NORTH WEST TAEKWONDO

DISCIPLINARY POLICY

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1 INTRODUCTION

This document sets out how North West TaeKwonDo (Sports & Fitness) Ltd (Herein NWTKD) will deal with any issues involving an instructor's or an employee's conduct falling below normal or acceptable standards. Its aim is to help and encourage all instructors/employees to achieve and maintain the required standards of conduct and to ensure that NWTKD is objective, reasonable and consistent in its approach to dealing with conduct issues.

2 SCOPE

2.1 This policy sets out NWTKD's approach to dealing with misconduct by any NWTKD instructors/employees. It does not form part of your terms and conditions of employment and may be subject to change at our discretion.

2.2 NWTKD expects a high standard of conduct from employees at all times. This policy aims to promote, improve and maintain this high standard, whilst ensuring that everyone is treated fairly and consistently. We expect employees to work closely with us to ensure that any issues are resolved as quickly as possible.

2.3 This policy applies throughout every aspect of work with NWTKD, and also extends to events outside of the workplace where there is a link to work, e.g. work-related social events, social media.

2.4 Unless there is a potential issue of gross misconduct, we will usually try to deal with disciplinary issues informally first. If we proceed to the formal stages of this policy, then our aim will be to work with employees to make improvements immediately wherever possible.

2.5 If there are issues with performance as well as conduct, then this will usually be the lead policy, but we will refer to NWTKD Capability Policy wherever appropriate.

3 ROLES AND RESPONSIBILITIES

3.1 The Chief Instructor (CI) has overall responsibility for the maintenance of high standards of conduct within NWTKD. Heads of Member Clubs (HMCs) are responsible for the overall maintenance of high standards of conduct within their Club. The authority to dismiss rests with HMC or other Senior Managers within NWTKD.

3.2 Head of Member Clubs and Senior Managers will:

a) Ensure that all instructors and employees are aware of the required standards of conduct and follow appropriate policies and procedures.

b) Promptly draw an instructor's/employee's attention to any way in which his/her conduct falls below what is expected of them.

c) Apply this policy fairly and consistently.

d) Advise and support instructors/employees informally on matters which do not require action under the formal procedure

e) Keep notes of /and appropriately file any informal or formal discussions relating to conduct issues and maintain confidentiality

3.3 Instructors and Employees will:

a) Take full personal responsibility for maintaining a standard of conduct in line with NWTKD expectations, policies and procedures

b) Co-operate with any investigation being carried out into their own or others' alleged misconduct

c) Attend and take part in any disciplinary investigation meeting or hearing and be prepared to put forward their version of events and/or explain their conduct fully, honestly and truthfully

d) Maintain confidentiality

3.4 Investigating Officers will:

a) Seek guidance from NWTKD management team as appropriate

b) Ensure the provision of a complete, thorough investigation report, within a recommended timeline and to a high standard

c) Advise the relevant senior manager of any potential conflict of interest that might prejudice a fair investigation

d) Make a recommendation to the manager who will chair any disciplinary hearing as to whether or not there is a case to answer

e) Will normally attend disciplinary hearings to present the management case

f) Maintain contact with an employee who is suspended, where appropriate

g) Maintain confidentiality

4 TYPES OF MISCONDUCT

Some examples are given below of what may constitute misconduct or gross misconduct. These lists are not exhaustive and each case will be decided individually. Misconduct and gross misconduct can take place in a number of forms, for instance, verbally, in writing or online such as on social media websites.

5 MISCONDUCT

Depending upon the severity, the appropriate disciplinary sanction for the misconduct issues below can range from formal warnings to dismissal with notice.

