

CHESTER-LE-STREET GOLF CLUB

DISCIPLINARY POLICY AND PROCEDURE

In keeping with Chester-le Street Golf Club's other policies and procedures, this document is issued for guidance and is not intended to have contractual effect. The Golf Club reserves the right to vary, amend or depart from the contents of this policy and procedure from time to time in appropriate circumstances.

1.0 Policy

The Golf Club's aim is to encourage improvement in individual conduct, performance, or attendance.

Employees are expected to abide by all Golf Club policies and procedures and standards of conduct.

The procedure below sets out the action that will be taken when conduct, performance or attendance falls below satisfactory levels.

This policy and procedures apply to all Golf Club employees, with the exception of those employees within their probationary period.

2.0 Principles

It is expected that the immediate supervisor will normally deal with minor cases of misconduct, poor performance or poor attendance.

The procedure is designed to establish the facts quickly and to deal with disciplinary issues consistently.

No disciplinary action will be taken until the matter has been fully investigated.

The Disciplinary Committee will comprise the Secretary and Respective Sub-Committee Chairman.

The Disciplinary Appeals Committee will comprise the Club Chairman and the Club Treasurer.

Prior to any hearing, the employee will be advised in writing of the nature and details of the allegation against him or her, the arrangements for the hearing and be given a copy of this procedure. The employee will be given a minimum of 5 working days' written notice of the hearing date. The employee will also be advised in writing of the outcome of the hearing.

The employee will have the opportunity to state his or her case at every stage of a disciplinary hearing and be represented or accompanied, if they wish, by a work colleague, or suitably qualified trade union representative.

The Chair of the Disciplinary Committee may, as necessary, adjourn and reconvene the hearing.

The hearing will be adjourned while disciplinary panel consider and review all the evidence and decide if a disciplinary sanction, including dismissal is appropriate.

The Golf Club reserves the right to seek assistance from an external facilitator(s) at any stage in the disciplinary procedure (including the attendance at hearings).

An employee has the right to appeal against any disciplinary penalty. An appeal hearing will be arranged as soon as possible and the appeal will be conducted by the Appeals Committee.

Except in the case of gross misconduct, an employee will not be dismissed for a first disciplinary offence.

Usually, the four stages of the procedure will follow in sequence, but the early stages may be omitted if a disciplinary situation arises which is sufficiently serious to warrant omitting an earlier stage(s). For example, an unacceptable disagreement with the immediate supervisor may lead to a final formal warning even if no prior first formal warning has been given.

3.0 Investigation

A full investigation will normally be carried out into the allegation. An investigation officer will be appointed, who will undertake the investigation. Following the investigation, the investigating officer will make a recommendation as to whether or not disciplinary action should be taken against the employee. If disciplinary action is recommended, the employee will be required to attend a disciplinary hearing.

4.0 Informal Procedure

It will usually be appropriate for an employee to receive an informal warning prior to formal disciplinary action being taken. This will be for the purpose of allowing the employee a chance to address the issue without formal proceedings. The immediate supervisor should interview the employee informally with the object of establishing the cause of the problem, advising appropriate remedial action and confirming the required standards. An informal verbal warning would normally be given by the employee's immediate supervisor and is not recorded on an employee's personnel file. A verbal warning will be confirmed in writing, but disregarded after 6 months of satisfactory service.

5.0 Formal Procedure

5.1 Right to be Accompanied

An employee has the right to be accompanied to a disciplinary hearing by a work colleague, or suitably qualified trade union representative.

Where an employee chooses to be accompanied, he or she must advise the Golf Club of the name of the person they wish to have as a companion.

The companion has the right to address the disciplinary hearing, but not to answer questions on behalf of the employee.

5.2 Suspension with Pay

The employee may be suspended while an allegation of gross misconduct is being investigated or where the Golf Club believes that the investigation may be hindered by the presence of the employee at work, or where there are risks to the Golf Club property or to the Golf Club's responsibilities to other parties, or in other circumstances where the Club Chairman and the immediate supervisor considers it appropriate.

During a period of suspension, the employee will receive the normal rate of pay. When the investigation has been completed the employee may be invited to attend a disciplinary meeting to respond to the allegations.

5.3 Disciplinary Hearing

If the investigating officer believes that formal disciplinary action should be taken against an employee, the employee will be required to attend a disciplinary hearing.

The employee will be sent written details of the allegation, copies of any evidence and this disciplinary procedure. The employee will be given the right to be accompanied at the hearing, in the letter. It should be noted that a hearing may proceed in the absence of the employee if that employee fails to attend.

At the hearing, the employee will have the right to state his or her case.

The hearing will be adjourned while the panel consider and review all the evidence and decide if a disciplinary sanction, including dismissal, is appropriate.

