



Disciplinary and Capability Procedure

About this procedure

This procedure is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance.

Minor conduct or performance issues can usually be resolved informally with members of the Court. This procedure sets out formal steps to be taken if the matter is more serious or cannot be resolved informally. This procedure applies to all Freemen regardless of length of membership.

This procedure may be amended at any time.

Investigations

Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.

In some cases of alleged misconduct, we may need to suspend a Freeman from attending events, while we carry out the investigation or disciplinary procedure (or both). While suspended, you should not visit our premises or contact any of our clients, other Freemen, customers, suppliers, contractors or staff, unless authorised to do so. Suspension is not considered to be disciplinary action.

The Hearing

We will give you written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare. You will normally be given copies of relevant documents and witness statements.

You may be accompanied at the hearing by a colleague to act as your companion, but not a legal representative.

You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.

We will inform you in writing of our decision, usually within one week of the hearing.



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Disciplinary action and dismissal

The usual penalties for misconduct or poor performance are:

Stage 1: First written warning. Where there are no other active written warnings on your disciplinary record, you will usually receive a first written warning. It will usually remain active for six months.

Stage 2: Final written warning. In case of further misconduct or failure to improve where there is an active first written warning on your record, you will usually receive a final written warning. This may also be used without a first written warning for serious cases of misconduct or poor performance. The warning will usually remain active for 12 months.

Stage 3: Dismissal or other action. You may be dismissed from the WCoE for further misconduct or failure to improve where there is an active final written warning on your record, or for any act of gross misconduct.

Examples of gross misconduct are given below.

Appeals

You may appeal in writing within one week of being told of the decision.

The appeal hearing will, where possible, be held by someone other than the person who held the original hearing. You may bring a colleague with you to the appeal hearing, but not a legal representative.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.

In the case of an appeal against dismissal, the date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked.



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Gross misconduct

Gross misconduct will usually result in dismissal without warning (summary dismissal).

The following are examples (only) of matters that are normally regarded as gross misconduct:

- theft or fraud;
- physical violence or bullying;
- deliberate and serious damage to property;
- serious misuse of the organisation's property or name;
- unlawful discrimination or harassment;
- bringing the organisation into serious disrepute;
- serious incapability at an event brought on by alcohol or illegal drugs;
- causing loss, damage or injury through serious negligence;
- a serious breach of health and safety rules;
- a serious breach of confidence.

This list is intended only as a guide and is not exhaustive.