

## Board Disciplinary

1. The board handles confidential information including personal information about players, staff and the club. As a board member you are expected to uphold the behaviours and confidentiality as expected of any club board.
2. A board member can be removed for the following reasons;
  - a. Breach of confidentiality
  - b. Gross misconduct
  - c. Gross financial conduct, including but not limited to being declared bankrupt
  - d. Sexual harassment
  - e. Not following the code of conduct
  - f. Participate in activity which would be considered in competition with the running of Rossllyn Park.
  - g. Bringing the name of the club into disrepute
3. Process to remove a board member;
  - a. A complaint can be made by any club member, employee or fellow board member.
  - b. An investigation is held following the disciplinary policy where an independent person will be appointed to investigate the claim and interview any appropriate people. A recommendation will be made to the Chairman, the board member will have the opportunity to present their case or have a representative make the case on their behalf. A decision will be made by the Chairman. There is no right of appeal.
  - c. The Chairman may ask the board member to step aside whilst an investigation takes place, this does not remove them from the board. Their voting rights will be suspended whilst the investigation takes place.
  - d. If the complaint is against the Chairman, then the Deputy? Chairman will fulfil the responsibilities of the Chairman (including making a decision on the complaint) until the complaint has been heard and a decision made.

## Member and Employee Disciplinary Policy

All members and employees of Rosslyn Park should uphold themselves to the highest of standards in their actions and behaviours. If standards or behaviours, do not meet the expectations of the club, board or members, then a disciplinary process will be followed.

Whilst this document is not exhaustive, it sets out the expectations of behaviour of everyone at Rosslyn Park.

The standards of behaviour;

- You show respect to everyone
- You are honest
- You act within the law at all times

If you do not follow the code of conduct (if appropriate) or the direction of board or line managers, then you may be subject to disciplinary procedures. If you refuse to follow directions because you feel that this is against the behaviours and values of the club, the law and/or the game of rugby, then you must bring this to the attention of a person of authority (CEO or Chairman) as soon as reasonably possible.

The principle of the disciplinary policy is to allow an unbiased review of the situation, investigate the issue, advise the person to whom it applies as to what will happen and timelines and the next steps. More details are held in the policy and this is just a short summary of steps.

1. Issue is raised. The line manager (Employee) or Coach (player) or the CEO (member) will address the concerns raised with the individual. There may or may not be a formal meeting, this will depend upon the severity of the issue raised and how many times it has been raised previously.
2. An investigation may occur where witnesses (including the person the issue is about), will have the opportunity to give evidence as to the issue raised. A decision is made as to whether to escalate this to a formal process or to deal with it informally.
3. If informally dealt with, an agreement as to future behaviour will be agreed and documented. This document will be held on an employee's file for 6 months and if a member, for 6 months against their membership record. After this time, if there are no further issues, this note will be removed.
4. If a decision is made to take this down the formal route, then an investigation will occur and an opportunity to present evidence and witnesses will be given. The investigation is held by an independent person. There will be a review of the case by a third person who will review the results of the investigation and hear any counter arguments and make a decision as to any action to be taken.

5. An appeal to the results may be made by the person under investigation if they feel the process was not followed or the result is incorrect because evidence was not taken into account.
6. If an appeal is made then a final hearing will take place by another independent person and a final decision will be made.
7. Where there is a complaint against the Chairman, then the President will hear the matter and there will be no right of appeal, unless the member wants to raise the issue with the RFU and follow their procedures.

# This policy sets out what you need to know and do when:

- There is an issue with a member's or employee's conduct, performance or attendance and disciplinary action is being considered. Any issues should be dealt with quickly, fairly and sensitively, at the appropriate level, and in line with our legal and RFU requirements.

It's in everyone's interest to make sure issues are addressed so that we can continue to focus on being a successful semi-professional rugby club.

- This policy covers all employees and club members.
- This policy is not contractual and is subject to change at the club's discretion. This policy will be reviewed from time to time to make sure it continues to meet the legal obligations and its business needs.

## Content of this policy:

- Roles and responsibilities
- What are misconduct and gross misconduct?
- Managing issues informally
- Undertaking investigations – establishing the facts
- Formal stage of the disciplinary process
  - o The disciplinary meeting
  - o Potential disciplinary outcomes
  - o Appeals
- Representation
- Attendance at meetings
- Confidentiality

## Roles and Responsibilities

The club has an obligation under this policy to ensure it meets its legal and regulatory requirements and all those involved in the process must carry out their responsibilities in line with this policy

## Employees

- Understand our standards for conduct, performance and attendance

## Line Managers and Coaches

Read this policy and the Disciplinary Support pack so that you understand how to manage issues informally or through the formal disciplinary process as well as our standards for conduct, performance and attendance:

- Make sure your team understand our standards and highlight any issues as soon as possible
- Make sure you follow the policy and guidance and apply it fairly and consistently. This will ensure we are meeting our legal and regulatory requirements
- Try to address issues informally where appropriate
- Take disciplinary action in line with the formal process if necessary
- Consider the wellbeing of yourself and your employee throughout what can be a difficult experience

## Investigators, disciplinary managers, appeal hearers, representatives and witnesses

- Understand our standards for conduct, performance and attendance

# What are misconduct and gross misconduct?

## Misconduct

Misconduct is a failure to meet the standards outlined and in other operational rules or regulations but at a level not serious enough to be considered as gross misconduct (see below).

Examples include but are not limited to:

- Minor and/or first occasion failures to follow club policies or procedures
- Regular or persistent lateness
- Unsatisfactory standards of dress or appearance (Employees only)

## Gross Misconduct

Gross misconduct is an act or omission which entitles the club to dismiss without previous warnings, without notice or pay in lieu of notice (employees only) or for members their membership to be cancelled and banning from club premises and activities. The following list provides some examples of conduct which, depending on the circumstances and seriousness of a particular situation, may be regarded as gross misconduct. This list is not exhaustive:

- Dishonesty, theft, fraud
- Physical or verbal assault
- Bullying or harassment
- Discrimination
- Serious negligence
- Attendance at work in possession of illegal substances and/or under the influence of drugs or alcohol' (employees only) and possession of illegal substances (Members and Employees)
- Serious and/or persistent neglect of instructions by board members or club management
- Serious and/or deliberate breach of your contract of employment or policies or procedures
- Insubordination
- Accessing without authorisation or allowing unauthorised access to club information
- Falsifying or suppressing a club document or record
- Misappropriating or withholding a club document, record, money or other asset
- Mismanagement of personal finances which impacts on the employee's appropriateness to continue in their job
- Any detrimental treatment of a colleague because they have either raised a whistleblowing concern or a complaint of discrimination or attempt to establish the identity of the whistleblower
- Publishing derogatory or inappropriate comments about the club, its business or employees, including comments from which the club can be identified even if not named directly, in any medium including but not limited to the internet, blogs and social networking sites
- Any breach of your confidentiality obligations as set out in your contract of employment and/or any relevant policy including, but not limited to, disclosing or causing to be disclosed any confidential club information outside of the club without authorisation
- Misuse of the club's computer facilities
- Serious breach of Health and Safety rules including creating a security, health or safety hazard
- Any other unacceptable conduct, inside or outside of the club, considered to be, or have the potential to be, seriously detrimental to the club, its reputation, property, employees, members or members of the public or which otherwise irreparably damages the working relationship and trust between you and the club

## You should also be aware that:

**Criminal Offence**

Any arrest, charge or conviction for a criminal offence may be treated as a disciplinary matter.

