



## **GBS Disciplinary Policy**

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## Definitions

“Appeal”	means the GBS appeals process outlined in Appendix D within the Policy;
“Appeal Panel”	means the Panel which addresses Appeals once they go beyond the capacity of the Disciplinary Committee;
“Authorised Representative”	means any party who is authorised to accompany the Respondent at certain stages of the disciplinary procedure outlined within the Policy;
“BAC”	means the British Athletes’ Commission;
“Chair of the Appeal Panel”	means the GBS Board member whose role is to be the Chair of the Appeal Panel;
“Chair of the Board”	means the GBS Chair;
“Chair of the Disciplinary Committee”	means the GBS Board member whose role is to be the Chair of the Disciplinary Committee;
“Codes of Conduct”	means the GBS Officials’ Code of Conduct and the GBS Athletes’ Code of Conduct;
“Disciplinary Committee”	means the committee within GBS that are involved with the Formal Procedure;
“Disciplinary Decision”	means one of the five Formal Procedure outcomes that are decided upon by the Disciplinary Committee;
“Fee”	means the £250 fee for making an Appeal;
“Formal Hearing”	means the hearing that is conducted within the Formal Procedure;
“Formal Procedure”	means the GBS formal procedure outlined within the Policy;
“GBS”	means GB Snowsport Ltd.;
“GBS Athlete”	means athletes who are part of a GBS Team or a GBS Squad;

“GBS CEO”	means the Chief Executive of GBS;
“GBS Disciplinary Committee”	means those authorised to take action against the Respondent, initiate disciplinary proceedings, or investigate any alleged breaches of conduct;
“GBS Staff”	means staff who are employed by, or acting as a consultant to, GBS;
“GBS Volunteer”	means volunteers who work for GBS without pay;
“GBS Website”	means the official GBS website; <a href="https://www.gbsnowsport.com/">https://www.gbsnowsport.com/</a> ;
“Head Coach”	means the person responsible for the coaching delivery within a GBS programme;
“HR Representative”	means the person internal to GBS whose role is to represent Human Resources;
“Individual”	means any GBS Staff, GBS Athlete, or GBS Volunteer who is subject to the Policy;
“Informal Resolution”	means the GBS informal resolution procedure outlined within this Policy;
“Interview Record”	means the written record used for all interviews;
“Line Manager”	means the person with managerial responsibility over any Individual subject to the Policy;
“Meeting Notes”	means the notes that must be made during any meeting or hearing;
“Notice of Appeal”	means the notice given by the Respondent to initiate Appeal proceedings;
“Respondent”	means an individual who is defending against a grievance claim if the grievance raised concerns about that individual’s conduct;

## 1. Introduction

- 1.1. This document contains the GB Snowsport (GBS) Disciplinary Policy (the "Policy"). It sets out standards of conduct for all GBS Staff, GBS Athletes, and GBS Volunteers. The Policy is part of the GBS Officials' Code of Conduct, the GBS Athletes' Code of Conduct, and the GBS Grievance Policy, and includes the procedures to be followed in the event any concern or complaint has been raised against an Individual's conduct.
- 1.2. Disciplinary procedures exist to ensure that the standards GBS expect are complied with and these procedures aim to provide a fair method of dealing with alleged failures to observe them.
- 1.3. Disciplinary procedures do not exist as a means of imposing sanctions. They are a tool to both assist and encourage improvement amongst GBS Staff, GBS Athletes, and GBS Volunteers whose conduct is deemed unsatisfactory.
- 1.4. GBS prefers that discipline be voluntary and self-imposed, as most misconduct cases work in this manner. However, from time to time, it may be necessary for the Disciplinary Committee to take action towards Individuals whose behaviour or performance is unacceptable.
- 1.5. *GBS takes any allegations of misconduct of GBS Staff, GBS Athletes, and GBS Volunteers very seriously and will always follow the Policy. GBS aims to promote the idea that it is safe and acceptable for all to raise any complaints or concerns. There will be no victimisation for raising a grievance.*

### Aims

- 1.6. To provide disciplinary procedures that improves the GBS training and working environment.
- 1.7. To resolve outstanding disciplinary issues consistently and without delay.
- 1.8. To ensure that both parties act in good faith while following the procedures set out in the Policy.

