



Disciplinary and Grievance Procedures

Disciplinary procedure

Policy

The Association aims to ensure that there will be a fair and consistent approach to the enforcement of standards of conduct throughout the organisation. This policy and procedure is designed to help and encourage all Members/Directors to achieve and maintain standards of conduct, attendance and job performance. This policy also aims to resolve problems of conduct or performance and wherever possible to avoid dismissal. The Association rules, which are summarised in the Members and Directors statements of terms and conditions, the Association handbook, this procedure and associated documentation, apply to all Members and Directors.

Purpose and scope

The Association's aim is to encourage improvement in individual conduct or performance. This procedure sets out the action that will be taken when disciplinary rules are breached.

Principles

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 Member/Director will be advised in writing of the nature of the complaint against him or her and the arrangements for the hearing.

Members/Directors will have the opportunity to state their case at every stage at a disciplinary hearing and be represented or accompanied, if they wish, by a trade union representative or a work colleague.

A Member/Director has the right to appeal against any disciplinary penalty. An appeal meeting will be arranged as soon as possible and will be conducted by a more senior Director if possible.

- No disciplinary action will be taken against a Member/Director until the case has been fully investigated and a disciplinary hearing has taken place. The Member/Director will be advised in writing of the nature of the complaint against him or her and the arrangements for the hearing
- The Member/Director will be given the opportunity to state his or her case before any decision is made
- The Member/Director will have the right to be accompanied by a colleague, lay or trade union official at all stages during the investigation, disciplinary interview or disciplinary appeal
- Directors will take into account any mitigating circumstances when reaching decisions on appropriate disciplinary penalties



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- No Member/Director will be dismissed for a first breach of discipline, except in the case of gross misconduct. The penalty for this will be summary dismissal, i.e. dismissal without notice or pay in lieu of notice
- A Member/Director will have the right to appeal to a higher level of management against any disciplinary penalty imposed
- The procedure may be implemented at any stage if the Member/Director alleged misconduct warrants such action
- In poor performance cases, where the reason is not within the control of the Member/Director, the Associations capability policy and procedure will be used instead. But poor performance resulting from negligence, lack of application or attitudinal problems, for example, will be dealt with under the disciplinary procedure. Also, where Members/Directors absences are deemed to be of a casual nature, the Member/Director will be dealt with under the disciplinary procedure.

Informal warnings

It will usually be appropriate for a Member/Director to receive an informal warning prior to formal disciplinary action being taken. This will be for the purpose of allowing the Member/Director a chance to address the issue without formal proceedings. An informal warning is not recorded in writing (although an informal file-note may be made in the personnel file).

The procedure

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

Stage 1- First written warning

If conduct or performance is unsatisfactory, the Member/Director will be given a formal disciplinary warning. Such warnings will be recorded but disregarded after six months of satisfactory service.

Stage 2 - Final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given. This will include the reason for the warning and a note that if no improvement results within six months action at Stage 3 will be taken.

Stage 3 - Dismissal or action short of dismissal

If the conduct or performance has failed to improve, the Member/Director may suffer demotion, disciplinary transfer, loss of seniority {as allowed in the contract} or dismissal.



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Gross misconduct

If a Member/Director has committed an offence of the following nature the normal consequence will be dismissal without notice or payment in lieu of notice:

- theft, fraud
- any involvement in bribery, giving, receiving or facilitating bribes
- o unauthorised entry to computer records or deliberate falsification of records
- a serious breach of the Associations rules on email and internet usage, health and safety policy, harassment policy or data protection policy
- fighting or assault
- deliberate or reckless damage to Association property
- an inability to perform job duties through being under the influence of alcohol or drugs
- a serious breach of the Associations safety rules or a single error due to negligence which causes, or could have caused, significant loss, damage or injury to the Association, its Members/Directors or customers
- conviction of a criminal offence that makes the Member/Director unsuitable or unable to carry out his or her duties
- a serious act of insubordination, such as deliberate refusal to carry out proper instructions
- acts of bullying, harassment or discrimination
- a serious breach of trust or confidentiality.

This list is not intended to be an exhaustive one and only gives an indication of the types of offence that may be considered gross misconduct.

The Member/Director may be suspended while the alleged gross misconduct is being investigated. Any decision to dismiss will be taken by Association after full investigation. When this investigation has been completed the Member/Director will be invited to attend a disciplinary meeting {at which he/she will be entitled to representation} to respond to the allegations.

In cases of misconduct {situations less serious than gross misconduct} it might also be appropriate to suspend the Member/Director if this assists with the investigation.

