

Date: 16 August 2016
For: Employees



Disciplinary Procedure

Objectives

Ride High's aim is to encourage all employees to achieve high standards of conduct and work performance, and also to provide a fair, effective and consistent method of dealing with disciplinary matters.

General principles

- Employees are expected to know the standard of conduct and work performance expected of them.
- For minor infringements of rules or expected behaviour by an employee, the relevant line manager should give the employee informal advice and training as part of his/her supervisory duties. This Disciplinary Procedure applies when an employee's conduct or work performance fails to improve as a result of such advice or training, or where the offence is more serious.
- This Procedure is designed to enable the Chief Executive and Trustees to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary meeting or other action will be taken until the relevant facts have been established.
- The employee must make every effort to attend any disciplinary meeting.
- Where time limits are referred to in this Procedure they may be varied by agreement between Ride High and the employee.
- All proceedings should so far as is practicable remain confidential.

Procedure

Stage 1 – Investigation

An employee's line manager will promptly and thoroughly investigate any matter that is reasonably suspected or believed to contravene any of Ride High's policies or rules or may otherwise be a disciplinary matter. The employee will be informed as soon as possible as to the fact of an investigation and when it has been concluded.

There may be instances where suspension with pay is necessary while investigations are carried out. Ride High has the right to suspend with pay where there are reasonable grounds for believing that a proper investigation cannot be carried out while the employee remains at work.

Depending on the circumstances of the case, the employee may be invited to attend an investigatory interview. If such an interview is held prior to a disciplinary meeting, the employee will be informed at the outset that the interview is an investigatory interview.

There is no right for an employee to be accompanied at a formal investigatory interview. Ride High reserves the right to dispense with an investigatory interview and to proceed directly to a formal disciplinary meeting.

Stage 2 – Disciplinary meeting

Where, upon completion of an investigation, there are reasonable grounds to believe that an employee has committed an act of misconduct, the employee will be invited to attend a disciplinary meeting with the Chief Executive and a Trustee (or in the absence of the Chief Executive or in the event that the Chief Executive was responsible for conducting any Stage 1 investigation into the alleged misconduct, two Trustees) (together “the Panel”). The Panel should not include the Chair of Trustees.

In these circumstances, Ride High will:

- give the employee at least five working days’ notice of the meeting to give him/her an opportunity to prepare his/her case;
- tell the employee the purpose of the meeting and that it will be held under this Disciplinary Procedure;
- explain the employee’s right to be accompanied at the meeting by a work colleague or Ride High volunteer (“Companion”);
- give the employee written details of the nature of his/her alleged misconduct; and
- provide to the employee all relevant information (which should include statements taken from any fellow employee or other persons) not less than five working days in advance of the meeting.

Where the employee is unable to attend a disciplinary meeting and provides a good reason for failing to attend, the meeting will be adjourned to another day. Ride High will give at least five working days’ notice of the rearranged meeting. Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged meeting, the meeting will take place in his/her absence. The employee’s Companion may attend in such circumstances and will be allowed the opportunity to present the employee’s case. The employee will also be allowed to make written submissions in such a situation.

Where the employee’s Companion is unavailable on the day scheduled for the meeting, it will be rescheduled provided that the employee proposes an alternative date within five working days of the scheduled date.

At the disciplinary meeting, the employee will be entitled to be given a full explanation of the case against him/her. (S)he will be permitted to set out his/her case and answer any allegations. The employee will be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. (S)he will also be given the opportunity to raise points about any information provided by witnesses. Where Ride High intends to call relevant witnesses it will give the employee advance notice of this. The employee must also give advance notice if (s)he intends to call relevant witnesses.

Ride High may adjourn the disciplinary proceedings if it appears necessary or desirable to do so. The employee will be informed of the period of any adjournment. If further information is gathered, the employee will be allowed a reasonable period of time, together with his/her Companion, to consider the new information before the disciplinary meeting is reconvened.

As soon as possible after the conclusion of the disciplinary meeting, the Panel will inform the employee in writing of its decision and what disciplinary action, if any, is to be taken. The employee will be notified of his/her right of appeal.

Role of Companion

The employee's Companion has the right to address the meeting to put the employee's case, sum up the case and respond on the employee's behalf to any view expressed at the meeting. The Companion may also confer with the employee during the meeting. However, there is no requirement for Ride High to permit the Companion to answer questions on behalf of the employee or to address the meeting where the employee indicates that he/she does not wish this.

