NORTH WEST TAEKWONDO

Code of Conduct and Ethics Policy

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1. SCOPE

1.1. The Code applies to those involved with the North West TaeKwonDo (Sports & Fitness) Ltd (hereinafter NWTKD) at every level, whether as a member of staff, student, instructor/coach, official, volunteer or spectator, all have a responsibility to act according to the highest standards of integrity.

1.2. All partners must respect the rights, dignity and worth of every person, student and non-student alike, treating everyone equally within the context of activities and events. In particular, to be aware of the special needs of young people, their wellbeing, including difficulties or possible abuse experienced from within the game or from other sources.

NWTKD has a duty to ensure that everyone involved in Taekwondo activities or related events, whether child, young person or adult, is able to participate in an enjoyable and safe environment and be protected from abuse.

1.3. NWTKD is committed to maintaining the highest possible standards of behaviour and conduct at all activities and events.

2. EQUITY

The Equality Act 2010 came into force in October 2010 and replaces all previous equality laws and discrimination laws including the Sex Discrimination Act 1975, Race Relations Act 1976, and Disability Discrimination Act 1995. The Equality Act 2010 places responsibilities on the NWTKD as an employer and training provider to promote equality, prevent any forms of discrimination, and ensure everybody is treated with dignity and respect. The full NWTKD Equity Policy may be viewed separately.

3. EXPECTATIONS

3.1. Club Instructors/Coaches

The NWTKD qualifies instructors to teach Taekwondo. Instructors may sometimes be referred to as coaches.

Personal Responsibilities	**Specific to Children / Adults at Risk**
Must treat everyone fairly and sensitively regardless of their Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation and Ability	Ensure that proper supervision is provided by suitably qualified instructors/coaches and officials who are capable of promoting good sporting behaviour and good technical skills
Do not manipulate the rules in order to benefit yourself personally or your club	Accept the special role that you have to play in the establishment of standards by setting a good example of behaviour and conduct at all times
Encourage all students and instructor/coaches to abide by the rules and spirit of the activity	Show respect to students, instructors/coaches, officials and other volunteers involved in the activity/competition
Do not use foul, sexist or racist language	Remember activity is enjoyed for its own sake – play down the importance of awards
Use your official position to take action against others who harass, abuse or use foul, sexist or racist language towards participants, instructors/coaches, officials and volunteers	Children play for pleasure and winning is only part of the fun
Ensure all equipment and facilities meet safety standards	Keep yourself informed about sound teaching/coaching practices and the principles of children's growth and development
Check you have adequate insurance cover for the activities you are undertaking	Be reasonable in your demands on children's time, energy and enthusiasm - they need other interests too
Respect the rights of other clubs	Never ridicule or shout at a child for making a mistake or losing
Arrive in plenty of time to set up your activities and ensure safety	Take responsibility for the young people in your care until they have safely left the activity
Endeavour not to influence the result of an activity/competition by any actions that are not strictly within the rules	
Always have regard to the best interests of the sport, including where publicly expressing an	

opinion of the sport and any particular aspect of it, including others involved in it	
Resist all illegal or unsporting influences, including banned substances and techniques	
Promote ethical principles	
Set a good example which others can follow	
The successful instructor/coach invests in the wellbeing and interests of their students, not their win/loss record	
Teach your students that honest effort if more important than victory so that the result of each event is accepted without undue disappointment	
Teach students to be fair and to follow the rules	
Divide your time equally between all standards of students	
Ensure you and your students have respect for their opponents, the officials and opposing instructors/ coaches and supporters	
Follow advice from a professional when determining if an injured student is ready to play or train	
Ensure I follow NWTKD's policies and procedures.	

