



GBS Disciplinary Policy

1. Introduction

The purpose of this policy and procedure is to assist and encourage employees to achieve and maintain a high standard of conduct within the company.

The procedure aims to ensure that Managers deal with issues in a prompt, consistent and fair manner.

This disciplinary policy and procedure is non-contractual.

2. Scope

This procedure applies to all Company employees and covers all work-related issues where conduct has been deemed unacceptable.

3. Supporting Principles

- In following these procedures, we aim to encourage improvement in your conduct. The disciplinary procedure is not necessarily a progressive one and we reserve the right to initiate the process at any stage, including dismissal, or to jump stages if your conduct warrants it.
- Wherever possible problems should be resolved informally without the need for formal procedures. Where it is not possible for a problem to be resolved informally, or the severity of the allegation warrants it, the formal procedure detailed should be followed.
- At any stage in this procedure the employee has the right to be accompanied by a work colleague or trade union representative.
- An employee who has been requested to accompany a colleague employed by the Company is entitled to paid time off to undertake their responsibilities. This may include attending informal meetings, formal meetings, hearings, or appeals and where possible should be done during normal working hours. There is no duty on a fellow employee or trade union representative to accept a request to accompany an employee
- Where the chosen companion cannot attend on the date proposed, the employee can propose an alternative time and date so long as it is reasonable and is within five working days of the original date.
- No disciplinary action shall be taken against any employee until the case has been fully investigated.

- At every stage in the procedure, employees shall be advised of the nature of the allegation(s) against them and will be given the opportunity to state their case before any decision is made.
- Prior to any disciplinary interview the employee will be advised in writing of the nature of the allegations against them.
- We reserve the right to suspend an employee on full pay while the allegations are fully investigated.
- A criminal offence committed outside of employment will not necessarily be treated as an automatic reason for disciplinary action, unless it is relevant to the duties of the employee or the criminal act brings the company into disrepute.
- Formal warnings shall be noted on the employee record for a period to be decided at the time, after which they will be disregarded.
- An employee who considers that disciplinary action has been taken unreasonably has the right to appeal against that decision.

4. Procedure

Informal Discussions

Managers should, within reason, attempt to resolve matters informally with the employee before invoking the formal procedure. Only once the informal approach fails to bring about the desired improvement should the formal disciplinary procedure be implemented. Any informal stage of the process does not form part of the formal process.

As a guide, if the informal discussion is based on either an individual's conduct (behavior) the Manager and the employee must meet on a one-to-one basis as follows: -

- Following a brief gathering of the facts a member of the management team will talk to the employee about the matter of concern, at the earliest opportunity, highlighting the shortcomings in their conduct. The object of this discussion is to raise the area of concern and encourage the employee to improve.
- The employee will be clear on what needs to improve, how they will do this and by. It may be that a review date is agreed to establish improvements have been met.
- Agreed actions can be followed up in writing to the staff member however there will be occasions where this is not necessary.
- The Manager may issue an improvement letter which will detail the area of concern and the point of agreed action. It is helpful to advise the employee that failure to improve may result in the formal procedure being triggered.

- If there is no improvement after an agreed period of time or the matter continues to be a problem, matters may progress under the formal disciplinary procedure.

5. Establishing the facts

If matters have not been resolved on an informal basis or if the matter or allegation is considered to be of a more serious nature the organisation's formal procedure will be triggered.

Prior to any formal disciplinary procedure an investigation into all the facts related to the matter will be carried out. This may involve reviewing evidence and documentation, meeting with witnesses to the alleged matter and usually will involve an investigatory meeting with the employee.

There is no statutory right for the employee to be accompanied at an investigatory meeting however we will permit this. The investigation will be concluded without unreasonable delay. Where practical, different people will carry out the fact-gathering stage and the disciplinary hearing, however this may not always be the case.

In most cases the employee will be advised that an investigation is taking place, in some instances it may not be possible to do so.

Paid suspension from work may be necessary. The suspension will be for no longer than is necessary to conclude the investigation. Paid suspension may be for up to 5 working days in the first instance (with potential to be extended). Investigatory suspension from work is not a disciplinary action.