Disciplinary action

Where, following a disciplinary meeting, Ride High establishes that the employee has committed a disciplinary offence, the following disciplinary action may be taken:

1 Where a minor offence has been committed, a recorded oral warning may be given. The warning will state that any further misconduct will render the employee liable to further, more severe, disciplinary action. The employee should be informed of the period during which the warning will remain "live". During this period, Ride High may rely on such warning in the event of further misconduct by the employee.

2 Where either a more serious disciplinary offence has been committed or further minor offences have been committed by an employee following a recorded oral warning that remains "live", the employee will be given a first written warning. This warning will:

- set out the nature of the offence committed;
- inform the employee that further misconduct is liable to result in further disciplinary action under this Procedure;
- specify the period during which the warning will remain "live" (at the end of which Ride High will review the warning); and
- state that the employee may appeal against the warning.

3 Where a serious disciplinary offence amounting to gross misconduct (as defined below) has been committed, thereby justifying summary dismissal, but Ride High decides, after taking into account all relevant circumstances, that a lesser penalty is appropriate or, where an employee commits further disciplinary offences after a first written warning has been issued and remains "live", a final (or combined first and final) written warning may be given. Such a warning will set out the nature of the offence committed, inform the

employee that further misconduct is likely to result in dismissal, and state that the employee may appeal against the warning.

4 Where the employee has committed further acts of misconduct (these being acts of misconduct other than gross misconduct) following a final written warning given under paragraph 3 above, the employee may be dismissed with notice or with pay in lieu of notice.

5 Where Ride High establishes that an employee has committed an act of gross misconduct, the employee may be summarily dismissed.

6 Where a final written warning is given to an employee under paragraph 3 above, Ride High may also decide to suspend the employee with or without pay or demote the employee instead.

Appeal

An employee may appeal against any disciplinary action taken against him/her, with the exception of an informal oral warning. The appeal will be heard by the Chair of Trustees. The Chair will consider any representations made by the employee, his/her Companion, the employee's line manager who carried out any investigation into the alleged misconduct and also the Panel. The Chair must decide on the basis of all such representations, together with any subsequent facts that may have come to light, whether or not to uphold the disciplinary penalty imposed by the Panel. In the event that the Chair rules in favour of the employee, (s)he shall allow the appeal and shall remove all records of the disciplinary action from the employee's record. In the event that the Chair does not accept the representations made by or on behalf of the employee, the Chair must uphold the disciplinary action.

When lodging an appeal, the employee must state the grounds of appeal and whether (s)he is appealing against the finding that (s)he has committed the alleged act of misconduct or against the level of disciplinary action taken.

The employee must provide written notice of the appeal within five working days of being imposed of the disciplinary action taken against him/her.

Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.

Upon completion of the appeal hearing, the Chair will convey his/her decision to the employee. The decision will be confirmed in writing within five working days of the hearing. The Chair's decision at the appeal hearing is final.

Where an appeal is made against dismissal by the Panel, the Panel's decision to dismiss the employee will have had immediate effect and therefore, if the dismissal is by notice, the period of notice will already have commenced on the date that the decision was given by the Panel. If the Panel's decision was to dismiss the employee summarily without notice, Ride High will be under no obligation to reinstate or pay the employee for any period between the date of the original dismissal and the appeal decision and the original date of

termination will stand. In the event that the Panel's decision to dismiss is overturned, the employee will be reinstated with immediate effect and (s)he will be paid for any period between the date of the original dismissal and the successful appeal decision. His/her continuous service will be unaffected.

Gross misconduct

Gross misconduct is misconduct of such a serious and fundamental nature that it breaches the contracted relationship between the employee and Ride High. Matters that Ride High views as gross misconduct include (but are not limited to):

- Theft;
- Deliberate damage to, or misuse of, Ride High property;
- Fraud and other offences of dishonesty;
- Drunkenness or being under the influence of illegal drugs while at work, or possession of illegal drugs on Ride High premises;
- Physical violence;
- Bullying;
- Gross insubordination;
- Gross negligence;
- Falsification of a qualification that is a stated requirement of the employee's employment or results in financial gain to the employee;
- Falsification of records, reports, accounts, expense claims or self-certification forms whether or not for personal gain;
- Conviction of a criminal offence relevant to the employee's role;
- Bringing Ride High into serious disrepute;
- Discrimination or harassment of a colleague or volunteer on the grounds of sex, sexual orientation, race, disability, age, religion or belief;
- Serious failure to comply with Ride High's policies and procedures and legal requirements that safeguard children and young people.

Training and awareness

A copy of this Procedure will be shown to all employees, and each must sign the list attached to the original to indicate they have read and understood it.

Approval and Review

This Disciplinary Procedure was approved at a Board Meeting of the Trustees on 16 August 2016. It will be reviewed each September thereafter, or more frequently if appropriate.

Signed.....

Date.....