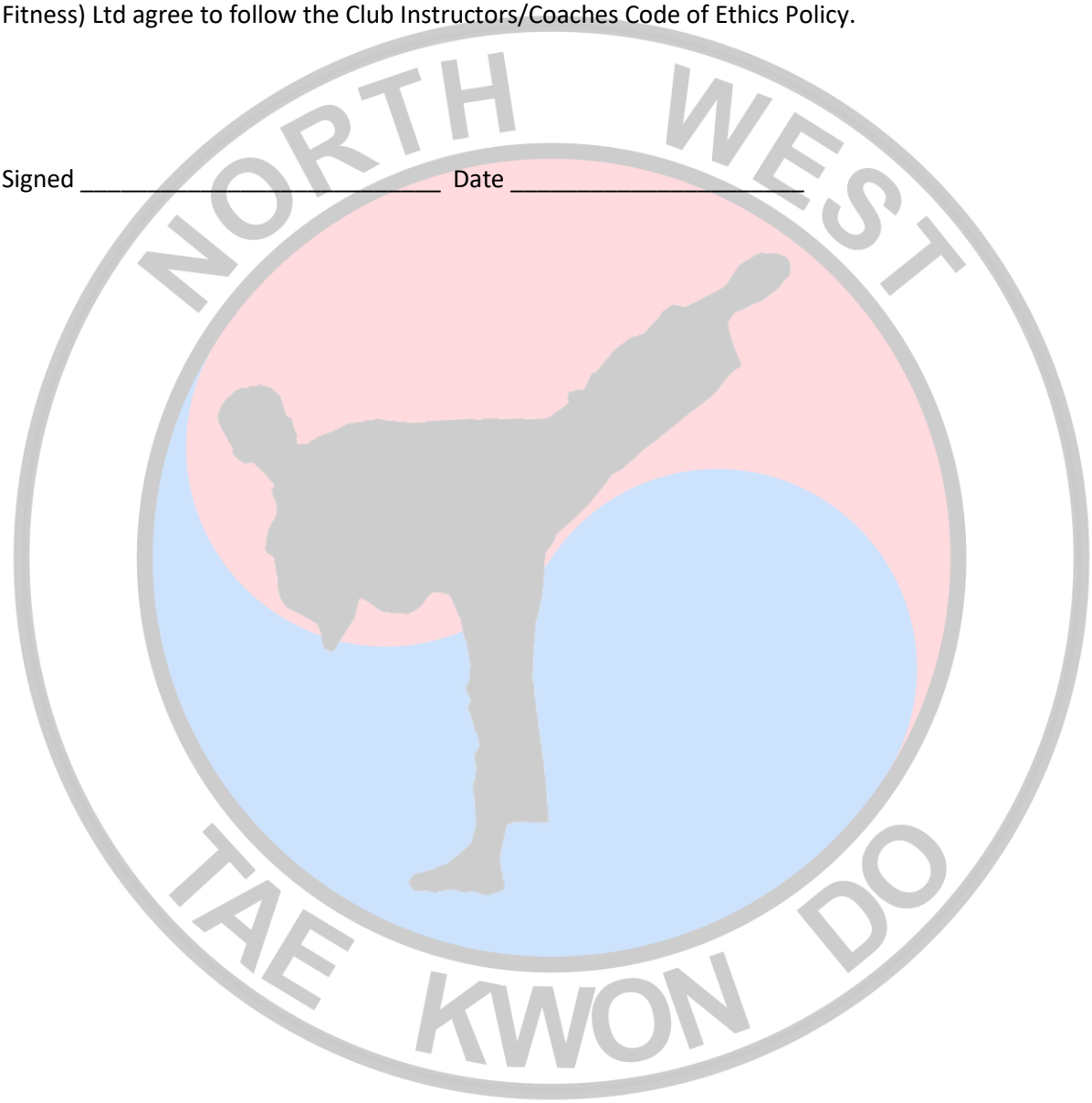
Instructor Etiquette

- Instructors need to maintain a degree of separation and keep respect from the students.
- Instructors need to be approachable & friendly.
- Instructors need to show their Seniors respect in the Dojang and in front of other students.
- Instructors need to treat all students and parents with respect.
- In class Instructors are to be called… Sir/Ma'am or Mr or Mrs X by juniors
- In class and in front of students, Instructors to use the same ethos with their seniors.
- Outside of class and on social occasions first names are normal.

- If a senior speaks to a junior e.g. Speaking to Miss Chloe Bevan, they can say '*Miss Bevan*' and set the tone. Equally it is acceptable to say '*Chloe'*.
- Be careful of instructor to instructor jokes in front of students.
- Regularly refer to students or junior Black Belts as Mr/Miss X to embed this mentality.

I _____(Name) as an Instructor for North West TaeKwonDo (Sports & Fitness) Ltd agree to follow the Club Instructors/Coaches Code of Ethics Policy.

