

DISCIPLINARY POLICY & PROCEDURE

The Company

StAnza International Poetry Festival (StAnza) is an organisation committed to advocating for the contemporary relevance and importance of poetry through the presentation of an annual festival in Scotland, as well as performances, events and programmes throughout the year.

Policy Statement

As a business, StAnza maintains reasonable expectations of its staff members' attendance, conduct and performance and is obliged to ensure that these expectations are effectively communicated to its team through its recruitment and contracting processes, as well as its working culture, management structures and policy set. In addressing matters of concern, StAnza is committed to ensuring fair and consistent treatment for all those in its employ, and to articulating clear and humane procedures for resolving issues.

This policy is concerned with the management of disciplinary matters for staff and sets out the procedure that will be followed in the event of a disciplinary issue arising. It ensures that matters raised will be dealt with fairly, consistently and promptly, and prioritises early resolution wherever possible.

Underlying Principles

This policy is guided by the principles that:

- Disciplinary procedures must seek to sensitively balance the wellbeing of the organisation and the staff member/s affected;
- Anyone subject to a disciplinary procedure must be treated fairly, consistently and in line with the organisation's other policies, including Dignity & Respect at Work, and Code of Conduct;
- The treatment of disciplinary matters may depend upon the severity of the issue raised but early resolution is a priority wherever reasonable, with provision in place for escalation as required.

Scope and Aims of the Policy

This policy applies to all staff members engaged by StAnza, whether on an employed or freelance basis, and where the engagement is for a prolonged period of work, rather than a discrete event or short-term project.

This policy and procedure is designed to help and encourage all staff members to achieve and maintain satisfactory standards of conduct, attendance and job performance. The aim is to ensure consistent and fair treatment for all, and to provide transparency of process. It takes account of, but does not adhere exclusively to, the ACAS Code of Practice <http://www.acas.org.uk/index.aspx?articleid=2174>

Some aspects of working relationships, conduct and/or working environment are already regulated by other policies, conditions of service or statute. This policy stipulates the provisions for managing issues of staff misconduct that affect the performance of the individual, the team and/or the organisation, and for matters that either cannot be resolved via an informal process and/or are serious enough in nature to warrant a formal investigation and resolution.

Any staff member in a position of management has a responsibility to maintain discipline. Confidentiality in respect of the disciplinary process will be maintained as far as possible and information will only be shared on a need-to-know basis.

This policy should be read in conjunction with other key policies related to working with StAnza, notably our Code of Conduct; Dignity & Respect at Work Policy; Safer Spaces Policy; Equality, Diversity & Inclusion Policy; and Grievance Policy. All policy documents are available either on our website – <https://stanzapoetry.org/policies/> – or by emailing Suzie Kirk Dumitru, Operations Manager – suzie.kd@stanzapoetry.org.

Breaches of Discipline

The disciplinary procedure will apply where a senior staff member (Artistic Director/Operations Manager) and/or trustee has reasonable cause to believe that a breach of discipline has occurred, whether experienced directly or notified to them by another member of staff/trustee.

Breaches of discipline may vary in severity and impact, and the procedure and potential outcomes make provision for proportionate action to be taken, up to and including, instant dismissal.

Below are examples of breaches of discipline that would warrant the application of the disciplinary procedure. Please note: these are intended to be representative and the below lists are not exhaustive.

General Misconduct

- Absenteeism or poor timekeeping (persistent lateness, early leaving etc);
- Poor standards of work, negligence or inadequate attention at work;
- Persistent failure to meet agreed outcomes of work;
- Refusal to obey reasonable instruction;
- Unauthorised /unreasonable absence from work;
- Unacceptable personal appearance and/or hygiene at work;
- Minor breach of organisational rules;
- Failure to return to work on due date, following a period of agreed leave.