**Fraud prevention databases**

If an employee is found to have committed fraud or a criminal offence, their details may be recorded on fraud prevention databases. These are accessed globally and are used by law enforcement agencies and employers to prevent fraud.

# Managing Issues Informally

We aim, where appropriate, to resolve issues informally. With minor issues, the manager/coach and employee should discuss the reasons for the issue and, where appropriate, agree any support or training. Managers should take and keep brief notes of the discussion for reference.

In situations where the issue is more serious or if informal actions have not led to the required improvement, formal disciplinary action should be considered (see section below).

## Undertaking investigations – establishing the facts

An investigation is for the club to get a fair and balanced view of the facts of any disciplinary allegations against an employee or member, before deciding whether or not to proceed with the formal disciplinary procedure. The nature of an investigation will depend on the allegation and varies from case to case. It may involve:

- Interviewing and taking statements from the employee/member
- Interviewing and taking statements from any witnesses, and/or
- Reviewing relevant documents

Investigation meetings are solely to establish the facts and to determine whether or not to commence the formal disciplinary procedure. No decision on disciplinary action will be taken until after a disciplinary meeting, if any, has been held.

An employee/member does not normally have the right to bring a representative to an investigation meeting.

Employees and members must co-operate fully and promptly in any investigation. This includes providing names of any relevant witnesses, disclosing relevant documents and attending investigation meetings if required. Following an investigation, the matter may be addressed informally or through the formal disciplinary procedure (see next section).

## Suspension

The General Manager must be contacted before action is taken to suspend an employee or member.

In some circumstances, an employee may be suspended from work. In cases where an employee is suspended, this period will be as brief as possible and will continue to be reviewed. It's important to note that suspension is not a disciplinary sanction and does not imply a decision has been reached. A suspended employee will continue to receive salary and benefits during the period of suspension. If the employee is a zero hours contract, the club will not provide any shifts whilst the employee is suspended. Examples of situations where an employee may be suspended include (but are not limited to):

- Where gross misconduct is alleged
- Where remaining in the business could potentially obstruct the investigation
- Where the employee's presence in the business is considered potentially harmful

While suspended an employee must not visit/be present on Rosslyn Park premises or to contact any of the club's members, clients, customers, suppliers, contractors or employees, unless authorised to do so by their line manager.

In some circumstances, a member maybe suspended. In cases where a member is suspended, this period will be as brief as possible and will continue to be reviewed. It's important to note that suspension is not a disciplinary sanction and does not imply a decision has been reached.

Examples of situations where a member may be suspended include (but are not limited to):

- Where gross misconduct is alleged
- Where remaining a member could potentially obstruct the investigation
- Where the members association with the club is considered potentially harmful

## Formal stage

This is where formal disciplinary or appeal meetings are held. Before progressing with the formal disciplinary procedure:

- An investigation should have been carried out where appropriate
- The General Manager must have been consulted

## The disciplinary meeting

The disciplinary manager will send the employee/member a written invite providing three clear working days notice of the meeting. Details of what this invite must include are – who is attending and in what capacity, Date, time location of meeting and ways to request change in date/location/time of meeting as well as advice about bringing another member/employee as support for the meeting.

If an employee/member would like to call a witness to the meeting, they must let the disciplinary manager know in advance.

## Potential outcomes

A disciplinary meeting may result in no formal action or a formal disciplinary sanction:

- Written warning for up to 12 months
- Final written warning for up to 24 months
- Dismissal with or without notice
- Revoking of membership
- Other sanctions including (but not limited to) demotion. These may be combined with a warning

A written warning will usually be given in the first instance although, any outcome, including dismissal, may result at any time depending on the severity of the offence. The aim is to encourage improvement going forward. The purpose of a warning is to confirm that there has been a shortfall in conduct, performance or attendance. If a shortfall in the club's expected standards continues or another shortfall arises, it may result in further disciplinary action and ultimately dismissal.

Warnings for misconduct, performance or attendance are all disciplinary warnings and any live warnings may be aggregated or taken into account when considering the level of sanction under this policy.

A letter will be issued confirming the outcome of the meeting and details of the right of appeal.

## Appeals

Employees/members can appeal against a disciplinary sanction. They should do this in writing, setting out the grounds for appeal, and this should be submitted within 14 calendar days of receiving their outcome letter to the hon. Secretary.

## Representation

At formal disciplinary or appeal meetings, an employee can be accompanied by:

- A fellow employee or
- A trade union representative or an official employed by a trade union

At formal disciplinary or appeal meetings, a member can be accompanied by:

- A fellow member

A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee.

Employees do not normally have the right to be accompanied by, for example relatives or friends unless they meet the above criteria. Representatives may participate fully in the meeting but may not answer questions on the employee's/member's behalf. They should be available without unreasonable delay to attend meetings.

# Attendance at meetings

The employee/member is expected to make every effort to attend the disciplinary or appeal meeting. If they or their representative are not available on the proposed date or fail to attend due to unforeseen circumstances, then the meeting may be re-arranged once.

If the employee/member and/or their representative fail to attend the re-arranged meeting, a decision may be taken in the employee's/members absence. Managers should discuss with General Manager before proceeding in these circumstances.

# Confidentiality

Information shared or obtained during the procedure will be treated sensitively. Any statements made should be shared in full with the employee/member being disciplined. In addition, certain types of information will have to be shared on a need to know basis with individuals directly involved in the matter, including:

- Line managers/coaches
- Witnesses
- Representatives
- Those acting in an advisory capacity e.g. HR/board members.

The employee/member and anyone accompanying them are not allowed to make an electronic recording of meetings or hearings conducted under this policy.

# Overlapping grievance and disciplinary policies

Where an employee raises a grievance during the disciplinary process, the process will not normally be suspended in order to deal with the grievance. Where the grievance and disciplinary cases are directly connected, however, it may be appropriate to deal with both issues concurrently.

## **Content of this policy:**

1. Required Standards
2. Managing issues informally
3. Investigations – Establishing the facts
4. Disciplinary meetings
5. Appeals
6. Guidance for Witnesses
7. Guidance for Representatives
8. Guidance for note takers
9. Useful Information
  - Disciplinary standards for Trade Union Officials
  - Employment tribunal claim, ACAS pre claim conciliation or other legal claim
  - Keeping Records

## **Disciplinary Overview**

Rosslyn Park is committed to encouraging and supporting employees to achieve and maintain high standards of conduct, performance and attendance. Rosslyn Park is also committed to encouraging and supporting members to achieve and maintain high standards of conduct.

We use the Disciplinary policy where there is a shortfall in meeting our standards. Our aim is to encourage improvement going forward and to ensure fair and consistent treatment for everyone.



If there's an issue with conduct, performance or attendance, we'll address it informally if that's appropriate. For more serious issues, or where there's not been an improvement, disciplinary action will be considered. Managers/coaches must contact General Manager before suspending or taking formal disciplinary action.