Signed _____ Date _____



3.2. Students

Personal Responsibilities	Specific to Children / Adults at Risk
Must treat everyone fairly and sensitively regardless of their Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation and Ability	Play for fun and enjoyment - not just to please your parents and/or instructor/coach
Do not use foul, sexist or racist language at any time	
Arrive for training and matches in good time to prepare thoroughly	
Learn and play by the rules	
Abide by the instructions of the instructor/ coaches/staff and officials provided they do not contradict the rules	
Do not argue with competition officials and/or the instructor/coach - use your energies for playing better	
Recognise and applaud all good play	
Be a good sport - win with modesty, lose with dignity	
Respect opponents, instructors/coaches, club officials and competition officials - treat them as you would wish to be treated	
Co-operate with instructor/coach, fellow students and opponents	
Think about improving your skills after training and competition	
Inform the instructor/coach of any injury as soon as possible	
Inform the instructor/coach if you need to leave training/the event early	
Thank officials and opponents after competition	

3.3. Spectators

Personal Responsibilities	Specific to Children / Adults at Risk
Must treat everyone fairly and sensitively regardless of their Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation and Ability	Remember the participants are taking part for their enjoyment not yours, they are not professional athletes
All spectators, on no account, should enter the field of play/activity unless authorised otherwise	Please do not take photos/video during classes.
Do not use foul, sexist or racist language or harass students, instructors/instructor/coaches, officials or volunteers	
Condemn the use of violence and verbal abuse in all forms	
Respect officials' decisions. Remember they are human with the same feelings as you, are volunteers and, like you, sometimes makes an honest error	
Do not ridicule participants who make mistakes	
Do not over-emphasise the importance of winning	

3.4. Parents

Personal Responsibilities	Specific to Children / Adults at Risk
Must treat everyone fairly and sensitively regardless of their Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation and Ability	Remember that children play for their fun, not yours!
During club classes or other training sessions, respect the instructor/coach. If you have any issues or concerns, please address these to the instructor/coach after the lesson/training session	Encourage your child always to play by rules and to respect the instructor/coaches, officials and volunteers
Applaud all good play	Encourage children to play, do not force them
Learn the rules to better understand what you are looking at and commenting on	Praise your child's efforts whether they win or lose
Do not question the judgement of and show your appreciation to all officials, instructors/coaches and helpers	Never ridicule a child for losing or making a mistake
Condemn the use of violence, profane language and any form of abuse	Children learn best by following a good example
Think of how you can best help the instructor/coach and/or the club	Please do not take photos/video during classes.
As a spectator you must never enter the field of play/activity	

3.5. Officials

Personal Responsibilities	Specific to Children / Adults at Risk
Must treat everyone fairly and sensitively regardless of their Age, Disability, Gender reassignment, Marriage and civil partnership, Pregnancy and maternity, Race, Religion and belief, Sex, Sexual orientation and Ability	
Know the rules and regulations to ensure a professional event, safeguarding all participants and attendees	
Be honest, consistent, objective, impartial, courteous and compassionate when applying the rules of the event	
Compliment all competitors on good play when the opportunity arises	
Use common sense to ensure that the spirit of the event is not lost	
Encourage all participants to play within the rules and the spirit of the event/competition	
Try to ensure that the event/competition is allowed to flow with only as many stoppages as is necessary	
Show patience and understanding towards students who may be learning the event/competition	
Not be afraid to take decisions. An official should be wise, fair and firm and resist any possible influence from protests on the part of students, team officials or spectators	
Show respect towards students and team officials	
Inform the person or body directly responsible if unable to officiate for any reason	
Refrain from requesting hospitality of any kind, or accept any hospitality offered and considered to be excessive	

Always have regard to the best interests of the game/competition, including where publicly expressing an opinion on the game/competition or any particular aspect of it, including others involved	
Do not tolerate foul, sexist or racist language from students, officials, spectators	
In reports, an official should set out the true facts and not attempt to justify any decisions	
It is necessary for the official's authority to be protected, not only for the sake of the event/competition, but also in the interest of fellow officials. This protection should, however, not influence the overriding regard for protection of the participants	
An official should assist with the development of less experienced officials and assistant officials	

4. BREACHES OF NWTKD CODE OF CONDUCT

4.1. Any behaviour by student, official, instructor/coach, instructor's assistant, volunteer or spectator deemed to contravene the NWTKD Code of Conduct should be dealt with in line with the NWTKD Disciplinary Policy.

4.2. Any behaviour by student, official, instructor/coach, instructor's assistant, volunteer or spectator deemed to contravene the NWTKD Safeguarding: Protecting Children and Adults at Risk Policy and Implementation Procedures should be reported as detailed in the NWTKD Safeguarding Policy.

