



Gaelic Games Council of Britain (GGCB)
Disciplinary Procedure Policy

INTRODUCTION TO DISCIPLINARY PROCEDURE

DISCIPLINARY PROCEDURE

INTRODUCTION

1. GGCB Disciplinary Policy has been designed to address any shortfall in workplace conduct or performance on the part of employees. Its aim is to highlight, as early as possible, instances of poor workplace conduct or performance, and provide opportunities to fully correct any such deficiencies or problems where they arise.
2. Key terms throughout this policy:

Terms	
Chairperson	GGCB Chairperson
Secretary	GGCB Secretary
Manager	Senior or Middle Managers
Right to be Accompanied	Employees have the right to be accompanied by a companion to investigation meetings and a formal disciplinary hearing. The chosen companion may be a work colleague or a trade union representative.

PRINCIPLES

3. Issues relating to conduct will be resolved, so far as possible, by managers and staff, through informal procedures outlined in this policy.
4. Where this fails to resolve the issue, managers may proceed to formal procedure should the alleged infraction continue uncorrected. Formal sanctions of escalating severity will be issued sequentially for persistent problems, and may eventually result in dismissal unless the problem highlighted is addressed to the satisfaction of management.
5. It is important to note; no disciplinary action will be taken against an employee until a disciplinary case has been fully investigated. If appropriate, in cases of alleged gross misconduct, GGCB may, by written notice, suspend the employee while the investigation takes place depending on the severity of the alleged misconduct. Suspension pending the outcome of an investigation is not considered to be a disciplinary sanction.

6. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the sanction will be dismissal without notice or payment in lieu of notice.
7. GGCB reserves the right to implement formal disciplinary proceedings at any stage, owing to the severity of the misconduct.
8. Employees will have the right to appeal against any disciplinary action.

INFORMAL PROCEDURE

DIALOGUE

9. Should a problem arise with an employee's alleged conduct or performance, his or her line manager will often address the issue informally with the employee. This usually takes the form of a discussion where the perceived problem is discussed by the two parties.
10. If it would be deemed useful, an Improvement Plan will be developed by the employee's manager and will contain standards that the employee should reach within a set time period.
11. Dialogue should also be used as an opportunity by the employee to make their manager aware of factors that may be impeding their performance, such as deficits in their training or equipment or adverse working conditions.
12. Dialogue often provides an early resolution, however if the problem is not addressed to the satisfaction of management, the formal disciplinary procedure may be initiated.

FORMAL PROCEDURE

13. The formal procedure is used where either dialogue has failed to resolve the issue, or the alleged infraction is too serious. Where the formal procedure is used the following steps will be taken, as appropriate: -

STEP 1

Investigation

The employee will be informed in writing of the nature of the alleged complaint against them. The letter will set out the allegations and explain the basis for making the allegation.

An investigation will take place of the alleged incident or incidents of misconduct or poor performance, by a manager or human resources who are not involved in the case and a written report of the investigation's findings will be drafted.

STEP 2

Disciplinary meeting

A disciplinary meeting will be held, should the findings of the investigation indicate its need and the employee will be notified of this in writing. Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements at least three working days before the disciplinary meeting. Employees have a statutory right to be accompanied to the meeting by a work colleague or representative from a recognised trade union.

At the meeting the employee will be advised again of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.

A decision on whether or not to issue a disciplinary sanction will be taken following the meeting and the employee will be notified in writing within five working days. No disciplinary penalty will be imposed without a disciplinary meeting, but a meeting may proceed in the employee's absence if he/she fails to turn up.

STEP 3

Appeal hearing

The employee has a right to appeal against any disciplinary decision to the GGCB Chairperson. The employee should inform the Chairperson in writing of his/or her wish to appeal within five working days of the date of the decision which forms the subject of his/or her appeal.

The Chairperson will conduct an appeal hearing as soon as possible thereafter at which the employee will be given an opportunity to state his/or her case and will be entitled to be accompanied by a fellow employee of his/or her choice.

The decision of the Chairperson will be notified to the employee in writing and will be final and binding under this procedure.

An appeal hearing will be considered *de novo*, if new evidence is introduced in the course of an appeal hearing that was not presented during the investigation or disciplinary meeting. The decision of the appeal hearing will be determined solely by the evidence presented to it and will disregard any decision reached at the disciplinary meeting.