Rosslyn Park has an obligation under this policy to make sure that it meets its legal and regulatory requirements and all those involved in the process must carry out their responsibilities in line with the Disciplinary policy.

The key areas are:

**Required standards:**

This section gives information on our required standards and Conduct Rules.

**Managing Issues Informally:**

Minor issues can usually be dealt with informally and improvements made.

**Investigation:**

This is to establish the facts of allegations before deciding whether it is appropriate to commence the formal disciplinary procedure.

**Suspension:**

This may be appropriate during an investigation, for example where gross misconduct is alleged, where remaining in the club could potentially obstruct the investigation, or where the employee's/members presence in the club is considered potentially harmful.

**Disciplinary Meetings:**

These are formal meetings to consider issues or allegations. Potential outcomes are as follows; no further action taken, a written warning, a final written warning, dismissal or revoking of membership. It's a formal process with a number of requirements.

**Appeals:**

Employees/members can appeal against a disciplinary warning or dismissal. It's a formal process.

**Issues involving the Chairman**

Where the complaint involved the Chairman of the club, then the President will hear the matter and there will be no further right of appeal within Rosslyn Park. Any Appeal must go through the RFU and their processes.

**Do I need to know about this policy?**

• All employees/members need to achieve and maintain high standards of conduct, performance and attendance. You need to understand these standards and the policy and process the club will follow if there's a failure to meet them.

**I must...**

- Comply with the club's policies and processes and make sure actions are in line with the RFU Values
- Understand the required standards for conduct, performance and attendance
- Work with my manager/coach to resolve any minor issues informally
- Co-operate fully and promptly if I'm involved in an investigation
- Comply with all the requirements if I'm suspended
- Make sure I understand the Disciplinary policy and pack if I'm being investigated or I'm invited to a disciplinary meeting
- Make every effort to attend the investigation, disciplinary or appeal meetings
- Answer questions openly and honestly during investigation, disciplinary or appeal meetings
- Work to make sure I make the improvements needed following a disciplinary warning
- Keep information confidential

**If I am a line manager/coach, I must:**

- Comply with the club's policies and processes and make sure my actions are in line with RFU Values
- Make sure my team are aware of the required standards and policy
- Make sure any minor issues are addressed quickly
- Investigate allegations thoroughly and promptly if I'm the investigator

- Follow the disciplinary policy and step by step guidance in the pack if I'm an investigator, disciplinary manager or appeal hearer
- Consider all the evidence to reach a fair and balanced decision if I'm the disciplinary manager or appeal hearer
- Support my employee/member to improve and reach the required standards following disciplinary action
- Contact the General Manager as outlined in the policy and pack
- Keep information shared or obtained during the procedure confidential
- Consider the wellbeing of myself and the employee/member throughout what can be a difficult experience

**Who to contact and when** When you...

Resource...

...want answers to your questions

Read the policy and this Pack.

... have an urgent query as a line manager, disciplinary manager or appeal hearer

Call the General Manager

## **I. Required Standards**

The disciplinary procedure should be used in situations where our standards are not met and it is serious enough for formal action. This procedure is used to deal with shortcomings in conduct, performance and attendance

### **What are the required standards?**

#### **Conduct**

Everyone is expected to maintain high standards of professional behaviour and conduct.

Other potential consequences of disciplinary action could include:

- Impact on pay that's related to performance
- being prohibited from being on Rosslyn Park premises (or grounds that are hired for events run by Rosslyn Park for the duration of the event)

### **What are the Conduct Rules?**

The Conduct Rules are deliberately broad in order to cover a wide range of potential misconduct scenarios. There are many practical circumstances which could amount to an actual breach. The Conduct Rules are:

Rule 1: You must act with integrity.

Rule 2: You must act with due skill, care and diligence.

Rule 3: You must be open and cooperative with any regulators or third party investigators eg police.

Rule 4: You must pay due regard to the interests of customers and members and treat them fairly.

### **How will the club decide if you have breached the Conduct Rules?**

The club will determine whether there has been a breach of the Conduct Rules by considering whether there has been:

- Deliberate misconduct; or
- Conduct that falls below that which would be reasonable in all the circumstances.

This determination will generally be made:

- a) Following consideration of what standard of conduct would be reasonable in the circumstances; or
- b) Where it is apparent that a person's actions were either deliberate or clearly falling short of reasonable conduct.

It's not possible to be prescriptive as to what conduct constitutes a breach of the Conduct Rules. Line managers/coaches will need to apply judgement based on their experience and understanding of the relevant facts and conduct in question following the steps outlined here. Line managers should also refer to the standards of behaviour outlined in any other relevant policies. Line managers must contact General Manager for guidance in identifying if a conduct issue constitutes a Conduct Rule breach.

### **Conduct outside of Rosslyn Park – Crime or Offence**

If you are an employee or in a position of responsibility, if you are arrested or charged by the police with a crime or offence, then you must inform your line manager/General Manager. A crime or offence as far as the club is concerned is any breach of common law or enacted law. It is not automatic that you will be subject to disciplinary action as a result of an offence committed outside of work, however, the club will consider taking action whether the person is charged with/arrested or is found to have committed an offence. The following issues will be taken into consideration when making the decision as to what level, or indeed, if any disciplinary action is appropriate:

- Seriousness of offence
- Impact on contractual duties, for example there would be implications for employees who have access to cash and have been found guilty of stealing
- Whether the club's reputation is likely to be adversely affected as a result of the employee's or members actions
- Nature of offence and potential impact within the club. For instance, an individual guilty of grievous bodily harm could make colleagues feel compromised about their safety

The General Manager will assist in assessing the consequences and required action as a result of an individual having been arrested or charged with committing an offence.

### **Performance**

The required standards for performance are detailed in the employee's role objectives and any relevant competencies.

### **Attendance**

Employees are expected to maintain appropriate standards of attendance. The Sickness Absence policy and Sickness Absence Support Pack provide guidance.

## **2. Managing issues informally**

Issues with conduct, performance or attendance have an impact on the individual and can have a detrimental effect on the performance of their team and/or the club.

Minor issues can usually be dealt with informally.

### **Misconduct**

With minor issues of misconduct a quiet word may be all that is needed to reach the required standard. Line managers/coaches/General Manager should speak privately to the employee/member when an issue or concern arises. This should be a two-way discussion giving the employee/member the opportunity to raise anything. They should explore the reasons for the issue and, where appropriate, agree any support or training that is needed. In some circumstances, it may be appropriate to record this informal discussion. This is known as a documented discussion. It may be appropriate to take brief notes of the discussion and keep them on file for reference. These should be signed by both people involved in the discussion. Every situation is different and a judgment call will need to be made as to the appropriate course of action.

An informal discussion should not turn into a formal disciplinary meeting. If it becomes obvious that the matter is more serious, the discussion should be adjourned and the line manager/coach should contact General Manager for guidance.

For situations where the issue is more serious, or where the informal actions have not resulted in the required improvement, formal disciplinary action should be considered.

### **Performance**

- Employee's are expected to maintain the standards of performance as specified in their role objectives and any relevant competencies.
- Where the required improvement in performance is not reached or maintained, action will be considered under the formal disciplinary procedure

### **Attendance**

- The Absence policy provides detailed guidance on managing absence issues, including discussions line managers should have with employees when trigger points are reached and setting expectations that formal disciplinary action may be considered if absence levels or the frequency of absence become unsustainable.

