



ASM Sports (UK) Limited | Disciplinary and Grievance Policy | JANUARY 2023

Policy/Procedure Leader	Nick Marren	01782 366332
Deputy Policy/Procedure Leader	Kieran Oakes	01782 366332
Senior Manager Responsible for Allegations	John Kendall	01782 366332
Policy/Procedure Approval Date	16th January 2023	
Frequency of Policy Review	Annually	
Next Review Date	January 2024	
Signature of Policy/Procedure Leader	Signature of Managing Director	
<i>Nick Marren</i>	<i>Alex Morris</i>	



Tel: 01782 366332 **Visit:** www.asmsports.co.uk **Email:** info@asmsports.co.uk

Address: G22 Genesis Centre, Stoke-on-Trent, Staffordshire, ST6 4BF

Registration No: 07376198 VAT No: 159838063



1. DISCIPLINARY POLICY

Disciplinary Procedure

- 1.1 Our disciplinary procedure is invoked when an Employee fails to meet appropriate standards of performance, conduct (either during work hours or not), attendance and/or discipline. The disciplinary procedure will also apply in the event of a breach of any terms and conditions of employment set out in an employee's contract or in any policy or procedure which may from time to time be brought to Employees' attention, either personally or by general notice. All Employees are subject to all our rules and procedures from the start of their employment.
- 1.2 Before any formal disciplinary action is taken, the relevant person will carry out a full investigation to establish the facts. This may involve asking Employees to attend fact finding meetings.
- 1.3 Before any disciplinary sanction is imposed, the Employee will be:
- 1.3.1 told in writing of the allegations/complaints, and the basis of those allegations.
 - 1.3.2 given a reasonable opportunity to consider his or her response to that information; and
 - 1.3.3 invited to attend a disciplinary hearing. Employees have the right to be accompanied at any such disciplinary hearing by a fellow Employee or a trade union representative.
- 1.4 The Employee must make every effort to attend the hearing. At the hearing, we will explain our concerns and discuss any evidence we have gathered. The Employee will then be given the opportunity to comment on the allegations and to explain his or her case.

Stage 1: Verbal Warning

- 1.5 After establishing the facts, we may consider that it is sufficient to talk the matter over with the Employee. A verbal warning may be given in these circumstances and a note of the warning may be kept on the Employee's personnel file. A verbal warning will normally cease to have effect for the purposes of cumulative disciplinary action after 6 months.
- 1.6 The purpose of a verbal warning is to provide an opportunity for improvement or for the matter to be corrected without the need to commence more formal disciplinary procedures.

Stage 2: Written Warning





- 1.7 Where the matter is of a sufficiently serious nature, or where the Employee has failed to meet the required standards after having received a verbal warning, he or she may be given a written warning. This will state the nature of the complaint, the required standards that must be met and, where appropriate, a time limit for improvement. It will also state that further disciplinary action will follow if the required standards are not met or if there is further misconduct.
- 1.8 The Employee will be informed of his or her right to appeal, and how and where this should be made. A record of the warning will then be placed on the Employee's personnel file. A written warning will normally cease to have effect for the purposes of cumulative disciplinary action after 6 months.
- 1.9 If the Employee's conduct is sufficiently serious, we may omit Stages 1 and 2, and proceed straight to Stage 3 or 4.

Stage 3: Final Written Warning

- 1.10 For more serious matters, or where the Employee has failed to meet the required standards after being warned, the Employee may be given a Final Written Warning. This will state the nature of the complaint, the required standards that must be met and, where appropriate, a time limit for improvement. It will also state that the Employee is likely to be dismissed if the standards are not met or if there is further misconduct.
- 1.11 Again, the Employee has the right to appeal. A record of the warning will be placed on the Employee's personnel file. A final written warning will normally cease to have effect for the purposes of cumulative disciplinary action after 12 months.

Stage 4: Dismissal

- 1.12 Where there has been gross misconduct (in which case, Stages 1, 2 and 3 may be omitted) or where the Employee has failed to meet the required standards after due warnings have been given, the Employee may be dismissed.
- 1.13 In extenuating circumstances disciplinary action could take the form of a demotion with subsequent financial loss as well as loss of status, rather than a dismissal. This decision will be taken at our discretion.
- 1.14 In cases of gross misconduct, the dismissal will normally be without notice (or pay in lieu of notice).

