HSCC Staff Disciplinary & Grievance Policy

1. DISCIPLINARY PROCEDURE

2. Anybody working in an organisation may at some time have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about. We believe it is important to have a Disciplinary and Grievance Policy which clearly sets out the rules and procedures which we expect you to follow in line with current practices. We therefore urge you to familiarise yourself with this policy.

2.1. This policy will apply to all employees, volunteers, Directors and Board Members (hereinafter collectively referred to as Staff) and you are required to comply with it since it governs how we should work together. In the case of full-time staff any inconsistencies between this policy and your contract of employment, the terms of your contract will prevail.

2.2. **Introduction**

2.2.1. Concerns will be raised as a first stage informally. If the issue cannot be resolved then the HSCC may need to use the formal disciplinary procedure.

2.2.2. The disciplinary proceedings and any documents produced for these purposes will be kept confidential.

2.2.3. Staff will be given full written details of any allegations of misconduct, together (where possible) with any supporting evidence.

2.2.4. Staff will be given the opportunity to challenge these concerns before any decision is reached.

2.2.5. At all stages of the disciplinary process (except for investigatory interviews) the Staff member will be entitled to be accompanied.

2.2.6. Depending upon the circumstances the HSCC reserves its right not to carry out a separate investigation meeting.

2.3. Offences under the HSCC's disciplinary procedures fall into 3 categories namely:

2.3.1. misconduct

2.3.2. gross misconduct

2.3.3. incapability

2.4. The HSCC may deal with an unsatisfactory sickness record by using the disciplinary procedure if a Staff member has frequent time off for unexplained absence. Alternatively, if there is an underlying medical condition or an Staff member is off work long-term due to ill health the HSCC may seek medical details from the Staff member's Doctor or request that a medical report or assessment be undertaken and for any reasonable adjustments that need to be made in line with the member of staffs contract of employment.

2.5. There is a right of appeal at each stage of the procedure to the Executive Board.

2.6. **Informal Action**

2.6.1. In cases of minor misconduct or unsatisfactory performance, an informal approach may be used to try to resolve the matter. It may be that the matter is dealt with by way of a letter which outlines the future conduct of the member of Staff or the actions they are to take rather than taking formal action. However, if this is not appropriate, or if an informal approach does not result in the desired improvement, the standard disciplinary procedure will be applied. The HSCC may decide to issue a Verbal Warning or an Improvement Letter outlining a Personal Improvement Plan (PIP)to any member of Staff. This may or may not be part of the formal disciplinary process.

2.7. **Suspension**

2.7.1. In certain circumstances, the HSCC may decide to suspend a member of Staff from work or from events and Board meetings as part of a disciplinary process.

2.8. **Disciplinary Procedure**

2.8.1. No action will be taken before an investigation has been undertaken relating to the circumstances of the matter complained of.

2.8.2. If there is a need to adopt the formal disciplinary process the Staff member will be provided with written allegations setting out the Staff member's conduct or performance and the reason why this conduct or performance is unacceptable.

2.8.3. At the same time, the Staff member will be invited to attend a disciplinary meeting (and may be accompanied).

2.8.4. The member of staff will be provided with a copy of any documents that are to be used and must likewise provide in advance copies of any documents he or she intends to use not less than seven days prior to the scheduled meeting.

2.9. **The Disciplinary Meeting**

2.9.1. The meeting shall be held within a reasonable period of time and if possible, the timing and location of the hearing will be agreed with the Staff member.

2.9.2. The Staff member must make every reasonable effort to attend the meeting. If they fail to attend, and do not have a valid reason for not attending, a decision may be made in thier absence.

2.9.3. At the meeting the HSCC will confirm the details of the complaint and the evidence that has been gathered.

2.9.4. The Staff member will then have an opportunity to set out his or her case and answer the allegations being made. In doing so, they may ask questions and ask for any witnesses to attend. If the HSCC intends to use any witnesses at the disciplinary meeting it will give notice of this not less than seven days in advance.

2.9.5. The meeting may be adjourned if it is necessary or desirable, for instance to obtain more information.

2.10. **The Decision**

2.10.1. Once the meeting has been concluded, a decision will be made as to whether disciplinary action is justified and the Staff member will be informed either by meeting or in writing of the outcome of the hearing within a reasonable period of time. Before deciding on any disciplinary action, the HSCC will take into account the following:

- A Staff members disciplinary and general record;
- Actions taken by the HSCC in previous situations;
- The explanation given by the member of Staff concerned;
- Whether the decision is reasonable under the circumstances.

2.11. **Disciplinary Sanctions**

2.11.1. If it is concluded that the Staff members conduct or performance warrants disciplinary sanctions, and if the Staff member does not successfully appeal the decision, the following stages will usually be applied

2.12. **Stage 1 - First written warning**

The Staff member will receive a first written warning, setting out the improvements that need to be made and a timescale for achieving them. It may be that the Staff member has been issued with a verbal warning previously as part of the disciplinary procedure although the HSCC may move to a written warning if the issue warrants such action, as it is not obligated to issue a verbal warning. In the absence of further offences, the warning will be removed from the Staff member's records after twelve months. **The HSCC may extend the time the warning is**

in place in appropriate circumstances. In cases of misconduct the warning or note will be by way of a caution against future misconduct.

