

# The Bradford Bulls Foundation Disciplinary and Grievance Policy

Date Created; 03 April 2019

Date Approved Sept 2021

Date to Revise Sept 2023



## Disciplinary

The purpose of the Disciplinary policy is to ensure that the standards established by the Company are maintained and that any alleged failure to do so is fairly dealt with.

All cases of disciplinary action under this policy will be recorded and placed in the Company's records. A copy of the Company's relevant records regarding a worker will be supplied at the workers request. The circumstances under which the Company's Disciplinary Procedure will normally be invoked are for: misconduct, gross misconduct or incapability. These categories will be determined at the discretion of the Foundation Manager or the Board, if involving the Foundation Manager.

No first warning will be given before a proper investigation is undertaken by the Company relating to the circumstances of the matter complained of and the worker concerned has had opportunity to state his/her case to the Foundation Manager or the Board, if involving the Foundation Manager. The worker may be accompanied by a fellow employee of his/her choice or by a representative of his/her trade union.

No final warning will be given before the Foundation Manager or the Board if involving the Foundation Manager, holds a disciplinary hearing relating to the matter complained of. The worker in question will be given details in writing of the complaint against him/her before any such disciplinary hearing is held. At the disciplinary hearing the worker will be given opportunity to state his/her case.

It is the intention that each stage of the following procedures should be applied, although, in the event of more serious offences, stages may be omitted, and the Company proceed directly to a final written warning and in the most serious cases there may be dismissal without prior warnings.

## Misconduct

The following procedure will apply in the cases of alleged misconduct:

**First Warning:** This will be given by a worker's immediate line manager and may be oral or written according to the circumstances. In either event the worker will be advised that the warning constitutes the first formal stage of this procedure. If the warning is verbal it will be confirmed in writing.

**Second Warning:** This will be given by the Foundation Manager or the Board if involving the Foundation Manager and confirmed to the worker in writing. This warning will state that if the worker commits another act of misconduct his/her employment will be terminated with notice.

## Gross misconduct

Gross misconduct will result in dismissal without notice or pay in lieu of notice. The decision to dismiss will not be taken without reference to the Chair of Trustees.

Dismissal will be notified to a worker in writing.

## Performance Management

The following procedure will apply in cases of incapability:



First, a Consultation Regarding Performance will take place. No disciplinary action will be taken for incapability until the consultation has taken place.

**First Warning:** This will be given, if despite the consultation process, the employee's work still proves to be unsatisfactory. It will be given by the Foundation Manager or the Board if involving the Foundation Manager and may be orally or in writing. If given orally, it will be confirmed to the worker in writing. This warning will state that the employee's work will be reviewed at the end of a period of three weeks after the date of the warning. If the review proves satisfactory, no further action will be taken unless the employee's work record deteriorates.

**Final Warning:** This may be given in exceptional circumstances during the three-week review period and will be given by the Foundation Manager or the Board if involving the Foundation Manager and confirmed to the worker in writing. This warning will state that unless the employee's work improves within 1 week after the date of the warning his/her employment will be terminated with notice.

**Dismissal:** The decision to dismiss the employee will not be taken without reference to the Chair of Trustees. Dismissal will be notified to the worker in writing.

### Records

- Full details of all disciplinary action will be entered on the worker's personal record
- It is not intended that records of warning should remain on a workers file for an indefinite period and in the case of:

Oral warnings confirmed in writing, or written first warnings, the time limit will be 12 months

Final warnings, the time limit will be 12 months.

After which period references to warnings will be removed from the worker's records if there have been no further breaches of the disciplinary procedure during the time limits set.