In addition, the issues below may also amount to gross misconduct, depending on the circumstances and your role:

• Poor time-keeping;

• Failure to comply with NWTKD's policies and procedures;

• Cancelling a session at short notice or failing to attend a booked session;

• Failure to carry out reasonable management instructions;

• Disruption to other instructors/employees carrying out their duties;

• Reckless damage to or loss of NWTKD's property;

• Rudeness to other colleagues, staff, customers, parents or other third parties;

• Smoking in non-designated areas of NWTKD's premises;

• Failure to work in accordance with Health and Safety policies;

• Misuse of social media;

• Failure to report a potential safeguarding concern relating to a vulnerable child or adult;

• Persistent absenteeism including intermittent and unrelated absences;

• Unauthorised absence from place of work without reasonable cause.

6 GROSS MISCONDUCT

Examples of gross misconduct, which would usually lead to summary dismissal, include:

• Persistent refusal to carry out reasonable management instructions or insubordination;

• Abusive, aggressive, offensive or threatening behaviour towards other colleagues, staff, customers, parents or other third parties;

• Assault, physical violence and/or indecent behaviour towards other colleagues, staff, customers, parents or other third parties;

• Bullying and/or harassment of other colleagues, staff, customers, parents or other third parties;

• Theft or unauthorised possession of property belonging to NWTKD, other colleagues, staff, customers, or other third parties;

• Fraud, bribery (giving or receiving) or deliberate falsification of records or documents;

• Being arrested, charged, cautioned or convicted of a criminal offence (including theft or fraud) which NWTKD considers renders you unsuitable or unable to carry out your duties;

• Wilful or deliberate damage to property or possessions belonging to NWTKD, other colleagues, staff, customers, clients or other third parties;

• acting in such a way as to bring NWTKD into disrepute;

• Unauthorised possession, copying, operation, utilisation, destruction or retention of NWTKD records (including computer records) or documents;

• Any acts of unlawful discrimination, taking into account the Equality Act 2010;

• Any act of deceit or dishonesty relating or connected to your employment or NWTKD business or affairs, including receiving personal benefits from those seeking to do business with NWTKD and wilful concealment of relevant facts/information;

• Failure to disclose relevant/accurate information for criminal record checking procedures;

• Divulging any confidential information belonging to NWTKD to any third parties without prior authority or consent or as part of the proper performance of duties (subject always to the Whistle-Blowing Policy);

• Serious breach of NWTKD's equal opportunities or dignity at work policies;

• Being under the influence of alcohol or prescribed drugs, or dealing drugs, whilst in a working environment or with working contacts;

• Endangering the health or safety of others;

• Negligence in the performance of work duties;

• Indecent behaviour;

• Internet, email or social media abuse;

• Not having eligibility to work in the UK and wilfully concealing this.

7 INFORMAL PROCESS

7.1 It is expected that most minor one-off conduct issues will be dealt with informally. It is usually the case that the right word, in the right way, at the right time will resolve minor conduct issues quickly and effectively. The instructor/employee should be told what their shortcomings are, what is expected and the consequences of not addressing these conduct issues. A verbal warning should be issued and note of the discussion should be kept on file.

7.2 Where informal action fails to bring about the necessary improvement or the issues are more serious, then the formal stages of this policy will be followed.

8 FORMAL PROCESS

8.1 The formal stages of the Disciplinary procedure are based upon a graduated system of warnings with more serious sanctions being applied where poor conduct is repeated.

The stages are listed below. The seriousness of the offence may result in stages in the process being missed out. An instructor/employee will not usually be dismissed for a first breach of discipline. However, in cases of serious or gross misconduct an employee may be dismissed without having had any prior formal warnings.

8.2 When deciding whether a disciplinary sanction is appropriate and what form it should take the following factors will be taken into account: the instructor's/employee's disciplinary and general work record, length of service, the explanation given by the instructor/employee (including mitigating circumstances), actions taken in any previous similar case and whether the intended disciplinary action is reasonable in the specific circumstances of the case. Actions which may be taken include:

• First Written Warning

The warning will normally be current for 12 months and may be taken into consideration in any future disciplinary action. This would generally be for first offence of misconduct.

• Final Written Warning

The warning will normally be current for 18 months and may be taken into consideration in any future disciplinary action.