### **Managing issues informally after a formal warning**

- It may be appropriate to manage issues informally after a formal disciplinary warning has been issued. It is important that employees receive support to encourage them to achieve and maintain our standards. For example, a further Performance Improvement Plan may be put in place after a formal warning for performance

### 3. Investigations – Establishing the facts

With any allegation of misconduct or gross misconduct, the first step is to establish what happened. This is to find out whether to commence the formal disciplinary procedure.

- The purpose of an investigation is to enable the club to get a fair and balanced view of the facts of any disciplinary issues/allegations against an employee or member, before deciding whether to proceed with the formal disciplinary procedure. The level of investigation will depend on the issue/allegation and varies from case to case. It may involve interviewing and taking statements from the employee/member and any witnesses, and/or reviewing relevant documents.
- Investigation meetings are solely to establish the facts and no decision on disciplinary sanction will be taken until after a disciplinary meeting, if any, has been held. However, a consequence of an investigation may be the decision to suspend the employee/member. An employee/member does not normally have the right to bring a representative to an investigation meeting
- Employee/member must co-operate fully and promptly in any investigation. This includes providing names of any relevant witnesses, disclosing relevant documents and attending investigation meetings as required. Following an investigation, the matter may be addressed informally or through the formal disciplinary procedure.
- Everyone involved will be advised of the importance of confidentiality and any breach of confidentiality by any party may result in formal disciplinary proceedings.
- In some cases, an investigation will be carried out by a third party investigation team.
- For performance, attendance or time keeping issues, we may not need an investigation if details are contained in the performance or absence paperwork.

Step	Employee / Member	Investigator (this could be the line manager, another manager or a third party investigation team)
What investigations involve	You may be asked to attend an investigation meeting. Your role is to explain what happened and answer questions fully and honestly.	<p>Your role is to establish all the facts to allow a decision to be made as to whether the matter should be referred to the formal disciplinary procedure.</p> <p>Your role does not include making a decision or recommending any other outcome.</p> <p>Decide what is appropriate for the investigation to include:</p> <ul style="list-style-type: none"> <li>• Reviewing existing records, systems or paperwork</li> <li>• Holding an investigation meeting with the employee / member</li> <li>• Holding witness interviews and/or obtaining witness statements to build a complete picture of the allegations</li> </ul> <p>Make sure your investigation is thorough and documents are retained on file (securely in a locked drawer in the office) without undue delay.</p>

Step

General information

Investigation meeting with the employee / member concerned

Investigation meetings are informal so notice and representation rights do not apply.

Who will be at the meeting?

- The employee /member
- The investigator
- In some cases a note taker\*

\*If the situation is complex, the investigator should consider taking a note taker. If the investigator does not have a note taker they must make full notes of the discussions.

The format of the meeting

- The investigator will discuss the issues/allegations with the employee/member, asking any questions needed
- The employee/member will be asked to respond fully, putting forward any relevant points
- Notes will be taken and the employee/member will be asked to check the notes and amend if necessary, then sign them. If the employee refuses, the investigator should note this on the file. Please note that for third party investigations notes may not be taken as the meeting is audio recorded.

The investigation meeting is not a formal disciplinary meeting and no disciplinary sanction can be imposed. However, because one of the potential outcomes is to commence the formal disciplinary procedure, any relevant information discussed will be included in the documentation reviewed during a formal disciplinary meeting.

Step

Employee / Member

Investigator

Witness Interviews

If you are aware of any witnesses you should advise the investigator. If the outcome of the investigation is to commence the formal disciplinary procedure, you will be given copies of any witness statements which will be considered at the formal disciplinary meeting.

As part of your investigation, you must speak to any witnesses and discuss:

- The fact that their statement will be sent to the employee if the matter progresses to a formal disciplinary meeting. Only in exceptional circumstances can witness anonymity be offered and it cannot be guaranteed
- How they are connected to the people involved. You need to understand if there are any aspects of their relationship which might impact upon their reliability/credibility
- Incidents where they were present or have relevant evidence
- Confidentiality. Witnesses must not discuss the disciplinary case

You, or the note taker if you have one, should make a file note capturing all the key information from the discussion. The witness should be asked to sign the notes of their statement. In addition, witnesses may submit a signed statement themselves if they wish.

## Step

## General information

### After the Investigation

At the end of the investigation, the investigator should pull together all the notes and paperwork. This information may be used during any resulting formal disciplinary procedure.

The investigator should contact the General Manager to discuss the next steps before any formal disciplinary procedures begin.

The potential outcomes of an investigation are;

- No further action required
- The matter can be dealt with through an informal discussion with the employee/member which may be noted in the file (this can be referred to as a documented discussion).
- The formal disciplinary procedure should commence

### Suspension

In some circumstances, an employee/member may be suspended from work/ the club. This may happen at any stage of the investigation.

The General Manager must be contacted before action is taken to suspend an employee/member.

While suspended an employee/member must not visit / be present on club premises or contact any of the club's members, clients, customers, suppliers, contractors or employees, unless authorised to do so.

In cases where a period of suspension is considered necessary, this will be as brief as possible and will continue to be reviewed. Suspension is not a disciplinary sanction and does not imply a decision has been reached. A suspended employee will continue to receive full salary and benefits during the period of suspension.

## 4. Disciplinary meetings

Guidance on arranging and holding a formal disciplinary meeting.

Where formal disciplinary action is being considered, the appointed disciplinary manager must contact General Manager for guidance.

Where formal disciplinary action is being taken, a senior member of the club will be appointed to hold the disciplinary meeting and reach a decision on the outcome. This may be the line manager, the membership manager or another coach depending on the circumstances of the case.

The disciplinary manager will send the employee/member a written invite giving three clear working days' notice of the disciplinary meeting. This will include:

- Confirmation of the right to representation
- Details of the issues/allegations
- Details of the potential levels of sanctions which will be considered at the disciplinary meeting
- Copies of the documents which will be referred to at the disciplinary meeting (for example investigation notes). Where the documents contain confidential information, they will be anonymised to remove all confidential information and sent with the invite letter. Where this is not possible, the documents will not be sent with the invite letter but the employee will be advised of the arrangements for reviewing the documents in advance of the disciplinary meeting. The GDPR requirements must be adhered to in all cases

Everyone involved will be advised of the importance of confidentiality and any breach of confidentiality by any party may result in formal disciplinary proceedings.

Step	Employee /member	Disciplinary Manager
<b>Appointing the disciplinary manager</b>	<p>A manager will be appointed to hear the disciplinary case.</p> <p>The disciplinary manager will hold a formal meeting with you, consider all of the information and reach a decision on the appropriate outcome.</p> <p>You should usually only speak to the disciplinary manager or your representative (if you have chosen to have one).</p>	<p>A suitable impartial disciplinary manager will be appointed who has the authority to make a decision.</p> <p>As disciplinary manager, you should understand and comply with the Disciplinary policy before taking any action.</p> <p>You should tell your line manager and advise them of the time you will need to allocate to this (if you are an employee). It is your responsibility to ensure there are no delays. As this is a confidential matter, it is important not to discuss the case with your line manager.</p>



## Step

### Arranging the disciplinary meeting

## Employee / Member

The disciplinary manager will contact you to arrange a date for the meeting.  
You will be given three clear working days' notice and you have the right to bring a representative (see following page).  
You should make every effort to attend the meeting. You should also ensure your representative (if any) is able to attend.  
If you or your representative are not available on the agreed date or fail to attend due to unforeseen circumstances, then the meeting may be re-arranged, (normally only once but circumstances may mean more flexibility is appropriate).

