

DISCIPLINARY POLICY

POLICY STATEMENT

The Club is committed to providing good practice employment relations, as well as fairness and consistency in the treatment of all individuals and members of the club.

It recognises that problems may arise from time to time as part of the relationship from either the Club's, members or the employee's perspective. Whenever possible, it is preferable for such problems to be resolved informally.

When this cannot be achieved, it will be necessary to use formal procedures to resolve them. These procedures are written so that they:

- provide a clear and transparent framework
- are compliant with current legislation, and safeguard individuals' legal rights
- are capable of handling all issues speedily, fairly and consistently, so that whenever possible such issues can be resolved at the earliest stage of the procedure.

It is essential to the successful operation of the Club that all employees perform responsibly and effectively at work and that all members behave in accordance with club rules. It is important, therefore, that employees and members know what is expected of them. In situations where the Club believes that individuals are falling short of the required standards of conduct or performance, it may be necessary to seek to resolve the issue through the Disciplinary Procedure.

The intention of this procedure is:

- to enable individuals to know what is expected of them in terms of conduct and performance
- to identify obstacles to individuals achieving the required standards
- to help and encourage improvement by agreeing suitable goals and timescales for improvement
- to ensure that any consequences resulting from poor conduct and behaviour are dealt with in a constructive and legally compliant way.

PROCEDURE

The purpose of this procedure is to help and encourage all employees and members to achieve and maintain standards of conduct, and job performance. The aim is to ensure consistent and fair treatment for all.

Principles

- Disciplinary action will not be taken against an employee or member until the case has been fully investigated, where appropriate.
- Cases of misconduct may be investigated by someone unconnected with the matters to be investigated if possible, and without undue delay.
- At every stage in the procedure the employee and member will be informed in writing of the nature and basis of the complaint(s) against them, and where possible of all relevant evidence, before any hearing. In misconduct cases, this may include the investigation reports, and witness statements. In capability cases, this may include attendance and development

records. An employee or member will be given the opportunity to discuss the issue and to put forward their case at an investigation meeting and/or a disciplinary hearing before decisions are reached.

- The procedure will be implemented at a stage appropriate to the employee's or members alleged misconduct.
- An employee has a statutory right to be accompanied by a Trade Union representative or consenting work colleague during the disciplinary hearing and at any appeal hearing. Postponement of the hearing may be sought in certain circumstances to accommodate the individual being accompanied. Members may be accompanied by a member of Penwortham Golf club.
- A reasonable period of notice, which will be dependent on the complexity of the case but will normally be a minimum of 2 days, will be given to an individual of any disciplinary hearing to allow a reasonable period of time to prepare a response. The hearing will be arranged without undue delay at a reasonable time and place where the issue(s) can be discussed. Written notice of the date, time and location of the hearing will be sent outlining the basis of the complaint. The employee or member must take all reasonable steps to attend. Consideration will be given if the individual wishes to arrange the hearing sooner and this can be accommodated by the members or management involved.
- Should an employee or member fail to attend a disciplinary hearing, then the hearing may take place in the individual's absence. This would only be instigated after reasonable attempts to accommodate the individual have been made.
- At each meeting, prior to any decision being made, the manager or members conducting the meeting will summarise the main points of discussion and ask whether the employee/member has anything further to say.
- All disciplinary decisions will be confirmed to the employee or member in writing within 5 working days of the hearing.
- Any warning issued will be effective from the date the disciplinary hearing concludes.
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct, when the penalty could be dismissal without notice.
- No member would have their membership cancelled for a first breach of discipline, except in the case of gross misconduct, when the penalty could be cancellation of membership and lifetime ban.
- An employee or member has the right to appeal against any disciplinary penalty imposed. An employee or member who wishes to appeal against a disciplinary decision must do so within 7 calendar days of the date of the letter, clearly detailing in writing their grounds of appeal to the Club Manager/Director. The appeal will be heard by an appeal panel with the authority to change the original decision if required within 14 days of the receipt of the written appeal. All points raised in the appeal letter will be investigated. The appeal decision will be communicated to the employee/member, confirmed in writing, and will be final.

Exceptions may be made to the timescales. This will be clarified with the individual at the disciplinary meeting and will only be allowed for exceptional circumstances i.e. holiday, sickness etc. However, any request to appeal should not exceed 14 days.

Disciplinary Investigation Process

In some cases, there may be a need to hold a separate investigation meeting prior to the disciplinary hearing. In these circumstances a different person may conduct the investigation from the person who conducts the disciplinary meeting.

The Procedure

Minor infringements will be dealt with informally but where the matter is more serious, the following procedure will be used: -

Stage 1 - Warning

If conduct or performance does not meet acceptable standards, the employee/member may be given a Stage 1 Warning. A copy of this written warning will be placed in the individual's file for a period of 6 months.

Stage 2 – Final Written Warning.

For more serious offences or where conduct or performance is still unsatisfactory, a Final Written Warning may be given to the employee/member. A copy of this Final Written Warning will be placed on file for a period of 12 months.

Stage 3 – Dismissal - Employee

If conduct or performance is still unsatisfactory whilst a final written warning is live on file, or in cases of gross misconduct, dismissal is a possible consequence. Only a manager/director of an appropriate level of seniority in consultation with another director can take the decision to dismiss. The employee will be provided, in writing, with the reasons for dismissal, the effective date of termination and the right of appeal.

As an alternative to dismissal, consideration may also be given to imposing other disciplinary sanctions e.g. suspension without pay for up to a maximum of 5 working days, demotion, disciplinary transfer, etc.