The outcome of the disciplinary hearing will be confirmed to the employee in writing, after the hearing, together with the reasons for the decision and any sanction.

At the conclusion of the disciplinary hearing, any of the following actions may be deemed to be appropriate.

5.4 Disciplinary Sanctions

5.4.1 **Stage 1 – First Formal Warning**

If conduct, performance or attendance is unsatisfactory, the employee will be given a first formal warning normally by the relevant Sub-Committee Chairman. Such warnings will be in writing, but disregarded after 9 months' satisfactory service. The warning will include the reason for the warning and a note that if no improvement

results within 9 months, action at Stage 2 will be taken. The warning will also include details of how the employee's conduct and/or capability will be reviewed during the period of the warning.

5.4.2 Stage 2 – Final Formal Warning

If there is no improvement in standards, or if a further offence occurs, a final formal warning will be given normally by the Disciplinary Committee. The Disciplinary Committee may also be issuing a final formal warning if the Committee decides the matter is substantially serious to warrant omitting the first formal warning stage. The Chair of the Disciplinary Committee may, as necessary, adjourn and reconvene the hearing. Such warnings will be in writing, but disregarded after 12 months' satisfactory service. The warning will include the reason for the warning and a note that if no improvement results within 12 months, action at Stage 3 will be taken. The warning will also include details of how the employee's conduct and/or capability will be reviewed during the period of the warning.

During the probationary period, a final formal warning may also be issued without a prior first formal warning.

5.4.3 Action Short of Dismissal

If the offence is more serious, or if there is no improvement in standards, or if a further offence of a similar kind occurs, the employee may receive a final written warning and/or demotion, disciplinary transfer, or loss of seniority.

5.4.4 Stage 3 – Dismissal

If the conduct, performance or attendance has failed to improve, or if a further offence occurs, the employee may be dismissed, with notice. A decision of dismissal is normally taken by the Disciplinary Committee, and confirmed in writing. The Chair of the Disciplinary Committee may, as necessary, adjourn and reconvene the hearing. The employee will receive written notification of the reason for dismissal, the grounds on which the decision has been based, the date of effect of the dismissal and his/her right of appeal.

5.4.5 Disregarded Warnings

At the end of a period of each warning, the warning will be disregarded, but a copy will be kept on the employee's personnel file unless a further warning has been given within the period of the warning as above.

5.5 Gross Misconduct

If an employee has committed an offence of the following nature (this list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Theft or unauthorised possession of Golf Club property or items belonging to other individuals or organisations
- bribery, including the giving, receiving or facilitating of bribes
- wilful damage to Golf Club property, equipment, materials or products
- misrepresentation, fraud, forgery or falsification of company records
- incapacity for work due to being under the influence of alcohol or illegal drugs
- physical assault, disorderly or indecent conduct, harassment (including sexual and racial), fighting, physical violence, offensive or threatening behaviour
- serious breaches of Company regulations or procedures, including health and safety procedures
- gross insubordination or failure to or refusal to carry out legal instruction; and acts of incitement; or discrimination on the grounds of sex, race, religion, disability, colour, ethnic origin, sexual orientation or age

All such cases of gross misconduct should be reported immediately to the Secretary, or if the Secretary is not available to the person authorised to act on his or her behalf.

5.6 Appeal

An employee who wishes to appeal against a disciplinary decision, including dismissal, must do so in writing to the Secretary, or if the Secretary is not available to the person authorised to act on the Secretary's behalf, within ten days of the date of the written notification of the warning or disciplinary action.

The letter of appeal should outline the grounds of appeal. All such appeals will be heard and determined by the Appeals Committee.

An appeal hearing will normally be held within 10 working days of the receipt of the letter of appeal.

At the appeal, the appellant will have the right to state his or her case and, has the right to be accompanied. The Appeals Committee may, as necessary, adjourn and reconvene the appeal hearing. The outcome of the appeal will be notified to the appellant in writing. The decision of the Appeals Committee shall be final and there shall be no further appeal within the Golf Club.

A person who is summarily dismissed and who appeals under the provisions of this paragraph will be regarded as suspended without pay and if his or her appeal is upheld, he or she will receive such back pay, as the appeal panel shall decide

Notes

1. The timescales listed above will be adhered to wherever possible. Where there are good reasons, e.g., the need for further investigation or the lack of availability of witnesses or companions, each party can request that the other agrees to an extension of the permitted timescale.

2. If an employee becomes involved in criminal proceedings and there is a possibility that this may adversely affect the employment relationship with the Golf Club, the Secretary, or if the Secretary is not available the person authorised to act on his or her behalf, may enquire into the situation. The Golf Club reserves the right to suspend the employee, with or without pay, or dismiss the employee, according to the circumstances of the case, whether or not the criminal proceedings have been completed.

Introduced: February 2012

Reviewed: July 2016