**OSCAR STAFF DISCIPLINARY PROCEDURE**

Introduction

The procedure is designed to help and encourage all staff to achieve and maintain the standards of conduct, attendance and professional performance required by the Club. It aims to ensure fair and consistent treatment for all and is based on the ACAS Code of Practice of Disciplinary practice and procedures in employment.

Principles

Disciplinary action will only be taken when the case has been fully heard and at each stage, staff will be advised clearly in writing of the grounds of the complaint and will be given the opportunity to explain the situation.

Proceedings will be conducted in confidence and at each stage, staff are encouraged to have a work colleague, relative, friend or union representative with them.

Staff will not normally be dismissed for a first breach of discipline except in cases of gross misconduct. Such misconduct would so breach the trust between the Club and the member of staff that further employment with the Club would be impossible. In such a case, summary dismissal would be without notice or payment in lieu of notice. Examples of gross misconduct are:

* + Any act which endangers the safety or security of Club premises or premises where club sessions are held, staff, members of visitors.
  + Taking property from the Club, colleagues, children or parents.
  + Wilful or persistent refusal to follow reasonable instructions.
  + Being knowingly under the influence of illegal substances while at work. Possessing or using such substances while working, or bringing such substances on to Club premises or premises where Club sessions are being held.
  + Physical or indecent assault or harassment of other staff, children or parents.
  + Any act which brings the Club into serious disrepute.
  + Acts which grossly fail to meet the obligations involved in the member of staff’s role with the Club under their contract of employment.

This list is not exhaustive and other acts of an equivalent nature may be deemed to be gross misconduct.

Matters of gross misconduct will be dealt with on an accelerated basis using the procedure from section 8 onwards.

Formal Procedure

Normally, staff will continue at work while the case proceeds. Where this would be in appropriate because of the nature of the misconduct, staff would be suspended on their usual pay pending the outcome of the hearing.

Staff will be notified in writing of the complaint against them together with the date for a hearing. They should immediately consult the supervisor or the Chairperson of the hearing, if the date needs to be changed and they should notify the name of their accompanying colleague at the hearing.

The hearing will normally be chaired by their supervisor or in more serious cases, short of gross misconduct, a more senior Club official. At the hearing, the case will first be presented by a responsible colleague then staff will be given the opportunity to state their case. Witnesses may be called by the Club or staff if they can add to the facts of the case.

The Chairperson of the hearing will then take an adjournment to reach a conclusion based on all the facts presented and upon resuming the hearing, will state the outcome. Where the disciplinary charge is unproven or disproved, no further action will be taken and staff will be fully exonerated. Where the case is proven, warnings will be imposed in proportion to the seriousness of the case.

For a first breach of discipline (except gross misconduct), a first written warning will be given. This will give details of the complaint, the conduct and/or performance required in the future and the timescale in which change or improvement in either or both is required. It will warn that if the necessary change or improvement is not brought about within the timescale, then further disciplinary action will be taken. One copy of the warning will be given to the member of staff. A copy of the warning, signed by the member of staff, will be kept on the personal file for 12 months from the date of issue. If performance and/or conduct are satisfactory, it will then be regarded as spent.

For subsequent breaches of discipline (except gross misconduct) a further hearing will be called and held, following the same process as the first hearing. If the case is proven after all the facts have been considered, either a second written warning or a final warning will be given. A second written warning would normally only be issued in cases where mitigating circumstances exist which have made it difficult for conduct and/or performance to improve and reasonable attempts have been made to improve.

A final written warning will be issued where staff have failed to make improvements as required from a prior written warning or in cases where the misconduct is more serious (but not gross misconduct). The warning will include the same details as for the written warning but will emphasise that the consequences of a recurrence in the conduct and/or performance of a further offence, if proven, will lead to dismissal. One copy of the warning will be given to the member of staff. A copy of the warning signed by the member of staff will be kept on the personal file for 12 months from the date of issue. If performance and/or conduct are satisfactory, there has been no re-occurrence of the misconduct and no new misconduct, it will then be regarded as spent. In exceptional cases, which could leave the Club vulnerable in the event of any further misconduct, the written warning may stay in force for up to two years. This would be stated when the warning is issued.

In cases of gross misconduct, or where insufficient improvements have been made following a final written warning, a hearing would be called and chaired by the Club Chairperson and the case would be presented by the supervisor, using the process outlined for the first hearing. If the case is proven, staff would normally be summarily dismissed. In exceptional cases, the Chairperson of the hearing could issue a final written warning with clear requirements for future conduct and/or performance within a tight timescale.

At all stages of the disciplinary process, staff will be informed of their right of appeal against the warning and the procedure for appeals will be explained by the Chair of the hearing.

Appeals Procedure

Appeals must be made in writing within two working days of the warning or dismissal being issued, to the supervisor or the Chairperson of the hearing. The appeal hearing will be chaired by a panel of two Club Management Committee members other than the Club Chairperson, Playleader or the Chairperson of the disciplinary hearing. The case will be made by a senior member of the Club. The additional facts or mitigating circumstances will be given by the member of staff and witnesses may be called if they can add facts to the case. The panel will adjourn to consider all the facts and will give the outcome upon resumption of the hearing. There is no further appeal.

If the appeal follows a summary dismissal, staff will be suspended without pay until the outcome of the appeal is stated. If the appeal is not upheld, the date of summary dismissal will be the original date. If the appeal is upheld, the panel should make a recommendation as to the level and duration of warning which should be given in place of dismissal.

Oscar Staff Disciplinary Procedure

Dated 18/9/00. Reviewed 16/11/05, 14.7.08

Signed on behalf of the Voluntary Management Committee \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Review Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_