

Harrow Young Musicians

Disciplinary Policy

1. Purpose and scope

The purpose of this disciplinary policy is to help and encourage all staff/contractor to achieve and maintain required standards of performance and conduct. The disciplinary procedure provides a fair and consistent framework through which any issues with performance or conduct can be addressed.

This policy applies to all paid staff/contractor. Any issues with the performance and / or conduct of volunteers should be addressed using the bureau's managing volunteer performance policy.

Where a member of staff/contractor is still within the probationary period any issues of performance or conduct will be dealt with under the probationary period procedure detailed in Section 6 of this policy.

This policy is non contractual.

2. Principles

This policy is designed to establish the facts quickly and to deal consistently with performance and / or conduct issues.

No formal disciplinary action will be taken against a member of staff/contractor until the case has been fully investigated.

At every stage of the formal disciplinary procedure the member of staff/contractor will be advised of the nature of the complaint against them, and will be given the opportunity to have their views fully and fairly considered at a disciplinary hearing before any sanction is imposed.

The member of staff/contractor will have the right to be accompanied by a work colleague or friend at all meetings under the formal disciplinary procedure. At the meeting the member of staff/contractor's companion has the right, if the member of staff/contractor wishes, to confer with the member of staff/contractor, to put forward the member of staff/contractor's case, to sum up the case and to respond on the member of staff/contractor's behalf.

The member of staff/contractor will have the right to appeal against any disciplinary action taken.

Disciplinary action may be implemented at any stage of the procedure if the alleged misconduct or under performance warrant such action.

No member of staff/contractor will be dismissed for a first breach of discipline, except in the case of gross misconduct. Dismissal in such circumstances will be without notice or payment in lieu of notice.

All proceedings, witness statements and records will be kept confidential and will be retained in line with the Data Protection Act 1998. Copies of any formal proceedings and sanctions will be kept on the member of staff/contractor's personnel file but will normally be disregarded for disciplinary purposes after 12 months.

In order to ensure a fair hearing in misconduct cases the stages of the procedure will, where practicable, be carried out by separate personnel. Therefore the person who carries out the investigation should normally be different from the person who convenes the disciplinary hearing (unless the issue relates to a minor matter where there is no requirement for a detailed investigation stage). The appeal, in both misconduct and performance cases, will normally be heard by the Chair, or another member of the trustee board who has not been involved in the process at an earlier stage.

In the event that the member of staff/contractor raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. However, if the grievance and disciplinary cases are related it will usually be appropriate to deal with both issues concurrently.

In the event that disciplinary action is being considered against the Head of Music the Management Committee must ensure that committee members are removed from the process at the earliest stage to allow enough to be available to conduct the appeal stage.

3. Informal action

In cases of minor misconduct or under performance line managers should deal with matters informally by discussing the issues with the member of staff/contractor and encouraging them to achieve the required standards. This will involve setting clearly defined objectives and / or standards, monitoring them over a reasonable time period and providing training, advice, encouragement and any other appropriate forms of support. Such actions are not part of the formal disciplinary process.

Where informal action of this kind is decided upon, the line manager will send a follow-up letter to the member of staff/contractor specifying the standards required, how they will be monitored, and the review period during which improvements should be achieved and sustained. The letter will explain that the informal action is not formal disciplinary action but that if the member of staff/contractor fails to improve the formal disciplinary procedure may be instigated.

If the required standards of behaviour or performance are met and consistently maintained no further action will be needed. Records of the informal action will be kept on the member of staff/contractor's personnel file for reference.

If the member of staff/contractor fails to meet and / or maintain the standards required, despite being given appropriate support to do so, the line manager may extend the review period or proceed to initiate formal disciplinary action.

In certain circumstances it may, with mutual agreement, be helpful to consider using an independent third party to help resolve the problem. In some cases an external mediator might be appropriate.

4. Formal disciplinary procedure

Investigation

If formal disciplinary action is being considered the matter will be investigated. In misconduct cases the investigator shall obtain a statement from any witnesses they consider to be relevant. The amount of investigation necessary will depend on the facts of the case. In some situations this may involve an investigatory meeting with the member of staff/contractor, however this is not always necessary. If an investigation meeting is held the member of staff/contractor will be informed at the outset that the interview is an investigatory interview. There is no right for member of staff/contractors to be accompanied at a formal investigatory interview.

In cases of poor performance the investigatory stage will be the collation of evidence by the manager for use at the disciplinary hearing.

At the end of the investigation the manager will decide whether it is necessary to proceed with disciplinary action in which case the member of staff/contractor will be invited to a disciplinary hearing.

Suspension

In potentially serious cases it may be appropriate to suspend the member of staff/contractor on full pay until the investigation has been completed and a disciplinary hearing held. Suspension is not a disciplinary sanction in itself. During this time, the member of staff/contractor should remain away from Harrow Young Musicians but will be paid in the usual way. They should be reminded that they remain under the strict duty of fidelity as a member of staff/contractor and must not contact clients or colleagues without prior permission during this suspension period.

Any period of suspension will be as brief as possible.

Disciplinary hearing

The Head of Music will write to the member of staff/contractor specifying the allegations or under performance concerns and inviting them to attend a disciplinary hearing. The member of staff/contractor will be provided with any relevant supporting evidence and a copy of the disciplinary policy. The letter will also advise the member of staff/contractor of their right to be accompanied at the hearing by a workplace colleague or trade union official.