### Scope

- 1.9. The procedures within the Policy describe how breaches of conduct are to be considered before formal disciplinary action is taken, the Policy further outlines alternatives to the Formal Procedure and when these are available. For example, Informal Resolution.
- 1.10. The Policy is designed to be read in conjunction with the GBS Officials' Code of Conduct, GBS Athletes' Code of Conduct, and the GBS Grievance Policy that are published by GBS. These documents may receive revisions and updates occasionally, with the most up to date versions being available on the GBS Website.

## **2. Standards of Conduct**

- 2.1. GBS have clear and concise Codes of Conduct that reflects the standards that GBS expect. The Codes of Conduct list the behaviours that all GBS Staff, GBS Athletes, and GBS Volunteers will be expected to comply with. Breach of the Codes of Conduct may be considered as an act of misconduct. The current full versions of the Codes of Conduct are available through both the GBS Athletes' Code of Conduct and GBS Officials' Code of Conduct respectively. Disciplinary action may be taken if your conduct and behaviour is considered unacceptable.
- 2.2. Whilst GBS does not intend to impose unreasonable rules of conduct on GBS Staff, GBS Athletes, and GBS Volunteers, certain standards of behaviour are necessary for the efficient and safe performance of work and for the maintenance of satisfactory relations within the training and working environment.

## **3. Misconduct**

- 3.1. An act of misconduct is any suspected or alleged instance of a member of GBS Staff, GBS Athlete, or GBS Volunteer failing to meet acceptable standards of behaviour or conduct in any way. This may be (but is not limited to) through breaching either any GBS Policy or Code of Conduct.

### **Minor Offences**

- 3.2. GBS recognises that minor cases of misconduct and most cases of poor practice may best be dealt with by way of Informal Resolution. Most minor cases of misconduct will be dealt with in this way and such resolution may include advice, coaching, and counselling. The full informal resolution procedure can be found in Appendix A.
- 3.3. If a situation arises where the misconduct is either considered too serious to be classed as minor, or unsolvable by way of Informal Resolution within the issued time scale of 4 weeks maximum, then the Formal Procedure will be deemed necessary and the procedure listed under Clause 5 in the Policy shall be followed.

## **4. Gross Misconduct**

- 4.1. Offences under this heading are deemed so serious that any GBS Staff, GBS Athlete, or GBS Volunteer who commits them will normally be summarily dismissed. Incidents of Gross Misconduct will still require an investigation as part of the Formal Procedure. In such cases, GBS reserves the right to dismiss without notice of termination or payment in lieu of notice.
- 4.2. Gross Misconduct offences are exempt from Informal Resolution.
- 4.3. A non exhaustive exemplary list of Gross Misconduct offences can be found in Appendix B.

### **Suspension**

- 4.4. GBS reserves the right to suspend or temporarily redeploy a Respondent who is suspected of Gross Misconduct, if it is considered in the interests of the Respondent and/or GBS to do so.
- 4.5. Suspension in these circumstances is for the purpose of allowing an unhindered investigation to take place, and does not constitute disciplinary action or sanction. Suspension will be for as short a time as possible and will be on full pay. Any suspension should not be considered without advice from the HR Representative.
- 4.6. If Gross Misconduct is not initially suspected or believed to have occurred, but during the course of an investigation the Investigating Officer conducting it reasonably forms the opinion that a serious breach of discipline may have occurred, the Respondent who is the subject of the investigation may then be suspended.
- 4.7. A Respondent on suspension is paid their full basic pay although GBS reserves the right to suspend without pay if the Respondent is subject to a criminal investigation or is in potential breach of Health and Safety regulations.
- 4.8. Any decision to suspend will be confirmed in writing within five working days and such written confirmation will state that the nature of the suspension is precautionary, not disciplinary, pending the outcome of the investigation and any subsequent disciplinary proceedings.

## **5. Formal Procedure**

- 5.1. The Formal Procedure may be used for either minor offences or Gross Misconduct offences if Informal Resolution has either already failed or not been available (E.g. Gross Misconduct offences). The Formal Procedure includes an investigation and may lead to a Formal Hearing.
- 5.2. A full explanation of the Formal Procedure can be found in Appendix C.

## **6. Appeals**

- 6.1. The Respondent may Appeal against a Disciplinary Decision on the grounds that they do not agree with the decision of the Disciplinary Committee.
- 6.2. The full Appeal process can be found in Appendix D.

## **7. Confidentiality**

- 7.1. Respondents should only discuss disciplinary matters with the parties involved in the Formal Procedure and their Authorised Representative. Breaching confidentiality may result in further disciplinary action being taken.
- 7.2. The Disciplinary Decision will remain confidential to the parties involved. Disclosure outside the parties involved may be made in accordance with GBS' legal, contractual, or regulatory obligations.

