



# Disciplinary & Grievance Procedure

NEWPORT COUNTY AFC

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## **1. General Provisions**

### **Purpose**

The purpose of the disciplinary procedures is to ensure that the standards established by the Club's rules are maintained and that any alleged failure to observe the Club's rules is fairly dealt with. The disciplinary procedures will apply to you from the end of your probationary period except that the Club shall, until such time as you qualify for the statutory right not to be unfairly dismissed, be entitled not to apply the procedure to you in whole or in part.

### **Records**

All cases of disciplinary action under these procedures will be recorded and placed in the Club's records. A copy of the Club's relevant personnel records in respect of you will be supplied at your request.

### **Categories of Offences**

Offences under the Club's disciplinary procedures fall into three categories namely:

- Misconduct
- Gross misconduct
- Incapability

### **Disciplinary steps**

The following steps will be taken, as appropriate, in all cases of disciplinary action:

**Investigations:** No action will be taken before a proper investigation has been undertaken by the Club relating to the circumstances of the matter complained of. What constitutes a 'proper investigation' will depend on the specific circumstances and will be a matter for the Club's judgement. If appropriate, the Club may by written notice suspend you for a specified period during which time such an investigation will be undertaken. If you are so suspended your contract of employment will be deemed to continue together with all your rights under your contract including the payment of wages, but during the period of suspension you will not be entitled to access to any of the Club's premises except at the prior written request or with the prior written consent of the Club and subject to such conditions as the Club may impose. The decision to suspend you will be notified to you by a Director and confirmed in writing.

**Disciplinary hearings:** If the Club decides to hold a disciplinary hearing relating to the matter complained of, you will be given details of the complaint against you at least two working days before the disciplinary hearing. At the disciplinary hearing you will be given an opportunity to state your case. You may also be accompanied by a fellow employee of your choice. No disciplinary penalty will be imposed without a disciplinary hearing.

**Appeals:** You have a right of appeal at any stage of the disciplinary procedures to a Director who has not been involved at an earlier stage. You should inform the Director in writing of your wish to appeal within five working days of the date of the decision which forms the subject of your appeal.

The Director to whom you have appealed will conduct an appeal hearing as soon as possible after receiving your written notice of your wish to appeal. You will be given an opportunity to state your case at the appeal hearing and you will be entitled to be accompanied by a fellow employee of your choice.

The decision of the Director conducting the appeal will be notified to you in writing and will be final and binding.

## **2. Specific Offences**

### **Misconduct**

The following offences are examples of misconduct:

- Bad timekeeping
- Unreasonable or unexplained absence
- Persistent or irregular absenteeism
- Minor damage to the Scheme's property
- Minor breach of the Scheme's rules
- Failure to observe the Scheme's procedures
- Abusive behaviour
- Discourtesy to the Scheme's visitors and others

These offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure.

The following procedure will apply in cases of alleged misconduct although in more serious cases the Scheme reserves the right to combine the first and final warnings:

**First warning:** This will be given by your immediate manager or a Director and may be oral or written according to the circumstances. In either event, you will be advised that the warning constitutes the first formal stage of this procedure. If the warning is verbal a written note that such a warning has been given will be given to you and also placed in the Club's records.

**Final warning:** This will be given by your immediate manager or a Director and confirmed to you in writing. This warning will state that if you commit a further offence of misconduct your employment will be terminated.

**Dismissal:** The decision to dismiss you will not be taken without reference to a Director. Dismissal will be notified to you in writing.

### **Gross Misconduct**

The following offences are examples of gross misconduct:

- Theft
- Unauthorised possession of the Club's property or facilities
- Unauthorised acceptance of gifts
- Serious damage to the Club's property or the property of any visitor or other employee of the Scheme

- Wilful damage (whether or not serious) to the Club's property or the property of any visitor or other employee of the Club
- Negligence in the performance of your duties
- Falsification of reports, accounts, expense claims or self-certification forms
- Refusal to carry out duties or reasonable instructions
- Sexual or racial harassment
- Intoxication on the Club's premises by reason of drink or drugs
- Serious breach of the Club's rules
- Violent, dangerous or intimidatory conduct
- Being convicted of any criminal offence the sentence for which could be imprisonment
- Being absent from work due to imprisonment, whether or not convicted.

These examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure.

Gross misconduct will result in immediate dismissal without notice or pay in lieu of notice. The decision to dismiss will not be taken without reference to a Director. Dismissal will be notified to you in writing.

### **Incapability**

The following are examples of incapability:

- Poor performance
- Incompetence
- Unsuitability
- Lack of application

These examples are not exhaustive or exclusive and instances of a similar nature will be dealt with under this procedure.

The following procedure will apply in cases of incapability:

**First warning:** This will be given by your immediate manager or a Director and will be confirmed to you in writing. This warning will state that your work will be reviewed at the end of a period of one month (or such longer or shorter period as the circumstances may justify) after the date of the warning.

**Final warning:** This will be given by your immediate manager or a Director and confirmed to you in writing. This warning will state that unless your work improves within a period of one month (or such longer or shorter period as the circumstances may justify) after the date of the warning you will be dismissed.

**Dismissal:** The decision to dismiss you will not be taken without reference to a Director. Dismissal will be notified to you in writing.

### **3. Duration of Warning**

Subject to satisfactory performance and conduct any warning under these procedures will be removed from the Scheme's records after two years.

#### **4. Club's Discretion Not to Dismiss**

The Club reserves the right in its absolute discretion to waive any of the penalties referred to in the sections above and substitute any one or more of the following penalties namely:

**Demotion:** The Club may demote you by notice in writing of details of any changes to your terms and conditions of employment arising from such demotion. In particular the notice will give details of any reduction to your wages and/or any loss of benefits and/or privileges consequent upon such demotion.

**Suspension:** The Club may suspend you with or without pay by notice in writing to this effect. Such notice will specify the dates of your suspension and the conditions applicable to your suspension.

#### **5. Grievance Procedure**

- If you have any grievance relating to your employment you should raise the matter with a senior manager or a Director. You may be required to put your grievance in writing.
- The person with whom you have raised the matter will consider your grievance and will then notify you of his/her decision.
- If the decision notified to you is not acceptable you may refer the matter in writing to the Club's board of Directors, whose decision shall be final and binding.
- When expressing grievances, you may be accompanied by a fellow employee of your choice.