

# British Orienteering Disciplinary Procedure

## Introduction

The many people involved in orienteering are expected to maintain high standards of behaviour. British Orienteering's aim is to encourage and help all volunteers and paid people to reach the necessary standards of behaviour. If these standards are not attained, it may be necessary for disciplinary action to be taken. The disciplinary procedure has been designed to promote fairness in the treatment of all members, volunteers and workers whether they are unpaid or paid; there is also an appeals process forming part of the procedure.

Where there has been a failure to meet the required standard of behaviour or work, or a breach of rules, or contravention of British Orienteering's Policies and Rules, or a person has been guilty of misconduct, the disciplinary action to be taken will follow the procedure below.

These rules and procedures should ensure that: -

- a) Individuals are fully aware of the standards of behaviour and performance expected of them.
- b) Disciplinary action, where necessary, is taken speedily and in a fair and consistent manner.
- c) In particular circumstances the alleged inappropriate behaviour is investigated by a panel that has expertise in this area of activity, examples of this are anti-doping, safeguarding children and vulnerable adults.
- d) Individuals will only be disciplined after careful investigation of the facts and the opportunity to present their side of the case. On some occasions, temporary suspensions from participation, volunteering or work (for paid people on full pay) may be necessary in order that an uninterrupted investigation can take place. This should not be regarded as disciplinary action or a penalty of any kind.
- e) Other than for an "off the record" informal reprimand, individuals have the right to representation at all stages of the disciplinary process. An informal reprimand may be given in instances where formal disciplinary action is not appropriate. Informal reprimands will normally be given by a person's manager which could be a Club Chair, a 'line' manager or other person in a position of responsibility. In the case of employees, representation can be by a trade union representative, a fellow employee, solicitor, or any person the individual wishes to nominate. It is the responsibility of the individual to ensure that the representative is kept fully informed.
- f) For a first breach of discipline, except in the case of gross misconduct, it is unlikely that:

- an employee will be dismissed,
- membership of British Orienteering will be revoked.

g) If an individual is the subject of a disciplinary process, he or she will be informed of any penalty imposed and will have the right to appeal against the finding and/or the penalty.

## Disciplinary Rules

It is not practicable to specify all offences which may result in disciplinary action, as circumstances may vary depending on the nature of the role of the individual. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct given in this procedure, the breach of other conditions, procedures, rules, etc. may result in the disciplinary procedure being invoked to deal with such matters.

The disciplinary policy contains three categories of misconduct; the level at which disciplinary action may be considered will be governed by the circumstances and seriousness of each case:

- Unsatisfactory conduct or misconduct
- Serious misconduct
- Gross misconduct

## Rules Covering Unsatisfactory Conduct and Misconduct

These are examples and not an exhaustive list.

You may be liable to disciplinary action if you are found to have acted in any of the following ways:

|  | Volunteer | Employee |
|--|-----------|----------|
| (a) Failure to abide by Health & Safety rules and procedures   | ✓         | ✓        |
| (b) Failure to abide by the good practice identified with dealing with children or vulnerable adults   | ✓         | ✓        |
| (c) Unsatisfactory standards or output of work   | ✓         | ✓        |
| (d) Rudeness towards members, members of the public, employees or voluntary members, disruptive or insulting behaviour, harassment, bullying or bad language | ✓         | ✓        |
| (e) If your work involves driving, failure to report immediately any type of driving conviction or summons which may lead to your conviction                 | ✓         | ✓        |

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|---|--|---|
| (f) Undertaking private work on the premises and/or in working hours without express permission from the Chief Executive                                  |  | ✓ |
| (g) Smoking in designated no smoking areas  |  | ✓ |
| (h) Possession of alcohol on the premises   |  | ✓ |
| (i) Unauthorised lateness on more than one occasion in a week, or on more than three occasions in a month, or persistent absenteeism                      |  | ✓ |
| (j) Failure to devote the whole of your time, attention and abilities to British Orienteering's business and its affairs during your normal working hours |  | ✓ |
| (k) Failure to carry out reasonable instructions or follow rules and procedures   |  | ✓ |
| (l) Unauthorised use or negligent damage or loss of British Orienteering's property   |  | ✓ |
| (m) Failure to report immediately any damage to British Orienteering's property or premises caused by you   |  | ✓ |

### Definition of Serious Misconduct

Serious misconduct is defined as where one of the unsatisfactory conduct or misconduct rules has been broken and, upon investigation, it has shown to be due to an individual's extreme carelessness or it has a serious or substantial effect upon British Orienteering's operation or reputation or upon another member. Serious misconduct may result in the individual being issued with a final written warning in the first instance.

### Definition of Gross Misconduct

Gross misconduct is defined as where one of the gross misconduct rules has been broken and the offence is one which irretrievably breaks the relationship between the employer and employee or brings British Orienteering into disrepute.