Appeals

You have the right to appeal after a disciplinary sanction has been applied. You can exercise your right to appeal by writing to the person named in the letter confirming the outcome of the disciplinary hearing within five working days of receiving written notification of the disciplinary sanction. Your letter should state the grounds upon which you are lodging your appeal. If your appeal is against dismissal, the dismissal decision will stand unless or until the appeal officer decides otherwise. The decision of the appeal officer will be notified to you in writing and will be final and binding.



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The Association may need to adjourn the appeal hearing if further investigations are required.

Grievance procedure

Policy

It is the Associations policy to encourage Members/Directors with grievances relating to their employment/membership to use the procedure below to seek satisfactory solutions. The Association will try to resolve grievances as quickly as possible to the satisfaction of the individual(s) concerned. Where this is not possible, every effort will be made to explain the reason\$ for the decision.

If Members/Directors are not satisfied with the outcome, they have the right to pursue their grievance to the next stage. It is hoped that most grievances will be resolved during the informal discussion. Members/Directors who have raised grievances will be treated fairly at all times before, during and after the grievance hearing(s).

Procedure

Informal stage

If you have a grievance about your employment/membership you should discuss it informally with your immediate manager. The manager will give a response within five working days. See below for exceptions to this procedure.

Formal stages

Stage 1

If you feel that the matter has not been resolved satisfactorily through informal discussions you must put your grievance in writing to your immediate manager outlining the nature of your grievance and the outcome you are looking for.

You will receive a reply within five working days and a meeting will be arranged. Prior to the meeting the Association may carry out such reasonable investigation as necessary so that it can properly deal with your grievance. You, any relevant witnesses and the manager will attend the meeting. You may choose to be accompanied by a colleague, lay or trade union official. The manager will give a response within five working days of the meeting and will inform the Member/Director of the appeals procedure.



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Stage 2

If you are not satisfied with the manager's response, you may raise the matter, in writing, with the relevant senior manager. A meeting will be arranged, constituted as in Stage 1 except that the senior manager will replace the manager. The senior manager will give a response within five working days of the meeting and will inform the Member/Director of the appeals procedure.

Stage 3

If the matter is not resolved to your satisfaction, you should put your grievance in writing to a director. You will receive a reply within seven working days and a meeting will be arranged. The constitution of the meeting will be as in Stage 2 except that the director or an authorised deputy will replace the senior manager. The director/deputy will give a decision within five working days of the meeting.

This decision will be final.

Investigations

The Association is committed to ensuring that all grievances are investigated fully. This may involve carrying out interviews with the Member/Director concerned and third parties such as witnesses, colleagues and managers, as well as analysing written records and information. The investigation report will be made available to all the parties concerned. The identity of witnesses will be kept confidential where necessary.

Notes

1. You may raise a complaint directly with a senior manager if it:
 - a. concerns your immediate manager
 - b. is of too personal or sensitive a nature to raise with your immediate manager.
2. Complaints concerning discrimination, bullying or harassment by your immediate manager may be raised directly with a senior manager. This may be done informally or formally, i.e. at Stage 2 of the procedure.

Note

There is a separate procedure for complaints concerning discrimination, bullying or harassment.

3. If your complaint concerns an alleged wrongdoing or criminal offence by someone within the Association, you should raise it immediately with a Director, i.e. at Stage 3 of the procedure. See the Public Interest Disclosure Act L998 (known as the Whistleblowers' Act) for details of the additional protection available for protected disclosures.



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4. You will be given the opportunity to explain your grievance, how you think it should be resolved, and have the opportunity to respond to all information and evidence produced by the Association.
5. The grievance procedure should not be used for appeals against disciplinary decisions, as that is the purpose of the disciplinary appeals procedure. If, however, you have a complaint against the behaviour of a manager during the course of a disciplinary case, you may raise it as a grievance with a senior manager. The disciplinary procedure may be suspended for a short period if necessary until the grievance can be considered.
6. Members/Directors are encouraged to raise grievances and will not suffer any detriment from doing so. If your grievance is found to be malicious or to have been made in bad faith, however, you will be subject to the Association's disciplinary procedure.
7. A second management representative from another function or human resources may be invited to attend formal grievance meetings to act as a witness and notetaker.
8. 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.
9. The Association reserves the right to seek assistance from external facilitators at any stage in the grievance procedure.
10. For senior managers/directors and members during their first year of employment/membership, the Association reserves the right to speed up the decision-making process and may choose to follow a shortened version of the above procedure.
11. You will be able to request mediation by an independent third party if this is agreeable to the Association. Then the grievance process will be suspended whilst mediation is ongoing.
12. If you experience difficulty at any stage of the grievance procedure (e.g. for a reason related to a disability or because English is not your first language), you should discuss the situation with the Human Resources Department as soon as possible.
13. This procedure is for guidance only and does not form part of Members/Directors' contractual rights. The contents may be subject to revision from time to time.

This policy was last reviewed on 31 August 2017