



GAUGE 0 GUILD DISCIPLINARY AND GRIEVANCE PROCEDURES CODE OF PRATICE.

Code of Practice Introduction

1. This Code is designed to help Guild management and members deal with disciplinary and grievance situations.
 - Disciplinary situations include misconduct of a member. Basic principles of fairness set out in this Code should still be followed, albeit that they may need to be adapted.
 - Grievances are concerns, problems or complaints that members raise with the Guild's management.
2. Fairness and transparency are promoted by developing and using rules and procedures for handling disciplinary and grievance situations. These should be set down in writing, be specific and clear.
3. Where some form of formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular case. It may sometimes not be practicable for Guild management to take all of the steps set out in this Code.
4. That said, whenever a disciplinary or grievance process is being followed it is important to deal with issues fairly.
 - Management and members should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
 - Management and members should act consistently.
 - Management should carry out any necessary investigations, to establish the facts of the case.
 - Management should allow a member to be accompanied at any formal disciplinary or grievance meeting.
 - Management should allow a members to appeal against any formal decision made.

Discipline Keys to handling disciplinary issues within the Company.

5. All matters of discipline will be the responsibility of the Directors as set out in the Company's rules. In the case of a formal discipline hearing or written action the Director being President of the Guild will not be included as he/she will be only involved at any appeal stage of any proceedings. He/she must withdraw at any meeting of the Directors where matters of discipline are being discussed. Any disciplinary matters discussed in formal meetings must be redacted from the minutes of such meetings but a full formal minute version of the minutes must be kept by the Secretary.

6. In matters of the discipline of a member of the Council of Management. Directors may refer to the Council any potential disciplinary matters, but any subsequent actions may only be taken by the Directors as set out in item 5 above.
7. It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the member before proceeding to any disciplinary hearing.
8. In misconduct cases where practicable, different Directors should carry out the investigation and disciplinary hearing. Although there is no statutory right for a member to be accompanied at a formal investigatory meeting, such a right may be allowed.

Inform the member of the problem

9. If it is decided that there is a disciplinary case to answer, the member should be notified of this in writing. Any such notification must come from the Company Secretary. This notification should contain sufficient information about the alleged misconduct and its possible consequences to enable the member to prepare to answer the case at a disciplinary meeting. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, these documents may be sent by electronic means to the member.
10. The notification should also give details of the time and venue for the disciplinary meeting and advise the member of their right to be accompanied at the meeting.

Meeting the member to discuss the problem

11. Management and members should make every effort to attend the meeting. At the meeting the management should explain the complaint against the employee and go through the evidence that has been gathered. The member should be allowed to set out their case and answer any allegations that have been made. The member should also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses or provide a witness statement where they are unable to attend. Where management or member intends to call relevant witnesses they should give advance notice that they intend to do this.

Allow the member to be accompanied at a meeting.

12. Members have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:-
 - A formal warning being issued; or
 - The taking of some other disciplinary action; or
 - The confirmation of a warning or some other disciplinary action (appeal hearings).
13. A chosen companion should be a fellow member of the Guild
14. To exercise the statutory right to be accompanied members must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for a member to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for a member to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing was available nearer to the hearing.

15. The companion should be allowed to address the hearing to put and sum up the members case, respond on behalf of the member to any views expressed at the meeting and confer with the member during the hearing. The companion does not, however, have the right to answer questions on the member's behalf, address the hearing if the member does not wish it or prevent the Management from explaining their case.

Decide on appropriate action.

