

## WAOS Disciplinary and Grievance Policy

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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 Safeguarding 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 (i.e. gross misconduct, see below), or repeated on more than one occasion. Misconduct can include where a member's actions, comments or behaviour threaten to undermine the Society's reputation. It can also include non-payment of fees and charges, persistent lateness, unauthorised absence, 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, threats of violence, aggression or physical violence
  - iii. Serious bullying or harassment including:
    - a. Misuse of social media to cause fear, discomfort or isolation
    - b. Persistent harassment of another member via email, telephone or text message
  - iv. Sexual harassment or assault
  - v. Serious insubordination
  - vi. Serious incapability brought about by alcohol or illegal drugs
  - vii. Endangering others through deliberate and/or persistent breach of Health & Safety and Safeguarding procedures
  - viii. Serious action, comments or behaviour which threaten to undermine 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.

- c) **Safeguarding:** This is where a minor (under 16) 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. Depending on the severity of the incident this could be considered misconduct or gross misconduct.

## 2. Grievance Procedure

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 procedure 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. Disciplinary Procedure

If a disciplinary investigation is required, this should be carried out by the Chair or delegated to another 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.

### a) Warning:

- i. Formal 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. The fact that an oral warning has been given will be recorded.
- 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 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 must be confirmed in writing and the person has the right on request to have a written statement of the reasons for the decision. 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.

### c) Immediate dismissal:

Immediate dismissal may follow an action of gross misconduct, as agreed by the Chair and the majority of the Committee.

### d) Recording:

All disciplinary warnings and actions must be formally recorded in case of appeal. Copies of all records must be shared with both parties. The appropriate amount of time must be agreed by the Committee based on the severity of the action.

- i. Formal oral warnings and first written warnings may be valid for up to six months.
- ii. 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.

### e) Right to Appeal:

There is the right to appeal against dismissal. Appeals should be dealt with as promptly as possible, and must be made in writing within 14 days of the warning or dismissal.

Individuals should be informed of arrangements for appeal hearings within 7 days of the appeal being lodged 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.