Stage 3 – Permanent Exclusion - Member

If conduct or behaviour is still unsatisfactory whilst a final written warning is live on file, or in cases of gross misconduct, permanent exclusion is a possible consequence. Only a director accompanied by an appropriate member can take this decision. The member will be provided, in writing, with the reasons for permanent exclusion from the club, the effective date of cancellation of membership and the right of appeal.

Suspension

Where there is a risk to the Club, Club property, employee, member or to ensure a fair investigation to other parties the employee/member may be suspended by an appropriate manager/director.

In all cases, an employee will be suspended from work on normal pay for contract hours, for as short a period as possible, whilst the Club conducts an investigation. If the employee is subsequently unwell and signed off work then the employee will receive SSP only.

In the case of a member being suspended they will not be allowed access to any Penwortham Golf club property or buildings.

A letter will be sent to the individual confirming the suspension and the reasons for the suspension.

Gross Misconduct

If on the completion of an investigation and the disciplinary procedure, the Club has reasonable belief that gross misconduct has occurred, the result will normally be summary dismissal without notice. In the case of a member this will be cancellation of membership without repayment and lifetime ban.

The Appendix indicates examples of misconduct, which may be categorised as “Gross Misconduct” and “Other Misconduct” respectively. These lists are not exhaustive.

Appendix

The following lists are examples of the main categories of misconduct that will render an individual liable to disciplinary action. The lists are not intended to be exhaustive, and the appropriate level of disciplinary action will be taken with respect to other cases of misconduct which are adjudged to be of equal seriousness.

Gross Misconduct

This category covers acts of misconduct where the Club cannot afford the risk of repetition of the same or similar acts. They are considered serious and could result in dismissal. The list is not exhaustive.

- Theft of property belonging to the Club, its suppliers, employees or members.
- Fraudulently obtaining money, or other property, from the Club, its suppliers, employees or customers.
- Deliberate and/or serious refusal to carry out the legitimate instruction of Management/Supervision.
- Deliberate and/or serious damage to the Club, suppliers', employees' or members' property.
- Deliberate and/or serious recording of the arrival at, or departure from work of any other members of staff without the authority from management.
- Serious cases of threatening behaviour, fighting with, or assaulting other employees, members, customers or other persons involved in dealing with the Club. This also includes at Club functions/events.
- Deliberate and/or serious violation of safety rules by act or omission.
- Disclosure of confidential information to a third party, which will damage the standing or position of the Club.
- Serious cases of incitement, bullying or actual acts of discrimination on the grounds of colour, nationality (including citizenship), national or ethnic origin, race, religion, religious belief, similar philosophical belief, sex, marital status, age, disability, part-time or fixed term status, union activities, sexual orientation, or gender reassignment. Sexual/racial/disability/religious harassment will be treated as discrimination.
- Retaliation against an employee for complaining about or giving evidence relating to bullying, harassment, disciplinary or grievances and/or violation of the Bullying and Harassment Policy.
- Actions or omissions which amount to either a breach of, or failure to comply or to co-operate with, the Diversity & Inclusion Policy or to unlawful discrimination.
- Breaches of data security and information e.g. the unauthorised disclosure of, or use of system access codes.
- Failure to report data breaches
- Actions or comments made on Social Networking sites which may result in bringing the Club into disrepute or that are likely to damage relationships or cause offence.
- Serious cases of incapacity whilst at work, due to the use of drink or unlawful drugs. Contravention of the Drugs and Alcohol Policy.
- Smoking/Vaping in prohibited areas.
- Serious cases of absenteeism and failure to conform to Club absence notification procedures.

- Abuse of the Club sick pay scheme - where absence is found, after investigation, not to be genuine
- Failure to comply with the Club's Public Interest Disclosure Policy (Whistle blowing) or to co-operate with any consequent enquiries.
- Any refusal to be searched on leaving Club premises

Other Misconduct

This category covers acts of misconduct which are detrimental to the Club or to other members of staff and will result in the appropriate disciplinary action being taken. The list is not exhaustive.

- Persistent lateness.
- Persistent absenteeism and/or failure to conform with Club absence reporting procedures.
- Deliberate and/or serious failure to record arrival at, or departure from work, by the required means.
- Non-disclosure of any Conflicts of Interest in accordance with the Conflicts of Interest policy
- Significant breach of data security or failure to report data breaches
- Failure to conform with normal/agreed working practices and procedures.
- Failure to maintain a satisfactory/agreed standard or level of performance.
- Impairment/incapacity due to the use of drink or unlawful drugs (other than serious cases which will be treated as gross misconduct).
- Behavior likely to give offence to members, suppliers, visitors, or to other employees, including rudeness, foul or insulting language (other than serious cases which will be treated as gross misconduct).
- Taking unauthorised breaks
- Failure to follow reasonable requests
- Failure to comply with Club policies

Golfing Related Infringements

This category relates to appropriate action being taken in line with competitive golf's Terms of Competition, and infringement thereof. This will be at the discretion of the Competitions & Handicaps Committee, and decisions which relate to the Rules of Golf or to handicapping infringements fall within the England Golf Disciplinary Framework. These are subject to a right of appeal as set out below:

<u>Matter arising at</u>	<u>Disciplinary body at first instance</u>	<u>Appeal level</u>
Club	Penwortham Golf Club	County
County	Lancashire Union of Golf Clubs	England Golf
National	England Golf	England Golf Appeals Panel