Gross Misconduct

- Theft of the organisation's property and/or that of other staff or stakeholders;
- Fraud or misappropriation of StAnza's property. Deliberate falsification of records or any deliberate attempt to defraud StAnza, its stakeholders or other staff;
- Unauthorised use, misuse or removal of StAnza's property or that of other staff;
- Deliberate damage to StAnza property or that of other staff;
- Serious breaches of health & safety rules;
- Breach of confidentiality;
- Physical violence or sexual assault upon another staff member, stakeholder or volunteer;
- Incapacity as a result of alcohol or substance abuse, or possession of illegal substances;
- Bullying, discrimination or harassment of any kind, or victimisation;
- Serious negligence which causes unacceptable loss, damage or injury;
- Gross disobedience or serious acts of insubordination;

- The use of internet and/or e-mail to send or download pornographic or other offensive material, sending or handling data of a sexual, racist or defamatory nature or which might otherwise be considered offensive to the recipient; the use of internet/e-mail for purposes which would be damaging to StAnza and its reputation;
- Behaviour outside the organisation (including outside working hours) which would be deemed to bring StAnza into serious disrepute.

Any instance of gross misconduct may lead to instant dismissal without notice.

Procedure

When it is considered that a staff member's attendance, conduct or performance is unsatisfactory, normally the staff member's immediate manager will discuss the matter with the staff member to seek a solution.

If an informal solution is not able to be reached, the manager may deem it necessary to initiate a disciplinary process.

1. Informal Warnings

Where it is brought to the attention of a senior member of staff or trustee that a minor breach of discipline has occurred, the staff member committing the breach may be issued an informal verbal or written warning that does not form part of the formal disciplinary process.

A record of the warning will be kept in the staff member's HR file for a period of 6 months, after which time it will be considered 'spent', subject to satisfactory conduct and performance during that period.

The staff member is required to read and sign the note detailing the circumstances of the informal verbal warning.

2. Investigation

When it is considered that a breach of discipline has occurred that cannot be resolved either informally or with a warning as described above, it may be necessary for a senior staff member or trustee to initiate an investigation as part of a formal disciplinary procedure.

The Operations Manager, in conjunction with the Artistic Director and/or Chair of the board will agree the most appropriate person to be appointed to investigate the matter, at which point all documentation and information pertaining to the case will be collated by the person raising the concern and passed to the investigator.

The nature of the investigation will depend on the case, but it may include fact-finding interviews and examination of relevant documents. The investigator will implement the following process:

- The appointed investigator will communicate with the staff member in question and advise:
 - that a complaint has been received;
 - the nature of the complaint;
 - that an investigation into the allegation is underway;
 - a proposed time and date for an initial interview with the staff member about the allegation. Note: there is no statutory right to be accompanied at an investigatory meeting, though a request from a staff member for appropriate accompaniment (e.g. Trade Union Representative or StAnza colleague) will not be unreasonably refused;
 - the anticipated outcome date of the investigation.

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- If the investigator considers dismissal is a possible outcome, they will make this clear to the staff member at the earliest reasonable opportunity.
- When investigating a breach of discipline pertaining to absence, distinction will be made between lateness, short-term sporadic, unrelated and disruptive absences, and periods of absence due to physical or mental illness. Absence due to illness is not a disciplinary matter, although persistent or chronic illness may lead to a review of working arrangements, responsibilities and/or termination of the engagement.
- In matters of substandard work, distinction will be made between capability or competence levels associated with lack of skills and knowledge, and sub-standard work relating to negligence, poor attitude and/or lack of commitment. Matters of capability and competence will be managed under the organisation's Capability Procedure and are not subject to a disciplinary procedure.

When an initial investigation has concluded, the investigator will contact the staff member in writing, **within 5 working days of the investigation concluding**, to confirm the outcome of the investigation. Possible outcomes include:

- A finding that no further action is to be taken and that the matter is considered resolved;
- A proposal for action to be taken by the staff member and/or their manager to remedy the concern raised;
- A referral to an alternate internal procedure, e.g. a capability procedure, in order to more appropriately address the concern raised;
- A proposal to review the terms of the staff member's engagement and responsibilities;
- A decision to escalate the disciplinary process either to a hearing, or to a further stage in the procedure.

