PHOENIX THEATRE & ARTS CENTRE

Disciplinary and Grievance Policy and Procedure

Organisation: Phoenix Theatre & Arts Centre
Charity registration number: 1166858
Policy owner: Board of Trustees
Approved by: Board of Trustees
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1. Purpose of this policy

The Phoenix Theatre & Arts Centre is committed to creating a positive, inclusive, respectful and supportive working environment in which employees, volunteers, artists, freelancers, trustees and other people working with or representing the organisation are treated fairly and with dignity.

The purpose of this policy is to provide a clear and consistent framework for dealing with disciplinary matters and grievances. It aims to ensure that concerns are addressed promptly, fairly and constructively, with appropriate opportunities for discussion, resolution and improvement.

As a registered charity, the organisation recognises its responsibilities to its employees, volunteers, beneficiaries, audiences, artists, partners and the wider community. Everyone representing the organisation is expected to uphold its values, protect its reputation and contribute to a safe and welcoming environment.

This policy is intended to:

- Promote good working relationships and professional standards.
- Encourage concerns to be raised and resolved at an early stage.
- Ensure that disciplinary matters are handled consistently and fairly.
- Give employees an opportunity to respond to concerns raised about their conduct or performance.
- Provide a clear process for employees to raise concerns or complaints.

- Protect individuals from unfair treatment, bullying, harassment, discrimination or victimisation.
- Ensure that decisions are made impartially and in the best interests of the charity.

The organisation will follow the ACAS Code of Practice on Disciplinary and Grievance Procedures and relevant employment legislation.

2. Scope

This policy applies to all employees of [Name of Arts Centre], regardless of their position, length of service or working arrangements.

The principles of this policy will also be applied, as appropriate, to:

- Casual and temporary employees.
- Part-time and fixed-term employees.
- Volunteers.
- Freelancers and contractors.
- Artists, workshop leaders and visiting practitioners.
- Trustees and other individuals acting on behalf of the organisation.

Where individuals are not employees, the organisation will take account of their contractual arrangements, volunteer agreements or other relevant policies. The formal employment procedures and statutory employment rights described in this document apply to employees and, where legally applicable, workers.

Separate arrangements may apply to trustees in accordance with the charity's governing document and relevant Charity Commission guidance.

3. General principles

The organisation will apply the following principles when dealing with disciplinary matters and grievances:

Fairness and impartiality

Everyone involved will be treated fairly and given a reasonable opportunity to explain their position. Decisions will be based on evidence rather than assumptions or personal opinions.

Confidentiality

Information relating to disciplinary matters and grievances will be treated sensitively and shared only with those who need to know. Absolute confidentiality cannot always be guaranteed, particularly where an investigation or safeguarding concern requires information to be shared.

Proportionality

The organisation recognises that it is a small charity and will seek to use procedures that are appropriate to the seriousness and circumstances of each matter.

Timeliness

Concerns will be dealt with as promptly as reasonably possible, without compromising the fairness or thoroughness of the process.

Right to respond

No formal disciplinary decision will be made without the individual having been informed of the concerns and given an opportunity to respond.

Right to be accompanied

Employees will be informed of their statutory right to be accompanied at formal disciplinary and grievance meetings where applicable.

Equality and inclusion

The organisation will make reasonable adjustments where necessary to enable individuals to participate fully in meetings and procedures.

No victimisation

No individual will be treated unfairly for raising a genuine grievance, making a complaint, participating in an investigation or exercising a legal right.

4. Responsibilities

4.1 Employees

All employees are expected to:

- Act professionally and respectfully towards colleagues, volunteers, artists, audiences and members of the public.

- Follow organisational policies, procedures and reasonable management instructions.
- Maintain appropriate standards of conduct and performance.
- Raise concerns at an early stage wherever possible.
- Cooperate honestly and constructively with investigations.
- Respect confidentiality when involved in disciplinary or grievance matters.

4.2 Chief Executive Officer

The Chief Executive Officer is responsible for:

- Addressing minor concerns informally where appropriate.
- Ensuring that employees understand expected standards.
- Handling disciplinary and grievance matters fairly and consistently.
- Arranging investigations and formal meetings.
- Maintaining appropriate records.
- Ensuring that employees are aware of their rights throughout the process.

Where the Chief Executive Officer is the subject of a grievance or disciplinary concern, the matter should be referred to the Chair of Trustees or another appropriate trustee.

4.3 Board of Trustees

The Board of Trustees has overall responsibility for ensuring that appropriate employment policies and procedures are in place.