Gross misconduct may result in an individual's membership being revoked or, in the case of an employee, summary dismissal.

### Rules Covering Gross Misconduct

These are examples and not an exhaustive list. You will be liable to summary dismissal if you are found to have acted in any of the following ways: -

|  | Volunteer | Employee |
|--|-----------|----------|
| (a) Grossly indecent or immoral behaviour, deliberate acts of discrimination with regard to race, sex, disability or sexuality, or serious acts of harassment    | ✓         | ✓        |
| (b) Dangerous behaviour, fighting or physical assault  | ✓         | ✓        |
| (c) Placing a member of the public or another member of British Orienteering in danger as a consequence of poor performance caused by intoxicants or drugs       | ✓         | ✓        |
| (d) Deliberate falsification of any records (including expenses claims, absence records and so on, in respect of yourself or any fellow employee)                | ✓         | ✓        |
| (e) Theft or unauthorised possession of money or property, whether belonging to another member, another employee or a third party                                | ✓         | ✓        |
| (f) Destruction/sabotage of British Orienteering's property, or any property on the premises   | ✓         | ✓        |
| (g) Serious breaches of the Health & Safety rules which may endanger the safety of any other person  | ✓         | ✓        |
| (h) Abuse of another person as indicated in the Harassment Policy  | ✓         | ✓        |
| (i) Gross insubordination and/or continuing refusal to carry out legitimate instructions   |           | ✓        |
| (j) Incapacity at work or poor performance caused by intoxicants or drugs  |           | ✓        |
| (k) Possession or use of illicit drugs   |           | ✓        |
| (l) Abuse of the sickness absence policy and specifically, undertaking additional paid work when on sick leave from British Orienteering's employment            |           | ✓        |
| (m) Taking part in activities which may result in adverse publicity to British Orienteering, or which cause British Orienteering to lose faith in your integrity |           | ✓        |

|  |  |   |
|--|--|---|
| (n) Working in competition with British Orienteering |  | ✓ |
|--|--|---|

## Disciplinary Procedure

Disciplinary action taken against an individual will normally be based on the guidelines outlined in Table 1. The stage at which the disciplinary process will be invoked will depend on the nature of the alleged offence; this will be confirmed when the individual is advised of any disciplinary hearing.

In the case of employees, British Orienteering retains discretion in respect of the disciplinary procedure to take account of length of service and to vary the procedures accordingly. If an individual has a short length of service, he or she may not be in receipt of any warnings before dismissal, but the individual will retain the right to a disciplinary hearing and will have right of appeal.

British Orienteering will also take into account any mitigating circumstances when considering how the disciplinary procedure will be invoked.

If a disciplinary penalty is imposed it will be in line with the procedure outlined in Table 1, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to the individual in writing (except for a formal verbal warning).

In all cases, warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the procedure in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal or the revocation of membership if the warnings are not heeded.

The appropriate disciplinary action to be taken in a particular case will take into account any previous disciplinary action which is on record, irrespective of the nature of the offence which gave rise to the earlier disciplinary action.

Table 1

| Offence                | First Occasion        | Second Occasion       | Third Occasion                        | Fourth Occasion                       |
|------------------------|-----------------------|-----------------------|---------------------------------------|---------------------------------------|
| Unsatisfactory Conduct | Formal verbal warning | Written warning       | Final written warning                 | Dismissal or revocation of membership |
| Misconduct             | Written warning       | Final written warning | Dismissal or revocation of membership |                                       |

|                    |                                       |                                       |  |  |
|--------------------|---------------------------------------|---------------------------------------|--|--|
| Serious Misconduct | Final written warning                 | Dismissal or revocation of membership |  |  |
| Gross Misconduct   | Dismissal or revocation of membership |                                       |  |  |

The following process and timescales will normally be followed:

#### **Formal verbal warning**

Where a breach of the required behaviour of a member or the terms of employment for an employee is minor or happens rarely, a word of warning or guidance from a responsible person or line manager will normally be sufficient. This should be preceded by informal counselling or guidance as part of the normal management process. Where there is no improvement in the identified areas, an interview will be arranged with a minimum of 2 weeks' notice for members or a minimum of 3 working days' notice for an employee, and the reasons for the interview confirmed to the individual. The individual will be provided with an opportunity to put their case at the interview and only after hearing and assessing this evidence will a decision whether to issue a Formal Verbal Warning be made.

#### **Written warning**

If there is no improvement in the individual's conduct after the Formal Verbal Warning OR in the event of further unsatisfactory conduct OR in the event of misconduct, an interview will be arranged with a minimum of 2 weeks' notice for members or a minimum of 3 working days' notice for an employee, and the reasons for the interview confirmed to the individual. The individual will be provided with an opportunity to put their case at the interview and only after hearing and assessing this evidence will a decision whether to issue a Written Warning be made.