3. Disciplinary Hearing

A disciplinary hearing may be called as the outcome of an investigation, or immediately upon notification to a senior member of staff/trustee of a breach of discipline.

The member of staff subject to the disciplinary procedure will be sent, in writing, an invitation to a hearing by a representative of StAnza (usually a senior member of staff or trustee). The invitation is to be sent not fewer than **5 working days in advance of the hearing** date and will include:

- Date, time and location of the hearing;
- A list of attendees to be present at the hearing;
- Details of the complaint against the staff member;
- The possible outcome/s of the hearing;
- Notification that the staff member has the right to be accompanied by a colleague or trade union representative. Please note: the companion is invited to attend in support of the staff member but is not to act as their representative;
- A request to notify StAnza of any reasonable access or additional support needs to be met for the staff member at the hearing, e.g. an interpreter;
- Confirmation of the right to appeal against the outcome of the disciplinary hearing;
- Any evidence supporting the complaint that will be presented at the hearing.

The hearing will be held and will be attended by:

- Two representatives for StAnza; usually a senior member of staff and a trustee;
- The staff member who is subject to the disciplinary procedure;
- A companion (colleague or trade union representative) for the staff member, if required;
- Any access or support workers, if required;
- A note-taker, who should ideally be unrelated to the case;
- Any other party whose presence is deemed necessary and appropriate by StAnza.

The hearing will commence with a presentation of the case and all related evidence by the StAnza representatives. The staff member will then be invited to respond and present their position. There will be an opportunity then for both sides to ask questions before the hearing is concluded. Notes will be taken throughout.

Once the hearing is concluded, a representative for StAnza will write to the staff member **within 10 working days** to inform them of the outcome of the hearing. Outcomes might include:

- A finding that no further action is to be taken and that the matter is considered resolved;
- A proposal for action to be taken by the staff member and/or their manager to remedy the concern raised;
- A referral to an alternate internal procedure, e.g. a capability procedure, in order to more appropriately address the concern raised;
- A proposal to review the terms of the staff member's engagement and responsibilities;
- A formal written warning;
- Dismissal.

Where the outcome is to issue a formal written warning, this will be enclosed and will state:

- the level of warning: first or final;
- improvements or adjustments required to performance, conduct or attendance;
- the timescale for improvements or adjustments to be made and sustained;
- details of support or training to be offered;
- the consequences of not meeting targets for improvements/adjustments;
- details of how to appeal the outcome.

Where the outcome is to dismiss the staff member, a notice of dismissal will be enclosed and will detail, in full, the reasons for the dismissal as well as any arrangements for notice period and/or related payment.

4. Appeal Hearing

The staff member shall have the right to appeal against any disciplinary action taken against them.

The notice of appeal, outlining its reasons, should be submitted in writing to the Chair of the board – chair@stanzapoetry.org – **within 5 working days** of receipt of the notice of disciplinary action, along with any documentation in support of the appeal.

- If the Chair of the board has been integrally involved in disciplinary procedure prior to the appeal, the staff member raising the appeal may request the contact details for the Vice-Chair or appropriate board representative to whom the appeal may be submitted.

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The Chair – or other recipient of the appeal – will then respond **within 5 working days** of the receipt of the appeal to convene an appeal hearing, which they will lead.

The format of the appeal hearing will follow the format of the disciplinary and access/support arrangements for the colleague raising the appeal must be implemented appropriately.

Not less than 5 working days in advance of the appeals meeting, all participants must be sent:

- All information relating to the disciplinary procedure, including a written record of any investigations and hearings;
- Copies of all letters etc sent out following any disciplinary hearing;
- The staff member's Notice of Appeal, including reasons for the appeal;
- Any new information, not available at any previous disciplinary hearing.

The outcome of the appeal hearing will be submitted by the Chair (or other recipient of the appeal), in writing, to the staff member raising the appeal **within 10 working days** of the appeal hearing.

The outcome of the appeal hearing will be final and binding.

DISCIPLINARY ACTIONS

First formal written warning - for repeated minor offences or a single instance of a more serious offence.