• Dismissal

This would be for the recurrence or accumulation of offence/offences or for gross misconduct.

8.3 The length of warning may be amended depending on the circumstances. No warning should be issued without an investigation and a hearing. Formal warnings should state clearly the reasons for

the warning, identify any actions, the consequences of further misconduct and the length of time the warning is to be retained on file.

9 OTHER ACTION

It is possible that the outcome of a hearing may be that no further action is necessary because there is no case to answer. This is likely to be an unusual outcome as it should be apparent before a Hearing is organised whether there is sufficient evidence to justify a Hearing.

10 EXPIRY OF WARNINGS

10.1 At the end of the warning period all reference to the warning will be removed from the personnel file and destroyed. If there is further misconduct during the warning period which results in another warning being issued, the previous warning will remain on file until the expiry of the subsequent warning.

10.2 There may be circumstances where it is necessary for disciplinary records to be kept for an extended period for example in cases which involve abuse of children or vulnerable adults or serious harassment.

11 SUSPENSION

11.1 There may be instances where suspension from work with pay (employees) is necessary while an investigation is carried out e.g., In cases of alleged gross misconduct, or to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence other options must always be considered e.g. a move to other work or another work location.

11.2 Suspension will be for as short a period possible and will only be implemented after careful consideration and kept under review. Suspension does not represent disciplinary action and does not involve any prejudgement or assumption of guilt.

11.3 Only HMC's and NWTKD senior managers, have the authority to suspend an individual and this will normally be done face to face but may be by phone given the circumstances of the case.

11.4 An employee suspended from duty will:

• receive written confirmation within three days of the suspension

• be told the reason for the suspension

• notified of the date and time from which the suspension will operate and the anticipated timescale of the ongoing investigation

• informed of the arrangements that will be put in place for keeping in touch with the suspended person and there will be clear instructions about what is required of the suspended person e.g. no contact with work colleagues or attendance at work premises unless by prior arrangement and full co-operation with the investigation process

12 PROCEDURE FOR FORMAL INVESTIGATIONS

12.1 In most cases the line manager of the instructor/employee against whom the allegation/s have been made will be responsible for arranging an investigation, or carrying out an investigation where they can do so objectively. An investigation will be required to establish whether or not there is a

case for the instructor/employee to answer at a formal disciplinary hearing. The investigation should be conducted without unnecessary delay.

However, the nature, scale and duration of any disciplinary investigation will depend on the seriousness and complexity of the allegations being investigated and the availability of relevant parties. The person being investigated must be kept informed of the progress of the investigation and the reason for any delays.

12.2 Investigations relating to safeguarding allegations must be made with reference to Safeguarding Policy.

13 PURPOSE OF INVESTIGATION

• All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so

• Seek the employee's initial response to the allegation

• If feedback is required from customers this will be handled in a sensitive and appropriate way

• Form a view as to whether there is a case to answer at a formal disciplinary hearing

13.1 The instructor/employee suspected of misconduct will be required to attend an investigatory interview. The instructor/employee must endeavour to attend any investigatory interviews and co-operate with the investigation. Although, not formally entitled to be accompanied at this meeting by a union representative or work colleague, NWTKD may in some cases allow this as long as it does not delay procedures in any way. It is the responsibility of the instructor/employee to make any necessary arrangements NWTKD reserves the right not to hold an investigation meeting and to proceed directly to a formal disciplinary meeting depending on the circumstances.

If this is the case, then the instructor/employee should be given details of the allegations made against them before the disciplinary meeting.

13.2 The instructor/employee should make the investigation officer aware of anyone they feel should be contacted as part of the investigation. The instructor/employee should not try to carry out their own investigation e.g. by personally getting statements from NWTKD other employee or students.

13.3 The Investigating Officer must make an evidence-based recommendation to the person who will chair any potential disciplinary hearing to help them decide whether to organise a hearing. The remit and format of the investigation will depend on the circumstances of each case but will always be governed by the principles of reasonableness and proportionality.