### Appeals

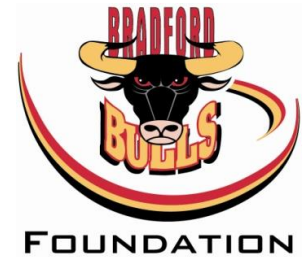
- If at any time during the disciplinary procedure a worker wishes to exercise his/her right to appeal against any disciplinary action taken against him/her, he/she must do so within 14 days of receipt of the disciplinary letter
- All appeals against dismissal where notice is given will be heard before the notice expires. When for good reason this is not possible notice will be extended until the appeal is heard
- In the case of appeals against confirmed oral or written final warnings the appeal must be submitted to the Foundation Manager or The Board if involving the Foundation Manager, who will notify the worker of his/her decision within 14 days of receipt of the appeal notice and which decision shall be final
- In the case of final warnings and dismissal the appeal must be submitted to the Foundation Manager or The Board if involving the Foundation Manager within 14 days of receipt of the disciplinary letter. An appeals hearing will be set up by the Chair of Trustees Board consisting of a minimum of two Board members of the Company. At the appeal hearing the employee may be accompanied by a representative of his/her Trade Union or a fellow worker if so desired. The Board will notify the worker of its decision in writing within 7 days of the hearing and which decision is final.

Any workers known to be under the influence of alcohol/drugs will not be allowed to work whilst in that condition. Where work hours are lost, no fee or salary payment will be made for those hours.

**Offices:** Odsal Stadium, Bradford, West Yorkshire, England, BD6 1BS.

**Contact details:** T: +44 (0) 8448 711490 E: [info@bullsfoundation.org](mailto:info@bullsfoundation.org) W: [www.bullsfoundation.org](http://www.bullsfoundation.org)

**Registered:** Charity No: 1106608 Company No: 05056480



## **Grievance**

The Grievance policy is applicable to all workers.

Wherever possible mediation should be considered and explored as an alternative informal method to address an issue that would otherwise fall under this process.

Any concern raised regarding the outcome of a formal process (e.g. a disciplinary sanction) should be heard as part of an appeal rather than being dealt with as a grievance.

All points of a worker's grievance must be thoroughly investigated and responded to in full. It is important to understand that managers are required to manage issues of misconduct and poor performance, this should always be done with respect and will not constitute bullying or harassment.

Where the grievance is in relation to bullying and harassment, a relationship breakdown, unfair treatment etc. the case may be forwarded to a disciplinary hearing. In these cases, the grievance investigation will form the basis of any subsequent disciplinary investigation.

The hearing manager must be impartial, keep an open mind, be willing and able to take ownership of the decision-making process and maintain confidentiality throughout the process.

Managers should deal with issues promptly and should not unreasonably delay investigations, meetings or confirmation of outcomes/actions that may arise because of the outcome.

All workers have the right to request representation at formal meetings and can be accompanied by:

- a trained worker representative;
- a fellow worker; or
- a trade union official

## **Bullying & harassment definitions**

### **Bullying**

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

### **Victimisation**

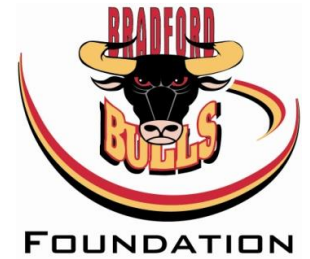
Victimisation involves treating a person less favourably because they have complained (or intend to complain) about discrimination, or because they have given evidence in relation to another person's complaint. Workers must not be disciplined or dismissed or suffer any reprisals for complaining about discrimination or harassment at work. We should promote an open-door culture where we encourage all workers to share any concerns they may have.

### **Harassment**

Harassment involves unwanted conduct that has the purpose or effect of violating a person's dignity or creating an offensive, intimidating or hostile environment. Unwanted conduct can be either physical, verbal, non-verbal or written, for example, unwelcome sexual advances such as touching, standing too close or displaying offensive materials.

## Discrimination

This is where someone is treated less favourably than another individual would be treated in the same situation due to their protected characteristics or is impacted to their detriment by something due to their protected characteristic. Discrimination claims will also be managed under this policy.



## Protected Characteristics

It is unlawful to discriminate against anyone with any of the following protected characteristics:

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Sexual orientation
- Race (including national origins, ethnic origins, nationality and colour)
- Religion and belief

## Receiving a grievance

The worker should clearly outline the grounds of their concern in writing, highlighting any potential evidence/witnesses etc.

Grievances relating to bullying and harassment concerns can be raised by any worker i.e. they could be raised by an individual who has witnessed the behaviour rather than the victim themselves.

Mediation (i.e. informal discussions with the workers involved to attempt to 'nip the issue in the bud') should be considered before starting the formal procedure. If mediation is not appropriate the formal grievance process should be followed as outlined in this policy. The grievance must be acknowledged, and a hearing arranged to investigate the issue further.