## Disciplinary Manager

You are responsible for arranging the disciplinary meeting. Contact the employee to agree a date and give the employee/member three clear working days' notice. You must also remind the employee they can bring a representative (see section below).  
The employee/member should ensure their representative is aware of the date and time of the hearing and can attend. Check the employee/member and their representative (if any) are available before sending the invite letter (see section on the following page). You can liaise directly with the representative if the employee/member has agreed this. When a date has been agreed, you need to organise the logistics of the meeting:

- Ensure there is a room where the meeting can be held in private and without interruption
- Arrange a note taker. Make sure this is someone who is not involved in the disciplinary in any way

## Step

### Invite letter

## General information

The disciplinary manager must send the employee/member an invite letter. The General Manager can support with drafting the invite letter. The invite letter must contain

- Date, time and location of the meeting
- Details of the issues/allegations
- Dates, times and timescales (where relevant)
- Details of the specific issues – reference should be made to the alleged issues of conduct, performance or attendance which have resulted in the disciplinary meeting and any previous discussions which have taken place
- The potential sanction (for example written warning, final written warning, dismissal) and any requirements to report to the relevant regulator.
- Advise on the right to representation
- Copies of the documents which will be considered at the meeting. This may be return to work meetings, notes from documented discussions, paperwork from an investigation into allegations of misconduct or gross misconduct
- If it is not appropriate to provide personal copies of the materials, the disciplinary manager will advise how the employee can review them ahead of the disciplinary meeting

**Step**

**General information**

**Representatives**

At formal disciplinary or appeal meetings, an employee/member can be accompanied by:

- A fellow employee (employees only)/member (members only) or
- A trade union representative or an official employed by a trade union (employee only)

A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee at a disciplinary meeting. The disciplinary manager may request to check the credentials of the union representative attending.

Employees/members do not normally have the right to be accompanied by relatives or friends unless they meet the criteria above.

It is the employee's/members responsibility to make their representative aware of the date and time of the meeting to enable them to attend. Employees/members should ensure that they select a representative who is available to attend within a reasonable

**Step**

**Employee / Member**

**Disciplinary Manager**

**Preparing for the disciplinary meeting**

The invite letter details the issues/allegations which will be discussed at the disciplinary meeting. This allows you to prepare your responses and in advance of the meeting, you may wish to make a list of the key points you want to raise.

- Read through all the relevant paperwork so you fully understand the case and make a list of the key points you wish to address in the meeting
- Give your note taker the guidance
- Ensure that you have discussed the case with General Manager prior to taking any disciplinary action.

## Step

## General information

### Attendance

- The disciplinary manager should agree the date of the meeting with the employee/member, taking into account the availability of their representative. The employee/member should make all reasonable attempts to attend the meeting. Representatives should be available without unreasonable delay to attend meetings
- The employee/member should let the disciplinary manager know if they or their representative (if any) are no longer able to attend on the agreed date as soon as possible. In these circumstances, the meeting date may be rearranged, to a mutually convenient time as close as possible to the original date and generally not more than 5 working days after the date originally proposed (although requests to reschedule to a date more than 5 working days after the original date should be considered on a case-by-case basis)
- If a date has been agreed but unforeseen circumstances prevent the employee/member or their representative (if any) from attending, the employee/member should advise the disciplinary manager as soon as possible. The meeting will be rescheduled to a suitable date within reasonable timescales
- The invite letter will be reissued with the new date. This letter will advise that if the employee/member or representative does not attend the next meeting, the decision may be taken to proceed with the meeting in their absence.
- If the employee/member fails to attend the rescheduled meeting, or their representative fails to attend and the employee/member declines to proceed in their absence, the decision may be taken to proceed with the meeting in the employee's absence taking into account information available to the disciplinary manager
- In some circumstances it may be appropriate for a further and final date for the meeting to be arranged. The General Manager will provide guidance on this.

## Step

### The disciplinary meeting

#### General information

##### Who will be at the meeting?

- The employee/member
- The employee's/members representative (if they have chosen to have one)
- The disciplinary manager
- A note taker

If the employee/member has a representative, they can participate fully in the meeting, but they cannot answer questions on behalf of the employee/member.

##### The format of the meeting will be

- The disciplinary manager should ensure they cover all the key points
- The employee will be advised of the issues/allegations outlined in the invite letter and talked through the supporting evidence.
- The employee/member will be asked whether they agree with the facts
- The employee/member will have an opportunity to put forward their version of events.
- The employee/member will have the opportunity to put forward any factors they wish the disciplinary manager to take into account before making a decision on disciplinary sanctions
- The employee/member, or their representative, will be given the opportunity to ask any questions during the meeting
- The disciplinary manager should clarify and summarise throughout to check understanding
- The note taker will take minutes of the meeting. They must not participate in the meeting or make any comments on the issues raised

The employee/member, their representative or the disciplinary manager may request an adjournment at any time. This may be to review what's been covered and whether there are any further questions.

#### Disciplinary Manager

Remember to be sensitive towards any delicate issues. However, it is important that at the conclusion of the meeting, you are comfortable that all your questions have been answered. Try to use open questions (who, what, where, when, how) and avoid asking leading questions. This may involve probing and challenging the employee/member on what they say to build up a full picture. Listen actively to what is being said and allow the employee/member plenty of opportunity to respond.

## Step

### Adjourning the Meeting

#### General information

When the disciplinary manager is satisfied that the employee/member has said everything they wish to say and all questions have been asked, the meeting will be adjourned so that the disciplinary manager can consider their decision.

The length of the adjournment will depend on the complexity of issues or allegations but should be of a sufficient length to ensure that all of the information discussed is considered.

During the adjournment, the disciplinary manager must discuss the case with General Manager as necessary.

## Step

### Reaching a decision

#### General information

The disciplinary manager is the decision maker – they have a responsibility to take into account the clubs perspective as regards standards of conduct, regulatory standards, performance, attendance and consistency of treatment or application of guidelines. As the decision maker, the disciplinary manager has a responsibility to make a decision consistent with Rosslyn Park policies and other relevant (e.g. regulatory) guidelines, rather than from a personal perspective.

- The disciplinary manager must consider all the original evidence and what has been discussed at the meeting.
- The highest potential level of sanction must be detailed in the invite letter to the meeting.
- In reaching a decision, the following sanctions can include
- No further action
- Informal action for example documented discussion
- The employee/member may be given a formal disciplinary warning. Either a written warning for up to 12 months or a final written warning for up to 24 months
- The employee may be dismissed with or without notice or pay in lieu of notice
- Demotion which may be combined with a warning.
- The member's membership may be revoked
- The member may be banned from accessing RP grounds and facilities.