## **8. Criminal Offences**

- 8.1. Where allegations are made that may be of a criminal nature, GBS will cooperate fully with any Police investigations. Where these issues are related to the potential conduct of the Respondent whilst overseas, it should be noted that the legal jurisdiction of England and Wales does not cover overseas training events, competitions, or any other GBS matters and will, therefore, be subject to the legislation and legal proceedings of the country in which the alleged offence occurred.



## **9. Note Taking and Records**

- 9.1. Should a disciplinary investigation lead to a criminal investigation (or be drawn upon as part of any Appeal procedure), all material obtained in the course of an investigation should be considered relevant and be made available to the Police and, where applicable, to the Respondent.
- 9.2. No audio recordings of any investigations or hearing will be made. Respondents are not permitted to record disciplinary interviews or hearings without prior consent.
- 9.3. Meeting Notes must be taken at all meetings or hearings to record decisions and outcomes. All interviews must have a written record known as the Interview Record, signed by the interviewer and the subject of the interview. The Interview Record must only contain first party evidence and not hearsay or speculation.
- 9.4. The Respondent will be sent a copy of the Interview Record or Meeting Notes produced, which will constitute GBS' record of proceedings.
- 9.5. All records detailing the nature of any sort of misconduct, the Respondent's defence or mitigation, the action taken and the reasons for it, whether an Appeal was lodged, its outcome and any subsequent developments, will be kept confidentially. Likewise, the Head Coach may also keep records relating to a GBS Athlete's conduct, the implementation of corrective actions, and progression of learning.

## **10. British Athletes' Commission (BAC)**

- 10.1. The BAC exists to provide confidential and independent advice and support to all athletes on performance programmes. Any GBS Athlete who is subject to GBS' disciplinary processes should consider contacting the BAC as follows:

Email: [admin@britishathletes.org](mailto:admin@britishathletes.org)

Phone: 0203 126 4270

Web: [www.britishathletes.org](http://www.britishathletes.org)

## **Appendix A: Informal Resolution**

- A 1.1. Wherever possible, all relevant parties will work together during Informal Resolution in an effort to avoid the Formal Procedure being initiated. Informal Resolution is not part of the Formal Procedure.
- A 1.2. Once an issue has been identified, the Line Manager should arrange to meet with the Respondent and raise the issue/complaint regarding the Respondent's conduct with them.
- A 1.3. At the meeting, the Line Manager should also discuss ways in which the issue can be resolved and how this will be monitored, if appropriate.
- A 1.4. The Line Manager should make notes of any issue raised and discussed informally, including any agreed outcomes and support, storing them securely and confidentially in accordance with the GBS Data Protection Policy.
- A 1.5. If Informal Resolution has not been successful or the conduct has been found to be more serious, the Line Manager should seek advice from the Chair of the Board to discuss initiating the Formal Procedure. If so, the Line Manager should advise the Respondent that this action is being considered.

## **Appendix B: Gross Misconduct**

### **B 1.1. Examples of Gross Misconduct:**

- physical violence;
- bullying or harassment;
- theft, fraud, and criminal damage;
- serious incapability brought on by alcohol or illegal drugs;
- serious breach of health and safety rules;
- serious breach of confidence;
- serious insubordination;
- any criminal behaviour;
- bringing GBS into serious disrepute.

### **B 1.2. The above is intended as a guide and is not an exhaustive list.**

## **Appendix C: Formal Disciplinary Procedure**

### **Informal Resolution**

- C 1.1. It is important to attempt to resolve minor cases of misconduct by way of Informal Resolution. Wherever possible, all parties will work together to avoid any stages of the Formal Procedure being commenced. The details of Informal Resolution are found in Appendix A.

### **Investigations**

- C 1.2. If the Formal Procedure is commenced, It is important to first carry out an investigation without unreasonable delay to establish the facts of the case. There is no obligation to give notice to any party to attend an investigation.
- C 1.3. This investigation will be made by a member of the relevant Disciplinary Committee in order to establish the facts before informing the Respondent in advance of a Formal Hearing.
- C 1.4. An Investigating Officer may be someone internal to GBS who is designated the role (in most cases, the Chair of the Board), or in investigations that have a larger scope, GBS may hire an independent person to fill the role.
- C 1.5. Facts may be established further during the Formal Hearing as the Respondent will also have an opportunity to present their own evidence or witnesses.
- C 1.6. An investigation may not always result in a Formal Hearing or any disciplinary action. It may be concluded that following the investigation, no further action is required.
- C 1.7. The Respondent's conduct is not looked at in isolation. Each incident of misconduct is regarded cumulatively with any previous occurrence.