Where practicable, the member of staff/contractor will be given at least 48 hours' notice of any disciplinary hearing. They must take all reasonable steps to attend any meeting commenced under this procedure. If the member of staff/contractor (or their companion) fails to attend the meeting or gives notice that they cannot attend through circumstances beyond their control, a new date should be set. If the member of staff/contractor fails to attend on a second occasion the hearing may proceed in their absence, or it may be postponed again.

The member of staff/contractor will have the opportunity to state their case at the disciplinary hearing. The Head of Music may adjourn the disciplinary proceedings if it appears necessary to do so (for example if they need to gather further information or undertake further investigation). The member of staff/contractor will be informed of the period of any adjournment.

Following the hearing the Head of Music will decide whether to impose a disciplinary sanction and the member of staff/contractor will be advised in writing of the outcome. Where practicable the letter will be sent to the member of staff/contractor within five working days of the hearing. The member of staff/contractor will have a right of appeal.

Appeal

If the member of staff/contractor wishes to appeal against any disciplinary sanction they must do so in writing within five working days of the decision being taken, to the Chair of Harrow Young Musicians. The member of staff/contractor should set out the full grounds for appeal prior to the meeting.

The appeal will be heard by the Chair of the Management Committee or another member as long as they have had no prior involvement with the case. . Any person appointed under this procedure shall be deemed to have delegated authority from the Management Committee.

Where practicable the appeal meeting will be convened within 15 working days. The member of staff/contractor has the right to be accompanied at the appeal meeting by a workplace colleague or trade union official.

The decision will be final and, where practicable, the member of staff/contractor will be informed of the decision in writing within five working days of the appeal hearing.

5. Formal disciplinary sanctions

It should be noted that for cases of minor misconduct or poor performance, the process will normally go through each stage in turn. In cases of more serious misconduct or poor performance the Head of Music may enter the disciplinary procedure at Stage 2 or Stage 3 if appropriate.

Stage 1 – First written warning for misconduct

Where informal action has not brought about the desired improvement in conduct, or if the member of staff/contractor's conduct is considered sufficiently serious, a written warning will be given following the disciplinary hearing. This will include details of the misconduct and a statement that, if there is insufficient improvement after a reasonable period of time, a final written warning may be given. The warning will detail the member of staff/contractor's right of appeal.

Or

Stage 1 - Improvement note for unsatisfactory performance

Where informal action has not brought about the desired improvement in performance, an improvement note will be given following the disciplinary hearing. This will include details of the performance problem, the improvement required, and the timescale for improvement and review dates. It will also include a statement that, if there is insufficient improvement after a reasonable period of time, a final written warning may be given. The improvement note will detail the member of staff/contractor's right of appeal.

Stage 2 – Final written warning

If the member of staff/contractor's conduct or performance is still unsatisfactory after the period notified in Stage 1, or if the misconduct / performance issue in question is considered sufficiently serious, a final written warning will be given following the disciplinary hearing. The warning will state that, if there is insufficient improvement within a further period of time, the member of staff/contractor may be dismissed. The warning will detail the member of staff/contractor's right of appeal.

Stage 3 – Dismissal (with notice)

If there is insufficient improvement after the period notified in Stage 2 the member of staff/contractor will be dismissed with the appropriate notice following the disciplinary hearing. A letter will be sent to the member of staff/contractor detailing the reasons for the dismissal, the date on which their employment will terminate and the arrangements for the notice period. The letter will detail the member of staff/contractor's right of appeal.

Gross misconduct (dismissal without notice)

If, following an investigation and a disciplinary hearing, it is confirmed that the member of staff/contractor has committed an offence of gross misconduct during the course of their employment, the normal consequence will be dismissal without notice. The following list provides examples of offences which are normally regarded as gross misconduct, however this list is not exhaustive:

Theft, damage to company property, fraud, or any other act of dishonesty, a serious breach of the equal opportunities policy, incapacity for work due to being under the influence of alcohol or illegal drugs, physical or verbal assault towards another member of staff/contractor or client, gross insubordination, breach of confidentiality, refusal to

obey the reasonable orders of your immediate supervisor, willful disregard of health and safety rules, conduct outside or within the workplace which is likely to bring the bureau into disrepute, any deliberate acts of harassment or bullying or discrimination, serious misuse of the IT system, gross misconduct in the performance of your duties.

Alternative sanctions

As an alternative (or in addition) to one of the above disciplinary sanctions, the member of staff/contractor may be demoted with a corresponding reduction in pay or transferred to a different job, which may or may not be in a different workplace.

6. Probationary period

During the probationary period the disciplinary procedure above does not apply. In the event that the bureau is concerned about the member of staff/contractor's performance or conduct during the probationary period the member of staff/contractor's line manager will explore the issues with the member of staff/contractor, clearly setting out the areas for improvement. If, following this informal action, there is no improvement the following procedure will apply:

- 1.** Where the Head of Music is unhappy about the member of staff/contractor's performance or conduct or is concerned that they do not meet the requirements of their role then he/she will write to them notifying them of the concerns and inviting them to a meeting to discuss the matter.
- 2.** A meeting will then be convened to discuss the matter at which the member of staff/contractor has the right to be accompanied by a colleague or trade union official and following which they will be notified of the bureau's decision. The member of staff/contractor should note that they are obliged to make all reasonable efforts to attend the meeting convened.
- 3.** The member of staff/contractor has the right to appeal against the decision taken and at the appeal meeting they will again have the right to be accompanied and following the meeting they will be informed of the final decision in the matter.

Review cycle: Every 3 Years

Adopted Date: 3 November 2016

Next Review Date: November 2019