#### **Final written warning**

In the event of the employee continuing to fail to comply with the required standards OR in the event of further misconduct OR in the event of serious misconduct, an interview will be arranged with a minimum of 3 weeks' notice for members or a minimum of 5 working days' notice for an employee, and the reasons for the interview confirmed to the individual. The individual will be provided with an opportunity to put their case at the interview and only after hearing and assessing this evidence will a decision whether to issue a Final Written Warning be made.

#### **Gross misconduct**

In the event of the individual continuing to fail to comply with the required standards OR in the event of further serious misconduct OR if an individual is alleged to be guilty of gross misconduct this may result in the revocation of membership of British Orienteering, or if the individual is an employee of British Orienteering, summary dismissal without notice. An employee may be suspended, with pay, to enable time to be taken to investigate accusations of serious breaches of rules. A member may be suspended from participating in all orienteering activities to enable time to be taken to investigate accusations of serious breaches of rules. An interview will be arranged with a minimum of 3 weeks' notice for members or a minimum of 5 working days' notice for an employee, and the reasons for the interview confirmed to the individual. The individual will be provided with an opportunity to put their case at the interview and only after hearing and assessing this evidence will a decision whether to revoke membership, or in the case of an employee, issue a Dismissal Notice, be made.

### Disciplinary Authority

The operation of the disciplinary procedure contained in the previous section is based on the following authority at the various levels of disciplinary action:

| Level of potential disciplinary action | Authority <sup>11</sup> - Employee               | Authority - Member   |
|--|--|--|
| Formal verbal warning                  | Line Manager                                     | Responsible person   |
| Written warning                        | Line Manager                                     | Club Chair or person with responsibility for this area of work |
| Final written warning                  | Line Manager + Director                          | Club Chair & person with responsibility for this area of work  |
| Gross misconduct (dismissal)           | Chief Executive or Chair of British Orienteering | Chair of British Orienteering                                  |

Note: There are circumstances where investigation and disciplinary action is taken by a person or persons that have expertise in the area of work that the inappropriate behaviour has taken place in, examples are anti-doping, safeguarding children.

Disciplinary panels will normally be comprised of the following:

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<sup>11</sup> The definition of Line Manager is any member of staff who has a direct responsibility for the supervision or management of one or more employees or, in the case of a volunteer or member, a senior volunteer that has responsibility for the individual, either through the individual's club or through the role the individual was fulfilling.

| Level of potential disciplinary action | Panel composition - Employee              | Panel composition - Member                      |
|--|---|---|
| Formal verbal warning                  | n/a                                       | n/a   |
| Written warning                        | Line Manager + one other Manager          | Club Chair & a role expert external to the club |
| Final written warning                  | Line Manager + Director + Chief Executive | British Orienteering Disciplinary Panel         |
| Gross misconduct (dismissal)           | Line Manager + Chief Executive or Chair   | British Orienteering Disciplinary Panel         |

Note: There are circumstances where the panel will be composed of people with expertise in the relevant work area the alleged offence has been committed in; examples of this are anti-doping and safeguarding children where specific Case Management Panel will be used.

### Period of Warnings

#### Formal verbal warning

- A Formal Verbal Warning will normally be disregarded after a 6-month period.

#### Written warning

- A Written Warning will normally be disregarded after a 12-month period.

#### Final written warning

- A final written warning will normally be disregarded after a 24-month period.

### Disciplinary Appeals Procedure

The disciplinary rules and procedures incorporate the right to lodge an appeal in respect of any disciplinary action taken against an individual.

The British Orienteering Appeal Procedure is detailed within the document of the same name and any person seeking to make an appeal should thoroughly read the document.

An overview of the Appeal Procedure is:

- a) Appeals against employment disciplinary matters will be dealt with through the human resource mechanisms and tribunal system established under Employment Law.
- b) Any Member of British Orienteering who is affected by a decision of the Board, of any Committee of British Orienteering, or of any body or individual who has been delegated authority to make decisions on behalf of the Board, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in the Appeal Procedure.

- c) An appeal against a formal warning or revocation of membership should give details of why the penalty imposed is felt to be too severe, inappropriate or unfair in the circumstances.
- d) If an individual is appealing on the grounds that he or she has not committed the offence, then the individual's appeal may take the form of a complete re-hearing and re-appraisal of all matters so that the Appeals Panel can make an independent decision before deciding to grant or refuse the appeal. The Appeals Panel will decide on the form the hearing will take.
- e) If an individual wishes to exercise the right to appeal, he or she should apply in writing to the Chair of the Appeal Committee at the National Office of British Orienteering normally within 21 days of the disciplinary decision.