal, the date on which employment will terminate, and the right of appeal. The decision to dismiss will be confirmed in writing.
- If some sanction short of dismissal is imposed, the worker will receive details on the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the Manager but will be

disregarded for disciplinary purposes after twelve months subject to achievement and sustainment of satisfactory conduct or performance.

Gross Misconduct

The following list provides examples of offences which are normally regarded as gross misconduct:-

- Theft, fraud, deliberate falsification of records
- Fighting, assault on another person
- Deliberate damage to organisational property.
- Serious incapability through alcohol or being under the influence of illegal drugs
- Serious negligence which causes unacceptable loss, damage or injury
- Serious act of insubordination
- Serious contravention of the Company Safeguarding Policies
- Proven acts of Bribery

- deliberately endangering the health or safety of others
- deliberate breach of Codes of Behaviour
- deliberate breach of Drugs and Illegal Substances Policy
- racial/sexual/disability discrimination/harrassment/victimisation
- deliberate breach of Equal Opportunities Procedures.

The list is not exhaustive. If after investigation and a hearing, it appears that an employee has committed gross misconduct the normal consequence may be termination of membership.

If you are accused of an act of gross misconduct, you may be suspended from work normally for no more than five working days, while the alleged offence is investigated.

If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Appeals

A worker who wishes to appeal against a disciplinary decision should inform their Manager within five working days. The Manager will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed but it cannot be increased.

This policy will be reviewed annually.

(This policy has been updated following a review carried out in August 2016)

This policy was approved by the Board of Streetwise CiC at

Date: 6/12/16

Signed (Chair): Dave Powell

The Board are responsible for directing the development of this policy and ensuring that it is fully implemented and reviewed.

Date of next review (no later than) September 2018