

Moseley and Kings Heath Shed

Disciplinary and Grievance Policy

Introduction

The Shed aims to be a safe and welcoming place for all members. There will be times when members disagree with each other, may feel aggrieved with decisions of the trustees or times where members fail to comply with the Shed's policies and rules.

This policy sets out the approach of the Shed to resolving issues between members, disputes between members and the trustees and for dealing with misconduct by members including breaches of Shed Policies and rules.

Approach

The preferred approach is to attempt to resolve all problems by informal discussions or counselling.

If problems cannot be resolved informally the Trustees will follow an open, structured process consistent with the principles of natural justice set out in the grievance and disciplinary procedure set out below.

Outcomes

In grievance disputes the outcomes might include:

- a) Recommendations for conflict avoidance strategies;
- b) Resource re-allocation or changes to policy and rules by the Trustees;
- c) Other restorative actions such as a letter of apology, restitution, further training, etc.

In disciplinary cases the outcome will include

- a) A decision that there is no case and no further action will be taken
- b) There is a case and a sanction consistent with the offence will be issued
- c) There is a case but other restorative actions such as a letter of apology, restitution, participation in further training, etc will be required.

In Disciplinary cases Trustees reserve the right in the case of serious or gross misconduct affecting the safety and security of the members of the shed to move to the Formal Stage 2 immediately.

Where a member is found guilty of gross misconduct, which would normally be subject to summary termination of membership the procedures regarding progression of warnings will not apply.

Misconduct Definitions

Minor

- Repeated failure to tidy-up after themselves (eg cups, benches, etc)
- Failure to flush the toilet

Serious

- Failure to abide by policies and procedures
- Failure to consistently or satisfactorily meet or perform to membership requirements
- Repeatedly not paying their session fee.
- Consistently poor attendance on a project that they committed to, without appropriate notification

Gross Misconduct

Examples of gross misconduct include:-

- Financial Impropriety
- Disclosure of confidential information (see confidentiality policy)
- Unauthorised use of materials Tools and Equipment or/ inappropriate use of Shed materials Tools and Equipment for personal gain
- Deliberate provision of false information relevant to a person's membership position
- Persistently behaving with reckless disregard for the safety and wellbeing of themselves and/or others.
- Repeated use of abusive or offensive language or behaviour bullying or harassment. Abuse can be defined as single or repeated acts
 - Physical e.g. hitting, slapping, burning, pushing, restraining, attempting to physically intimidate or limit another's freedom of movement
 - Psychological and emotional, e.g. shouting, swearing, frightening, blaming, ignoring or humiliating another, threats of harm, abandonment, intimidation, verbal abuse
 - Discriminatory: including racist or sexist remarks or comments based on another's age, disability or illness
 - Sexual or attempted sexual activity without informed assent
 - Financial e.g. illegal/unauthorised use of another's property/valuables or attempted pressure in connection with the resources of another

- Unacceptable discrimination or discriminatory practice
- Being under the influence of alcohol or drugs.
- Theft of property equipment or materials

Sanctions in Disciplinary Cases

The following sanctions are available to the trustees. The sanctions must be implemented in stages, unless gross misconduct has occurred in which case the Stage 4 sanction of dismissal is immediately available

Stage 1 – Formal Verbal Warning

A record of the verbal warning will be kept but, subject to satisfactory conduct and behaviour, this would lapse after 12 months.

Stage 2 – Written Warning

Copy of the written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct, action and behaviour.

Where a written warning is given, the Trustee Board will be advised and kept up to date with any progress.

Stage 3 – Final Written Warning

Where a final written warning is given, the Trustee Board will be advised and kept up to date with any progress.

Stage 4 - Final Stage – Termination of Membership

This sanction is immediately available in cases of gross misconduct.

Disciplinary and Grievance Procedure

Step One - The Informal Stage

This may include mediation by another member or additional training or support for the member. An informal meeting will normally not be recorded as disciplinary action and would be seen as a process of constructive dialogue. If the problem cannot be resolved informally with the member, then the Trustees will move to the formal stages of the **disciplinary and grievance procedure**. – this should ONLY be done after all informal attempts to resolve the problem have failed.