#### Disciplinary Manager

In reaching your decision, you must consider and weigh up all the original evidence and what has been discussed at the meeting. You must also take into account any explanation the employee/member put forward. You need to reach a decision on whether or not the allegations are substantiated.

You must also take into account any mitigation the employee put forward. This could be any factors such as personal issues, training needs or health issues which may have been affecting the employee/member.

Any disciplinary sanction issued should be reasonable taking all of this information into account

If you are considering a formal disciplinary sanction including a written warning, you must discuss your decision with General Manager.

Remember that a warning issued for one reason may be taken into account if there is a subsequent failure to achieve standards for another reason.

Therefore, if an employee/member has a live warning for misconduct and a warning is then issued for performance, this warning would normally be at final written warning level.

It is never appropriate to issue two concurrent disciplinary sanctions for example, a written warning for misconduct and a written warning for attendance.

**Step****General Information****Reconvening the Meeting**

If it is possible, the disciplinary manager should make a decision during the adjournment, reconvene the meeting and confirm their decision to the employee/member.

If the disciplinary manager considers that further investigations are appropriate, they should reconvene the meeting to advise the employee/member of this. Once further investigation has been undertaken, the meeting must be reconvened to give the employee/member an opportunity to respond to the findings before a decision is reached.

However, if during the adjournment, the disciplinary manager determines that they are unable to make a decision on the day and require more time to consider all the information before coming to a decision, they should reconvene the meeting and explain that to the employee/member. In these circumstances, the disciplinary manager can agree with the employee/member to deliver the outcome in writing only. However, if the employee/member does not agree to this, then the hearing should be reconvened once a decision has been made and the decision delivered to the employee/member in person and in writing.

**Step****General information****Confirming the decision**

The disciplinary manager will inform the employee/member of their decision and give their rationale for making this decision. If a formal disciplinary sanction has been issued the employee/member has the right to appeal. The disciplinary manager will advise the employee/member that the decision will be confirmed to them in writing, together with a typed copy of the minutes of the meeting.

The employee will also be advised of any further ongoing informal management, for example a new Performance Improvement Plan to help them achieve the required standards of performance with reference to timescales where appropriate.

If the employee/member verbally advised that they intend to appeal, the disciplinary manager should ask them to appeal in writing stating the grounds for the appeal. The disciplinary manager should also contact General Manager to advise them that the employee/member is appealing.

The disciplinary manager should identify an appropriate appeal hearer and confirm their details to General Manager.

## Step

### Following the disciplinary meeting

## General information

If the outcome is a written warning, final written warning or dismissal, the outcome letter **must** be reviewed by General Manager before sending this to the employee/member.

The disciplinary manager must draft an outcome letter and send to the employee/member without undue delay. This must contain:

- The outcome and the reason for the decision. You must detail all points raised by the employee/member, responding to each point in turn. You must explain whether or not they were taken into account when reaching your decision and the reasons why
- Confirmation of any disciplinary sanction and whether the action is considered to have breached the Conduct Rules/Values and will therefore be reported to the appropriate regulator (RFU)
- Details of any other impacts that were advised within the meeting or any impact on pay or current year bonus payments.
- Details on how to appeal
- Typed minutes for the employee to sign and return to the disciplinary manager within five working days. If the employee/member does not agree with the content of the minutes, they should mark any amendments before signing and returning them
- If the employee brought a representative, a copy of the typed minutes should also be sent directly to them to sign and return
- Confirmation that any further failure to achieve the required standards during the life of the disciplinary warning may result in further disciplinary action usually at the next stage of the disciplinary procedure. For example, if the employee/member has a live warning for misconduct and a warning is then issued for performance, this warning would normally be at final written warning level

## Employee/Member

Depending on the reason for the disciplinary, you may then have further informal management and support (for example a new Performance Improvement Plan) after a warning has been issued.

If you receive a warning, all the disciplinary paperwork will be retained on your personnel file held by your line manager for the period of the warning.

## Disciplinary Manager

Provide General manager with details of an appeal hearer within 48 hours of the outcome letter being issued. This prevents delays if an appeal is received.

### Ongoing management

You should ensure you (or the line manager if this is not you) continue to manage the employee/member appropriately after a disciplinary warning has been issued.

This may mean providing additional training and support to ensure any performance issues are addressed.

**Step****Who will be advised of the decision****General information**

Depending on the circumstances of the case, General Manager will advise whether anyone else should be notified. For example, if the disciplinary manager is not the employee's line manager, it would be appropriate to inform the line manager of any ongoing management required.

Where it's determined that the action constitutes a breach of the Conduct Rules, the appropriate regulator will also be notified at the relevant point in time if applicable.

The disciplinary manager must not discuss the detail of the case or the rationale for their decision with any other colleagues, even their line manager, as they may be required to hear any appeal.

If the disciplinary proceedings are as a result of a complaint made by a third party, that party will not be advised of the disciplinary outcome. Everyone involved should be advised that any breach of confidentiality may result in formal disciplinary action.

**Step****Retention of Documents****General information****If a warning is issued**

If a warning is issued all documentation relating to the case (including the formal warning letter, minutes of meeting and all other documentary evidence) should be kept in the employee's personnel file.

When the warning has expired, the line manager should ensure the formal disciplinary paperwork is removed from the employee's file and a hard copy grievance documentation to be given to the General Manager.

**No further action**

If the decision was to take no further action, documentation relating to the case including the investigation notes, minutes and outcome letter should be retained for future reference if required. All records should be held in line with the club's Records Management Policy.



## 5. Appeals

If the employee/member doesn't agree with the disciplinary decision they have the right to appeal. This section provides guidance for employees and appeal hearers. This can involve the appeal hearer looking at the case from the beginning and reviewing it in detail and/or focusing on the points of appeal raised by the employee/member. The appeal hearer will consider the decision in the context of club and regulatory standards for conduct, performance and absence.

Employees/members can appeal against disciplinary warnings or other sanctions. This should be in writing setting out the grounds for appeal and should be submitted within 14 calendar days of receipt of the outcome letter.

Where there is an allegation involving the Chairman, the hearing will be heard by the President and there will be no right of appeal using the clubs procedures. Any Appeal must use the RFU's processes for such matters.

Everyone involved will be advised of the importance of confidentiality and any breach of confidentiality by any party may result in formal disciplinary proceedings.

