



DISCIPLINARY POLICY AND PROCEDURE

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DISCIPLINARY POLICY AND PROCEDURE

THE PROCEDURE

This policy applies to all individuals (Team Members) who undertake work on behalf of AWA DANCE, including but not limited to: Director, Associates and Freelance workers. It sets out the action which will be taken when rules and procedures are breached.

This policy covers AWA DANCE's procedure when a disciplinary matter arises, usually where there is reasonable concern or suspicion that a team member has engaged in one or more actions that can be classified as 'misconduct'.

Where appropriate during formal disciplinary action, Team Members are entitled to representation either from another Team Member or a Union representative.

Our aim is to support and encourage everyone to achieve our agreed standards of conduct and accountability in their work, and create a culture that seeks to understand the root causes of difficulties we may encounter in meeting those standards.

This procedure sets out how we will approach mutually-supporting each other to work through difficulties that arise, and the formal procedure we are legally-obligated to provide when informal, supportive action is unable to resolve the issues raised.

Although this is not an exhaustive list, we treat 'misconduct' as comprising one or more of the following activities:

- Minor breaches of our policies and procedures
- Minor breaches of your agreement with us
- Unauthorised use, or damage to organisation property and equipment
- Absence from work that has not been authorised
- Poor attendance and timekeeping
- Refusing to follow instructions
- Misuse of your work email for personal purposes
- Behaving offensively, making lewd gestures and using obscene language
- Being careless in the performance of your work duties

We treat 'gross misconduct' as typically comprising one or more of the following activities:

- Malicious misuse of any of our procedures
- Negligence or recklessness causing reputational damage to AWA DANCE
- Serious breach of data privacy and data protection legislation
- Serious health and safety breaches
- Unlawful harassment or discrimination
- Viewing, receiving, or sending anything that breaches AWA DANCE's Harassment and Bullying Policy or our Equal Opportunities Policy
- Bullying or physical violence
- Fraud, theft, or any act of dishonesty
- Being under the influence of, or possessing, illegal drugs
- Being under the influence of alcohol, unless this is with the Director's permission
- Serious and intentional damage to AWA DANCE property
- Serious insubordination or refusal to obey instructions
- Serious breaches of confidence

PROCEDURE

This sets out the steps that we take when a disciplinary concern first arises, with the exception of where an allegation of gross misconduct arises.

INFORMAL ACTION

Informal action should be taken in cases of minor misconduct. A one-to-one confidential discussion between the Director and Team Member should be held with the intention of gaining sustained improvement in the Team Member's conduct.

This discussion should enable the Director to provide constructive feedback and the Team Member to express views on the issue. The aim is to encourage and support all members to achieve any identified improvements in individual conduct or performance. In the first instance we will seek to resolve tensions around accountability and conduct through open discussion, and we will always aim to keep an open mind about how any one individual member's difficulties may well relate to collective responsibilities and accountabilities that we need to address collaboratively. Support from AWA DANCE can include any of the following steps, as deemed appropriate by the Director after their one-to-one discussion with the Team Member:

- Additional one-to-one support from other staff/members;
- External training or coaching in particular work areas;
- Signposting to external services for personal issues that may be impeding work;
- Practical adjustments to working hours, physical arrangements or other aspects of the role that are proving difficult;
- Other ideas that are raised together with the staff or members involved.

It is important for both parties to understand that informal action is not formal disciplinary action and Team Members are not entitled to representation at this stage. Where the need for improvement is identified, the Director should explain to the Team Member what needs to be done and how the conduct will be reviewed in a given time period.

Following that discussion, we may send you what's called a *Letter Of Concern*, recording what we have discussed during that informal meeting and propose training if necessary. If we can't resolve matters during this discussion, or we consider that the circumstances in which our concerns have arisen make an informal discussion inappropriate, we will typically follow the formal procedure described below.

In case the Director performs a misconduct, the confidential discussion should be held between the Directors and the Chairs of the Board of Trustees, following the process detailed in our Complaints Policy and Procedure.

FORMAL DISCIPLINARY ACTION


If you use our complaints procedure, you are agreeing that we can use any personal information you send us for purposes connected with your complaint. We will only give your personal information to other people and organisations if you have given us permission to do so.

Stage 1 – Formal Verbal Warning

A formal verbal warning may be given to the Team Member if, despite informal discussions or training, the conduct or performance still does not meet acceptable standards. This should follow an appropriate disciplinary meeting with the Director, or with the Chairs of the Board of Trustees if the Director is the object of the complaint. A brief note of the warning should be kept on file but, subject to satisfactory conduct and/or performance, this would lapse and be removed from files after 3 months.

Stage 2 – Written Warning

If there is no improvement in standards within the prescribed time period, or if a further offence occurs, the Team Member will receive a letter from their manager inviting them to attend a further disciplinary meeting.



The meeting should be an opportunity for both the Team Member, a representative (other Team Member or Union representative) and the Director to talk about the issues or allegations being made, and consider the information with a view to establishing whether to progress disciplinary action.

Following the disciplinary meeting, if it is decided that no further action is warranted, the Team Member will be informed in writing. If the Team Member is found to be performing unsatisfactorily or their behaviour is deemed unsatisfactory they will be given a written warning. A copy of the written warning will be kept on file but the warning will lapse after 3 months and be removed from files subject to satisfactory conduct and/or performance. Where a written warning is given, the Chairs of the Board of Trustees will be advised and kept up to date with any progress.

Stage 3 – Final Written Warning

If the conduct or performance still remains unsatisfactory by the end of the stipulated time period, or if the misconduct is sufficiently serious to warrant only one written warning, a further disciplinary meeting (with a member of the Board) will be called with the Team Member and their representative. The disciplinary meeting will be an opportunity for the Team Member to address the issues raised. Where this meeting establishes that there has been a failure to improve performance or change behaviour, then a final written warning will be given to the Team Member.

Final Stage – Dismissal

If the Team Member's conduct or performance still fails to improve or if further serious misconduct occurs, the final stage in the disciplinary process may result in the Team Member being dismissed without notice.