



## **Disciplinary Policy - Employees**

### Appendix C - 1

#### INTRODUCTION

This Disciplinary Procedure is designed to clarify the rights and responsibilities of Management and Employees in respect of action resulting from failure to meet the standards agreed in the Contract of Employment and set out in the Job Description, or instances where job performance falls below the standard expected by the Company.

The aim is to combine consistency in the operation of the Procedure with the administration of justice for individual employees. It will always be the intention of the Company, wherever reasonably practicable, to help employees whose conduct gives cause for dissatisfaction to improve their behaviour or performance to meet the required standards. Not every infringement of established standards of conduct will necessarily result in formal disciplinary steps being taken and initial situations may be more appropriately dealt with by a process of discussion and counselling.

#### PROCEDURE

This Procedure will apply to all employees of the Table Tennis Association of Wales and indicates the steps that will normally be followed in the event of misconduct or poor performance. These procedures will not always automatically be followed rigidly as each individual circumstance will be judged on its merits and treated accordingly.

No action will be taken before a proper investigation into the matter has taken place, however, the Company reserves the right to depart from the precise requirements of the disciplinary procedure where it is expedient to do so and where the resulting treatment of the employee is no less fair.

The Company recognises that any involvement in a disciplinary process may well cause anxiety to all concerned. Accordingly every effort will be made to deal with complaints against an employee as speedily as possible.

#### 1. Investigation

An investigation will involve an interview with you to ascertain your view of the matter being complained of, in addition to obtaining any documentary evidence or witness statements. If appropriate, you may be suspended from your duties and the workplace on full pay whilst the matter is investigated fully.

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## 2. Suspension during Investigation

Any precautionary suspension pending the outcome of a disciplinary investigation or hearing shall be on full pay, but where an employee when suspended is receiving less than full pay (or no pay) under the terms of his or her contract of employment, that entitlement (or lack of it) of less than full pay shall continue during the period of suspension.

## 3. Disciplinary Hearing

If there is a case to be answered, you will be invited to attend a disciplinary hearing, at a mutually convenient time and date. The hearing will normally be conducted by your Manager, however, if the matter is particularly serious, your more senior Manager or a member of the Board of Directors, may hold the initial hearing. Your invitation to attend a disciplinary hearing will be set out in writing and clearly state the alleged conduct characteristics or other circumstances that warrant a hearing. You must take all reasonable steps to attend the meeting.

At this hearing you have the right to be accompanied by a fellow employee or a full time trade union official, or certified representative of a trade union, if you so wish (referred to below as 'companion'). You will be asked to confirm whether or not you wish to be accompanied prior to the hearing, and to advise who will accompany you. You may not be accompanied by a fellow employee where the presence of that employee would be prejudicial to the hearing or where their presence would represent a conflict of interest.

A disciplinary hearing may be rearranged once to accommodate you and your companion.

No disciplinary penalty will be imposed without a hearing but a hearing may proceed in your absence if you do not attend.

You will be advised in writing of the outcome of the hearing and what, if any, disciplinary action will be taken, within 5 working days of the hearing taking place. You will also be advised of your right of appeal.

## **AUTHORITY TO DISCIPLINE**

Verbal Warnings	This penalty may be imposed by the Manager following discussion with the Chairman
Written Warnings, Precautionary suspensions and Dismissal Decisions	May only be implemented by a member of the Board of Directors following discussion with the Chairman

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## DISCIPLINARY ACTION

Examples of types of misconduct listed below are not intended to be exhaustive and will be reviewed by the Company in the light of experience; neither are the penalties indicated to be considered as automatic as each case will be decided on its own merits which may result in a more or less severe penalty being applied.

### 1 Verbal Warnings

These are issued for first instances of General Misconduct or unsatisfactory work performance.

**General Misconduct** includes: lateness; poor work standards or failure to carry out reasonable instructions.

**Unsatisfactory Work Performance** includes: incapacity; incompetence or lack of application.

A Verbal Warning may be referred to in any subsequent disciplinary action within six months of the date of issue of the Warning.

### 2 Written Warning

A Written Warning will be issued to employees whose conduct or performance has not improved following issue of a previous Verbal Warning in the preceding six months. They may also be used for first instances of Serious Misconduct for example, unauthorised absence, refusal to carry out reasonable instructions, or failure to observe the Company's adopted safety procedures or to comply with safety regulations.

A Written Warning may be referred to in any subsequent disciplinary action within 12 months of the date of issue of the Warning. Initially, the period of operation may exceed twelve months if the particular circumstances of the case justify this at the time of issue of the warning.

Where a warning is concerned with breach of policies, rules or procedures or is a direct instruction with regards to behaviour, there shall be no time limit on the operation of the warning.

### 3 Final Written Warning

In the event that a previously issued Written Warning is followed by a repetition of related misconduct, or continued failure to improve job performance to the required standard a Final Written Warning may be issued. This Final Written Warning will specify that in the event of a continued failure on the part of the employee to improve, the disciplinary action the Company will almost certainly take will be the dismissal of the employee. In instances where misconduct is judged to be of a most serious nature, but upon consideration not sufficient to warrant Summary Dismissal, a Final Written Warning may be issued without being preceded by other Written Warnings. This might, for example, occur in an instance where it has been concluded that the employee has been guilty of race or sex or disability discrimination or harassment. Such a final written warning may be issued without a specified limit on the period of operation.

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### 4 Dismissal with Notice

Continued failure to improve performance to the standard required despite earlier Warnings or repetition of an offence covered by a previous Written Warning or Warnings may result in dismissal from the Company's employment. Dismissal with Notice could also arise under circumstances of loss of driving licence or refusal by a customer to accept the employee's presence at their premises; although it is recognised that such circumstances need not be disciplinary in nature.

### 5 Summary Dismissal (i.e. Dismissal without Notice)

This will almost certainly occur in instances of Gross Misconduct, for example, theft, wilful damage, unprovoked assault reckless behaviour endangering others or unauthorised disclosure of confidential information or submitting false expense claims with the intention to defraud.

In such circumstances the employee(s) involved may be suspended from work on full basic pay whilst all the relevant facts are being marshalled and considered prior to a possible dismissal decision.

### 6 Other Measures

The Company reserves the right to suspend without pay for up to 10 working days, withdraw privileges, transfer or demote as disciplinary steps short of dismissal in circumstances where this is deemed more appropriate. In certain circumstances the Company may require the employee to undergo training or attend counselling to address the disciplinary matter. Failure by the employee to comply with this requirement may result in further disciplinary action.

## **RIGHT OF APPEAL**

You have the right of appeal against any disciplinary decision to the Chairman or next highest level of management if the Chairman is your Manager. Where the Chairman is your Manager, the Company Secretary and the Board of Directors shall hear the Appeal.

Your appeal must be submitted in writing within 5 working days of the decision being implemented, and must state the grounds on which you wish to appeal. Grounds for appeal could include:- perceived unfairness of the judgement, the severity of the penalty, or new evidence coming to light.

The Company will arrange an appeal hearing as soon as possible and usually within 5 working days of receiving your appeal, unless the extent of any further investigation warrants an extension of the period, in which case you will be advised accordingly. You have the right to be accompanied at this hearing, if you wish, as described above. The outcome of the appeal will be communicated, wherever reasonably practicable, within 5 working days of the appeal being heard. The decision of the appeal hearing is final and binding under this procedure.