If a grievance is submitted around a matter which has been investigated and responded to previously, there is no need to re-investigate the matter as this has been investigated previously. Only if new issues are raised should the grievance process be followed.

If it comes to light that the grievance has been raised with malicious intent, that is, it is without foundation or that false statements have been provided, the disciplinary procedure may be invoked.

## Initial fact finding

The purpose of initial fact finding is to gather enough evidence to determine whether or not there is a case to answer and to make an initial judgement as to the seriousness of the concern raised. It can also help to determine whether mediation may be appropriate.

Fact finding may involve initial conversations with potential witnesses, the alleged victim etc.

There are 3 possible outcomes following the fact finding:

- No case to answer:
  - There is no evidence to support the allegation therefore no formal investigation is necessary
- Informal resolution:



- Mediation may be appropriate where there is a minor break down in a working relationship. This can help re-build the relationship between the workers involved before considering any formal action
- In addition to/in place of mediation, coaching and mentoring can be used e.g. where a complaint is in relation to an individual's management style
- The relevant line managers must be informed of any recommendations to ensure that any corrective action (e.g. re-training) is implemented
- Conduct a formal investigation and grievance hearing:
  - Where informal resolution is not appropriate, a formal grievance hearing must be arranged. A formal hearing is likely to be necessary if the allegation relates to a protected characteristic (see 'Definitions' above), where the worker who raised the concern does not agree to informal resolution, where the grievance relates to terms and conditions of employment, or where standards of conduct have potentially been breached so seriously that it may amount to gross misconduct

### **Suspension**

In some serious situations it may be necessary to suspend one or more workers pending a grievance outcome being reached.

### **The grievance hearing**

The purpose of a grievance hearing is to:

- allow the worker the opportunity to fully outline their grievance and expand on the concerns raised in their grievance letter
- put forward suggestions about how they think the matter could be resolved
- allow the worker the opportunity to put forward areas to explore
- determine whether the grievance is founded

All workers have a statutory right to be accompanied at a grievance hearing.

Detailed notes of the hearing must be taken. They must be reviewed by the manager hearing the grievance so that they can ensure they are an accurate record of discussions. The worker must then review and sign the notes to confirm they agree.

The hearing manager may need to call an adjournment to investigate further, interview witnesses or gather further evidence needed to form a decision as to the outcome.

Any party may request an adjournment during the grievance hearing. The name of the worker requesting the adjournment must be noted along with the reason and the time.

### **The grievance outcome**

A summary should be written to capture the findings and a summary of the reasons for the outcome and recommended action.

The grievance hearing manager must reconvene the hearing and confirm the outcome/their findings to the worker. It is essential that the hearing manager responds to all points of the grievance in full.

There are three possible outcomes to a grievance hearing:

- Find in favour of all grounds - grievance upheld
- Find in favour of some, but not all grounds

**Offices:** Odsal Stadium, Bradford, West Yorkshire, England, BD6 1BS.

**Contact details:** T: +44 (0) 8448 711490 E: [info@bullsfoundation.org](mailto:info@bullsfoundation.org) W: [www.bullsfoundation.org](http://www.bullsfoundation.org)

**Registered:** Charity No: 1106608 Company No: 05056480

- Do not find in favour of any of grounds – grievance not upheld (no further action)

The worker who raised the original concern must be informed of the outcome of the grievance investigation, and this must be confirmed in writing. If the subject of the allegation is referred to a formal disciplinary process this level of detail should not be communicated to the worker who submitted the complaint. For confidentiality purposes, the outcome letter should simply state that 'the appropriate formal action will be taken'.



The worker must be advised that they have the right to appeal against the outcome of the grievance, and the correct process for this. The outcome of an ex-worker grievance is final – there is no right of appeal.

An outcome letter must be sent to the worker who raised the concern responding in full to each point of the workers original grievance and confirming the outcome and rationale for it.

Where relevant (e.g. for cases of bullying and harassment, relationship breakdowns, unfair treatment etc.) the hearing manager must also provide feedback to the relevant line manager, along with any recommendations, to ensure that any corrective action is implemented e.g. mediation, re-training.