16. After the meeting decide whether or not disciplinary or any other action is justified and inform the member accordingly in writing which must come from Company Secretary.
17. Where misconduct is confirmed it is usual to give the member a first written warning. A further act of misconduct within a set period would normally result in a final written warning.
18. If a member first misconduct is sufficiently serious, it may be appropriate to move directly to a final written warning. This might occur where the member's actions have had, or are liable to have, a serious or harmful impact on the organisation or bring it into disrepute.
19. A first or final written warning should set out the nature of the misconduct and the change in behaviour or improvement in performance required (with timescale). The member should be informed of the consequences of further misconduct, or failure to improve performance, within the set period following a final warning.
20. A decision to remove a member from a post or rescind their membership must only be taken by a Director after consultation with the Chairman and Secretary of the Guild. The member must be informed as soon as possible of the reasons for such action and their right to appeal, this must be confirmed in writing from the Company Secretary.
21. All matters termed as gross misconduct must always follow the disciplinary process.
22. Disciplinary rules must have examples of acts of gross misconduct. These include:- Theft or fraud, physical violence, gross negligence, serious insubordination or bring the Company into disrepute.
23. Where a member is persistently unable or unwilling to attend a disciplinary meeting outshout good cause the Director should make a decision on the evidence available.

Provide members with an opportunity to appeal

24. Where a member feels that disciplinary action taken against them is wrong or unjust they should appeal against the decision. Appeals should be heard without unreasonable delay and ideally at an agreed time and place. Members must put any such appeal in writing stating the grounds for their appeal to the Company Secretary.
25. The appeal should be dealt with impartially and wherever possible, by a person who has not previously been involved in the case. The President or alternately a Vice President may be asked to hear the appeal.
26. Members have a right to be accompanied at appeal hearings.
27. Members should be informed in writing of the results of the appeal hearing as soon as possible.

Special cases

28. If a member is charged with or convicted of a criminal offence this is not normally in itself reason for disciplinary action. Consideration needs to be given to what effect the

charge or conviction has on the member's suitability to do the job and their relationship with other members of the Guild be they colleagues or customers.

Grievance

Keys to handling grievances

29. If it is not possible to resolve a grievance informally members should raise the matter formally and without unreasonable delay with the Company Secretary, as long as he /she is not subject of the grievance. Alternatively they should do this to the Guild President but only in the case where the Secretary is a subject of a grievance. This should be done in writing and should set out the nature of the grievance.

Hold a meeting with the member to discuss the grievance.

30. The Secretary should arrange for a formal meeting to be held without unreasonable delay after a grievance is received.
31. Directors, members and their companions should make every effort to attend the meeting. Members should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

Allow the member to be accompanied at the meeting.

32. Members have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the Company to the member. So this would apply where the complaint is for example, that the Company is in breach of legislation.
33. The chosen companion must be a member of the Guild.
34. To exercise the right to be accompanied a member must first make a reasonable request. What is reasonable will depend on the circumstances of each individual case. However it would not normally be reasonable for members to insist on being accompanied by another member whose presence would prejudice the hearing nor would it be reasonable for a member to ask to be accompanied by a fellow member from a remote geographical location if someone suitable and willing was available.
35. The companion should be allowed to address the hearing to put and sum up the members case, respond on behalf of the member to any views expressed at the meeting and confer with the member during the hearing. The companion does not however, have the right to answer questions on the member's behalf, address the hearing if the member does not wish it or prevent the Company representative from explaining their case.

Decide on appropriate action

36. Following the meeting decide on what action, if any, to take. Decisions should be communicated to the member, in writing, without unreasonable delay and, where appropriate, should set out what action the Company intends to take to resolve the grievance. The member should be informed that they can appeal if they are not content with the action taken.

Allow the member to take the grievance further if not resolved.

37. Where a member feels that their grievance has not been satisfactorily resolved they should appeal. They should make such an appeal in writing to the Company Secretary without unreasonable delay.
38. Appeals should be heard without unreasonable delay and at a time and place which should be notified to the member in advance.
39. The appeal should be dealt with impartially and wherever possible by the President who should have not been previously been involved in the case or in the event he has been party to a previous decision then a Vice President should be appointed to hear the appeal.
40. Members have a statutory right to be accompanied at any such appeal hearing.
41. The outcome of the appeal should be communicated to the member in writing from the Company Secretary without unreasonable delay.

Overlapping grievance and disciplinary cases

42. Where a member 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.

Management Revision Team

11th September 2017

Originator: Richard Clark Guild Secretary.

Version 2

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