14. At all times the investigative and disciplinary procedures adopted by GGCB will adhere to the principles of natural justice and constitutional justice in addition to the provisions of applicable legislation.

15. All staff who may be asked to investigate a case of alleged misconduct will be given training or re-training in how to conduct investigations objectively, fairly and consistently. All officers who may be involved in hearing appeals will be given additional appropriate training.

EMPLOYEE RIGHTS DURING THE FORMAL PROCEDURE

16. An employee will have certain rights during the use of the formal procedure.

Before a hearing the employee will:

- receive full details of the alleged offence or of the alleged poor performance;
- receive all relevant information three working days before any hearing;
- have adequate time to prepare for a hearing;
- be aware as to the potential seriousness of the allegation or allegations and the possible disciplinary outcomes; and
- be aware that he or she has a statutory right to be accompanied by a work colleague or representative from a recognised trade union.

During a meeting the employee will:

- be able to call a witness to give evidence on his or her behalf;
- be able to question or examine witnesses giving evidence against him or her; and
- may provide any evidence which may challenge the case against him or her.

Persons involved in the process

17. In the interest of maintaining fair procedures, persons involved in the conduction of the investigation will not be involved in the conduction of either a disciplinary hearing or an appeal hearing, persons involved in the conduction of a disciplinary hearing will not be involved in the conduction of an investigation or an appeal hearing, and persons involved in the conduction of an appeal hearing will not be involved in the conduction and investigation or a disciplinary hearing, concerning an individual disciplinary matter.

Criminal charges or convictions not related to employment

18. It is the employee's duty to inform GGCB of convictions received during the course of their employment.

19. If an employee is charged with, or convicted of, a criminal offence outside his/her employment, this is not in itself reason for disciplinary action.

20. GGCB will establish the facts of the case and consider whether the matter is serious enough to warrant starting the disciplinary/dismissal procedure. Main consideration will be given to whether the offence, or alleged offence, is one that makes the employee unsuitable for his/her type of work. Similarly, an employee will not be dismissed solely because he/she is absent from work as a result of being remanded in custody.

Ordinary Staged Escalation of a Continuous Problem through the Formal Procedure

21. Typically for repeated incidents of misconduct or poor performance where the informal procedure has failed to provide a resolution to the issue, the formal disciplinary sanctions issued will follow five steps.

22. Sanctions which may be imposed under the disciplinary procedure include:

- verbal warning
- written warning
- final written warning
- suspension (without-pay)
- demotion / reduction in pay
- compulsory transfer or reassignment
- dismissal

23. These disciplinary sanctions, will only be issued after an investigation and disciplinary meeting have been completed for each sanction.

- **Verbal Warning**

This is ordinarily the first disciplinary sanction that will be issued to an employee following unsuccessful dialogue or not meeting steps set out in the improvement plan. A confirmation of the issue of a verbal warning will be given in writing to the employee in question, and a copy will be held on the employee's personnel file for six months following its issue.

- **Written Warning**

In the event of a further breach of conduct or poor performance, or should the issue warrant, the employee will be issued with a written warning. This will be in writing

and set out the nature of the breach and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A copy of this written warning will be forwarded to the employee in question and another copy will be held on the employee's personnel file for nine months following its issue.

- **Final Written Warning**

In the event of yet a further breach of conduct or poor performance, or should the issue warrant, the employee will be issued with a final written warning. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this final written warning will be forwarded to the employee in question and another copy will be held on the employee's personnel file for twelve months following its issue.

- **Other sanction** action short of dismissal such as:

- suspension without pay
- demotion/reduction in pay or;
- transfer/reassignment

If a sanction short of dismissal is imposed, the employee will receive details of the complaint, will be informed that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of this written warning will be held on the employee's personnel file for 18 months following its issue.

- **Dismissal**

If, following the issue of a final written warning or other sanction, the employee fails to improve conduct or performance, the final step in the procedure may be dismissal.

Dismissal decisions can only be taken by the GGCB Secretary following reference to the GGCB Chairperson and GGCB Human Resource Committee, and the employee

will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

24. When a disciplinary sanction is made against an employee during the formal procedure, the employee will receive a written record which should state:

- the nature of the breach of conduct or poor performance of the employee;
- the improvement required of the employee and what training needs, if any, should be addressed;
- that repetition of the breach of conduct or poor performance will result in further disciplinary action;
- the time frame within which improvement in conduct or performance is required, and the date on which such improvements are to be reviewed;
- the length of time that the record of the warning will remain on the employee's personnel file; and
- that the employee has the right to appeal the decision reached at the disciplinary hearing.