### **Informing the Respondent**

- C 1.8. In the event of Informal Resolution failing or being unavailable, the Respondent will be notified in writing that the Formal Procedure will be used, of any allegations against them, of any supporting evidence gained by the Investigating Officer, the details of the Formal Hearing, and of what disciplinary action may be taken depending on the Formal Hearing outcome.

## **Authorised Representatives**

- C 1.9. Respondents have the right to be accompanied by an Authorised Representative in a Formal Hearing. An Authorised Representative may be a colleague, fellow GBS Athlete, trade union representative, or an official employed by a Trade Union.
- C 1.10. Respondents must make a reasonable request to be accompanied, and what is reasonable will depend on the circumstances of each individual case.
- C 1.11. Respondents may not request an Authorised Representative whose presence would prejudice the Formal Hearing, or an Authorised Representative from a remote geographical location if there was someone suitable either on site or close by.
- C 1.12. If the Authorised Representative cannot attend the original Formal Hearing date, an alternative date will be offered within the following 5 working days.
- C 1.13. Authorised Representatives may address the Formal Hearing to put and sum up the Respondent's case, respond on their behalf to any views expressed at the Formal Hearing, and confer with them during the Formal Hearing. They do not have the right to answer questions on the Respondent's behalf, address the Formal Hearing if the Respondent does not want them to, or prevent anyone, including the Respondent, from explaining their case.
- C 1.14. The Chair conducting the Formal Hearing will normally be accompanied by either another member of management or the HR Representative.

## **The Formal Hearing**

- C 1.15. The Formal Hearing should be held without unreasonable delay whilst giving the Respondent reasonable time to prepare their case. (What is seen to be reasonable depends on the complexity of the case, but will not be less than 5 days).
- C 1.16. If the Respondent and their Authorised Representative have been invited to attend a Formal Hearing and are persistently unable or unwilling to attend without good cause, the GBS Disciplinary Committee will make a decision in the Respondent's absence on the basis of the evidence available. Refusal to attend a Formal Hearing without good reason will be treated as a disciplinary offence in itself.
- C 1.17. During the Formal Hearing, the Chair of the Board will explain the roles of those attending the Formal Hearing and all allegations against the Respondent. Following this, the evidence that has been gathered by the investigation will be analysed.
- C 1.18. The Respondent may set out their case and may answer any allegations that have been made against them. They will be given the opportunity to ask questions, present their own evidence, call relevant witnesses, and raise points about information provided by witnesses.

- C 1.19. Where GBS or the Respondent intends to call a witness, advance notice should be given to the parties involved and the Disciplinary Committee that they intend to do this. Any written statements, witness statements, or other documentary evidence should be exchanged at least 5 days in advance of the Formal Hearing.

### **The Disciplinary Decision**

- C 1.20. The Formal Hearing will normally be adjourned before a Disciplinary Decision is made. The Disciplinary Committee will decide whether or not disciplinary action is justified and proportionate, and will inform the Respondent of this Disciplinary Decision outcome in writing.

### **Outcome 1: No Action Taken**

- C 1.21. The Respondent will not be issued any disciplinary action.

### **Outcome 2: Verbal Warning**

- C 1.22. The Respondent will be given a Formal Verbal Warning (the “Formal Verbal Warning”) by management or immediate superior.
- C 1.23. The Respondent will be advised of the reason for the warning and that this warning is the first stage of the disciplinary procedure.
- C 1.24. A note of the Formal Verbal Warning may be recorded but nullified after six months, subject to satisfactory conduct, only if there are no further instances of disciplinary action for whatever reason.

### **Outcome 3: First Written Warning**

- C 1.25. If the Respondent’s conduct does not improve, a First Written Warning (the “First Written Warning”) may be given.
- C 1.26. This will give details of the complaint against the Respondent, the nature of the misconduct, the change in behaviour required (with a time scale), how long the warning will remain current, and the likely consequences if the terms of the warning are not complied with.
- C 1.27. The First Written Warning will be recorded but again nullified after a maximum of one year, subject to satisfactory conduct, and only if there are no further instances of disciplinary action for whatever reason.