6. Inform the employee of the problem

If it has been established that there is a disciplinary case to answer to the employee will usually be advised in writing of the alleged misconduct issue, the potential consequences and the details of the meeting. Any supporting evidence or documentation may also be shared with the employee at this point to allow for them to suitably prepare. The employee is entitled to be accompanied at this meeting. Where possible we will give the employee 48 hours' notice of the disciplinary hearing to allow them opportunity to prepare.

7. Holding the disciplinary meeting

The disciplinary meeting should be held without unreasonable delay and it is expected that the employee and their companion make every effort to attend the meeting arranged.

At the meeting the disciplinary manager will explain the allegations and discuss the supporting evidence. The employee should be given opportunity to present their case and share any supporting evidence of their own. The employee should be given the opportunity to question any of the evidence presented to them including that supplied by witnesses. Advance notice may be given, if possible where an employer or employee intends to call any witnesses. If any new facts emerge which require further investigation the meeting may be adjourned and later reconvened.

8. Postponing the Hearing

If the hearing is unable to go ahead on the original date, the employee should write to the employer (or vice versa) to postpone the hearing. The employee has a right to request postponement of the original meeting. However, if they still do not attend the second meeting and has no good reason for their failure to attend, the company is entitled to carry out the hearing in the employee's absence with the available evidence.

9. Allowing the employee to be accompanied at the meeting

Employees are entitled to be accompanied by a companion at a formal disciplinary meeting. A companion may be a fellow worker, a Trade Union representative or an official employed by a Trade Union. The companion may address the meeting to put forward or summarise an employee's case and may respond on their behalf to any view expressed at the hearing. The companion does not have the right to answer questions on the employee's behalf, address the meeting if the employee does not permit it and prevent the employer from stating their case.

All requests to be accompanied must be reasonable. What is reasonable will vary between cases. It would not be reasonable for an employee to be accompanied by someone whose presence might prejudice the meeting.

If an employee's chosen companion is unable to make the proposed meeting time, the employee can suggest a reasonable alternative time within 3 days of the original proposed meeting date.

10. Decide on appropriate action

After a disciplinary meeting the Manager should decide whether or not disciplinary action is justified and what level of warning is warranted. The employee should be notified in writing of the outcome of the meeting.

Where misconduct is confirmed a first written warning is usually given. If the act of misconduct is sufficiently serious it may be decided to move straight to a final written warning. This might occur where the employee's actions have had, or are liable to have, a harmful effect on the business or for any other reason the Manager deems fit.

The warning must clearly set out the nature of the misconduct and detail the expectations for change. The employee should be advised of the potential consequences of further act of misconduct or failures to improve, of how long the warning will remain live and of the right of appeal process.

The decision to dismiss an employee should only be taken by a Manager who has the authority to do so. The employee should be notified in writing of the reasons for dismissal, of their notice period, the effective date of dismissal and of the right of appeal process.

11. Stages of warnings

The possible warning outcomes are detailed below:

Stage One: First Written warning	Usually the employee will be given a formal stage warning if their conduct does not meet acceptable standards. They will be advised of the reason for the warning in writing, the improvements required, the timescale for improvement and their right of appeal and the timescales for doing so. The warning will usually be effective for 6 months as stated in the letter. After that time, it will be disregarded, subject to satisfactory conduct. The company will review each case individually and may extend the time period for review depending on the offence.
Stage Two: Final Written Warning	If there is a continuing failure to improve, and conduct is not satisfactory, a final written warning will be issued. The warning will give details of the complaint, the improvement required and the timescale for improvement. It will warn that a recommendation for dismissal will result if there is not satisfactory improvement and will advise of the right of appeal. The warning will usually be effective for 12 months and is always subject to review and may be effective for longer. After that time, it will be disregarded subject to satisfactory conduct.
Stage Three: Dismissal	If conduct remains unsatisfactory, and the employee continues to fail to reach agreed standards, they will be dismissed. The employee shall receive a written reason for the dismissal, the effective date of termination, and shall be given a right of appeal. If the dismissal is 'with notice', we shall provide contractual notice. The company may decide to make a payment in lieu of notice. In cases of Gross Misconduct, the employee may be dismissed summarily, meaning without notice or payment in lieu of notice.