The Board will:

- Oversee matters involving the Chief Executive Officer or other senior employees where appropriate.
- Ensure that decisions are made in the best interests of the charity.
- Manage conflicts of interest.
- Ensure that appropriate independent arrangements are made where a trustee or senior member of staff is involved in a complaint.

Trustees should not participate in decisions where they have a personal interest or conflict of interest.

PART A: DISCIPLINARY PROCEDURE

5. Purpose of the disciplinary procedure

The disciplinary procedure is intended to encourage employees to maintain appropriate standards of conduct and performance.

The organisation will normally seek to resolve minor issues through informal discussion, guidance and support before considering formal disciplinary action.

Formal disciplinary action may be appropriate where:

- Informal discussions have not resulted in improvement.
- The matter is sufficiently serious to warrant formal action.
- There has been repeated misconduct.
- An employee's conduct or performance falls significantly below the standards expected.

The procedure will be applied consistently, taking account of the seriousness of the matter, the employee's circumstances and any previous relevant warnings.

6. Examples of conduct that may result in disciplinary action

The following are examples of conduct that may lead to disciplinary action. This list is not exhaustive.

6.1 General conduct

- Persistent lateness or unauthorised absence.
- Failure to follow reasonable management instructions.
- Inappropriate or disrespectful behaviour towards colleagues, volunteers, artists or visitors.
- Failure to follow organisational policies and procedures.
- Negligence in carrying out duties.
- Inappropriate use of organisational equipment or facilities.

6.2 Conduct relating to the arts centre

- Failure to follow agreed procedures for opening, closing or securing the building.
- Failure to follow health and safety procedures during events, exhibitions or workshops.

- Inappropriate behaviour towards artists, performers, workshop participants or audiences.
- Misuse of exhibition, workshop, performance or event facilities.
- Failure to follow agreed procedures for handling money, ticket sales or donations.
- Damage to or inappropriate use of artwork, equipment or organisational property.
- Failure to maintain appropriate professional boundaries when working with children, young people or adults at risk.

6.3 Equality, dignity and respect

- Bullying, harassment or discrimination.
- Offensive, threatening or intimidating behaviour.
- Victimisation of someone who has raised a concern.
- Inappropriate comments or conduct relating to protected characteristics.
- Serious breaches of the organisation's equality, diversity and inclusion expectations.

6.4 Confidentiality and organisational responsibilities

- Unauthorised disclosure of confidential information.
- Misuse of personal information or data.
- Misuse of the organisation's social media, email or IT systems.
- Inappropriate use of the organisation's name, logo or reputation.
- Failure to declare an actual or potential conflict of interest where required.

7. Gross misconduct

Gross misconduct is behaviour considered so serious that it may justify dismissal without notice or payment in lieu of notice, following a fair investigation and disciplinary procedure.

Examples may include:

- Theft, fraud or deliberate financial misconduct.
- Physical violence or threats of violence.
- Serious bullying, harassment or discrimination.
- Serious breaches of safeguarding requirements.
- Deliberate or reckless conduct that places others at significant risk.
- Serious misuse of confidential information.

- Deliberate damage to organisational property or artwork.
- Serious dishonesty or falsification of organisational records.
- Serious breaches of trust and confidence.
- Serious misuse of charity funds or resources.
- Working under the influence of alcohol or illegal drugs where this creates a serious risk to safety or the organisation.
- Serious conduct that brings the charity into disrepute.

This list is not exhaustive. Each case will be considered on its individual circumstances.

A finding of gross misconduct does not automatically result in dismissal. A fair investigation and hearing will always take place before a decision is made.

8. Informal disciplinary action

Where appropriate, minor concerns will initially be addressed through an informal conversation between the employee and their manager.

The purpose of this conversation is to:

- Explain the concern.
- Clarify the standards expected.
- Give the employee an opportunity to respond.
- Identify any support, training or guidance needed.
- Agree any improvements and a reasonable timescale.

An informal conversation is not a formal disciplinary warning.

A brief management note may be retained where appropriate, particularly if the issue needs to be monitored.

If the concern is not resolved, or is sufficiently serious, the organisation may move to the formal disciplinary procedure.

9. Formal disciplinary procedure

The formal disciplinary procedure will normally consist of the following stages.

Stage 1: Investigation

Where a potential disciplinary matter arises, an appropriate person will be appointed to investigate.

The investigation will aim to establish the relevant facts and may include:

- Speaking to the employee concerned.
- Speaking to relevant witnesses.
- Reviewing emails, records, documents or other relevant evidence.
- Reviewing relevant organisational policies and procedures.
- Considering any relevant mitigating circumstances.

The investigation should be proportionate to the seriousness of the matter.

