



## **POLICY #3**

### **DISCIPLINARY & GRIEVANCE POLICY**

These are the disciplinary and grievance procedures for Newcastle Musical Theatre Company (hereafter referred to as NMTC).

#### **Disciplinary Procedures**

These are the procedures by which the Board of Directors may elect to sanction members of NMTC.

##### **Misconduct**

This is conduct which is sufficiently serious that it requires disciplinary action. To warrant dismissal, misconduct must be extremely serious, or repeated on more than one occasion. Misconduct can include but is not limited to; persistent lateness, persistent unauthorised absence, failure to meet required standards, smoking in non-smoking areas, misuse and/or abuse of props, property or assets, and any other conduct which brings NMTC into disrepute.

##### **Gross misconduct**

This is the term used for serious misconduct, which may lead to instant dismissal (that is, summary dismissal). Acts that constitute gross misconduct; whether physical or cyber, are criminal acts, anti-social acts, those resulting in a serious breach of contractual terms or those which bring NMTC into serious public disrepute or ridicule. They might include, but are not limited to the following:

- THEFT, FRAUD OR DELIBERATE FALSIFICATION OF RECORDS.
- PHYSICAL VIOLENCE.
- SERIOUS BULLYING OR HARASSMENT.
- SEXUAL HARASSMENT OR ASSAULT.
- SERIOUS INSUBORDINATION.
- SERIOUS INCAPABILITY BROUGHT ABOUT BY ALCOHOL OR ILLEGAL DRUGS.
- ENDANGERING OTHERS THROUGH A DELIBERATE BREACH OF HEALTH & SAFETY PROCEDURES.
- ANY FORM OF DISCRIMINATION.

In the case of gross misconduct NMTC should suspend the member and carry out an investigation.

Any member of NMTC may report a matter which they consider to be misconduct. In the first instance this should be to any member of the Board of Directors, who will then directly inform the Chairman. Within 7 days, the Chairman will inform the complainant and the member involved in the matter raised, that a complaint has been received and they will be invited to



formally comment further and respond to any allegations. The Chairman will convene a special Disciplinary Meeting of the Board of Directors as soon as is reasonably practicable, and within 21 days of receipt of the original complaint.

The Board of Directors will assess all the evidence available and invite parties to the meeting if appropriate. Once due consideration is given, the Board of Directors will recommend either no sanction or to issue a reprimand or warning to the member(s) involved.

### **Types of warning**

- **First Oral Warning:**  
In the case of a minor infringement the member may be given a formal oral warning by the Chairman. They should be told of the reasons for the warning, that it is the first step in the disciplinary process and that they have the right of appeal.
- **First Written Warning:**  
If the infringement is regarded as more serious, the member may be given a formal written warning, giving the details of the complaint, the improvement required, the timescale allowed for this and the right of appeal. The warning should also state that a final written warning might be considered if the desired change doesn't occur.
- **Final Written Warning:**  
Where there is failure to improve the behaviour, or an infringement which is considered sufficiently serious, the member may be given a final written warning. This should include details of the offence and that failure to improve may result in dismissal and the right of appeal.

### **Dismissal or other sanction**

If the behaviour remains unchanged then the sanction imposed may include suspension or dismissal.

Any decision to dismiss will only be taken in the most extreme circumstances. The member should be informed as soon as possible and informed also how to appeal the decision. The decision to dismiss must be confirmed in writing and the member has the right to request to have a written statement of the reasons for dismissal.

### **Recording**

NMTC should ensure that a record is kept of all written warnings. However, any disciplinary action taken (other than dismissal) should be disregarded after a specified period of time. The severity of the action taken will take different periods of time before they are disregarded eg:-

- VERBAL AND FIRST WRITTEN WARNINGS FOR MINOR OFFENCES WILL BE VALID FOR 6 MONTHS.
- FINAL WARNINGS MAY REMAIN IN FORCE FOR 18 MONTHS.



The individual concerned will be informed of the period after which this warning will be disregarded. Once the time limits have been passed, warnings should be disregarded in any further disciplinary proceedings. These records should be kept confidential and retained in accordance of the disciplinary procedure and the Data Protection Act 1998, which requires the release of certain data to individuals on their request.

### **Appeals**

The opportunity to appeal against a disciplinary decision is essential to natural justice. Appeals should be dealt with as promptly as possible. The member will have 14 days from receipt of the warning or dismissal to lodge an appeal.

Individuals will be informed of arrangements for appeal hearings with minimum 7 days' notice and also of their right to be accompanied. The individual will be informed of the result of the hearing within 14 days and this will be confirmed in writing.

The Board of Directors will decide who will sit on any appeal panel. The appeal panel will consist of four members. The Chairman will chair the meeting and the other panel members will comprise of two members drawn from the Board of Directors, and a neutral outsider, decided upon by the Board of Directors.

## **Grievance Procedure**

These are the procedures to enable members of NMTC to make a complaint about other members of NMTC.

### **INFORMAL PROCEDURE**

Complaints where appropriate should be dealt with informally, by discussion with:

- THE MEMBER CONCERNED, OR
- THE COMPLAINANT AND THE CHAIRMAN.

The Chairman may take the matter up with the member concerned if requested to do so by the complainant.

Such informal discussions should not be officially recorded and it will be made clear that they do not form part of the official grievance procedure.

### **FORMAL PROCEDURE**

#### **Support**

At any stage during this process the complainant can seek support from the Chairman.

This might be to:

- LISTEN AND OFFER MORAL SUPPORT;
- EXPLAIN ANY BIT OF THE PROCEDURE;
- HELP IDENTIFY THE OPTIONS OPEN TO THE COMPLAINANT;



### **Recording**

The outcome at each stage of the formal procedure should be recorded. The record will include:

- A NOTE OF ANY AGREED CORRECTIVE ACTION;
- A NOTE OF ANY WARNING THAT HAS BEEN GIVEN AND THE PERIOD AFTER WHICH THIS WARNING WILL BE DISREGARDED.

Copies of this document will be given to each party.

### **THE PROCEDURE**

#### **STAGE ONE:**

The grievance should be raised with the Chairman. This should be done in writing. The Chairman will convene meetings with relevant parties to look into the grievance if possible within 14 days of receiving the request. The Chairman alone makes the decision, but may consult with the rest of the Board of Directors before any decision is made. If the situation is potentially a disciplinary one the disciplinary procedure will be followed.

#### **STAGE TWO:**

If the grievance is still not resolved to the satisfaction of the complainant s/he must make a written request to the Chairman for stage two (the appeal stage of the grievance procedure.) At this point the Board of Directors as a whole will convene a meeting within 21 days of receipt of the formal request for the appeal stage of the grievance procedure to investigate the complaint. If the Board of Directors deem the situation is potentially a disciplinary one the disciplinary procedure will be followed.

If the grievance is against the Chairman, the complainant should speak to NMTC's Company Secretary about how to propose a motion of censure or no confidence at a General Meeting of NMTC.

NEXT REVIEW DATE: January 2022