If a more serious offence occurs or another minor offence occurs after the issue of the verbal warning, within the duration of the verbal warning, the member of staff will be given a first formal written warning. A copy of the written warning will be placed in his/her HR file but it will be considered spent after twelve months, subject to satisfactory conduct and performance during that period. The staff member is required to read and sign the formal written warning.

Final written warning - for persistent, repeated minor offences and very serious offences.

If another offence occurs while the first written warning is 'live', or if there is an action which StAnza considers is a very serious offence, a final written warning may be issued. A copy of this final written warning will be placed in the staff member's HR file but will be considered spent after twelve months (in exceptional cases the period may be longer), subject to satisfactory conduct and performance thereafter. The staff member is required to read and sign the final warning.

Dismissal – for cases of gross misconduct, or for further breaches of discipline occurring during the period in which a final written warning is 'live'.

Except in cases of gross misconduct warranting immediate dismissal, all staff members are entitled to the appropriate contractual notice period as specified in their written agreement. A staff member who is dismissed will receive a letter stating:

- The reason/s for their dismissal;
- Their right to appeal;
- The date of termination of their engagement;

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- Details of any monies due to them, including payment in lieu of notice.

All dismissals must be authorised by the Chair and Vice-Chair of the board.

SUSPENSION

As part of the disciplinary process, StAnza reserves the right to suspend any staff member with pay for a period not exceeding two working weeks, and for a longer period with pay should further suspension be necessary in circumstances where:

- The complaint lodged against them necessitates the immediate removal of the staff member from their duties pending a decision concerning any disciplinary action to be taken, and/or
- The action complained of/alleged requires investigation and it is considered by StAnza that it is undesirable for the person concerned to remain on duty while the investigation takes place.

A member of staff who is suspended must not make contact with other members of StAnza staff, partners or stakeholders.

If the decision is taken by a senior member of staff or trustee to suspend a member of staff from duty, the member of staff must be notified of that decision, in writing, without unreasonable delay. The written notice must include:

- Details of the date/s of their suspension;
- Details of the reason/s for their suspension;
- Details of pay arrangements during their suspension;
- Explicit prohibition of contact with StAnza staff, partners or stakeholders during the period of suspension;
- Explicit prohibition of accessing StAnza data, email accounts, documentation, social media accounts, website, files and software programmes during their suspension;
- Notification that the suspension is not a disciplinary action and does not involve any prejudgment.

Suspension should only be imposed after careful consideration and can only be imposed by the Artistic Director or Operations Manager with the approval of the Board.

Suspension without pay is an option but one which would only ever be enacted in exceptional circumstances, eg: where a staff member has been arrested or charged relating to an offence that makes it inappropriate or impossible for them to work, and consequently means their absence from work may be protracted and disciplinary investigations cannot proceed.

POLICE INVOLVEMENT

The operation of this disciplinary procedure need not necessarily be delayed because of an offence that may be under police investigation or subject to legal proceedings.

MEDIATION

In some circumstances it may be possible to resolve a disciplinary matter using an independent third party to help. This third party may be a member of staff or board member who is not involved in the disciplinary procedure or they may be an external mediator.

RECORD KEEPING

Copies of all correspondence and notes taken at meetings will be stored and kept on file for record purposes. Records will be treated as confidential and kept in accordance with current data protection legislation and StAnza's Privacy Policy.

Responsibilities

StAnza's Board of trustees is responsible for ensuring that the organisation meets its legal and ethical obligations in respect of this policy, and will review it annually.

Monitoring and Review

The ways in which we seek to achieve our aims and the means by which we hold ourselves accountable to our commitments are constantly evolving. As such, this document and our related policies are under regular review by the Board of Trustees, Artistic Director and Operations Manager, and we welcome feedback and constructive criticism from our staff, stakeholders, collaborators, volunteers and audiences.

If you have comments on this or any other StAnza policy document, please email Suzie Kirk Dumitru, Operations Manager on suzie.kd@stanzapoetry.org

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