#### **Outcome 4: Final Written Warning**

- C 1.28. A Final Written Warning (the “Final Written Warning”) should include the same contents outlined in Clause 1.26, as well as a notification of the risk of dismissal if the terms of this warning are not adhered to.
- C 1.29. The Final Written Warning may be issued if:
  - C 1.29.1. there has been a failure to improve in response to the first two outcomes;
  - C 1.29.2. there has been a repeat offense of the misconduct for which a warning or warnings have previously been issued; or
  - C 1.29.3. there has been a first instance of serious misconduct.
- C 1.30. The Final Written Warning will be recorded and only nullified at management discretion.

#### **Outcome 5: Risk of Dismissal**

- C 1.31. Any failure to resolve the case by issuing the Final Written Warning will lead to a dismissal with written notice. Dismissal may also be issued if the misconduct is considered to be “gross”.
- C 1.32. A decision of this kind will only be made after the fullest possible investigation.
- C 1.33. Respondents will be informed in writing of the reasons for the dismissal and the date on which the contract between the employee and GBS will terminate.
- C 1.34. Dismissal can only be authorised only by the GBS CEO.
- C 1.35. All documentation regarding the disciplinary procedure will be kept on a personal file, in a secure location with limited access to designated people and in line with data protection laws and the GBS Data Protection Policy.

## Appendix D: Appeals

### How to Appeal

- D 1.1. The Appeal is commenced when the Respondent or their Authorised Representative makes an Appeal in writing ('the Notice of Appeal') to the GBS CEO by email to their email address within the time frame of 5 days after the written notice of the original Disciplinary Decision has been delivered.
- D 1.2. The Notice of Appeal must set out full details of the Respondent's ground(s) of Appeal and include:
  - D 1.2.1. details of the decision which the Respondent is Appealing;
  - D 1.2.2. details of the ground(s) of Appeal upon which the Respondent relies, including the way the Respondent alleges that the procedures set out in the Disciplinary Policy may not have been applied or followed;
  - D 1.2.3. any documents or written evidence upon which the Respondent relies in support of their Appeal. Only documents relating to the Respondent's grounds of Appeal may be submitted.
- D 1.3. If the Respondent or their Authorised Representative fails to submit the Notice of Appeal within the time limit set out in this Appeal Process, the Respondent will have lost their right of Appeal.
- D 1.4. The Appeal must be accompanied by a fee of £250 (the "Fee") which will be refunded if the Appeal is upheld.
- D 1.5. The Appeal will be considered first by the Disciplinary Committee, who will explain their reasons for the decision to the Respondent or their Authorised Representative. If the Respondent or Authorised Representative is not satisfied with the process or the outcome of the Disciplinary Committee's final decision, then the Respondent or Authorised Representative may refer the matter to a further panel (the "Appeal Panel"), based on the same grounds of Appeal and Notice of Appeal.