Step	Employee/member	Disciplinary Manager/Appeal Hearer
<b>Making/ receiving an appeal</b>	<p>You should write a letter stating your reasons for appeal.</p> <p>Your appeal should be submitted within 14 calendar days of receipt of the outcome letter confirming the details of the disciplinary decision.</p> <p>General Manager will make sure that the appeal hearer is suitable and has not been involved in the disciplinary prior to hearing the appeal.</p>	<p>A suitable appeal hearer will be appointed to hear the appeal and reach a decision on whether it was fair and/or reasonable. They should be impartial, have had no previous involvement in the case and have the authority to be able to overturn the original decision.</p> <p>You will receive a copy of the appeal letter. You must understand and comply with the Disciplinary policy and contact General Manager to discuss the case. If you have any concerns about your suitability to hear the appeal, these must be discussed with General Manager. You are responsible for making sure there are no delays in the process. Tell your line manager and advise them you will need to dedicate time to this process (if appropriate).</p>

Step	General information
<b>Arranging the appeal hearing</b>	<p>The appeal hearer must contact the employee/member to arrange a meeting date. They must give three clear working days' notice and advise the employee/member they can bring a representative. The employee/member should ensure their representative is aware of the date and time of the hearing and can attend. The appeal hearer should check the employee/member and representative are available, then complete an invite letter confirming the meeting arrangements. The appeal hearer can liaise directly with the representative if the employee/member has agreed this. The appeal hearer should arrange a meeting room and note taker (making sure they choose someone who was not involved in the disciplinary case in any way for example as a witness). Give the note taker the the guidance for note-takers.</p>

**Step**

**General information**

**Attendance**

- The appeal hearer should agree the date of the meeting with the employee/member, taking into account the availability of their representative. The employee/member should make all reasonable attempts to attend the meeting. Representatives should be available without unreasonable delay to attend meetings
- The employee/member should confirm if they or their representative (if any) are no longer able to attend on the agreed date as soon as possible after receiving the letter. In these circumstances, the meeting date may be rearranged, to a mutually convenient time as close as possible to the original date and generally not more than 5 working days after the date originally proposed (although requests to reschedule to a date more than 5 working days after the original date should be considered on a case- by-case basis)
- If unforeseen circumstances prevent the employee/member or representative (if any) from attending, the employee/member should advise the appeal hearer as soon as possible. The meeting will be rescheduled within reasonable timescales
- The invite letter should be reissued with the new date. This letter will also advise the employee/member that if they do not attend the next meeting, the decision may be taken to proceed with the meeting in their absence
- If the employee/member fails to attend the rescheduled meeting, or their representative fails to attend and the employee/member declines to proceed in their absence, the decision may be taken to proceed with the meeting in the employee's/member's absence
- In some circumstances it may be appropriate for a further and final date for the meeting to be arranged.

**Step**

**Employee**

**Appeal Hearer**

**Preparing for the appeal hearing**

It is a good idea to make a list of the points you wish to raise in advance of the meeting.

Ensure you receive the complete original disciplinary paperwork from the disciplinary manager.

Depending on the appeal, you may be looking at the case from the beginning and reviewing it all in detail and/or you may be focusing on the points of appeal raised by the employee.

Review all the relevant paperwork from the disciplinary file and the appeal statement. Make a list of the key points you wish to address in the meeting.

Give your note taker the guidance.

**Step****General information****At the appeal meeting****Who will be at the meeting?**

- The employee
- The employee's representative if they have chosen to have one
- The appeal hearer
- A note taker

**Employee****Appeal Hearer****The format of the meeting is**

- You can explain why you don't agree with the disciplinary decision
- If you or your representative wish an adjournment you can request this at any time

**The format of the meeting is**

- Use the Appeal Meeting Checklist (above) to ensure you cover all the key points when opening the meeting such as representation, notice, confidentiality
- Go through the points of appeal raised by the employee in their statement of appeal and ask if there is any other basis they have for appealing
- You may wish to go through each allegation in detail and the findings of the disciplinary manager. You should discuss any points the employee/member wishes to make in relation to these
- Discuss each and every point of appeal with the employee to ensure you have a comprehensive understanding of why they are appealing
- Ask the employee to put forward their position
- Clarify and summarise throughout to check understanding
- Remember to be sensitive to any delicate issues, but make sure you are comfortable all your questions have been answered
- Once you are satisfied advise the employee that you will adjourn the meeting to consider your decision
- Remember the employee/member or their representative may also request an adjournment at any point. You may also adjourn the meeting at any stage. You may wish to do so to review what's been covered and whether there are any other questions you wish to ask before adjourning again to consider your decision
- If the employee/member has a representative, they can participate fully in the meeting, but they cannot answer questions for the employee/member

## Step

### Adjourning the Meeting

## Employee

When all the information has been discussed the appeal hearer will adjourn the meeting. It may be possible for the appeal hearer to make a decision after adjourning the appeal meeting on the basis of reviewing the existing evidence. However, it may be necessary for them to conduct further investigation.

## Appeal Hearer

- When all the information has been discussed you should adjourn the meeting.
- During the adjournment discuss with General Manager.
- You should consider the fairness of the disciplinary decision and ensure that the disciplinary procedure was followed. You need to consider the decision against Club and RFU standards.
- If you have all the information you need to make a decision, reconvene the meeting and confirm your decision outlining the rationale for your decision. You also need to confirm there is no further right of appeal.
- If the appeal hearer considers that further investigations are appropriate, they should reconvene the meeting and advise the employee of this. Once further investigation has been undertaken, the meeting must be reconvened to give the employee an opportunity to respond to the findings before a decision is reached.

• However, if during the adjournment, the appeal hearer determines that they are unable to make a decision on the day and requires more time to consider all the information before coming to a decision, they should reconvene the meeting and explain that to the employee. In these circumstances, the disciplinary manager can agree with the employee to deliver the outcome in writing only. However, if the employee does not agree to this, then the hearing should be reconvened once a decision has been made and the decision delivered to the employee in person and in writing.

Advise the employee that you will send the typed minutes to them (and their representative if any) and following a decision being made you will send an appeal outcome letter. The employee and representative should sign and return the minutes within five working days. Advise that if you do not receive the minutes within this timescale this will not delay the appeal process.

**Step****Further Investigation****Employee**

The appeal hearer may advise you that they wish to undertake further investigation before reaching a decision.

**Appeal Hearer**

You may wish to speak to the original disciplinary manager. This could be to get a better understanding of their rationale or address questions relating to their decision. This should be discussed with General Manager. You may wish to re-interview witnesses or interview witnesses not spoken to by the disciplinary manager or investigator. For witness interviews:

- Explain that the notes will be sent to the employee who is appealing
- Ensure witnesses understand the importance of confidentiality and not to discuss the disciplinary case
- Ask the witness how they are connected to the people involved to assess if there are any aspects of their relationship which might impact on their neutrality/credibility
- Ask the witness to comment on incidents where they were present or have relevant evidence. It is important that questions are balanced

When you have concluded your investigation, you should discuss this with the General Manager. You are the decision maker but you have a responsibility to make a decision consistent with club and other relevant (e.g. regulatory) guidelines rather than from a personal perspective.

**Step****Communicating the decision****Employee**

The appeal hearer will discuss whether a formal meeting will be reconvened to advise you of the decision in person before sending an outcome letter. The decision of the appeal hearer is final.

**Appeal Hearer**

You should confirm your decision in writing to the employee using the confirmation of disciplinary appeal outcome letter. You may choose to reconvene a formal meeting and advise your decision in person before sending an outcome letter. Confirm your decision in writing to the employee using the template outcome letter. The General Manager can support you with drafting the outcome letter. Once you have concluded the disciplinary appeal, the documentation should be held on the file.

<b>Step</b>	<b>Employee</b>	<b>Appeal Hearer</b>
<b>Following the Meeting</b>	If the sanction is upheld, this will be kept on your personnel file for the duration of the warning. If the sanction is overturned, the documentation relating to the case will be kept for future reference if required.	Documentation relating to the case should be retained on the employee's/members personnel file for the duration of any sanction issued. If the appeal decision is to overturn the disciplinary sanction, the documentation relating to the case should be retained for future reference if required.