APPENDIX A – COMPLAINTS POLICY

The procedure described below is to enable any individual or organisation wishing to make a general complaint against North West TaeKwonDo (Sports & Fitness) Ltd (Herein NWTKD):

- Instructor/Coach
- Instructor's Assistant
- Official
- Student
- Parent/Carer
- Volunteer
- Club

NB: If the matter relates to safeguarding of a child or vulnerable adult, please communicate directly with NWTKD Safeguarding Officer, the Police or Social Services, as detailed in the NWTKD Safeguarding Policy.

1. In the first instance, discuss the matter with the club instructor/coach. If you do not achieve a satisfactory resolution, you are advised to communicate in writing to the Chief Instructor.

2. The Chief Instructor will acknowledge receipt of your communication and be in touch with you directly to see if the issue can be resolved.

3. If you are still not satisfied with the response the matter will be included as an item on the agenda of the next Black Belt Board of Control Meeting.

4. The Black Belt Board of Control Secretary will advise in writing the outcome of the Black Belt Board of Control Meeting.

5. If you are dissatisfied with the response from NWTKD, you may wish to refer the matter on to an appropriate external/national body.

APPENDIX B – DATA PROTECTION POLICY

1. General principles

This policy follows the seven principles of the General Data Protection Regulations 2018 which superseded the Data Protection Act 1998 (effective from 1st March 2000) and regulates how personal data about individuals can be held, stored and used. The responsible officer for issues in relation to Data Protection and confidentiality is the Lead Safeguarding Officer, who will also ensure that North West TaeKwonDo (Sports & Fitness) Ltd (hereinafter NWTKD) maintain the relevant ICO (Information Commissioner's Office) Licence.

2. Reference

https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-dataprotection-regulation-gdpr/principles/

3. Procedure

3.1 NWTKD will process individuals' personal data fairly and lawfully and ensure that appropriate measures are taken to protect against unauthorised or unlawful processing of personal data and against accidental loss of, or damage to, personal data.

3.2 In line with our legal obligations as laid down by the General Data Protection Regulation (GDPR) 2018, NWTKD needs to keep information about officers and recognised instructors. Information held includes contact data (names, addresses, email and telephone number) and accreditation information, including DBS/PVG Scheme Disclosure details.

3.3 The information held will be for NWTKD management and administrative use and to advise authorised and interested parties (e.g. schools, local authorities, venue providers, prospective members, parents and carers). NWTKD may, from time to time, need to disclose some information held about officers/registered instructors to relevant third parties (e.g. where legally obliged to do so by Inland Revenue, Police or when requested to do so by individuals for the purpose of giving a reference). NWTKD will advise the individual concerned about these requests, if permitted. NWTKD recognise that officers and instructors/coaches use information about individuals and associations during the course of their work or activities. In most cases information will not be stated as confidential and it will be necessary to use common sense and discretion in deciding whether information is expected to be confidential. This policy aims to give guidance but if in doubt, seek advice from the NWTKD Lead Safeguarding Officer.

3.4 Officers and instructors/coaches are able to share information with their line manager where necessary to discuss issues and seek advice.

3.5 Officers and instructors/coaches should avoid exchanging personal information about individuals with whom they have a professional relationship.

3.6 It is not appropriate to discuss a person's sexuality without their prior consent.

3.7 Officers and instructors/coaches should avoid talking about clubs or individuals in social settings.

3.8 Officers and instructors/coaches will not disclose to anyone, other than their line manager, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual, or an officer, in the case of a member club.

3.9 If it is necessary to discuss difficult situations with each other to gain a wider perspective on how to approach a problem, the member club's consent must be sought before personal information enters into the discussion unless it is beyond doubt that the member organisation would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.

3.10 Where there is a legal duty on NWTKD to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has been, or will be, made.

4. Why information is held

4.1 Most information held by NWTKD relates to member clubs or individuals which are in membership or fund them.

4.2 Information is kept to enable NWTKD to undertake all duties associated with its role as a professional TaeKwonDo Association and Sports and Fitness provider, including DBS/PVG Scheme information.

4.3 NWTKD has a role in putting people in touch with voluntary and community organisations and keeps contact details which are passed on to any enquirer, except where the member club expressly requests that the details remain confidential.

