

Disciplinary Policy & Procedure

This policy is designed to help you to achieve and maintain the standards of conduct and job performance required of you. Please speak to your manager at an early stage if you have any concerns about whether something you are doing is acceptable.

The Welsh Athletics' policy is to deal with employee problems in a fair, constructive and consistent manner and to deal with it promptly after we become aware of a need for improvement. When deciding on the appropriate way to deal with any difficulty you have in meeting the standards of Welsh Athletics, we will first consider the reasons for your difficulty. In most cases, if you are not meeting the Welsh Athletics' standards, we will usually try to deal with the situation informally, as described below. The formal disciplinary procedure is also described below.

Status of the policy

This policy is not intended to be contractually binding. The procedures contained in this procedure incorporate the requirements of the ACAS Code of Practice on Disciplinary and Grievance Procedures.

We reserve the right to deviate from the procedures contained in this policy, depending on the circumstances in any particular case. For example, we reserve the right to terminate employment during probationary periods without giving any prior formal warnings.

Investigation

No disciplinary action will be taken until the matter has been fully investigated. The investigation may be carried out by your manager or another manager. The purpose of the investigation will be to establish facts and may involve witness statements being taken. You may be invited to attend a meeting as part of the investigation at which you are entitled to be accompanied.

Suspension on full pay

Where we consider it appropriate, we reserve the right to suspend you on full pay at any time during an investigation, pending the outcome of a disciplinary hearing, or otherwise. Whilst on suspension you must comply with any conditions set. These will usually include a requirement that you should not make or attempt to make contact with any employee of Welsh Athletics except the person conducting the investigation. You will usually be asked not to contact any clients, customers, or agents of Welsh Athletics as well. Every effort will be made to keep the period of suspension as short as possible.

Informal action

If we feel informal action is appropriate, you will usually be informed of this by your manager. Your manager will explain that you are not meeting the required standards. Your manager will discuss his or her concerns with you, explain any shortcomings and suggest ways of correcting them in the future. Your manager may agree objectives with you to be achieved over a reasonable period of time and may discuss any assistance you may require, including, where appropriate, further supervision and training. Your manager may write to you confirming the nature of the problem, the agreed objectives and the time scale. Your improvement will then be reviewed on a regular basis.

We recognise that there may be occasions when problems are due to your personal circumstances or a medical condition rather than there being any measure of personal blame. If this is the case, we will seek to support and assist you to resolve these problems. In certain circumstances, it may be necessary to review your role and/or consider redeployment within Welsh Athletics on a temporary or permanent basis. If there is a possibility that a problem may be related to your health, your manager may arrange for you to see a doctor so that Welsh Athletics can fully understand your medical condition. In these situations, it is likely that the Capability Policy and Procedure will be used instead of the Disciplinary Policy and Procedure.

Formal action

As stated above, we will usually try to deal with any difficulty you have in meeting Welsh Athletics' standards informally. However, if we have tried to deal with an issue informally, but there has been no sustained improvement, or any conduct or breach is considered sufficiently serious to warrant formal disciplinary action, Welsh Athletics will implement the formal disciplinary procedure as set out below.

Version:	WAHR06	Welsh Athletics Disciplinary Procedure Policy	
Last reviewed:	April 2021	Policy owner:	Head of Corporate Services
Approved by:	SMT	Audience:	Staff

The formal disciplinary procedure will always be implemented in serious cases or cases where we suspect gross misconduct, gross negligence and/or gross incompetence.

The formal disciplinary procedure

Step one: notification

The first step we will take is to write to you to inform you of what it is alleged that you have done wrong:

1. You will be notified in writing in advance that you are required to attend a meeting under the formal disciplinary procedure. The notification will include a statement setting out the details of the alleged conduct or characteristics, or other circumstances that we are concerned about and that are leading us to consider taking disciplinary action against you.
2. You will also normally receive copies of any relevant documentation at least two days in advance of the meeting. Where there are many pieces of evidence, more preparation time will be provided.
3. You will be advised of the date, time and venue for the meeting, and that you have the right to be accompanied. You will be given reasonable notice, to enable you to prepare fully.
4. You will be given an indication of the possible consequences arising if you are found guilty. This will help you to prepare for the meeting.

