



Disciplinary and Dismissal Policy

Policy issue date: November 2020

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Introduction:

4 Strides Equestrian aims to ensure that there will be a fair and consistent approach to the enforcement of standards of conduct throughout the company and its offering.

This policy and procedure is designed to help and encourage all employees to achieve and maintain standards of conduct and encourage improvement where necessary.

The establishment rules apply to all employees, except those on probationary period where other arrangements apply. It does not apply to agency workers or self-employed contractors

Purpose and scope

4 Strides Equestrian's aim is to encourage improvement in individual conduct. This procedure sets out the action that will be taken when disciplinary rules are breached. It does not apply to cases involving poor performance or genuine sickness absence.

Poor performance resulting from negligence, lack of application or attitudinal problems, for example, will be dealt with under the disciplinary procedure. Also, where an employee's absences are deemed to be of a casual nature, the employee will be dealt with under the disciplinary procedure.

In poor performance cases, the capability policy and procedure will be used instead.

This procedure does not form part of an employee's contract of employment and it may be amended at any time.

4 Strides Equestrian may also vary this procedure, including any time limits, as appropriate in any case.

Informal warnings

Minor conduct issues can often be resolved informally between employees and their 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 will be made and retained on the employee's personnel file to provide clear direction for future conduct for 12 months and then removed. A copy will be given to the employee. In some cases an informal instruction may be given, outside the formal disciplinary process.

Formal steps will be taken under this procedure if the matter is not resolved informally, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation). Any matter dealt with informally may be referred to as part of any disciplinary proceedings.

Confidentiality

It is the aim of 4 Strides Equestrian to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them as confidential in connection with an investigation or disciplinary matter, save for disclosure to their representative.

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

Employees will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against them, unless there is an exceptional reason that a witness's identity should remain confidential. In such a situation this will be explained to the employee.

Allegations

Allegations may be brought to 4 Strides Equestrian's attention in a number of ways and through a variety of sources. When such information is brought to our attention it must be given careful consideration.

As with disclosures made by children and young people, adults need to be aware that in making an allegation it is not always possible to keep the matter confidential. The manager will need to decide upon the most appropriate course of action and may choose to proceed with an investigation even if the person making the allegation does not want them to.

Allegations which involve issues of child protection and / or abuse of children by staff should be considered by the designated Child Protection Officer and then referred immediately to the Local Authority Designated Officer (LADO). No further action under this procedure should be taken until the LADO has been consulted.

Staff should be aware that where the circumstances of a case meet a threshold for referral, then a referral to the relevant body will be made in line with their reporting requirements.

Investigations

Upon receiving any allegations against employees it is likely that further information will be required to establish what the next course of action should be. The manager should seek to establish the basic facts of the situation; this may involve looking at records, speaking to witnesses, reviewing CCTV etc.

Employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents or information and attending investigative interviews if required.

As each investigation will vary in length and complexity it will be completed in as short a time frame as possible. Where possible, any investigation would normally be carried out within one month.

Every effort will be made to conclude the investigation in that time but it may be necessary to extend the period of investigation if it is not completed within that timescale due to complexity of the case or holiday periods.

The same timescales will be applied for the duration of suspensions.

The employee does not normally have the right to bring a companion to an investigative interview. However, 4 Strides Equestrian may allow the employee to bring a companion if it helps them to overcome any disability, or any difficulty in understanding English.

Preliminary Investigation meeting

A preliminary investigation meeting may be held with the employee to establish the basic facts of the circumstance and to enable the manager to determine whether further investigation under this procedure is required. A preliminary meeting can often give reasonable explanation in response to

allegations which then enables the matter to be concluded. The allegations will need to be clearly stated including as much information as possible, for example time, date, place etc, to enable the employee to make a reasonable response. If the manager is satisfied with the employee's response at this stage there may be no need for further investigation. The meeting should be arranged as soon as possible.

The employee must answer any questions themselves and a record of the meeting will be kept and the employee will be asked to sign this to agree the contents of the record. A preliminary meeting will not be required in all cases and it is for the manager to decide if this is appropriate.

Further investigation

The purpose of an investigation is to establish a fair and balanced view of the facts relating to any disciplinary allegations made against an employee, 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 the employee and any witnesses, and/or reviewing relevant documents and other information.

Investigating Officer

Should the preliminary investigation determine further need for investigation, or if the concerns are serious enough to warrant a full investigation immediately, the manager will usually appoint an Investigating Officer to carry out the investigation. This will be a person appropriate to the nature of the allegations and the role of the employee. The manager may choose to assume this role themselves.