4.4 Information about students is given to the relevant member club and to no one else.

4.5 Information about ethnicity and disability of users is kept for the purposes of monitoring our Equity Policy and also for reporting back to funders. This data is normally anonymised.

5. Access to information

5.1 Information is confidential to NWTKD as an organisation and may be shared with member clubs to ensure the best quality service for members.

5.2 Where information is sensitive, i.e. it involves disputes or legal issues; it will be confidential to the officers dealing with the case. Such information should be clearly labelled 'Confidential' and should state the names of the officers entitled to access the information and the name of the individual or group who may request access to the information.

5.3 Officers, instructors/coaches and volunteers will not withhold information from their line manager unless it is purely personal.

5.4 Officers, instructors/coaches and volunteers may have sight of their personal records by giving 40 days' notice in writing to the Chair. NWTKD reserve the right to charge £10 for such requests.

5.5 When photocopying or working on confidential documents, staff/officers must ensure they are not accidentally seen by others. This also applies to information on computer screens.

6. Storing information

6.1 General non-confidential information about associations is kept in unlocked filing cabinets with open access to all NWTKD officers.

6.1 Information about volunteers, students and other individuals will be kept in lockable filing cabinets by the officer directly responsible. These officers must ensure line managers know how to gain access.

6.2 Officers and instructors'/coaches' personal information will be kept in accordance with DBS/PVG Scheme requirements, in lockable filing cabinets accessed only by authorised officers.

6.3 Files or filing cabinet drawers bearing confidential information should be labelled 'confidential'.

6.4 In an emergency situation, the Chair may authorise access to files by other people.

6.5 Any information held electronically must be password protected.

7. Duty to disclose information

7.1 There is a legal duty to disclose some information including:

• Child abuse will be reported to the Social Services Department

• Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the police

7.2 In addition, if officers or instructors/coaches believe that an illegal act has taken place, or that a member is at risk of harming themselves or others, they must report this to the Chair or an appropriate NWTKD officer, who will report it to the appropriate authorities.

7.3 Members should be informed of this disclosure.

8. Breach of confidentiality

8.1 Members who are dissatisfied with the conduct or actions of any officer, instructor/coach or volunteer of NWTKD should use the Whistleblowing procedure, if necessary, and not discuss their dissatisfaction outside NWTKD.

8.2 Officers or instructors/coaches accessing unauthorised files or breaching confidentially may face disciplinary action. Ex-officers, instructors/coaches or members breaching confidentiality may face legal action.

APPENDIX C – CAPABILITY POLICY AND PROCEDURE

1 INTRODUCTION

1.1 North West TaeKwonDo (Sports & Fitness) Ltd (NWTKD) is committed to ensuring that all staff are supported and developed so that they can achieve and deliver their best possible standard of work. This policy is designed to encourage and maintain high standards of capability, efficiency and work performance so as to ensure excellent training and support for students.

1.2 This document provides a fair and objective structure for managing an employee's work performance where it falls below an acceptable level. If work performance relates to sickness absence, please refer to the Absence Management Policy. Any issues of capability and conduct will be dealt with through the Disciplinary Policy.

2 SCOPE

The Policy and Procedure set out in this document applies to all NWTKD instructors and employees. We reserve the right to review and amend this Policy as and when required.

3 ROLES AND RESPONSIBILITIES

3.1 The Chief Instructor (CI) has overall responsibility for the maintenance of high standards of performance within NWTKD. Head of NWTKD Member Clubs are responsible for the overall maintenance of high standards of instruction and performance within their club. The authority to dismiss under this policy rests with Heads of Member Clubs or other Senior Managers within NWTKD.

3.2 Heads of NWTKD Member Clubs and NWTKD Senior Managers will:

a) Set and maintain clear, fair and consistent standards of performance at work.

b) Deal with under performance as and when it arises and inform employees when their training or work is falling below expectations in an appropriate and constructive way.

c) Bring the Capability Policy and Procedure to the attention of employees.

d) Be aware of and refer to the company's Absence Management Policy in terms of health-related poor performance.

