

WAOS Disciplinary and Grievance Policy

Contents

1.	Definitions	2
	a) Misconduct	2
	b) Gross Misconduct	2
2.	Grievance Procedures	3
3.	Behaviour leading to disciplinary sanctions	3
	a) Safeguarding	3
	b) Gross Misconduct	4
	c) Society's reputation	4
4.	Penalties resulting from misconduct and gross misconduct	4
	a) Warning.....	4
	b) Dismissal or other sanction.....	4
5.	Recording.....	5
6.	Procedure for disciplinary matters.....	5
7.	Recording.....	5
8.	Investigation	6
9.	Right to appeal	6
10.	Suspension.....	6

This Policy should be read in conjunction with the following WAOS Policies, which are available on the WAOS website at <http://www.waos.info>:

- **Child Protection Policy and Procedures**
- **Health and Safety Policy including Lone Working**

1. Definitions

- a) **Misconduct:** This is conduct which is sufficiently serious that it requires disciplinary action. In order to warrant dismissal, misconduct must be extremely serious, or repeated on more than one occasion. Misconduct can include non-payment of fees and charges, persistent lateness, unauthorised absence and failure to meet known society standards, smoking in non-smoking areas, misuse of props, failure to return costumes, props or librettos/scores etc.
- b) **Gross Misconduct:** This is the term used for serious misconduct, which may lead to instant dismissal (that is, summary dismissal). Acts that constitute gross misconduct are those resulting in a serious breach of society expectations. They might include the following:
- i. Theft, fraud or deliberate falsification of records
 - ii. Physical violence
 - iii. Serious bullying or harassment
 - iv. Sexual harassment or assault
 - v. Serious insubordination
 - vi. Serious incapability brought about by alcohol or illegal drugs
 - vii. Endangering others through deliberate breach of Health & Safety and Safeguarding procedures

Examples could be misuse of social media to cause fear, discomfort or isolation; persistent harassment of another member via email, telephone or text message; threats of violence or aggression; persistent disregard of safeguarding rules; comments made against the society in a public forum which affect the society's reputation.

In the case of gross misconduct the society will suspend the person accused and carry out an investigation. The outcome of the investigation will determine whether the Committee will allow the continuation of the person's membership.

2. Grievance Procedures

If a member of the society has a complaint to make about another member then the following procedure must be followed:

- a) An informal verbal complaint is made to the Chair.
- b) The Chair can deal with the complaint informally, if requested and depending on the severity of the complaint. Any informal discussions must not be recorded or used in a disciplinary procedure.
- c) If the complainant is not satisfied with the outcome of an informal complaint they should make a formal complaint, in writing and addressed to the Chair.
- d) The Chair will inform relevant parties to look into the grievance if possible within 10 working days of receiving the request. The Chair has the responsibility for making a decision but may consult with the rest of the Committee before this is made. If the situation is potentially a disciplinary one the disciplinary policy will be followed.
- e) If the grievance is still not resolved to the satisfaction of the complainant they must make a written request to the Chair for stage two (the appeal stage of the grievance procedure). At this point the Committee as a whole should convene a meeting to investigate the complaint.
- f) If the grievance is about the Chair the complainant should speak to another Committee member about whether the complaint can be dealt with by the Committee or to propose a motion of censure or no confidence at a General Meeting of the society.

3. Behaviour leading to disciplinary sanctions

- a) **Safeguarding:** Where a minor (under 18) is put in danger or risk of abuse by a member an immediate report must be made to the society's safeguarding officer who will report to the Chair. The member should be given an immediate warning from the Chair. The Chair will then consider the severity of the offence and inform appropriate authorities if necessary. Where a non-serious offence has occurred, the member will be given a verbal warning. If the offence is repeated then formal disciplinary proceedings will be put into place.

- b) **Gross Misconduct:** Where a member behaves in a way that results in harm, fear or harassment, complaints should follow the grievance procedure
- c) **Society's reputation:** Where a member's actions, comments or behaviour threaten to undermine the society's reputation, disciplinary proceedings should ensue.

4. Penalties resulting from misconduct and gross misconduct

a) **Warning:**

- i. **First oral warning:** In the case of a minor infringement the person may be given a formal oral warning. They should be told the reasons for the warning, that it is the first step in the disciplinary process and that they have the right of appeal.
- ii. **First written warning:** If the infringement is regarded as more serious, the person may be given a formal written warning, giving the details of the complaint, the improvement required, the timescale allowed for this and the right of appeal. The warning should also state that a final written warning might be considered if the desired change doesn't occur.
- iii. **Final written warning:** Where there is failure to improve the behaviour, or an infringement which is considered sufficiently serious, the person may be given a final written warning. This should include; details of the offence, that failure to improve may result in dismissal and the right of appeal.

b) **Dismissal or other sanction:**

If the behaviour remains unchanged then the sanction imposed may include suspension, demotion, or dismissal.

The decision to dismiss must be taken by the Chair and the person informed as soon as is reasonably practicable and told how to make an appeal. The decision to dismiss must be confirmed in writing and the person has the right on request to have a written statement of the reasons for dismissal.

In the event that the disciplinary complaint concerns the Chair then the decision to dismiss must be taken by a majority of the other committee members.

5. Recording

All warnings and disciplinary procedures must be formally recorded in case of appeal. The appropriate amount of time must be agreed by the Committee based on the severity of the action.

- a) Warnings for minor offences may be valid for up to six months.
- b) Final warnings may remain in force for 12 months or more.

Once the time limits have passed, warnings should be disregarded in any further disciplinary proceedings. These records should be kept confidential and retained in accordance with the disciplinary procedure and current Data Protection regulations, which requires the release of certain data to individuals on their request.

6. Procedure for disciplinary matters

- a) A formal, oral warning in case of a minor offence.
- b) A written warning for subsequent minor offences or a more serious offence.
- c) A final written warning for further misconduct. The warning should make it clear that dismissal may follow failure to comply.
- d) Dismissal with appropriate notice will follow if there is insufficient improvement.
- e) Immediate dismissal will follow action of extreme severity, as agreed by the Chair and the majority of the committee.

7. Recording

The outcome at each stage of the formal procedure should be recorded. The record will include:

- a) A note of any agreed corrective action;
- b) A note of any warning that has been given and the period after which this warning will be disregarded.

Copies of this record sheet should be given to each party.

8. Investigation

An investigation should be carried out by a member of the Committee. The investigation should include interviews with relevant parties and evidence relevant to the complaint. The investigation should be neutral and include information relevant to all involved in the complaint.

Where the presence of a person may impede an investigation the Committee will convene and not include that person in meetings unless both sides are being heard.

9. Right to appeal

The opportunity to appeal against a disciplinary decision is essential to natural justice. Appeals should be dealt with as promptly as possible. The time limit for lodging appeals is 14 days of the warning or dismissal.

Individuals should be informed of arrangements for appeal hearings within 7 days and also informed of their right to be accompanied. The individual should be informed of the result of the hearing within 7 days and this result should be confirmed in writing by the Committee.

There should be an uneven number on the appeal panel comprising of three committee members plus a non-committee member and a neutral non-member. The Chair should not be a member of the appeals panel but will be asked to provide a written report, to be read by the panel and the member. The member has the right to request a change in the membership of the panel but may not choose its members.

10. Suspension

Suspension of membership is made if an investigation has been carried out and the Committee are satisfied that all evidence has been received. The Chair makes the final decision regarding suspension of a member and the member should be informed about the right to appeal any decision. The member must be informed about this decision in writing as soon as possible after the investigation.