



<b>DEPARTMENT</b>	HUMAN RESOURCES
<b>POLICY/PROCEDURE</b>	DISCIPLINARY
<b>DATE OF ISSUE</b>	May 2023
<b>DATE OF REVIEW</b>	May 2024
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The purpose of the Company's disciplinary procedure is to ensure the safe and effective operation of the business and the fair treatment of individual Staff, dealing with matters at the earliest possible time and at the lowest possible level so as to address and correct any matter of concern to the employer.

These procedures apply to all Staff of the Company.

## **Procedures**

### **Informal action**

Minor breaches of discipline, misconduct, failure to maintain job performance standards, poor timekeeping, etc. will result in an oral warning being given by your immediate superior. No record of this warning will be made in the Employee's personnel record.

It is unlikely that any other further action will be necessary as in most cases an oral warning will quickly resolve most difficulties.

### **Formal action**

Where there is a more serious breach of discipline or misconduct or where you fail to improve and maintain that improvement in relation to conduct or job performance, formal disciplinary action will be taken.

### **Suspension**

Where it is considered necessary for the proper investigation of matters and/or to preserve evidence the Company reserves the right to suspend you. Such a suspension is not disciplinary in nature.

Suspension will be on normal contractual pay unless the Company refers the matter to the Police for criminal investigation, in which case normal, contractual pay will cease from the date of notification to the Police. Following the conclusion of the Police investigation, should you not be the subject of criminal charges within 1 year from the date of notification then the Company will refund any outstanding salary for the period from the date of notification to the date of dismissal or resumption of work.

For the avoidance of doubt normal contractual pay could mean relevant sick pay if you provide a fit note and if you are not entitled to sick pay then no payment at all.

### **Investigation**

An investigative interview will be held. You may present your explanation and will be invited to assist with that investigation of the matter. If, as a result of that investigation, it is decided that disciplinary action should be taken you will be told of the decision and later given a letter of confirmation setting out in writing the matter which gives cause for disciplinary action to be taken and you will be invited to attend a disciplinary hearing.

### **Disciplinary Procedure**

You will be informed as to whether formal disciplinary action is considered necessary. You will be given written confirmation of that fact which will set out the following:

- (a) details of the misconduct, poor performance or other matter that has occasioned the need to convene a disciplinary hearing;
- (b) the evidence on which the disciplinary charges are based, which may include copies of relevant evidence. The Company reserves the right to anonymise statements of witnesses where it is necessary to do so in the interests of that witness or, for example, where it is necessary to do so in the interests of commercial confidentiality;
- (c) the date on which the disciplinary hearing is to take place. It will usually be appropriate for the Company to give to you a minimum of 3 days' notice so as to allow you to consider the disciplinary offence(s) alleged and the evidence on which the allegations are made. Consideration will be given to any representations made by you as to the date of any disciplinary hearing. Any such representations must be made in writing and should set out the grounds on which you seek to have a different hearing date to that set out by the Company;



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- (d) the venue for the disciplinary hearing, which will normally be your place of work;
- (e) a reminder that you may be accompanied at the hearing by another Staff Member of the Company who can be made reasonably available or by an appropriately trained Trades Union official;
- (f) the range of possible sanctions which may be applied by the Company in the event the disciplinary charge(s) alleged are set out in this section.
- (g) details of any previous disciplinary sanctions applied which may be taken into account by the Company in reaching a conclusion as to sanction in respect of the alleged disciplinary offence(s).

You will be invited to confirm that you will attend at the hearing and to give such information as is available to you at that time in respect of evidence that you wish to be considered at the hearing, including the name(s) of any witnesses that you wish to be heard at the hearing.

### **Procedure at the Disciplinary Hearing**

The Company will confirm that you have had the opportunity to read and consider the alleged Disciplinary offence(s) and the accompanying evidence previously sent to you.

Where appropriate, you will be given the opportunity to put questions to any witness who has given written evidence. Cases where it may not be appropriate for a witness to be questioned include, but are not necessarily limited to, the following circumstances:

1. Where the witness is not a Staff Member of the Company;
2. Where it has been necessary to anonymise the witness statement;
3. Where to allow questioning of the witness would be inappropriate in light of the alleged offence(s) e.g. where there are allegations of sexual harassment or of bullying.

You will be given the opportunity to state your case and to give evidence. You will have the opportunity to call and to question any witness who may be able to assist the fair determination of the allegation(s) made. The Company will have the right to put questions to any witness you call.

Having heard all of the evidence the Company will decide whether the allegation(s) made are proven or not. The standard of proof shall be on the balance of probability.

Where the Company finds that the allegation(s) made are proven, the Company will consider what sanction to impose. In this respect, the Company will have regard to any evidence from you or on your behalf in respect of mitigation.

The Company's decision in respect of the finding and any consequent sanction will usually be communicated to you orally and will invariably be set out in writing and sent to you. That written confirmation of the decision will include a reminder to you that you have the right to appeal against the decision and, where dismissal either with or without notice is the sanction to be applied, will set out the effective date of termination of your employment.

Please note that it is prohibited for employees to record (whether covertly or otherwise) the proceedings at the disciplinary hearing, and at any appeal meeting, without the express permission of the Company.