3.3 Instructors and employees will:

a) Co-operate with their manager to resolve any problems which are identified in relation to their performance.

b) Co-operate with any investigation under the Capability Policy and all reasonable management instructions and support whilst performance issues are being managed

4 PRINCIPLES

a) To ensure that staff know what performance standards are expected of them.

b) To ensure that performance standards are reasonable and achievable.

c) To primarily help and encourage employees to improve unsatisfactory performance.

d) To provide appropriate development, training and support.

e) To ensure that a fair and structured process is applied consistently, that the employee's feedback is taken into consideration and that any formal steps taken are confirmed in writing clearly stating a right of appeal.

f) An employee has the right to be accompanied by their trade union representative or work colleague at any formal capability meeting.

g) To ensure that matters are dealt with as quickly and reasonably as possible and that appropriate confidentiality is maintained.

h) Not to discriminate against any individual in the application of this policy and procedure on the basis of any protected characteristic or other grounds protected in law.

5 WHAT COULD CONSTITUTE A CAPABILITY MATTER?

A capability issue may arise when standards and expectations are not being satisfactorily met e.g. an employee is failing to carry out their responsibilities or duties in a satisfactory manner because of a lack of ability. Capability issues may arise due to lack of knowledge or experience, an inability to adjust to changes in work practices, an inability to cope with workloads or timescales. In all these cases there must be factual information to support these concerns which clearly demonstrate that acceptable standards of performance are not being met and that the employee should reasonably have known what was expected of them. Consideration must always be given to the level of training and support that has been given and also whether there may be any underlying health issues or concerns outside of work that may be affecting the employee.

6 FAST TRACK CAPABILITY CASES

6.1 Particularly serious cases of incapability may be fast tracked e.g. where it becomes clear that an acceptable or appropriate level of improvement is beyond the ability of the employee, where there is a lack of co-operation with suggested methods to achieve improvement or where the unacceptable performance is so serious in terms of impact on students and services that it warrants immediate and fast action.

6.2 In these circumstances the formal process of the capability policy and procedure will be implemented, and a final written improvement notification issued if appropriate. This must be followed by a period of performance monitoring and will be followed by a Stage 3 (final stage) hearing where insufficient improvement has been achieved. This may result in dismissal. Advice from senior management should be sought before any fast track action is taken.

7 INFORMAL ACTION

The employee should be made aware that there are concerns about their performance at an early stage, informed of the detail of the concerns and provided with constructive advice and support to assist in addressing those concerns. The employee should have the opportunity to respond to the issues raised. Reference should be made to 1-1 notes where concerns have previously been highlighted and the employee should be provided with examples of where their training or work has not met a satisfactory standard. Specific actions including training and support where appropriate should be agreed, recorded and monitored. Every effort should be made to allow the employee time and opportunity to make improvements through the informal process before moving to the formal process.

8 FORMAL STAGES

This formal capability process should be followed where there are serious concerns that the informal process has been unable to satisfactorily address. Each stage of the formal process should involve a meeting, confirmation of the outcome and an action plan (Performance Improvement Plan) and a period of monitoring and review. An Improvement warning may be issued at each stage. This is similar to a warning under the Disciplinary Policy but the difference in wording reflects the fact that the primary aim of the Capability Policy is to help and support people make and sustain improvements.

8.1 First Stage – First Written Improvement Warning

8.2 Formal capability meeting

A capability meeting to establish and discuss the facts will be conducted by the Head of the NWTKD Member Club or another senior manager. The employee must be given reasonable notice of the meeting to allow them time to prepare and all relevant information must be shared with the employee beforehand, at least 5 working days. The employee must be given the opportunity to present their response to the issues of concern.

8.3 Monitoring and review period following a formal capability meeting

A performance monitoring and review period will follow the capability meeting (conducted by the senior manager), the purpose of which is to monitor progress and enable satisfactory improvement to be made and maintained. Formal monitoring, evaluation, guidance and support will be agreed for this period and will be recorded in a Performance Improvement Plan (PIP).

8.4 Formal review meeting

8.5 A formal review meeting will be conducted by the Head of the NWTKD Member Club or senior manager following the monitoring and review period.

8.6 If there has been improvement the manager may confirm that the formal process has been satisfactorily concluded. However, they should be clear that if further issues arise then the process may begin move to the second stage. If there has been some improvement the manager may agree an extension to the review period depending on the circumstances.

8.7 If no, or insufficient improvement has been made during the monitoring and review period, the employee may receive a first written Improvement warning. The warning will remain “live” for future performance purposes for 6 – 12 months, depending on the circumstances. The exact time period will be confirmed in writing to you along with your right to appeal.

8.8 The outcome must be confirmed in writing within 5 working days including follow up actions, training and support and the potential consequences of a failure to make or sustain improvements.