Where reasonably practicable, the person investigating should be different from the person conducting the disciplinary hearing and making the decision.

Suspension

In serious cases, the organisation may consider temporarily suspending an employee while an investigation takes place.

Suspension:

- Is not a disciplinary penalty.
- Will normally be on full pay.
- Will be kept as brief as reasonably possible.
- Will be reviewed regularly.
- Will be confirmed in writing, including the reasons and arrangements during the suspension.

Suspension will only be considered where necessary, for example to protect individuals, preserve evidence or allow an investigation to proceed appropriately.

Stage 2: Notification of disciplinary hearing

If the investigation identifies a case to answer, the employee will be invited to a formal disciplinary hearing in writing.

The invitation will include:

- Details of the allegations.
- A summary of the evidence.
- Copies of relevant documents where appropriate.
- The date, time and location of the hearing.
- The possible outcomes of the hearing.
- Confirmation of the employee's right to be accompanied.

The employee will be given reasonable notice and sufficient time to prepare.

Stage 3: Disciplinary hearing

The hearing will be conducted by the Centre Manager or another appropriate person who has not been directly involved in the investigation, wherever possible.

The employee will have an opportunity to:

- Respond to the allegations.
- Ask questions about the evidence.
- Present relevant information.
- Identify relevant witnesses.
- Explain any mitigating circumstances.
- Raise any concerns about the investigation.

The hearing may be adjourned if further investigation or clarification is required.

No decision will be made until the employee has had a fair opportunity to respond.

Stage 4: Disciplinary outcomes

Following the hearing, the organisation will consider all the evidence and decide whether formal disciplinary action is appropriate.

Possible outcomes include:

No formal action

Where the allegations are not substantiated or disciplinary action is not considered appropriate.

First written warning

Normally issued for a first instance of misconduct or unsatisfactory performance where informal action has not been sufficient or is not appropriate.

A first written warning will normally remain active for six months.

Final written warning

May be issued where:

- There is further misconduct while a first written warning remains active.
- The misconduct is sufficiently serious to warrant a final warning as a first formal sanction.

A final written warning will normally remain active for twelve months.

Dismissal

Dismissal may be considered where:

- Further misconduct occurs following a final written warning.
- There is a serious breach of conduct.
- Gross misconduct is established following a fair procedure.

Where dismissal is for gross misconduct, it may be without notice or payment in lieu of notice.

In all cases, the organisation will consider the circumstances and proportionality of the proposed action.

Stage 5: Confirmation of outcome

The employee will receive written confirmation of the decision as soon as reasonably practicable.

The letter will explain:

- The findings of the hearing.
- The reasons for the decision.
- Any disciplinary action being taken.
- How long any warning will remain active.
- What improvement or change is required, where relevant.
- The consequences of further misconduct.
- The employee's right to appeal and how to do so.

10. Right to be accompanied

Employees have the statutory right to be accompanied at formal disciplinary hearings that could result in a formal warning or other disciplinary action, including dismissal.

The companion may be:

- A fellow worker.
- An appropriately certified trade union representative.
- An official employed by a trade union.

The companion may address the hearing, sum up the employee's case, respond on their behalf and confer with them during the meeting.

The companion cannot answer questions on the employee's behalf.

Where the chosen companion is unavailable, the organisation will comply with the applicable statutory requirements for rearranging the meeting.

11. Disciplinary appeals

An employee has the right to appeal against any formal disciplinary decision.

An appeal should normally be submitted in writing within five working days of receiving the disciplinary outcome letter.

The appeal should explain the grounds for the appeal, which may include:

- The decision was unfair or unreasonable.
- Relevant evidence was not considered.
- The investigation was incomplete or unfair.
- The disciplinary action was disproportionate.
- New evidence has become available.

The appeal will, wherever possible, be heard by someone who has not previously been involved in the matter.

In a small organisation, where this is not possible, the Board of Trustees will arrange an appropriate independent process.

The appeal hearing will consider the grounds raised and may uphold, overturn or vary the original decision.

The employee will be informed of the appeal outcome in writing.

The appeal decision will be final within the organisation.

PART B: GRIEVANCE PROCEDURE

12. Purpose of the grievance procedure

The organisation recognises that employees may occasionally have concerns, difficulties or complaints relating to their employment or working environment.

Employees are encouraged to raise concerns at an early stage so that they can be addressed constructively and, wherever possible, resolved informally.