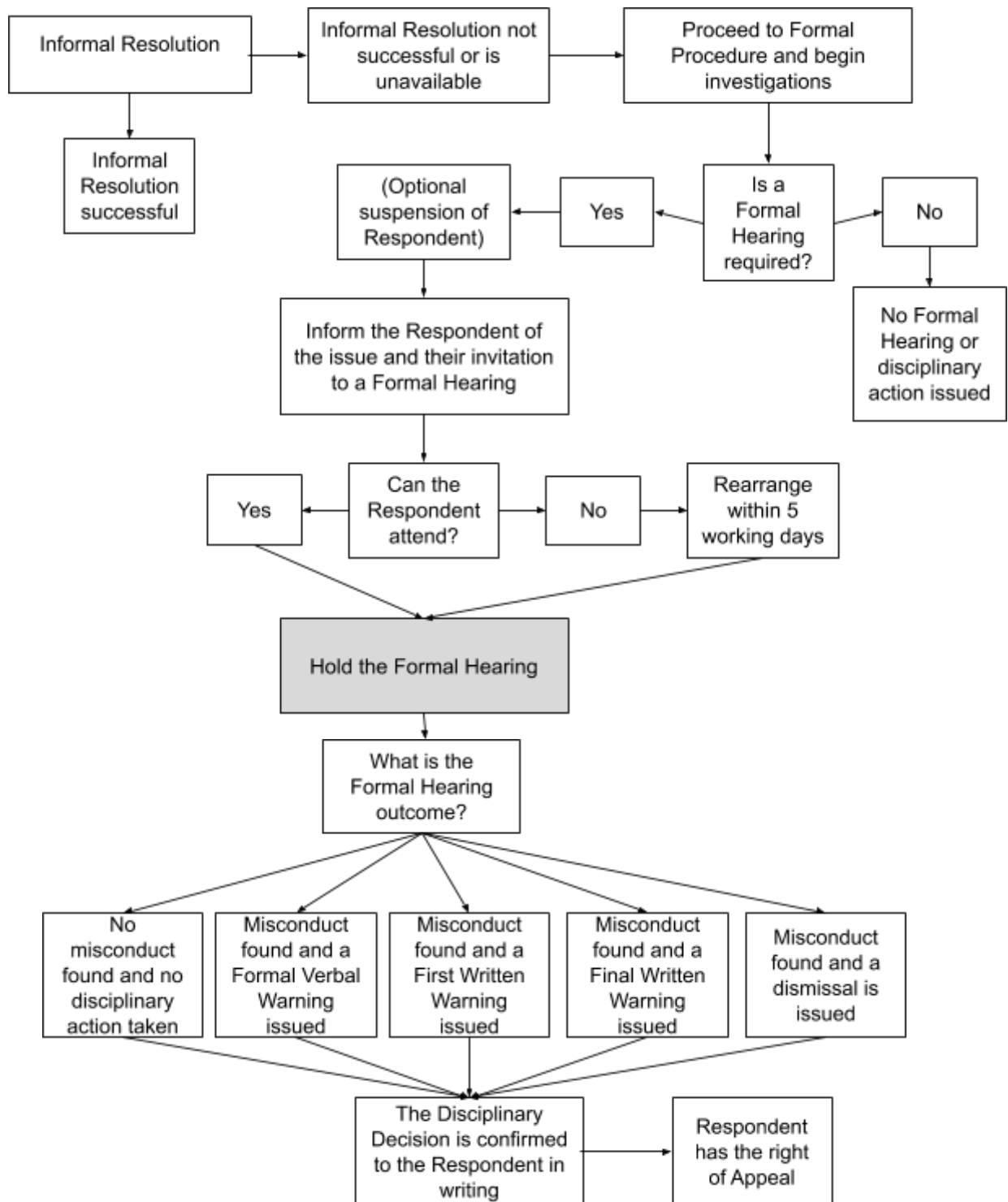
## **The Appeal Panel**

- D 1.6. GBS will nominate an Appeal Panel made up of at least three people and none of whom have any conflicts of interest in respect of the Appeal. One of the Appeal Panel members will be appointed as Chair of the Appeal Panel. To avoid bias, the Chair of the Appeal Panel will not be the Chair of the Disciplinary Committee and will most likely be a different Board member. One Appeal Panel member will be independent and the Respondent will have the opportunity to voice any concerns regarding the Appeal Panel's make-up.
- D 1.7. Once appointed, the Appeal Panel will receive the Notice of Appeal and supporting information as soon as reasonably possible.
- D 1.8. The Chair of the Appeal Panel will convene a meeting to take place as soon as practical, and in any event, within 5 working days of receipt of the Notice of Appeal, at which the Appeal Panel will consider the Notice of Appeal.
- D 1.9. The Appeal Panel will investigate the grounds set out in the Notice of Appeal and establish, to their reasonable satisfaction, whether or not there has been a failure to apply or adhere to the procedure set out in the Policy.

## **Outcomes**

- D 1.10. The possible outcomes of the Appeal are:
  - D 1.10.1. The confirmation of the Disciplinary Decision under Appeal and rejection of the Appeal; or
  - D 1.10.2. Withdrawal of the Disciplinary Decision under Appeal and remittal of the matter back to the original decision maker, identifying the errors they have made in the conduct of the Formal Procedure and requesting that a new decision is made within 5 days; or
  - D 1.10.3. Withdrawal of the Disciplinary Decision under Appeal and confirm the remedy suitable for the Respondent.
- D 1.11. The decision of the Appeal Panel shall be reached by majority vote and all Appeal Panel members shall have one vote each.
- D 1.12. The Chair of the Disciplinary Committee will inform all parties in writing of the Appeal Panel's decision to either confirm or withdraw the Disciplinary Decision under Appeal in line with Clause 1.10. above.
- D 1.13. The decision of the Appeal Panel shall be final and if the Appeal is upheld, the Fee will be refunded in full.

## Appendix E: Disciplinary Process Flowchart



<b>Owner:</b>	Board of GB Snowsport
<b>Version number:</b>	1.0
<b>Date last modified:</b>	July 25 2019
<b>Modified by:</b>	Josh Haughton
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