## **6. Guidance for Witnesses**

<b>Request to be a witness</b>	You have been asked to be a witness because it is believed you have relevant information about an incident or incidents under investigation. This may mean you have witnessed an event or that you hold other relevant information.
<b>What will this involve?</b>	<p>You will be asked to attend a meeting by the manager undertaking the investigation. This is not a formal meeting so rights of representation and notice do not apply. If formal disciplinary action is taken, you may be asked to meet with the disciplinary manager or appeal hearer to provide a statement or go over the statement you previously provided and/or provide additional information.</p> <p>Tell your line manager that you need time away to attend the meeting, providing as much notice as possible (if applicable). Do not discuss matters with your line manager other than requesting time off to attend. You should treat the matter seriously and confidentially. You should not discuss the situation with anyone. Everyone involved will be advised of the importance of confidentiality and any breach of confidentiality may result in formal disciplinary proceedings.</p> <p>As a witness you receive basic information in advance of the content of the meeting but no specific detail. You must provide an honest and accurate account of any situation you are asked about.</p> <p>A note of the statement you provide will be retained and if appropriate may be used as supporting documentation at the disciplinary meeting. You will be asked to sign the statement. The disciplinary manager or appeal hearer will consider your evidence in reaching a decision. You will not be informed of the outcome of the investigation as this is confidential to those directly involved.</p>
<b>Attendance</b>	You are expected to make yourself available for meetings and to make every effort to attend. If unforeseen circumstances prevent you from attending, the meeting will be rescheduled as soon as possible.

## **Refusing to be a Witness**

Employees and members must co-operate fully and promptly in any investigation. This includes providing names of any other relevant witnesses, disclosing relevant documents and attending investigation meetings as required. An unreasonable failure to co-operate in the investigation process may, in certain circumstances, lead to action being considered in accordance with the Disciplinary Process.

If you have any concerns about being a witness then you should discuss these with the investigating manager, disciplinary manager or appeal hearer as appropriate. In exceptional circumstances, the use of anonymous statements can be considered however in such rare cases, anonymity cannot be guaranteed. You will not be treated unfavourably on the basis that you have provided a witness statement.

## **Confidentiality**

The information you give will be shared with anyone disciplined as a result of the investigation. A copy of your statement will be provided to them as part of the supporting documentation.

## **7. Guidance for Representatives**

### **Eligibility**

You may be asked by a work colleague or member to accompany them at a disciplinary meeting. At a formal disciplinary or appeal meeting, an employee or member can be accompanied by:

- A fellow employee (Employees only)
- A fellow member (Members who are not employees only)
- A trade union representative or an official employed by a trade union (Employee only)

A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee at a disciplinary meeting. Employees do not normally have the right to be accompanied by, for example, relatives or friends unless they meet the criteria above.

## **What the role Involves**

At the disciplinary or appeal meeting you can support your colleague either by taking a proactive role or simply by attending as a witness to events. You can participate fully during the meeting (for example your role could involve putting forward and/or summing up the employee's/members case and conferring with the employee/member) although you cannot answer questions on behalf of the employee/member.

During the meeting you may ask for a short break or adjournment at any point if you need time to speak to your colleague. You may take your own notes at the meeting if you wish.

The typed minutes of the meeting will be sent to you and your colleague to be signed and returned within five working days. If the minutes are not returned within this timescale, the procedure will continue.

You can provide your colleague with support before and after the meeting in terms of assisting them to prepare for the meeting and providing emotional support.

## **Time off**

Reasonable time away from your regular duties will be provided (employee's only), as long as you give your line manager reasonable notice that you are acting as a representative. You should let your line manager know as soon as you have been asked to act as a representative but you must not disclose details of the case.

## **Attendance**

The disciplinary manager/appeal hearer should agree the date of the meeting with the employee/member, taking into account the availability of their representative.

It is the responsibility of the employee/member being disciplined or appealing to make their representative aware of the date and time of the meeting. They will be asked to ensure that they select a representative who is available to attend meetings without unreasonable delay. The disciplinary manager may liaise with you directly to make arrangements for the meeting if your colleague has requested that this happens. If unforeseen circumstances prevent you from attending the meeting, you should advise your colleague as soon as possible. Your colleague can decide to go ahead without you or they can ask for the meeting to be rescheduled, once, to a mutually convenient date.



## **Confidentiality**

The disciplinary process is confidential. You must discuss the disciplinary case only with the colleague/member you are accompanying and the disciplinary manager or appeal hearer.

For employees only, you will need to advise your line manager that you need time away to attend the disciplinary meeting but you must not discuss the substance of the disciplinary case with your line manager (unless your line manager is also the disciplinary manager or appeal hearer) or any other colleagues. Everyone involved will be advised of the importance of confidentiality and any breach of confidentiality may result in formal disciplinary action.

## **8. Guidance for note takers**

### **What the role Involves**

Your role in the process is important. Your minutes will form the recorded note of what occurred at the disciplinary or disciplinary appeal meeting. It is important that the minutes are accurate and contain all the relevant information.

### **Preparation**

Print off the Minutes of Disciplinary Meeting or Appeal Meeting to take with you to the meeting. If you have any questions ask the manager who asked you to take minutes. You must not discuss the meeting with anyone else.

### **At the meeting**

You can use the meeting invite as the starting point for your notes as the key points that are always included are already captured.

The form of your minutes will be abbreviated; you are not expected to record word for word what was said. However, you must capture all the important details of each point that was made. You should ask people to repeat information if you did not hear it first time round or ask people to speak more slowly. If you need to, you can ask for the discussions to pause for a minute whilst you complete your notes.

You may not participate in the meeting or make any comments on the issues raised.

### **After the meeting**

You must ensure that the minutes are typed as soon as possible. Ideally, you should type the notes immediately following the meeting when the discussions are fresh in your memory.

If you are having difficulty doing this due to your workload, then you must speak to your line manager as it is imperative that there is no unreasonable delay in issuing the typed notes. Once you have typed the notes ensure that they are emailed to the disciplinary manager. Do not dispose of your hand written notes. These should be given to the disciplinary manager.

## Confidentiality

The disciplinary process is confidential. You must discuss the disciplinary only with the disciplinary manager or appeal hearer.

Everyone involved will be advised of the importance of confidentiality and any breach of confidentiality may result in formal disciplinary action.

## 9. Useful Information

### Employment tribunal claim, ACAS pre claim conciliation or other legal claim

Managers **must not** respond to any such correspondence. Instead, they must **immediately** forward any Claim Form(s) / ACAS Pre-Claim Conciliation Form or other formal court documentation received from the employment tribunal (or other court), ACAS or directly from employees (or former employees) or from lawyers acting for them, to the General Manager

Additionally, managers must:

- Keep the matter confidential
- Provide support to other employees who may be required to give evidence

### Keeping Records

All disciplinary documentation will be kept securely and will only be made available to employees whose duties require access to this information. All papers obtained and created during a disciplinary may have to be disclosed e.g., at an employment tribunal, or to regulators.

This may include, but is not limited to:

- Witness statements
- Typed notes of meetings
- Hand written notes taken during the disciplinary process