Step Two – the investigation

The Trustees will attempt to establish the facts of a case. The Trustees will nominate either one of the trustees or someone independent, depending on the issues raised in the case, to establish the facts of the case.

The complainee (one complained about) and the complainant(s) (complaint maker) will be informed of the investigation.

When establishing the facts of the case, the complainee and the complainant(s) will be given an opportunity to contribute to the investigation.

When the investigation is complete, both the complainee and the complainant(s) will be given an opportunity to comment on the findings, which will be attached to the investigation report.

The investigation report must include all evidence and witness statements. The investigation report should NOT state whether one side is guilty or not. The investigation report is solely to establish the facts of the case.

Step Three – deciding what actions to take following the investigation

The investigation report will be presented to the Trustees, who will decide what action to take. The Trustees may decide the following:

- 1) There is no case to answer and no further action will be taken.
- 2) There will be disciplinary or grievance meeting with the complainee and the complainant(s)

If it is decided to hold a disciplinary or grievance hearing, then Step Four will occur

Step Four – the Disciplinary or Grievance Hearing

The trustees will nominate three trustees to host the disciplinary/grievance hearing. The three trustees will decide who will be Chair of the disciplinary hearing before it is held.

The complainee and the complainant(s), will be invited to disciplinary/grievance hearing. They will be permitted to attend the meeting with one other person, who may speak on their behalf. That person could be a relative, a friend or a legal representative.

The complainee will be allowed to bring witnesses to the hearing, but the witnesses may only attend the appropriate sections of the meeting where they will give evidence and may be questioned.

The disciplinary hearing will be audio recorded for minute-taking purposes only. The recording will be destroyed once the minutes are approved. The minutes will be sent to the complainee within five working days for comment.

The objective of the disciplinary or grievance meeting is to listen to both sides of the case, based on the facts established only in the investigation. The disciplinary meeting is NOT a re-opening of the investigation; it is not a cross-examination to establish the guilt of the accused. It is a fair hearing to listen to both sides of the case. The trustees must be impartial and open-minded throughout the hearing.

Once the hearing is over, the nominated trustees will then hold a private meeting to decide their recommendations to all the Trustees. The complainee will be informed that they will know of the decision of the trustees within five working days.

An emergency trustee meeting will be held within five working days of the disciplinary hearing and the Chair of the disciplinary hearing will report back on the findings of the hearing and what their recommendation is.

Based on the Chair of the disciplinary hearing recommendations, the trustees will decide what action to take.

In grievance cases the recommendations might include:

- a) Conflict avoidance strategies;
- b) Resource re-allocation or changes to policy and rules by the Trustees;
- c) Other restorative actions such as a letter of apology, restitution, further training, etc.

In a Disciplinary case the actions can include:

- a) There is no case and no further action will be taken
- b) A sanction (see policy above) will be issued.
- c) Other restorative actions such as a letter of apology, restitution, further training, etc

Step 5 - Appeal hearing

If a complainee wishes to appeal against any disciplinary decision, they should do so in writing to a relevant member of the board, within ten days of the decision being communicated to them.

If a complainant(s) wishes to appeal against any grievance decision, they should do so in writing to a relevant member of the board, within ten days of the decision being communicated to them.

The Appeal hearing must be held within ten working days on receipt of the request for an Appeal.

If there is an appeal hearing, the trustees will appoint three trustees not involved in the first disciplinary or grievance hearing. If there are no trustees available then the trustees will appoint three independent people to sit on the disciplinary or grievance hearing that is acceptable to both the trustees and the complainee in the case of a disciplinary, or complainant(s) in the case of a grievance.

The meeting will be held in exactly the same format as the disciplinary or grievance hearing, with the complainee or the complainant(s) being informed within five working days of the decision of the trustees.