14 NOTIFICATION TO ATTEND A DISCIPLINARY HEARING

14.1 Where a formal disciplinary hearing is to take place, the instructor/employee will receive written notification ideally no less than five working days in advance. The letter will advise the employee of the following:

• The location, date and time of the proposed disciplinary hearing

• Details of the allegations

• Whether dismissal is being contemplated as a sanction

• Their right to be accompanied

• Who will be chairing the hearing (Hearing Officer)

• Who else may be attending the hearing e.g. the Investigating Officer and/or management witnesses and note taker

• The requirement for the instructor/employee to confirm in writing that they are attending, ideally at least two working days before the disciplinary hearing, providing all relevant documentation and confirming the names of their colleague/employee representative and any witnesses they may wish to call. The instructor/employee should be informed that it is their responsibility to ensure that these people can attend.

14.2 Unless already provided, the instructor/employee will also be given copies of any documents to be considered at the disciplinary hearing. For example:

• A copy of the investigation report

• Copies of or a summary of any statements obtained as part of the investigation. Where statements have been provided they should be signed by the person having given the statement to confirm the accuracy of the information

• Notes of any investigatory interview they attended.

• The Disciplinary and any other relevant Policies

14.3 The disciplinary hearing will not take place unless and until the instructor/employee has had proper opportunity to consider the information supplied to him/her. If the instructor's/employee's chosen representative is unable to attend, the instructor/employee can ask for the disciplinary hearing to be held at a later date, normally within five working days of the date of the original hearing.

14.4 The instructor/employee is required to attend the hearing. The disciplinary hearing may proceed in the employee's absence where:

• The instructor/employee has either failed to attend two disciplinary hearings without good reason (or failed to respond to at least two notifications to attend a disciplinary hearing)

• The instructor/employee is on notice that the disciplinary hearing may proceed in their absence

• The instructor/employee has been informed of the opportunity to provide a written statement setting out their defence to the allegations or other means by which they may present their case

• If the instructor/employee has been certified by a doctor as unfit to participate at the hearing, they may arrange for their representative to attend in their place, and present their case

• The instructor/employee has resigned but NWTKD believe an outcome should be recorded e.g. safeguarding or very serious issue

15 RIGHT TO BE ACCOMPANIED

15.1 The instructor/employee has the right at any disciplinary 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.

15.2 The role of the representative is to support the instructor/employee. They should have the opportunity to ask questions of clarification and confer with the instructor/employee. The representative should not normally answer questions on behalf of the instructor/employee. However, if there are potential communication issues and the instructor/employee agrees, the representative may answer questions on their behalf as long as the accuracy of the responses are checked with the instructor/employee.

16 GRIEVANCES DURING THE DISCIPLINARY PROCESS

Where, during the course of the disciplinary process, the employee raises a grievance connected to the disciplinary process, the grievance will be dealt with as part of the disciplinary process and will not be treated as a separate grievance under NWTKD's grievance procedure. In some circumstances it may be appropriate to put the disciplinary on hold while the grievance is considered and a decision made.

17 DISCIPLINARY HEARINGS

17.1 The chair of the hearing will be an appropriate senior manager who has not had any involvement in the detail of the case or the investigation and is able to be objective and impartial. Where dismissal is a possible outcome the hearing will be chaired by an HMC member of the Senior Management Team. They may be supported by a HR advisor if appropriate.

17.2 Format for the hearing:

The hearing officer will make appropriate introductions and describe the process. They will check that paperwork has been received and if the instructor/employee attends without a representative the manager will check that they understood their right to be accompanied and that they are ok to proceed.