Step two: meeting

Next, we will hold a meeting with you to discuss the matter:

4. The meeting will be conducted by the relevant manager dealing with the matter. The relevant manager may be accompanied by another member of staff to take notes.
5. You must take all reasonable steps to attend the meeting. If you are genuinely unable to attend the disciplinary meeting for an unforeseen reason such as sudden illness, we will re-arrange it. If you fail to attend the rearranged meeting, the manager will consider the matter and will reach a decision in your absence.

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6. You will have the right to be accompanied at the disciplinary meeting by a fellow worker, a trade union representative, or an official employed by a trade union. If your chosen companion cannot attend the disciplinary meeting, you may request a postponement to a reasonable alternative time within 5 working days of the date of the original disciplinary meeting. We reserve the right to ask you to choose a different companion if we consider that the presence of your chosen companion may prejudice the meeting or they have a conflict of interest.
7. At the meeting, the manager will present the complaint and go through the evidence.
8. You will be able to ask questions, present evidence (including, where appropriate and relevant, calling witnesses) and be given an opportunity to raise points about any information provided by witnesses at the meeting.
9. Once the complaint and all the evidence has been discussed, the meeting will be adjourned. Your comments at the meeting will be given due and proper consideration by the relevant manager conducting the hearing before they make a decision.
10. You may be informed of the manager's decision regarding the outcome immediately in person at the re-convened meeting, but in any event, you will be notified in writing of their decision together with the reasons for this decision. Normally this will be within 5 working days of the meeting. We will provide you with an explanation if we cannot meet this timescale.
11. The letter will include the nature of the misconduct or poor performance and the change in behaviour or improvement in performance required (with a timescale). You will be told how long the warning will remain current. You will also be informed of the consequences of further misconduct or poor performance within the period when the warning is current.
12. A first written warning will remain current for six months, and a final written warning for 12 months.

Examples

Examples of behaviour which will normally lead to Welsh Athletics implementing the formal disciplinary procedure include, but are not limited to:

Poor conduct – first offence, written warning

- unsatisfactory attendance record, including lateness and/or poor time keeping

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- unauthorised absence
- poor performance and/or negligence through lack of attention to work
- failing to achieve adequate throughput of work
- failing to comply with Welsh Athletics’ policies, procedures, rules and working practices
- careless use of equipment or furniture
- misuse of the IT systems
- unruly or unreasonable behaviour at the workplace, or outside the workplace if it reflects adversely on Welsh Athletics
- showing an intransigent or unreasonably negative attitude to management and/or fellow employees, including failing to comply with reasonable instructions
- any form of harassment or bullying
- negligence whilst driving

Misconduct – first offence, final written warning

- use of abusive language (whether verbal or in writing)
- major disregard of Welsh Athletics’ rules and regulations
- breach of health and safety requirements and/or policies on smoking and/or alcohol and drugs
- disclosure of confidential information
- negligent loss of property
- serious misuse of IT equipment, including installing unauthorised software on any computer equipment

Please note that, where serious, the examples listed above may constitute gross misconduct, gross negligence and/or gross incompetence.

Gross Misconduct, Gross Negligence and/or Gross Incompetence

Gross misconduct, gross negligence and/or gross incompetence is any action or omission which is serious enough to be interpreted as a serious breach of your contract of employment. It includes any action or omission which is discreditable, dishonourable, or detrimental to the best interests of Welsh Athletics, or which causes a serious breakdown of Welsh Athletics’ trust in you.

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Examples of gross misconduct, gross negligence or gross incompetence leading to summary dismissal (i.e. immediate dismissal without notice or any payment in lieu of notice) are set out below.

- giving false information or deliberately omitting relevant information on your CV or application form for a position with Welsh Athletics.
- deliberate and serious breach or non-compliance with policies, procedures, rules and regulations
- knowingly or recklessly acting beyond your authority, including the unauthorised signing of documentation
- dishonesty, including, for example, any theft, fraud, falsification of expenses, false overtime/payment claims or deliberate falsification of records or documents
- unauthorised use and/or disclosure of confidential information including any personal data held by Welsh Athletics, including without limitation, removal of any records and forms pertaining to Welsh Athletics' operations, without the appropriate authorisation
- seriously negligent or wilful damage to property
- any serious form of direct or indirect discrimination contrary to the Equality and Diversity Policy
- serious allegations of harassment and bullying and serious insubordination
- fighting or physical violence
- conviction for a criminal offence, which makes you unsuitable for your type of work or which is, in the view of Welsh Athletics, unacceptable to other employees
- possession of illegal drugs and/or inability to carry out normal job functions wholly or partly due to the use of drugs or alcohol
- behaviour outside work which brings Welsh Athletics into disrepute
- Serious errors of judgement or wilful acts or omissions which result in loss or injury to any person
- Serious infringement of health and safety rules

This list is not exhaustive.