9 STAGE 2 – FINAL WRITTEN IMPROVEMENT WARNING

9.1 Monitoring and review period following a first improvement warning

A performance monitoring and review period will follow the formal first written warning; the purpose of which is to monitor progress against the PIP and enable satisfactory improvement to be made. This will be conducted by the Head of the NWTKD Member Club or senior manager. Formal monitoring, evaluation, guidance and support will again be agreed and continue during this period. The PIP will be updated.

9.2 Formal review meeting

A formal review meeting will be conducted by the senior manager following the monitoring and review period.

9.3 If there has been improvement the manager may confirm that the formal process has been satisfactorily concluded. However, they should be clear that if further issues arise then the process may begin at Stage 3. If there has been some improvement the manager may agree an extension to the review period under Stage 2 depending on the circumstances.

9.4 If the employee has received a written Improvement warning and their performance remains unsatisfactory and there are no significant mitigating circumstances, then they may be issued with a final Improvement warning as at stage 1 the warning will remain "live" for future performance purposes for 6 – 12 months, depending on the circumstances. The exact time period will be confirmed in writing to you along with your right to appeal. The outcome must be confirmed in writing within 5 working days including follow up actions, training and support and the potential consequences of a failure to make or sustain improvements.

10 STAGE 3 – FINAL STAGE

10.1 Monitoring and review period following a final improvement notification

A performance monitoring and review period will follow the formal Stage 2; the purpose of which is to review performance, the steps that have been put in place to assist improvement and to give a final opportunity for improvement to be made. This will be conducted by the Head of the NWTKD Member Club or senior manager. Formal monitoring, evaluation, guidance and support based on dialogue between the employee and their line manager will again be agreed and continue during this period. The PIP will be updated.

10.2 If there has been improvement the manager may confirm that the formal process has been satisfactorily concluded. However, they should be clear that if further issues arise then the process may begin at Stage 3. If there has been some improvement the manager may agree an extension to the review period under Stage 3 depending on the circumstances.

10.3 If insufficient improvement has been made during the monitoring and review period then a Stage 3 (Final Stage) Hearing shall be convened. It should be made clear to the employee that a Stage 3 Hearing may result in their dismissal.

10.4 Stage 3 (final stage) hearing – Conducted by an appropriate independent senior manager with authority to dismiss

10.5 The employee should be given reasonable written notice of the Stage 3 Hearing, ideally no less than 5 working days and should be provided with copies of all the evidence including PIPs that have led to the Stage 3 (Final Stage) Hearing. The Hearing will allow the manager and the member of staff the opportunity to provide relevant information.

10.6 Any decision to dismiss must be confirmed in writing ideally within 5 working days of the decision. The employee will be entitled to receive their contractual or statutory notice entitlement (whichever is the longer) which will be paid in lieu. The letter should confirm the employee's right to appeal the decision.

10.7 Before deciding whether to dismiss, the hearing chair must consider the following:

a. Whether reasonable standards of performance have been set and whether these have been made clear to and understood by the employee.

b. Whether the employee was advised of the consequences of failing to meet the standards

c. Whether the employee was given appropriate support, training and 1-1 guidance

d. Whether the employee was given a reasonable amount of time for improvement.

e. Whether the informal and formal processes have been followed in a fair and reasonable way.

f. Whether there are any mitigating circumstances that might explain the concerns and whether any appropriate adjustments were made to account for these.

g. The possibility of redeployment or other alternatives where appropriate.

11 TIMESCALES AND EXTENSIONS

11.1 The length of each monitoring and review period described above may vary depending on the employee's role and the performance concerns. Review periods must give a reasonable amount of time for improvements to be made with due regard to the needs of NWTKD and students.

11.2 If a reasonable and appropriate level of improvement is reached that does not warrant a move to the next stage, the PIP should be maintained for an agreed period and revised accordingly. If performance remains satisfactory the manager should confirm this in writing and conclude the PIP. However, the member of staff should be informed that any further issues will be picked up at the stage the employee reached rather than at the beginning.

11.3 If improvement is completely satisfactory in all respects then the PIP will be concluded but the member of staff will be informed about the consequences of any further issues arising, as above.

12 RIGHT TO BE ACCOMPANIED

12.1 The employee has the right at any formal capability hearing to be accompanied by an accredited trade union representative, if they are a member, or work colleague but not a friend, family member or legal representative. NWTKD will not meet any of the costs associated with the attendance of the representative at a disciplinary hearing beyond granting paid time off to a representative who is a NWTKD employee.