A grievance may relate to:

- Working conditions or arrangements.
- Workload or allocation of responsibilities.
- Relationships with colleagues or management.
- Bullying, harassment or discrimination.
- Unfair or inconsistent treatment.
- Health, safety or welfare concerns.
- Working practices or organisational decisions.
- Concerns about management behaviour.
- Concerns about the way organisational policies are being applied.

This list is not exhaustive.

13. Informal resolution

Where appropriate, employees should initially raise concerns with their line manager or the Centre Manager.

The organisation will seek to resolve concerns through discussion, mediation or another appropriate informal approach wherever possible.

Informal resolution may involve:

- A conversation between the individuals concerned.
- A facilitated discussion.
- Support from the Centre Manager.
- An agreed change to working arrangements.
- Clarification of responsibilities or expectations.

Employees are not required to attempt informal resolution where the matter is serious, involves harassment or discrimination, concerns safeguarding, or where they feel uncomfortable or unsafe doing so.

14. Formal grievance procedure

If a concern cannot be resolved informally, the employee may raise a formal grievance.

Stage 1: Submitting a formal grievance

The employee should submit their grievance in writing to the Centre Manager.

The grievance should include:

- A description of the concern.
- Relevant dates, events and individuals involved.
- Any supporting information or evidence.
- Details of any steps already taken to resolve the matter.
- The outcome or resolution the employee is seeking, if known.

If the grievance concerns the Centre Manager, it should be submitted to the Chair of Trustees.

If the grievance concerns the Chair of Trustees, it should be submitted to another appropriate trustee who has no conflict of interest.

Stage 2: Acknowledgement and investigation

The grievance will be acknowledged, normally within five working days.

The organisation will consider whether further investigation is required.

This may include:

- Meeting with the employee raising the grievance.
- Speaking with other individuals involved.
- Reviewing relevant records or documentation.
- Seeking additional information.
- Considering relevant organisational policies.

All parties will be treated fairly and given an opportunity to provide information.

Stage 3: Grievance meeting

The employee will be invited to a formal grievance meeting.

The meeting will provide an opportunity for the employee to explain their concerns, provide relevant information and discuss possible resolutions.

The employee has the statutory right to be accompanied at a grievance meeting where the complaint concerns a duty owed by the employer to the employee.

The organisation will also allow accompaniment as a matter of good practice in other formal grievance meetings.

The meeting may be adjourned where further investigation is required.

Stage 4: Grievance outcome

Following consideration of the grievance, the organisation will provide a written response.

The response will normally include:

- A summary of the issues raised.
- The findings of the investigation.
- The decision reached.
- Any action the organisation intends to take.
- Details of the employee's right to appeal.

Where appropriate, the organisation may recommend mediation, changes to working arrangements, management action or other measures to resolve the issue.

The organisation will aim to provide a written outcome within ten working days of the grievance meeting, where reasonably practicable.

Stage 5: Grievance appeal

If an employee is dissatisfied with the outcome, they may appeal in writing within five working days of receiving the decision.

The appeal should explain why the employee believes the original decision was incorrect or the resolution inadequate.

The appeal will, wherever possible, be heard by someone who has not previously been involved in the matter.

The employee will have an opportunity to explain their grounds for appeal and will be informed of the final outcome in writing.

15. Grievances involving the Chief Executive Officer or trustees

Where a grievance involves the CEO the Chair of Trustees will normally oversee the process.

Where a grievance involves the Chair of Trustees, another trustee who is not involved in the matter will be appointed.

Where a grievance involves a trustee, the Board will consider the charity's governing document, conflict of interest requirements and appropriate independent arrangements.

If necessary, the organisation may appoint an independent external adviser or investigator.

No individual should investigate or make decisions about a complaint in which they have a personal interest or have been directly involved.

PART C: ADDITIONAL PROVISIONS

16. Overlapping disciplinary and grievance matters

Where an employee raises a grievance during a disciplinary process, the organisation will consider whether the disciplinary process should be paused while the grievance is investigated.

Where the matters are closely related, it may be appropriate to deal with both issues concurrently.

The decision will depend on the circumstances and the need to ensure a fair process for everyone involved.

17. Bullying, harassment and discrimination

The organisation does not tolerate bullying, harassment, discrimination or victimisation.

Any concerns of this nature will be taken seriously and investigated appropriately.

Employees should refer to the organisation's Equality, Diversity and Inclusion Policy and any separate Anti-Bullying and Harassment Policy.

Where a complaint involves serious allegations, the organisation may take immediate steps to protect those involved while an investigation takes place.

18. Safeguarding concerns

Where a disciplinary matter or grievance involves a safeguarding concern relating to children, young people or adults at risk, the organisation's Safeguarding Policy and reporting procedures must also be followed.