Possible outcomes

The possible outcomes under the formal disciplinary procedure include:

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- no warning or further action;
- written warning and improvement notice;
- final written warning and improvement notice;
- termination of employment with notice;
- termination of employment without notice.

Should persistent unauthorised lateness be identified, ie. 4 times in one calendar month or more than 10 days in a consecutive three-month period, or 20 days in any rolling twelve-month period, Welsh Athletics has the discretion of deducting this lateness from any TOIL outstanding or in extreme cases, deducting pay for hours not worked.

The range of possible outcomes outlined above should not be regarded as necessarily either sequential or cumulative. Although we will not normally give you a final written warning without giving you at least one chance to improve your conduct or performance, Welsh Athletics reserves the right to omit any or all of the levels of action where it considers it appropriate. For example, if a single breach of discipline is serious (albeit that it may be your first breach of discipline) you may be given a final written warning, notwithstanding the fact that no previous warnings have been given.

Where appropriate, you will also be informed of any targets or improvements required. Your manager may set review dates when they will review your attendance, work performance or conduct as appropriate. If you are to receive any additional support, supervision and/or training this will also be confirmed in writing.

If you are dismissed, this will be confirmed in writing. In cases of gross misconduct, gross negligence and/or gross incompetence, your dismissal will be without notice or payment in lieu of notice. Where Welsh Athletics deems it appropriate, relevant regulatory authorities may be informed. Clarification will be provided in your written outcome letter of the reason for your dismissal, and your termination of employment date. You will also be advised of your right of appeal. If your dismissal was not related to gross misconduct, gross negligence or gross incompetence, you will also be advised of the period of notice. In all cases, you will be advised of your right of appeal. Only a member of the Senior Management Team can dismiss an employee as part of a disciplinary process.

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Step three: appeal

The final step is to allow you to submit an appeal against the disciplining manager's decision:

1. If you wish to appeal you must do so in writing, setting out clearly the reasons for your appeal. Your request must be received by your manager within 5 working days of the date on which you receive the written confirmation of the outcome referred to above.
2. The appeal will consist of a further meeting at which you will be able to make your case as to why you are unhappy with the decision of the disciplining manager. Usually, the appeal meeting will be conducted by a different manager to the disciplining manager.
3. You will be required to take all reasonable steps to attend the appeal meeting. You will have the right to be accompanied at the meeting by a fellow worker, a trade union representative, or an official employed by a trade union.
4. The manager hearing your appeal will decide whether or not to uphold the decision of the disciplinary manager. Their decision, together with the reasons for this decision, will be confirmed to you in writing and will be final and binding.

Equality, Diversity & Inclusion

12.1 Commitment

Welsh Athletics is committed to being a sector-leading National Governing Body and to lead the way on embedding an equal and inclusive culture and that supports the development and sustainability of our sport. Welsh Athletics has a zero-tolerance approach towards bullying, harassment, victimisation, discrimination, and all unacceptable behaviour.

Our EDI Policy can be found here :

<https://www.welshathletics.org/en/page/corporate-documents>



12.2 Grievances

Where an employee considers that they have been unlawfully discriminated against, or if the complaint involves alleged bullying, harassment, or racism, they may use Welsh Athletics' Grievance Policy and Anti-Bullying Policy to make a complaint.

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Welsh Athletics will take any complaint seriously and will seek to resolve any grievance that it upholds

Important information

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 GOV.UK [Disciplinary procedure](https://www.gov.uk/disciplinary-procedures-and-action-at-work)
 https://www.gov.uk/disciplinary-procedures-and-action-at-work
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 ACAS [Disciplinary procedure](http://www.acas.org.uk/index.aspx?articleid=3951)
 http://www.acas.org.uk/index.aspx?articleid=3951

ver	Dec19	Disciplinary Procedure	source	\\Sharepoint\folder\folder\file.ext
EIA			owner	hr@welshathletics.org

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