OFFENCES

25. Offences under GGCB disciplinary procedure fall into four categories, namely:

- misconduct
- gross misconduct
- incapability
- unsatisfactory sick absence

MISCONDUCT

26. The following offences are examples of Misconduct:

- Minor breach of Association rules or regulations
- Minor failure to observe Association policies or procedures
- Misbehaviour of a minor nature

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

GROSS MISCONDUCT

27. The following offences are examples of Gross Misconduct:

- Theft or unauthorised possession of any property or facilities belonging to the Association or any employee
- Serious damage to Association property
- Falsification of reports, accounts, expense claims or certificates
- Insubordination or refusal to carry out duties or reasonable instructions
- Intoxication by reason of drink or drugs
- Possession of illegal drugs or having custody or control of such drugs on Association property
- Serious breach of Association rules, policies and procedures
- Defrauding or attempting to defraud the Association, its suppliers or fellow employees
- Gambling or money lending on Association property
- Divulging or misusing confidential information belonging to the Association
- Distribution of unauthorised literature on Association property
- Violent, dangerous or intimidatory conduct
- Sexual harassment or bullying of a fellow employee of the Association
- Conviction of any criminal offence which may render the employee unsuitable for employment
- Failure to disclose any relevant information or providing misleading information on application for employment
- Unauthorised use of computer terminals / systems or unauthorised entry into files

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

29. Gross Misconduct may result in immediate dismissal without notice or pay in lieu of notice. A decision to dismiss an employee will not be taken by the GGCB Secretary without reference to the GGCB Chairperson and GGCB Human Resource Committee. Dismissal will

be notified to the employee in writing. Other sanctions may be imposed in substitution for dismissal if GGCB considers that a dismissal is not warranted having regard to the particular circumstances.

INCAPABILITY

30. The following are examples of Incapability:

- Poor performance
- Incompetence
- Unsuitability
- Lack of application
- Unsatisfactory sick absence

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

UNSATISFACTORY SICK ABSENCE

32. The following are examples of Unsatisfactory Sick Absence:

- frequent short-term absence due to minor ailments

33. In the case of unsatisfactory sick absence, GGCB may require the employee to be:

- a. Referred to an Occupational Health Service for an independent medical examination: in this event, the employee will be required to co-operate with such a request and to permit the medical practitioner to discuss with the Secretary the findings of his/or her examination and his/or her prognosis and prospects for future recovery; and/or
- b. interviewed by or on behalf of the Secretary, or by an GGCB nominated doctor at the employee's home, if necessary, if there is a possibility, in GGCB's opinion, that the absence is wholly or partly due to a personal or domestic difficulty or there are other circumstances with which GGCB might be able to assist the employee.

In both these cases a report will be sent to the employees own GP for their records.

34. The findings of the medical practitioner and/or the Secretary will be considered when the Chairperson considers the kind of action, if any, which GGCB will take against the employee in respect of his/or her absence from work. Failure to co-operate will be regarded as Gross Misconduct and dealt with under the Disciplinary Procedure.

35. The Secretary may then decide on one or other of the following:

- a. the issuance of a final warning which will be confirmed to the employee in writing and will specify a further period over which the employee's attendance will be monitored and the level of improvement expected of the employee during such period; this warning will state that failure to show the necessary and a sustained improvement within the specified period will result in the employee's dismissal; or
- b. dismissal on notice if GGCB concludes, following the employee's medical examination, that he/or she is unlikely to be fit to return to work in the foreseeable future and that, in all the circumstances, the needs of GGCB render it impracticable to await further the employee's return to health or fitness.

36. A decision to dismiss an employee will not be taken by the Secretary without reference to the Chairperson.

37. The case of long-term absence due to injury or sickness will be dealt with through a different process.

PERSISTENT BREACHES

38. In the case of employees who have a record of persistent breaches of conduct, irrespective of the timelines outlined above, the employer reserves the right to enter them at the same level of warning as they previously incurred, rather than reverting to the beginning of the formal procedure.