Dismissal Without Notice ("Summary Dismissal")





1.15 We regard certain offences as serious enough to warrant 'summary dismissal' without warning. Examples of such offences include:

- 1.15.1 acts of dishonesty where the Employee's conduct affects his or her ability or suitability for continued employment with us; for example, theft, fraud, the deliberate falsification of records or expenses or giving false reasons for absence from work.
- 1.15.2 serious insubordination or rudeness to customers or suppliers.
- 1.15.3 deliberate damage to property.
- 1.15.4 serious misuse of the organisation's property or name.
- 1.15.5 a serious breach of Health & Safety policies.
- 1.15.6 physical violence or aggressive behaviour.
- 1.15.7 indecent or immoral acts.
- 1.15.8 being under the influence of, or possessing, alcohol or illegal drugs during working hours.
- 1.15.9 bringing the organisation into serious disrepute.
- 1.15.10 any breaches of confidentiality requirements in the Employee's contract of employment, other than minor breaches.
- 1.15.11 harassment, unlawful discrimination or bullying.
- 1.15.12 refusing to comply with reasonable and legitimate management instructions.
- 1.15.13 a serious breach of our Equal Opportunities Policy.
- 1.15.14 deliberately accessing internet sites containing pornographic, offensive, or obscene material.

Other Disciplinary Matters

1.16 Matters which may justify invoking the disciplinary procedure which we consider to be misconduct or breaches of discipline include, but are not limited to, the following:





- 1.16.1 Performance at work
 - 1.16.1.1 Poor or careless performance in any aspect of work.
 - 1.16.1.2 Carelessness in quality of service.
 - 1.16.1.3 Interfering to the detriment of the work of colleagues.
 - 1.16.1.4 Failing to follow prescribed procedures.
 - 1.16.1.5 Failing to attend work in a reasonable condition.
 - 1.16.1.6 Removing/defacing/changing our bulletins, notices, and memorandums.
 - 1.16.1.7 Inviting visitors onto our premises without permission.
 - 1.16.1.8 Dereliction of duty (which, if serious, may also amount to Gross Misconduct).
 - 1.16.1.9 Misuse of authority.
 - 1.16.1.10 Wilfully obstructing the progress of meetings.
- 1.16.2 Attendance
 - 1.16.2.1 Absence without prior permission.
 - 1.16.2.2 Leaving work early without prior permission.
 - 1.16.2.3 Overstaying lunch or tea breaks.
 - 1.16.2.4 Arriving for work late.
- 1.16.3 Health & safety
 - 1.16.3.1 Failing to report personal injuries.
 - 1.16.3.2 Failing to observe health and safety regulations.
 - 1.16.3.3 Tampering with or misusing safety equipment.





- 1.16.3.4 Failing to take reasonable care for the Employee's own health and safety or that of their colleagues.
- 1.16.3.5 Failing to use appropriately supplied safety appliances and protective clothing.
- 1.16.3.6 Failing to report to management any unsafe conditions or defects in equipment and/or premises.

What Employees can expect during the Disciplinary Process?

1.17 At each stage of the disciplinary process:

- 1.17.1 the Employee will be told of the expected standard of performance/behaviour, and the nature of the shortfall in expected standards will be identified.
- 1.17.2 the Employee will be given the opportunity to reply to any allegations made against him or her, and to outline any mitigating circumstances he or she may wish to be considered
- 1.17.3 all the facts will then be considered.
- 1.17.4 the Employee will be told of the disciplinary sanction being imposed (although this may be done in writing). This will include details of any timescale within which improvement is to be achieved and the likely consequences if there is no improvement; and
- 1.17.5 the Employee will be advised of the right to appeal.

Right to Appeal

- 1.18 If the Employee is not satisfied with a disciplinary decision, he or she may appeal, in writing, within 5 working days. Arrangements to hear the appeal will normally be made within 5 working days of receiving a written request. If the decision the Employee is appealing against was a decision to dismiss, the appeal may be heard after the dismissal has taken place. All appeals must set out the grounds on which the Employee is making the appeal. We will invite the Employee to an appeal hearing and remind the Employee of his or her right to be accompanied.
- 1.19 The Employee will have an opportunity to put forward, should he or she wish to do so:
 - 1.19.1 new evidence, which was not available during the disciplinary hearing; and/or





- 1.19.2 complaints of a flaw in the original decision-making process, such as a failure to follow procedures or a failure to give the Employee a fair hearing.
- 1.20 The outcome of the appeal will be confirmed to the Employee in writing and will take one of three forms:
 - 1.20.1 the original decision will be upheld, in which case any disciplinary sanction will be confirmed; or
 - 1.20.2 the original decision will be overruled, in which case any disciplinary sanction will be rescinded; or
 - 1.20.3 a less severe sanction will be substituted for that originally imposed.
- 1.21 There is no further right to appeal.
- 1.22 This disciplinary procedure complies with the ACAS Code of Practice on Disciplinary Procedures and is indicative of how we wish to deal with disciplinary matters. The disciplinary procedure does not, however, constitute a contractual right.

Suspension

- 1.23 We reserve the right to suspend individuals during formal disciplinary action. Any suspension will be with pay and does not mean that we have prejudged the issue. It is not a disciplinary penalty but is invoked to allow a full investigation to take place.