### **Sanctions likely to be imposed/ Disciplinary stages**

#### **Stage 1: Oral warning**

If conduct or performance does not meet acceptable standards you will normally be given a formal oral warning. A note of the oral warning will be kept on your record but it will normally be considered spent after 6 months, subject to satisfactory conduct and/or performance, after which time it will not be taken into account in any subsequent disciplinary procedure.

#### **Stage 2: Written warning**



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If the offence is a serious one, or if a further offence occurs after an oral warning has been applied, a written warning will be given to you. This written warning will include details of the cause of dissatisfaction of the Company, the improvement required and the timescale within which that improvement is to be achieved. It will remind you that action under stage 3 will be considered if there is no satisfactory improvement. A copy of this written warning will be kept on your record but it will usually be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance.

### **Stage 3: Final written warning or disciplinary suspension or Demotion**

If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the alleged misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (that is that the written warning is both a first and final written warning), a final written warning will normally be given to you. This final written warning will include details of the cause of dissatisfaction of the Company and will warn that dismissal will result if there is no satisfactory improvement. A copy of this final written warning will be kept on your record but it will usually be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance. Alternatively, consideration will be given to imposing a penalty of a disciplinary suspension without pay for up to a maximum of 7 working days. In the further alternative, consideration may be given to demoting you to another position within the Company that is within your skills and capabilities. Such a sanction will be on the basis that the demotion will entail you being remunerated at the rate of pay and with the benefits attaching to the lower position. The sanction of demotion will only be available where a suitable position exists.

### **Stage 4: Dismissal**

If conduct or performance is still unsatisfactory and you still fail to reach the prescribed standards, dismissal will normally result.

### **Gross misconduct**

The following list provides examples of offences which are normally regarded as gross misconduct, and for which the normal sanction will be summary (instant) dismissal (that is Dismissal without notice or pay in lieu of notice):

Theft, fraud and deliberate falsification of records; fighting, assault on another person or threatening the same; disorderly or indecent conduct;

- serious bullying or harassment;
- any serious breach of the English Football League rules;
- acts of discrimination of any of the 9 protected characteristics under the Equality Act (2010);
- deliberate damage to the Company's property; misuse of the Company's property or name;
- serious incapability whilst on duty through alcohol or being under the influence of illegal drugs;
- serious negligence which causes or might cause unacceptable loss, damage or injury; serious infringement of health and safety rules;
- serious act of insubordination;
- Gambling in connection with any Football Activity;
- Inappropriate use of E-mail, Internet or Social Media;
- serious breach of confidence/client confidentiality (subject to the Public Interest (Disclosure) Act 1998).

NB: This list is not exhaustive.

### **Appeal**

You will have the right to appeal against the substantive decision of the decision-maker at the Disciplinary hearing. Any appeal will normally be heard by the Chief Executive Officer and you should request an appeal hearing to him/her within 7



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days of being notified of the original decision. Such an appeal may be against the finding or against the sanction imposed or both. The request for an appeal hearing should be made in writing. The request should specify the grounds on which you are appealing against the decision of the decision-maker.

The Chief Executive Officer will write to you acknowledging receipt of your appeal and will confirm the following:

- (a) the date on which the appeal hearing is to take place. It will usually be appropriate for the Company to give to you a minimum of 3 days' notice. Consideration will be given to any representations made by you as to the date of any appeal hearing. Any such representations must be made in writing and should set out the grounds on which you seek to have a different hearing date to that set out by the Company;
- (b) the venue for the appeal hearing, which will normally be your place of work;
- (c) a reminder that you may be accompanied at the hearing by another Staff Member of the Company who can be made reasonably available or by a Trade Union official, if they wish. In certain circumstances, the Company may agree to allow you to be accompanied by a person other than another Staff Member of the Company or a Trade Union official, but it will be your responsibility to give at least 2 days' notice of your intention to be so represented so that the Company may consider whether the proposed representative may be allowed to accompany you.

The appeal hearing will be by way of a complete re-hearing of the case, and the same rules as apply to Disciplinary hearings will apply to the appeal hearing, with such modification as are necessary in respect of the fact that the appeal hearing is an appeal hearing.

Having had the appeal hearing the Chief Executive Officer will usually inform you of his/her decision orally, and will confirm the same in writing to you.

The Company will do its very best to ensure that different people will be involved in the Investigation, the Hearing and the Appeal to ensure independence. The Chairman or Chief Executive Officer may delegate their responsibility to another suitable officer of the company.

The Company retains the right to involve an independent external HR Consultant at any stage. The Company will make every effort to ensure independence between the different stages of this process.

### **Personnel with Authority to deal with matters under this Disciplinary Process**

The operation of the disciplinary procedure is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority progressing any action at whatever stage of the disciplinary process.

	Employees	Management	Chief Executive Officer
Formal verbal warning – Informal Stage	Member of Senior Management Team	Chief Executive Officer	Chairman
Oral or Written warning – Formal Disciplinary Stage	Member of Senior Management Team	Chief Executive Officer	Chairman
Final Written warning – Formal Disciplinary Stage	Member of Senior Management Team	Chief Executive Officer	Chairman
Dismissal – Formal Disciplinary Stage	Head of Directorate	Chief Executive Officer	Chairman
Appeals	The Chief Executive Officer, Chairman, Board Member, or an External HR Consultant		

The Company retains the right to involve an independent external HR Consultant at any stage of the process, including the chairing of any hearings. The Chief Executive Officer may delegate the chairing of any hearing to an appropriate individual.