12.2 The role of the representative is to support the employee. They should have the opportunity to ask questions of clarification and confer with the employee. The representative should not normally answer questions on behalf of the employee.

However, if there are potential communication issues and the employee agrees, the representative may answer questions on their behalf as long as the accuracy of the responses are checked with the employee.

13 RIGHT OF APPEAL

13.1 An appeal must be made in writing to the CI within 10 working days of receipt of the written confirmation of a formal warning. The purpose of the appeal meeting is not to re-hear the original performance issues and all the evidence; instead, the appeal meeting will normally be a review of the decision taken, usually by a more senior manager. At the appeal meeting, the manager who chaired the formal performance meeting will usually present the reasons for their findings and an

explanation of why the sanction was given. The employee will then be able to respond, ask questions, and put forward any mitigating circumstances or evidence to support the appeal

13.2 Appeals will be heard by the CI, Head of the NWTKD Member Club or a senior manager not involved in the original capability process. HR advice may be sought. The appeal will generally be held within 5 working days of receipt of the appeal later.

13.3 The appeal hearing officer will consider whether the original decision was a reasonable response given the circumstances of the case. An appeal may overturn the sanction or apply a lesser sanction. An appeal will not usually impose a more severe penalty.

13.4 The outcome of the appeal must be confirmed in writing ideally within 5 working days of the appeal hearing. If a decision to dismiss has been overturned, the employee will be reinstated with no break in service. The employee will be informed that there is no further right of appeal.

APPENDIX D – WHISTLEBLOWING POLICY

1. INTRODUCTION

North West TaeKwonDo (Sports & Fitness) Ltd (hereinafter NWTKD) is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of the Company to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs.

Nevertheless, where an individual discovers information which they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management (although in relatively minor instances the line manager would be the appropriate person to be told).

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. NWTKD has endorsed the provisions set out below so as to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by NWTKD nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures. Once the "whistleblowing" procedures are in place, it is reasonable to expect staff to use them rather than air their complaints outside NWTKD.

2. SCOPE

This policy is designed to enable employees and members of NWTKD to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary. These concerns could include:

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

3. SAFEGUARDS

3.1 Protection

This policy is designed to offer protection to those employees or members of NWTKD who disclose such concerns provided the disclosure is made:

• In good faith

• In the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

3.2 Confidentiality

NWTKD will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3.3 Anonymous Allegations

This policy encourages individuals to put their name to any disclosures they make.

Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Company.

In exercising this discretion, the factors to be taken into account will include:

• The seriousness of the issues raised

• The credibility of the concern

• The likelihood of confirming the allegation from attributable sources

3.3 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure the individual should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

4. PROCEDURES FOR MAKING A DISCLOSURE

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

• Complaints of malpractice will be investigated by the appropriate Director unless the complaint is against the Director or is in any way related to the actions of the Director. In such cases, the complaint should be passed to the Chief Instructor for referral.

• In the case of a complaint, which is any way connected with but not against the Director, the Chief Instructor will nominate a Senior Manager to act as the alternative investigating officer.

• Complaints against the Chief Instructor should be passed to the Chair who will nominate an appropriate investigating officer.

• The complainant has the right to bypass the line management structure and take their complaint direct to the Chief Instructor. The Chief Instructor has the right to refer the complaint back to management if he/she feels that the management without any conflict of interest can more appropriately investigate the complaint.

Should none of the above routes be suitable or acceptable to the complainant, then the complainant may approach one of the following individuals who have been designated as points of contact under this procedure. They can advise the complainant on the implications of the legislation and the possible internal and external avenues of complaint open to them:

1. NWTKD Independent Liaison Officer

If there is evidence of criminal activity, then the investigating officer should inform the police.

NWTKD will ensure that any internal investigation does not hinder a formal police investigation.

5. TIMESCALES

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address.

6. INVESTIGATING PROCEDURE

The investigating officer should follow these steps:

• Full details and clarifications of the complaint should be obtained.

• The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.

• The investigating officer should consider the involvement of the Company auditors and the Police at this stage and should consult with the Chief Instructor.

• The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.

• A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Chief Instructor or Chair as appropriate.

• The Chief Instructor / Chair will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Company procedures.

• The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

• If appropriate, a copy of the outcomes will be passed to the Company Auditors to enable a review of the procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Chief Instructor / Chair, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, NWTKD recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.