• The Investigating Officer will present the management case, summarising key aspects

• The Investigating Officer will call any witnesses or highlight key points from witness statements and direct the Hearing Officer's attention to any documents

• The instructor/employee, their representative and the Hearing Officer will have the opportunity to ask questions of clarification of the Investigating Officer and any witnesses called

• The instructor/employee will outline their case and call any witnesses; or refer to witness statements; and direct the Hearing Officer's attention to any documents

• The Investigating Officer and the Hearing Officer will have the opportunity to ask questions of clarification of the instructor/employee and any witnesses called by the instructor/employee

• The Investigating Officer and the instructor/employee will sum up their respective cases. If at any point during the Hearing new evidence is introduced, the Hearing Officer will consider whether and how to consider this and an adjournment may be called to enable this information to be considered. However, there must be a genuine reason for the late submission of any new information.

• The hearing will adjourn for the Hearing Officer to consider the evidence from all parties and determine what level of discipline sanction, if any, is appropriate.

18 CONFIRMATION OF THE OUTCOME OF THE DISCIPLINARY HEARING

18.1 The Hearing Officer may decide to inform the instructor/employee and their representative of the outcome of the hearing verbally. However, this is not always possible. In any case, the instructor/employee must always be notified of the outcome of the disciplinary hearing in writing. Written notification will normally be within 5 working days of the date of the hearing and will include:

- The reasons for upholding or not upholding any allegation of misconduct
- The details of any disciplinary warning including the level and length of the warning
- The consequence of further offences of a similar or different nature
- Any specific requirements for future conduct
- Any specific requirements in terms of training to be undertaken
- Any specific monitoring and support and by whom
- If the disciplinary sanction is dismissal, the reason and whether it is with or without notice
- The right of Appeal, giving the name of the person to whom the appeal should be addressed.

18.2 If the written notification is confirming dismissal, the dismissal is effective from the date the employee receives written confirmation of the decision.

19 RIGHT OF APPEAL

19.1 An appeal must be made in writing to the CI within 10 working days of receipt of the written confirmation of disciplinary action and must detail the grounds of appeal the basis of an appeal should normally relate to one of the following areas:

- That NWTKD's procedure had not been followed correctly
- That the resulting disciplinary action was inappropriate
- That the need for disciplinary action was not warranted
- That new information regarding disciplinary action has arisen

19.2 Appeals will be heard by the CI, HMC or a senior manager not involved in the original disciplinary hearing. HR advice may be sought. The appeal will generally be held within 5 working days of receipt of the appeal later.

19.3 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.

19.4 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 instructor/employee will be reinstated with no break in service. The instructor/employee will be informed that there is no further right of appeal.

20 MEMBER DISCIPLINARY PROCESS

The Member Disciplinary Process is valid for all students and parents/guardians of students under 18 years. The disciplinary process is valid for any member bringing NWTKD into disrepute for any reason, not limited to but inclusive of the following examples:

- Verbal and physical abuse of any kind.
- Bullying of any kind to members or people outside of the organisation.
- Excessive contact during sparring in or external to classes.
- Communication negative to NWTKD (E.g. spreading unfounded rumours or malicious gossip, either verbally or online or via any social media platforms).
- Disrespecting other members or students inside or outside of class.
- Becoming involved in any nefarious activity likely to negatively impact NWTKD.
- Committing an offence proved to break the common law of the land.

Should an instance such as the examples given, be made aware to NWTKD (all members being able raise concerns to any Instructor/member at any time), then the Chief Instructor will commence a formal review of the scenario. This may result in the temporary pause of membership of any effected individuals, whilst the review is undertaken.

If the review finds ground to back the claim then dependant on the severity then the following actions may be taken:

1) For minor offences and sometimes first offences then a verbal warning maybe given by NWTKD. This should be recorded by NWTKD for future reference.
2) For more serious offences or where a verbal warning has already taken place a written warning will be given. Again, this should be recorded by NWTKD.
3) For severe offences and repeat offences where the previous course has been followed then NWTKD would permanently close the membership of the individual concerned, communicating in writing why this course has been taken. This action should also be recorded by NWTKD.

Right of Appeal

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• That NWTKD's procedure had not been followed correctly

• That the resulting disciplinary action was inappropriate

• That the need for disciplinary action was not warranted

• That new information regarding disciplinary action has arisen