Criminal charges

Where conduct is the subject of a criminal investigation, charge or conviction the facts will be investigated before deciding whether to take formal disciplinary action. Disciplinary action will not be automatic and will depend upon the circumstances.

Employees should inform their manager immediately if they are involved in a criminal investigation, or are subject to a charge or conviction.

4 Strides Equestrian will not usually wait for the outcome of any prosecution before deciding what action, if any, to take.

Where employees are unable or have been advised not to attend an investigation meeting or disciplinary hearing or say anything about a pending criminal matter, a decision may have to be made based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if it is relevant to the employee's employment.

Where a criminal investigation relates to allegations of abuse of children or young people 4 Strides will cooperate and share information about the employee with other relevant agencies as appropriate.

Suspension

In some circumstances it may be necessary to suspend the employee from work. The suspension will be for no longer than is necessary to investigate the allegations and conclude the disciplinary

process. The arrangements will be confirmed to the employee in writing within one working day of the decision to suspend. While suspended employees should not visit 4 Strides premises or contact any parents, students, governors or staff, regarding the allegations or their suspension, unless authorised to do so by their manager.

This will not usually prevent social contact with friends. A contact person will be nominated and their contact details provided to the suspended employee. The contact person will keep the employee informed of any relevant information. The employee should contact the nominated person if they need to make contact with 4 Strides Equestrian.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. Employees will continue to receive full salary and benefits during the period of suspension.

Where allegations are made that involve the protection of children suspension will not be considered to be automatic. A reasoned decision will be made based on all available information.

The suspension will be kept under review as the investigation progresses. As information is gathered it may become appropriate to lift the suspension during the course of the investigation or prior to any disciplinary hearing.

All suspensions will be regularly reviewed and not be unduly long. Where possible suspensions should last no longer than one month however it may be necessary to extend this timeframe in which case the period of suspension will be kept under further review.

Disciplinary Hearing

Following any investigation, if there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. The employee will be informed in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences will be if it is decided at the hearing that the allegations are true. The following will also be included where appropriate:

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

Five working days written notice of the date, time and place of the disciplinary hearing will be given to provide the employee with a reasonable amount of time to prepare their case based on the information that they have been provided with. If this does not allow sufficient time to prepare or to obtain representation, then the employee can make an application to the hearing officer/chair of panel to seek an extension. The hearing officer/chair will then consider if the extension is reasonable under the circumstances.

The manager will be responsible for ensuring that all of the arrangements for the hearing are made and that the employee receives the appropriate paperwork and notice of the hearing.

Role of Companion at Meetings and Hearings

The employee may bring a companion to any disciplinary hearing or appeal hearing held under this procedure. The companion may be either a trade union representative or a work colleague. The employee should inform the manager conducting the meeting who their chosen companion is, in good time before the hearing.

Should the employee choose to bring a companion to the hearing they will be responsible for making these arrangements.

Acting as a companion is voluntary and 4 Strides employees are under no obligation to do so. If they agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

If the choice of companion is unreasonable the employee can be asked to choose someone else, for example:

- (a) if they have a conflict of interest or may prejudice the meeting; or
- (b) if the companion works at another site and someone reasonably suitable is available at the site at which the employee works; or
- (c) if the companion is not available at the time a meeting is scheduled and will not be available for more than five working days afterwards.

A companion may make representations, ask questions, and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during a meeting

Procedure at Disciplinary Hearings

If the employee and / or their companion cannot attend the hearing they should inform the manager immediately and offer a reasonable alternative time within five days of the original date if their chosen companion cannot attend. The hearing may also be rearranged if the employee is unable to attend due to illness. Employees must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. Failure to attend without good reason, or persistent inability to do so (for example for health reasons), may lead to a decision being taken in the employee's absence based on the available evidence

If the employee chooses not to attend the hearing, or is unable to do so (for example for health reasons) they may choose to send a written statement for consideration at the hearing.

The hearing will be conducted by 4 Strides Director. The investigating officer (if different) may also be present. The employee may bring a companion with them to the disciplinary hearing (see "Role of Companions" paragraph above).

At the disciplinary hearing the hearing/investigating officer will go through the allegations against the employee and the evidence that has been gathered. The employee will be able to respond and present any evidence of their own. The companion may make representations to the hearing officer and ask questions, but should not answer questions on the employee's behalf. The employee may confer privately with the companion at any time during the hearing.

