

**The National Youth Brass Band of Great Britain**

**Disciplinary, Grievance & Whistle-Blowing Policies & Procedures (NYBBGB-POL012)**

## **DISCIPLINARY RULES AND PROCEDURE**

### **DISCIPLINARY RULES**

#### **Policy statement**

These Disciplinary Rules should be read in conjunction with our Disciplinary Procedure below. The purpose of the Disciplinary Rules and Disciplinary Procedure is to set out the standards of conduct expected **of all staff** and to provide a framework within which managers can work with staff to maintain those standards and encourage improvement where necessary. Any disciplinary matter will be dealt with fairly and in accordance with the Disciplinary Procedure.

These rules do not form part of any contract of employment or other contract to provide services and we may amend them at any time.

#### **Who is responsible for these rules?**

The Chief Executive Officer has overall responsibility for the effective operation of these rules.

Managers have day-to-day responsibility for these rules and you should refer any questions about these rules to them in the first instance.

#### **Rules of conduct**

While working for us you should at all times maintain professional and responsible standards of conduct. In particular you should:

- observe the terms and conditions of your contract, particularly with regard to:
  - safeguarding;
  - health and safety;
  - confidentiality;
  - information security;
  - conflicts of interest;
- observe all our policies, procedures, rules and regulations, notified to you from time to time by means of notice boards, e-mail, the intranet or otherwise;
- take reasonable care in respect of the health and safety of colleagues and third parties;
- comply with all reasonable instructions given by managers; and
- act at all times in good faith and in the best interests of our business, customers and staff.

Failure to maintain satisfactory standards of conduct may result in action being taken under our Disciplinary Procedure.

#### **Misconduct**

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:

- Minor breaches of our policies;

- Minor breaches of your contract;
- Damage to, or unauthorised use of, our property;
- Poor timekeeping;
- Unauthorised absence from work;
- Refusal to follow instructions;
- Excessive use of our information and communication systems for personal purposes;
- Failure to comply with other instructions, whether in writing or otherwise, or requirements to account for your working time and activities;
- Failure to attend a reasonably accessible locations for face to face meetings, training courses, residential courses, concerts or other events;
- Obscene language or other offensive behaviour;
- Negligence in the performance of your duties;
- Smoking in no-smoking areas, or
- Failure to comply with any reasonable instructions or measures that we implement in response to an emergency or other critical situation.

This list is intended as a guide and is not exhaustive.

### **Gross misconduct**

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice our business or reputation or irreparably damage the working relationship and trust between us. This may include misconduct committed outside of work. Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

- Theft or unauthorised removal of our property or the property of a colleague, contractor, customer or member of the public;
- Fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets;
- Physical violence or bullying;
- Deliberate and serious damage to property;
- Serious misuse of our property or name;
- Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- Serious insubordination;
- Unlawful discrimination, harassment or victimisation;
- Bringing the organisation into serious disrepute;
- Being under the influence of alcohol, illegal drugs or other substances during working hours;
- Causing loss, damage or injury through serious negligence;
- Serious or repeated breach of health and safety rules or serious misuse of safety equipment;
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- Accepting or offering a bribe or other secret payment;

- Accepting a gift from a customer, supplier, contractor or other third party in connection with your employment without prior consent from your line manager;
- Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, customers or the public, or otherwise affects your suitability to continue to work for us;
- Possession, use, supply or attempted supply of illegal drugs;
- Serious neglect of duties, or a serious or deliberate breach of your contract or our procedures;
- Knowing breach of statutory rules affecting your work;
- Unauthorised use, processing or disclosure of personal data;
- Harassment or victimisation of, or discrimination against, employees, workers, contractors, clients or members of the public, related to sex, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age;
- Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties;
- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- Dishonestly giving false information regarding your COVID-19 or other required vaccination or exemption status;
- Repeatedly or seriously failing to comply with any reasonable instructions or measures that we implement in response to an emergency or other critical situation;
- Failing to work your contractual hours, or giving false or misleading information relating to your hours of work;
- Knowingly taking parental, shared parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- Making untrue allegations in bad faith against a colleague;
- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Whistleblowing Policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise;
- Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet);
- Undertaking unauthorised paid or unpaid work during your working hours with us.

This list is intended as a guide and is not exhaustive.

## **DISCIPLINARY PROCEDURE:**

### **About this procedure**

We will deal with any disciplinary matter fairly by taking steps to establish the facts and giving employees the opportunity to respond before taking any formal action. The purpose of this Disciplinary Procedure is to provide a framework within which managers can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary. The standards of conduct expected of all employees are set out in the Disciplinary Rules which are available from your line manager.

This procedure does not form part of any contract of employment or other contract to provide services, and we may amend at any time.

### **Who does this procedure apply to?**

**This procedure applies to employees only.** It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

### **Who is responsible for this procedure?**

The Chief Executive Officer has overall responsibility for the effective operation of this procedure.

Managers have day-to-day responsibility for this procedure.

### **Minor conduct issues**

Minor conduct issues can often be resolved informally between you and your line manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases an informal verbal warning may be given, which will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your line manager as soon as possible.

### **Confidentiality**

Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

### **Investigations**

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.