12. Gross Misconduct

Gross misconduct is generally seen as misconduct serious enough to destroy the contractual relationship between the employer and the employee and make any further working relationship and trust difficult, if not impossible. Whilst it is not possible to specify all incidents which would constitute gross misconduct, examples of acts which normally would be regarded as gross misconduct include:

- fighting, or using or threatening to use physical violence against a co-worker
- serious negligence which causes or may cause unacceptable loss, damage or injury to persons or property;
- harassment or bullying of another employee/worker
- deliberate damage to, or serious misuse of work property or the property of an employee/worker
- serious insubordination or refusal to carry out a legitimate instruction, the consequences of such a refusal being that there is a clear breach of contract between the staff member and the Company
- theft, fraud, or deliberate falsification of records;
- Incapacity at work through alcohol or use of non-prescribed drugs;
- irresponsible conduct of a nature likely to endanger the health and safety of the individual or others;
- bringing the Company into serious disrepute

Dismissal on the grounds of gross misconduct could occur for offences not mentioned above which are of similar gravity, or where the contractual relationship between the Company and the employee has broken down. In cases of alleged gross misconduct, the employee may be suspended without prejudice to their pay, pending a full investigation.

If, on completion of the investigation and full disciplinary procedure, we are satisfied that gross misconduct has occurred and the recommendation is that the individual should be dismissed this may be done, (a) with notice, (b) with a payment in lieu of notice, or (c) summarily, without notice or payment in lieu of notice. If, on the other hand, it is decided that the circumstances do not warrant dismissal, some lesser penalty may be imposed, including the employee being given a written warning. The employee shall be informed immediately of the decision taken.

13. Appeal procedure

At each stage of the disciplinary procedure employees should be given the right of appeal. If an employee wishes to exercise their right of appeal, they should put their reasons in writing to the named Manager in the formal letter within 5 working days of receiving written confirmation of any disciplinary decision.

The appeal should be made in writing, outlining the reason for appeal, for instance if there is new evidence to be considered, the employee should provide any documentary evidence to support the appeal and advise if any witnesses are to be relied upon.

The employee shall be notified in writing of the appeal date and time. An appeal meeting should be held without unreasonable delay. Wherever possible the appeal should be dealt with impartially, by a Manager who has not been involved in the process so far. Employees have the right to be accompanied at this meeting.

Employees will be notified in writing of the appeal outcome, which might be that the original action taken has been confirmed, revoked or another outcome has been recommended. The appeal decision is final.

The date that a dismissal takes effect will not be delayed pending the outcome of an appeal. If however the appeal is successful, the decision to dismiss will be revoked and the employee will continue to be employed with no break in continuity of service.

14. Record Keeping

During any disciplinary process records will be kept detailing the following:

- the complaint/allegation against the employee and the employee's response
- all meeting notes
- findings and actions taken
- details of any appeal
- detail of any grievance raised as part of the process

Records will be treated as confidential and will be kept in accordance with the Data Protection Act 1998

15. Confidentiality

Confidentiality will be maintained at all times during the process. All record keeping and any witness statements will be kept in accordance with the General Data Protection Regulation 2018 (GDPR). However, it is possible that witness statements and minutes of meetings will form part of the documentation provided to the employee as part of the disciplinary procedure, subject to the requirements of the GDPR.

16. Grievances during the disciplinary process

Usually any complaint you have regarding the disciplinary process can be dealt with by the process and no formal grievance procedure will be required. This will usually be the case where the grievance and disciplinary matters are related.

If, however you feel that disciplinary action is being taken for another reason other than the one (s) outlined in the allegation/case against you or if you believe that it is discriminatory then you

can make a complaint during the process and the disciplinary process may be suspended whilst the complaint is explored. If your grievance is entirely unrelated to the disciplinary process you may raise a grievance in the normal way.

17. Employee sickness absence during the disciplinary process

If an employee is absent due to illness during the disciplinary process for a period of more than 7 days, a fit note will be required. We will establish the reason for the absence and decide how to proceed. In some cases, we may seek permission to get a medical opinion to establish whether the employee is still fit to attend any meetings.

18. Witnesses

Witnesses for either party may be called to support or defend a case. The responsibility for arranging the attendance of witnesses sits with the relevant party. Any employee of the company will be given time off to attend meetings as required and all efforts will be made to ensure that meetings fit within their scheduled time for work.

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