Right to be Accompanied

- 1.24 Employees have the right to be accompanied by a colleague or a trade union representative at formal disciplinary and appeal hearings.
- 1.25 The trade union representative can be a full-time official employed by a trade union or a lay official, so long as they have been certified in writing by their union as having experience of, or as being competent in acting as a worker's companion at disciplinary or grievance hearings.





- 1.26 To exercise the right to be accompanied, the Employee must first make a reasonable request. The Employee should do this by speaking to the person who will conduct the hearing in question to make their request at least 48 hours before the hearing is due to take place.
- 1.27 What is reasonable will depend on the circumstances of each case. However, it would not normally be reasonable to insist on being accompanied by a companion whose presence would prejudice the hearing, nor would it be reasonable for an Employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing is available on site. There may also be instances when the chosen companion cannot reasonably be released from their work to attend the hearing.

The companion will be allowed to address the hearing, put, and sum up the Employee's case, respond on behalf of the Employee to any views expressed at the hearing and confer with the Employee during the hearing. The companion does not, however, have the right to answer questions on the Employee's behalf or to address the hearing if the Employee must not want them to. The companion must not prevent us from explaining our case.

2. GRIEVANCE POLICY

- 2.1 Employees with any problems or concerns relating to their employment with us or in relation to any action which we have taken or are contemplating taking in relation to them, have the right to raise an informal or formal grievance. All grievances raised will be treated in the strictest confidence.

Informal action

- 2.2 In the first instance, the employee should normally talk to their line manager, with a view to resolving the grievance informally.

Formal action

- 2.3 If the grievance is not resolved by this informal route or if the employee would like to raise the matter formally, they may do so by following the procedure below.
- 2.4 This grievance procedure complies with the ACAS Code of Practice on Grievance Procedures and is indicative of how we wish to deal with grievances. The grievance procedure does not, however, constitute a contractual term.

Let us know the nature of the grievance.





- 2.5 To raise the matter formally, the employee must write to the Operations Manager without unreasonable delay, setting out the nature of their grievance. If the Operations Manager is the subject of the grievance, then the employee should send their written complaint to a different appropriate manager.

We will hold a meeting to discuss the grievance.

- 2.6 We will invite the employee to a meeting to discuss their grievance. The meeting will take place at a time and place which will be notified to the employee in advance. The employee must make every effort to attend this meeting.
- 2.7 The employee has the right to be accompanied at this meeting (see below).
- 2.8 At the grievance meeting, the employee will have the opportunity to explain their grievance and how they think it should be resolved.

Decision

- 2.9 After the grievance meeting, we will decide on the appropriate action, if any, which will be taken.
- 2.10 We will write to the employee as soon as possible informing them of our decision and, where appropriate, setting out the action we intend to take to resolve their grievance.
- 2.11 We will also inform the employee of their right to appeal this decision if they are dissatisfied with it.

Further action

- 2.12 If the grievance is not resolved to the employee's satisfaction, they may appeal against the decision made.
- 2.13 To appeal, the employee should write to Alex Morris (MD) setting out the grounds of their appeal within 5 working days of receiving the original decision.
- 2.14 We will then invite the employee to a meeting to discuss the appeal at a time and place which will be notified to the employee in advance. The employee will have the opportunity to explain their concerns at the appeal meeting.
- 2.15 The employee must make every effort to attend the meeting and has the right to be accompanied at this meeting (see below).





- 2.16 After the meeting, we will write to the employee as soon as possible to inform them of the outcome of their appeal.
- 2.17 The decision of the person hearing the appeal is final and there is no further appeal from this decision.

Right to be accompanied

- 2.18 Employees have the right to be accompanied by a colleague or a trade union representative at formal grievance and appeal meetings.
- 2.19 The trade union representative can be a full-time official employed by a trade union or a lay official, so long as they have been certified in writing by their union as having experience of, or as being competent in acting as an employee's companion at disciplinary or grievance hearings.
- 2.20 To exercise the right to be accompanied, the employee must first make a reasonable request. The employee should do this by speaking to the person who will conduct the meeting in question to make their request at least 48 hours before the meeting is due to take place.
- 2.21 What is reasonable will depend on the circumstances of each case. However, it would not normally be reasonable to insist on being accompanied by a companion whose presence would prejudice the meeting, nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing is available on site. There may also be instances when the employee's chosen companion cannot reasonably be released from their own work to attend the hearing.
- 2.22 The companion will be allowed to address the meeting, put, and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf or to address the meeting if the employee does not want them to. The companion must not prevent us from explaining our case.

Collective grievances

Note that this procedure does not apply to grievances raised on behalf of two or more employees by a representative of a recognised trade union or other appropriate workplace representative.

