

# ENGLISH TOURING OPERA

## DISCIPLINARY PROCEDURE

### 1 ABOUT THIS PROCEDURE

- 1.1 The aims of this Disciplinary Procedure are to provide a framework within which the Company can work with employees to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- 1.2 It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.
- 1.3 The procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 1.4 This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance.
- 1.5 This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

### 2 MINOR CONDUCT ISSUES

- 2.1 Minor conduct issues can often be resolved informally between you and your Line Manager. These discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases an informal verbal warning may be given, which will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 2.2 If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with your Line Manager as soon as possible.

### 3 CONFIDENTIALITY

- 3.1 Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 3.2 You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

## **4 INVESTIGATIONS**

- 4.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing.
- 4.2 Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 4.3 You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

## **5 CRIMINAL ALLEGATIONS**

- 5.1 Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.
- 5.2 We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.
- 5.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

## **6 SUSPENSION**

- 6.1 In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate any allegations of misconduct against you or so long as is otherwise reasonable while any disciplinary procedure against you is outstanding. We will confirm the arrangements to you in writing.

## **7 NOTIFICATION OF A HEARING**

- 7.1 Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true.
- 7.2 We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, and you will be given a reasonable amount of time to prepare your case.

## **8 THE RIGHT TO BE ACCOMPANIED**

- 8.1 You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell the person chairing your hearing who your chosen companion is, in good time before the hearing.

8.2 If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

## 9 PROCEDURE AT DISCIPLINARY HEARINGS

9.1 You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

9.2 At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but should not answer questions on your behalf.

9.3 You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness.

9.4 We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

9.5 We will inform you in writing of our decision and our reasons for it. Where possible we will also explain this information to you in person.

## 10 DISCIPLINARY PENALTIES

10.1 The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. Each case will be assessed on its own merits. Depending on the seriousness of the conduct in question, it may be necessary to move straight to a later 'stage'.

10.2 You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

10.3 **Stage 1 - First written warning.** This will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

10.4 **Stage 2 - Final written warning.** This will usually be appropriate for:

- (a) misconduct where there is already an active written warning on your record; or
- (b) misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

10.5 **Stage 3 - Dismissal.** This will usually only be appropriate for:

- (a) further misconduct where there is an active final written warning on your record; or
- (b) any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out at paragraph 11.

10.6 **Alternatives to dismissal.** In some cases we may at our discretion consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include but are not limited to:

- (a) Demotion.
- (b) A period of suspension without pay.
- (c) Loss of seniority.
- (d) Reduction in pay.
- (e) Loss of future pay increment.

## 11 **GROSS MISCONDUCT**

11.1 The following is a non-exhaustive list of examples of offences, which are normally regarded by the Company as constituting gross misconduct:

- (a) Theft or other dishonest acts;
- (b) Making fraudulent claims for reimbursement of expenses;
- (c) Deliberately giving false or misleading information to, or deliberately concealing information from, the Company prior to the commencement of your employment;
- (d) Deliberate falsification of records relating to your attendance or performance at work;
- (e) Fighting, physical assault or making threats of violence;
- (f) Deliberate damage to property belonging to the Company, other employees or any other person;
- (g) Unauthorised accessing, or use of, or tampering with, the Company's computers and IT accounts/networks (email, social media, shared calendar etc);
- (h) Serious misuse of our property or name;

- (i) Bringing the organisation into serious disrepute;
- (j) Knowing breach of statutory rules affecting your work;
- (k) Being convicted of a criminal offence, whether it was committed during or outside working hours, that makes you unsuitable for your type of work or unacceptable to other employees, or any other conduct which brings or is likely to bring yourself or the Company into disrepute;
- (l) Gross insubordination;
- (m) Serious negligence;
- (n) Being drunk, using or being under the influence of illegal drugs, or smoking in those areas of the Company's place of work where it is prohibited;
- (o) Unlawful discrimination or harassment.

11.2 If you are accused of gross misconduct, you may be suspended from work on full pay, normally for no more than five working days, whilst the alleged offence is investigated. Once the company is satisfied that you have committed the offence, you will normally be dismissed without notice or a payment in lieu of notice.

## 12 THE EFFECT OF A WARNING

12.1 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

12.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently we may decide to extend the active period.

12.3 After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

## 13 APPEALS

13.1 You may appeal against any disciplinary action taken against you in writing, stating your full grounds of appeal, within one week of the date on which you were informed of the decision.

13.2 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

13.3 If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary

including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing, and you or your companion may comment on any new evidence arising during the appeal before any decision is taken.

- 13.4 Where possible, the appeal hearing will be conducted impartially by an employee who has not been previously involved in the case. You may bring a companion with you to the appeal hearing (see paragraph 8).
- 13.5 We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 13.6 Following the appeal hearing we may:
- (a) confirm the original decision;
  - (b) revoke the original decision; or
  - (c) substitute a different penalty.

We will inform you in writing of our final decision as soon as possible. Where possible we will also explain this to you in person. There will be no further right of appeal.

ADOPTED

ETO Board Meeting 14.06.18

Signed



Jane-Eve Straughton  
**Executive Director**

**REVIEWED AND RE-ADOPTED AT  
BOARD MEETING 17.06.19.**