Relevant witnesses may be asked by the Investigating Officer or the employee to appear at the hearing. The employee must give sufficient advance notice if they wish to call witnesses to ensure

that there is time to arrange their attendance. The employee will be given the opportunity to respond to any information given by a witness and be given the opportunity to ask questions of the investigating officer and/or the witnesses.

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

The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the disciplinary hearing. Where possible this information will also be explained to the employee in person. They will also be advised of their right of appeal (if appropriate).

Disciplinary Penalties

The hearing officer may find that there is no case to answer and disregard the allegations. Or they may refer the case back to be dealt with through a different process such as through performance management.

Alternatively they may choose to give the employee a disciplinary warning or dismiss them.

The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing.

4 Strides Equestrian aims 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.

First written warning

A first written warning may be authorised by the Director. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on the employee's disciplinary record.

Final written warning

A final written warning may be authorised by the Director. It will usually be appropriate for:

- (a) misconduct where there is already an active written warning on the employee's record; or
- (b) misconduct that is considered sufficiently serious to warrant a final written warning even though there are no other active warnings on the record.

Dismissal

Dismissal may be authorised by the Director. It will usually only be appropriate for:

- (a) further misconduct where there is an active final written warning on the record; or
- (b) any gross misconduct regardless of whether there are active warnings on the 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 below:

- theft, fraud
- any involvement in bribery, giving, receiving or facilitating bribes
- unauthorised entry to computer records or deliberate falsification of records
- a serious breach of the organisation's rules on email and internet usage, health and safety

- policy, harassment policy or data protection policy
- fighting or assault
- deliberate or reckless damage to organisation property
- an inability to perform job duties through being under the influence of alcohol or drugs
- a serious breach of the organisation's safety rules or a single error due to negligence which causes, or could have caused, significant loss, damage or injury to the organisation, its employees or customers
- conviction of a criminal offence that makes the employee unsuitable or unable to carry out his or her duties
- a serious act of insubordination, such as deliberate refusal to carry out proper instructions
- acts of bullying, harassment or discrimination
- a serious breach of trust or confidentiality.

This list is not intended to be an exhaustive one and only gives an indication of the types of offence that may be considered gross misconduct.

Alternatives to dismissal

In some cases the hearing officer may, at its discretion consider alternatives to dismissal. These may be authorised by the hearing officer and will usually be accompanied by a final written warning. Examples include:

- (a) Demotion.
- (b) Transfer to another department or job.
- (c) Loss of seniority.
- (d) Reduction in pay.
- (e) Loss of future pay increment or bonus.
- (f) Loss of overtime.

The effect of a warning

Written warnings will set out the nature of the misconduct, the change in behaviour required, any training or assistance that will be provided, 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 which may warrant indefinite warnings such as dangerous breaches of health and safety, a final written warning may state that it will remain active indefinitely. An employee's conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently 4 Strides Equestrian may decide to extend the active period.

Appeals

Employees have the right to appeal after a disciplinary sanction has been applied. Employees can exercise their right to appeal by writing to the person named in the letter confirming the outcome of the disciplinary hearing within five working days of receiving written notification of the disciplinary sanction. However, the five working days time frame can be extended on request of the employee where further evidence or testimony is required which cannot be made available within this time.

The Employee's letter should state the full grounds upon which they are appealing the decision. If their appeal is against dismissal, the date on which dismissal takes effect will not be delayed pending

the outcome of the appeal. However, if the appeal is successful they will be reinstated with no loss of continuity of service or pay or any other detriment.

If any new matters are raised in the appeal hearing further investigation may need to be carried out.

If any new information comes to light this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing and the panel may decide to adjourn the hearing until a later date.

The employee will be given written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after the employee receives 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 4 Strides Equestrians' discretion depending on the circumstances of the employee's case. In any event the appeal will be dealt with as impartially as possible

Where possible, the appeal hearing will be conducted impartially by a governor who has not been previously involved in the case. The employee may bring a companion to the appeal hearing (see "Role of Companions" paragraph above).

The appeal chair may need to adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in light of any new points that have been raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal, the appeal chair may:

- (a) confirm the original decision;
- (b) revoke the original decision; or
- (c) substitute a different penalty, provided that a penalty will not be increased on appeal.

The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the appeal hearing. Where possible this information will also be explained to the employee in person. There is no further right to appeal.

Referrals to external bodies

In cases where employees are dismissed or resign during a disciplinary process a referral to the Disclosure and Barring Service and the Teaching Agency on behalf of Secretary of State will be made where the thresholds for referral are met.

The policy will be promoted and implemented throughout the establishment and will be amended by 4 Strides Equestrian UK LTD.

Approved by

Signed: Name: Date:

Director