Safeguarding concerns will be referred to the Designated Safeguarding Lead and, where appropriate, the relevant external authorities.

Safeguarding matters will not be delayed while an employment procedure takes place.

19. Whistleblowing

This policy is not intended to replace the organisation's Whistleblowing Policy.

Employees who raise genuine concerns about wrongdoing, malpractice, financial irregularities, safeguarding failures, serious health and safety concerns or other matters in the public interest should be able to do so without fear of retaliation.

Whistleblowing disclosures will be handled under the organisation's Whistleblowing Policy and applicable legal protections.

An employee must not be subjected to disciplinary action or victimisation for making a protected disclosure.

20. Volunteers, freelancers and artists

The organisation recognises that volunteers, freelance artists, workshop leaders and other individuals make an important contribution to the work of the arts centre.

Where concerns arise about the conduct or behaviour of a volunteer, freelancer or artist, the organisation will seek to address these fairly and proportionately.

Depending on the circumstances, this may involve:

- An informal discussion.
- Additional guidance or support.
- A review of the individual's responsibilities or arrangements.
- A formal review of their volunteer or contractual agreement.
- Temporary suspension from activities while a concern is investigated.
- Ending a volunteer placement or contractual arrangement where appropriate.

The organisation will consider the terms of any relevant agreement and will not automatically apply employee disciplinary sanctions to individuals who are not employees.

Concerns involving safeguarding, serious misconduct or criminal activity will be dealt with under the relevant organisational procedures.

21. Criminal allegations or proceedings

Where an employee is subject to a criminal investigation or prosecution, the organisation will consider whether the circumstances have any relevance to their employment, duties or suitability for their role.

A criminal allegation or charge will not automatically result in disciplinary action.

The organisation may undertake its own investigation where appropriate, taking account of the available evidence and any safeguarding or safety considerations.

22. Equality and reasonable adjustments

The organisation is committed to ensuring that disciplinary and grievance procedures are accessible and inclusive.

Reasonable adjustments will be considered where an employee has a disability or other relevant needs.

These may include:

- Providing documents in alternative formats.
- Allowing additional preparation time.
- Adjusting meeting arrangements.
- Holding meetings in an accessible location.

- Allowing appropriate breaks.
- Making arrangements to support communication.

The organisation will take account of individual circumstances and will seek to ensure that everyone can participate fairly.

23. Confidentiality and data protection

All disciplinary and grievance matters will be handled sensitively and in accordance with the organisation's data protection responsibilities.

Information will only be shared with individuals who need access to it for legitimate organisational or legal purposes.

Records will be stored securely and retained in accordance with the organisation's data retention arrangements.

Employees and other individuals involved in a process are expected to respect confidentiality and avoid discussing the matter unnecessarily with colleagues or others.

This does not prevent individuals from seeking confidential advice, exercising their legal rights or making protected disclosures.

24. Record keeping

The organisation will maintain appropriate records of formal disciplinary and grievance matters.

Records may include:

- Details of the concern or complaint.
- Investigation notes and evidence.
- Meeting invitations and correspondence.
- Meeting notes.
- Decisions and outcomes.
- Details of any appeal.
- Copies of relevant warning letters.

Records will be retained securely and in accordance with data protection requirements.

Formal disciplinary warnings will normally remain active for the periods specified in this policy.

25. External advice and support

The organisation may seek external HR, legal or employment advice where appropriate, particularly in complex or serious cases.

Employees may also seek independent advice or support from their trade union or another appropriate source.

26. Policy review

This policy will be reviewed annually by the Board of Trustees, or earlier if required due to changes in legislation, guidance or organisational circumstances.

Any amendments will be approved by the Board of Trustees and communicated to employees.

Appendix 1: Indicative timescales

The organisation will seek to deal with matters promptly and fairly. The following timescales are indicative and may be adjusted where necessary.

Procedure	Indicative timescale
Acknowledge formal grievance	Within 5 working days
Arrange grievance meeting	Normally within 10 working days
Issue grievance outcome	Normally within 10 working days of meeting
Submit disciplinary appeal	Within 5 working days
Submit grievance appeal	Within 5 working days
Submit disciplinary appeal outcome	Normally within 10 working days of appeal hearing

Where a timescale cannot reasonably be met, the individual will be informed of the reason and given an updated timescale.

Appendix 2: Key contacts

Chief Executive Officer: Rob Allerston

Chair of Trustees: Eric Clifford

Alternative trustee contact: Sarah Bawtree

Designated Safeguarding Lead: Maureen Reid

External HR adviser (if applicable): Judith Coslett

ACAS: www.acas.org.uk