You must cooperate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

### **Criminal allegations**

Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

### **Suspension**

In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against you or so long as is otherwise reasonable while any disciplinary procedure against you is outstanding. We will confirm the arrangements to you in writing. While suspended you should not visit the location of our activities or contact any of our clients, customers, suppliers, contractors or staff, unless you have been authorised to do so.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations.

### **Notification of a hearing**

Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

- a summary of relevant information gathered during the investigation;
- a copy of any relevant documents which will be used at the disciplinary hearing; and
- a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time[, usually two to seven days,] to prepare your case based on the information we have given you.

### **The right to be accompanied**

You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell the Chief Executive Officer who your chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

### **Procedure at disciplinary hearings**

If you or your companion cannot attend the hearing you should inform us immediately and we will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.

The hearing will be chaired by the Chief Executive Officer. You may bring a companion with you to the disciplinary hearing.

At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but should not answer

questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it. Where possible we will also explain this information to you in person.

### **Disciplinary penalties**

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.

You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

**Stage 1 - First written warning.** This will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

**Stage 2 - Final written warning.** This will usually be appropriate for:

- misconduct where there is already an active written warning on your record; or
- misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

**Stage 3 - Dismissal.** This will usually only be appropriate for:

- any misconduct during your probationary period;
- further misconduct where there is an active final written warning on your record; or
- any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in our Disciplinary Rules above.

### **The effect of a warning**

Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.



A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. In exceptional cases verging on gross misconduct, a final written warning may state that it will remain active indefinitely.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

## **Appeals**

If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Chair of the Board of Trustees within one week of the date on which you were informed of the decision.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.

The appeal hearing will be conducted by the Chair of the Board of Trustees. You have the right to bring a colleague to the meeting.

We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing we may:

- confirm the original decision;
- revoke the original decision; or
- substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

## **PROCEDURE FOR SETTLING A GRIEVANCE**

### **About this procedure**

Most grievances can be resolved quickly and informally through discussion with your line manager. If this does not resolve the problem you should initiate the formal procedure set out below.

This procedure applies to all employees regardless of length of service. It does not apply to agency workers, volunteers or self-employed contractors.

This procedure does not form part of any employee's contract of employment. It may be amended at any time and we may depart from it depending on the circumstances of any case.

### **Step 1: written grievance**

You should put your grievance in writing and submit it to your line manager. If your grievance concerns your line manager you may submit it to the Chief Executive Officer and if it concerns the Chief Executive Officer to the Chair of the Board of Trustees.

The written grievance should set out the nature of the complaint, including any relevant facts, dates, and names of individuals involved so that we can investigate it.

### **Step 2: meeting**

We will arrange a grievance meeting, normally within one week of receiving your written grievance. You should make every effort to attend.

You may bring a companion to the grievance meeting if you make a reasonable request in advance and tell us the name of your chosen companion. The companion may be a colleague, who will be allowed reasonable paid time off from duties to act as your companion.

If you or your companion cannot attend at the time specified you should let us know as soon as possible and we will try, within reason, to agree an alternative time.

We may adjourn the meeting if we need to carry out further investigations, after which the meeting will usually be reconvened.

We will write to you, usually within one week of the last grievance meeting, to confirm our decision and notify you of any further action that we intend to take to resolve the grievance. We will also advise you of your right of appeal.

**Step 3: appeals**

If the grievance has not been resolved to your satisfaction you may appeal in writing to the Chair of the Board of Trustees, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within two weeks of receiving the appeal. This will be dealt with impartially by the Chair of the Board of Trustees who will not have not previously been involved in the case. You will have a right to bring a companion (see 3.2).

We will confirm our final decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.

## **WHISTLEBLOWING POLICY & PROCEDURE**

### **About this policy**

We are committed to conducting our business with honesty and integrity and we expect all staff to maintain high standards. Any suspected wrongdoing should be reported as soon as possible.

This policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

### **What is whistleblowing?**

Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to our activities. This includes bribery, facilitation of tax evasion, fraud or other criminal activity, miscarriages of justice, health and safety risks, damage to the environment and any breach of legal or professional obligations.

### **How to raise a concern**

We hope that in many cases you will be able to raise any concerns with the Chief Executive Officer. However, where you prefer not to raise it with the Chief Executive Officer for any reason, you should contact the Chair of the Board of Trustees. Contact details are at the end of this policy.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

### **Confidentiality**

We hope that staff will feel able to voice whistleblowing concerns openly under this policy. Completely anonymous disclosures are difficult to investigate. If you want to raise your concern confidentially, we will make every effort to keep your identity secret and only reveal it where necessary to those involved in investigating your concern.

### **External disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. We strongly encourage you to seek advice

before reporting a concern to anyone external. Protect operates a confidential helpline. Their contact details are at the end of this policy.

### **Protection and support for whistleblowers**

We aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a genuine concern. If you believe that you have suffered any such treatment, you should inform the Chief Executive Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

However, if we conclude that a whistleblower has made false allegations maliciously, the whistleblower may be subject to disciplinary action.

Protect operates a confidential helpline. Their contact details are at the end of this policy.

### **Contacts**

#### **Chief Executive Officer**

Mark Bromley

01223 737784

mark.bromley@nybbgb.org.uk

#### **Chair of the Board of Trustees**

John Gillam

07778 050500

john.gillam560@btinternet.com

### **Protect**

(Independent whistleblowing charity)

Helpline: 0203 117 2520

E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)