Stage 2 - Final written warning

If the improvements are not met within the timescale, or if there is continued misconduct or poor performance, the Staff member will be issued with a final written warning. This will set out further conditions for improvement or caution against future misconduct. In the absence of further offences, the warning will be removed after twelve months. **The HSCC may extend the time the warning is in place in appropriate circumstances.** It is not necessary for further misconduct to be the same as that set out in a previous warning in order to progress to either a final written warning or dismissal. It is sufficient that further misconduct has occurred.

Stage 3 - Dismissal

If the conditions of the final written warning are not met, or if the allegation concerns gross misconduct or gross negligence (regardless of whether there are any active warnings on the Staff member's record) the Staff member may be dismissed or in the case of a volunteer not offered any more work. In the case of a Board Member the issue will be referred to the Executive Committee for a decision. Gross misconduct/negligence will usually result in immediate dismissal or exclusion from the HSCC without notice or payment in lieu of notice.

2.13. If the Staff member's misconduct or poor performance is sufficiently serious, the disciplinary procedure may begin at stage 2 or stage 3.

2.14. **Appeals**

2.14.1. If the Staff member is dissatisfied with a disciplinary decision, he or she may appeal.

2.14.2. An appeal must be in writing, state the grounds for the appeal, and be lodged within five working days of the disciplinary decision with the Chief Executive.

2.14.3. At the meeting, the Staff member may be accompanied.

2.14.4. Following the appeal, the Staff member will be informed in writing of the outcome of the appeal hearing within a reasonable period of time.

2.15. **Examples of Gross Misconduct**

2.15.1. The following is a non-exhaustive list of offences which amount to gross misconduct:

2.15.2. dishonesty;

2.15.3. failure to comply with relevant statutory or regulatory requirements including Motorsport UK policies;

2.15.4. serious acts of insubordination and failure to follow reasonable unlawful instructions without jurisdiction;

2.15.5. violent, abusive or intimidating conduct;

2.15.6. deliberate damage to property;

2.15.7. sexual, racial or any other form of discrimination, harassment or bullying;

2.15.8. unauthorised use or disclosure of confidential information;

2.15.9. attending work under the influence of alcohol or drugs which have not been medically prescribed;

2.15.10. persistent refusal to carry out reasonable instructions;

2.15.11. accepting a gift which could be construed as a bribe;

2.15.12. a breach of the Health and Safety rules which endangers the health or safety of others;

2.15.13. falsification of reports, accounts, expense claims or self-certification forms;

2.15.14. failure to disclose correct information on an application form; and

2.16. **Examples of Misconduct (not amounting to Gross Misconduct):**

2.16.1. The following is a non-exhaustive list of offences which amount to misconduct:

2.16.2. unauthorised absence from work;

2.16.3. persistent lateness;

2.16.4. unacceptable performance;

2.16.5. disruptive behaviour;

2.16.6. minor breach of HSCC rules.

2.17. **GRIEVANCE PROCEDURE**

2.17.1. The grievance procedure is designed to help Staff members resolve any concerns, problems or complaints that they may have in relation to their employment.

2.17.2. Staff members should try to resolve any grievances informally with the Chief Executive. Where this is not possible, they should follow the grievance procedure.

2.17.3. The Staff member should give a written statement to the Chief Executive, setting out the alleged grievance in full.

2.17.4. If the grievance relates to the Chief Executive, the grievance should be raised with the HSCC Chair.

2.18. **The Grievance Meeting**

2.18.1. The Staff member will be invited to a hearing at a reasonable time following receipt of a grievance statement. The timing and location of the meeting will, whenever possible, be agreed with the Staff member.

2.18.2. The Staff member may be accompanied

2.18.3. At the hearing, the Staff member will have the opportunity to explain his or her grievance and say how he or she thinks it should be settled.

2.19. **The Decision**

2.19.1. Once the hearing has been concluded, the Staff member will be informed of the outcome of the hearing, in writing, within a reasonable period of time.

2.20. **Appeals**

2.20.1. A Staff member may appeal the outcome of the grievance hearing within five working days of receiving it. The appeal should be given in writing to the Chief Executive.

2.20.2. Appeals will be heard normally within five days from when the appeal is lodged unless there are exceptional circumstances. A senior member of staff or Board member will hear all appeals and their decision will be final. There will be no further right of internal appeal.

2.20.3. The Staff member will be informed of the appeal hearing's decision, in writing, within a reasonable period of time. The decision of the person hearing the appeal will be final.

2.21. **Records**

2.21.1. Minutes of all disciplinary and grievance hearings will be kept on your personnel file and you will be provided with a copy

2.21.2. The minutes will include:

2.21.3. details of the complaint against you;

2.21.4. your defence;

2.21.5. the findings made and action taken;

2.21.6. the reason for the actions taken;

2.21.7. whether an appeal was lodged and if so the outcome;

2.21.8. any subsequent developments

2.22. **Concurrent Grievance and Disciplinary/Dismissal Procedures**

2.22.1. In situations where the disciplinary/dismissal procedure has commenced and the grievance procedure has also commenced, the HSCC reserves the right to adjourn the disciplinary/dismissal hearing until the grievance has been dealt with. If the HSCC believes that both can be dealt with at the same time he will inform the Staff member accordingly.