

## **DISCIPLINARY & GRIEVANCE PROCEDURES**

### **DISCIPLINARY**

Discipline is essential for the efficient conduct of the company's activities, and for the safety and well-being of its employees and those who use its services.

Attic Theatre Company's intention is that all its employees should be treated fairly, reasonably and consistently in matters relating to discipline. Therefore, all cases of alleged breaches of discipline and complaints about unsatisfactory work and/or conduct shall be dealt with promptly, in accordance with the procedure set out below.

The Disciplinary Procedure provides for warnings to be given for failure to meet the company's standards of job performance, conduct and attendance, or of breach of any Particulars of Employment.

The Disciplinary Procedure applies to all employees and they should familiarise themselves with its provisions.

### **PRINCIPLES**

Apart from an informal verbal warning, you have the following rights in relation to disciplinary action:

- to be informed of the allegations of misconduct or poor performance to be addressed at any disciplinary hearing
- to be accompanied by a work colleague or by an accredited trade union official
- to appeal against any disciplinary action.

### **DISCIPLINARY PROCEDURE**

Attic Theatre Company's formal warning procedure consists of:

- an oral warning;
- a first written warning;
- a final written warning;
- dismissal; (in serious cases, dismissal will normally be without notice)

The above lists the stages of disciplinary actions available to the Company but any stage may be omitted depending on the severity of the offence.

- In the first instance you should refer the matter to your line manager who will establish the facts surrounding the complaint, if necessary taking into account the statements of any available witnesses.
- If it is considered that it is not necessary to resort to the formal warning procedure, he/she will discuss the matter with you, suggesting areas for improvement. The discussion will be in private and you will be informed that no formal disciplinary action is being taken.
- If it is considered necessary to invoke the formal warning procedure, he/she will inform you. The procedure will then apply but, depending upon the seriousness of the offence, it may be invoked at any level, including summary dismissal.
- In all cases, you will be interviewed by the Artistic Director or General Manager and will be informed of the allegations made against you. You will be given the opportunity to state your case and, at the interview, you may be accompanied by a person of your choice, if you wish, for instance a Trade Union representative, a colleague from the Attic Theatre Company or a member of the Board of Trustees.
- In the case of minor offences you will be given a formal oral warning. You will be

advised that the warning constitutes the first formal stage of the warning procedure given the nature of the offence. The likely consequences of further offences or a failure to improve will be explained to you. A brief note of the warning will be kept but it will lapse after 3 months, subject to satisfactory conduct and/or performance.

- In the case of serious offences, or a repetition of earlier minor offences, you will be given a first written warning. This will set out the precise nature of the offence, the likely consequences of further offences and specifying, if appropriate, the improvement required and over what period. A copy of this first written warning will be kept on file but the warning will lapse after 6 months subject to satisfactory conduct and/or performance.
- In the case of further repetition of earlier offences, or if you still fail to improve, or if the offence, whilst falling short of gross misconduct, is serious enough to warrant only one written warning, you will be given a final written warning. This warning will set out the precise nature of the offence, will state that any recurrence will lead to dismissal or whatever other penalty is considered appropriate, the improvement required and over what period. A copy of the warning will be kept on file but the warning will lapse after 9 months subject to satisfactory conduct and/or performance.
- In the case of gross misconduct, or if all previous stages of the warning procedure have been exhausted, you will normally be dismissed. This will only occur after consideration of other possible disciplinary actions, for example loss of seniority or salary increase, or suspension, with or without pay.
- Where you are accused of an act of gross misconduct you may be suspended from work for up to 14 working days on full pay pending the outcome of an investigation into the alleged offence.
- If you are dissatisfied with the outcome of any stage of the above procedure, you may appeal through the use of the company's Grievance Procedure.

The following are non-exhaustive examples of the sort of offences which, if committed, will normally lead to formal disciplinary action being taken:

Minor offences (oral warning):

- Poor job performance involving sub-standard work, unpunctuality, absenteeism or any major breach of company regulations.

Serious offences (written warnings):

- Insubordination by word, act or demeanour;
- Negligence resulting in minor loss, damage or injury;
- Failure to comply with a specific instruction;
- Irresponsibility in relation to your tasks for the company whether or not within working hours, which the company reasonably considers to be detrimental to or conflicting with the interests of the company, or its customers to likely to affect our standard of work; abuse of authority (i.e. when your conduct towards a fellow employee or member of the public on grounds of sex, sexual orientation, colour, race, nationality or disability is discriminatory);
- Any damaging breach of confidence relating to the company's affairs.

Gross misconduct (dismissal):

- Negligence resulting in serious loss, damage or injury, assault or attempted assault;
- Theft or malicious damage to property;
- Willful disregard of duties or of instructions relating to your employment;
- Deliberate and serious breach of confidence relating to the company's affairs;
- Falsification of records;
- Conduct violating common decency, or conviction on a criminal charge relevant to your employment.

## **GRIEVANCE**

### **PROCEDURE**

If you are dissatisfied with any aspect of your work or any questions or grievances relating to your particulars of employment, or any disciplinary matter, you may seek redress orally or in writing in the following manner:

In the first instance you should refer the matter to your line manager, as appropriate, for informal discussion.

If the matter is not thereby resolved or if you consider that you have not been fairly treated, you may refer it in writing to the Artistic Director or General Manager within five working days. He/she should reply to you in writing within five working days.

If the problem is still not resolved to your satisfaction, you can request that the Artistic Director or General Manager refers the matter within five working days to the Chair of the Board of Trustees. The matter shall be dealt with within 7 working days after its referral and the decision shall be notified to you in writing with such explanation as is appropriate.

### **REPRESENTATION**

At any stage of the Grievance Procedure you may be accompanied, if you wish, by a person of your choice, for instance a Trade Union representative, a colleague from Attic Theatre Company or a member of the Board of Trustees. Attic Theatre Company is a member of ITC who are able to mediate/accompany employees throughout this procedure.

The above procedure is equally available to a group of employees sharing a grievance who may, if they wish, deputise representatives to present the grievance.

### **OVERLAPPING GRIEVANCE AND DISCIPLINARY CASES**

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

### **PUBLIC INTEREST DISCLOSURES**

Employees and workers who make public disclosures, generally about wrong doings in the workplace, are commonly referred to as “whistleblowers”. Under certain circumstances “whistleblowers” are protected under legislation for disclosing information that is known as “qualifying”. A qualifying disclosure must relate to:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- environmental damage
- concealing any information relating to the above.

All employees are legally protected if they make a qualifying disclosure relating to any of the above points. Anyone wishing to make a disclosure is strongly recommended to raise the issue with the General Manager in the first instance so that, where appropriate, there is an opportunity to address the area of concern.

Where an employee wishes to make a disclosure that concerns a matter that cannot be dealt with through the above procedure, it should be raised with Public Concern at Work, an independent whistleblowing charity based at 7-14 Great Dover St, London SE1 4YR (020 3117 2520).

All matters of disciplinary or grievance are to be represented by a minimum of two staff from Attic Theatre Company and all staff subject to either a disciplinary or grievance are entitled to representation as detailed above.

Reviewed May 2018

V Hibbs - General Manager

Ratified by the Board of Trustees