



**MORECAMBE
FOOTBALL
CLUB**

MFC DISCIPLINARY POLICY & PROCEDURE

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Disciplinary Policy & Procedure

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Disciplinary Policy & Procedure

Policy Statement:

Morecambe Football Club (the 'Club') follow the ACAS Code of Practice and is committed to remove and eliminate any direct or indirect discrimination of any form and under no circumstances condone unlawful discriminatory practices as we operate a zero tolerance approach to discrimination, harassment, victimisation and/or bullying.

Purpose:

The purpose of this Policy is to encourage maintenance of satisfactory standards of conduct, and to ensure consistent and fair treatment for all employees.

Scope:

This Policy applies to all employees of the Club.

The enclosed procedure sets out the steps that will be taken in respect of any failure to meet the Clubs standards of conduct (whether during working hours or not) or in respect of breach of terms and conditions of employment.

This Policy does not apply to cases involving poor performance in which case reference should be made to the Clubs Performance Improvement Procedures and/or attendance, in which case reference should be made to the Clubs Absence Management Policy.

General Principles:

Any steps under this Policy will be taken promptly unless there is a good reason for delay. The time limits mentioned may vary if it is reasonable to do so.

At every stage you will be advised of the nature of the complaint and be given the opportunity to state your case. At any hearing held under this procedure you may be represented or accompanied by a work colleague or trade union representative.

The Clubs management reserve the right to have an additional person present during disciplinary interviews. This would normally be a member of the HR team.

You will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the sanction will normally be dismissal without notice and without pay in lieu of notice.

You will have the right to appeal against any disciplinary action taken against you.

The procedure may be implemented at any stage if your alleged misconduct warrants such action.



Confidentiality:

Our aim during an investigation or disciplinary procedure is to deal with 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.

You are not permitted to make any electronic recordings of any investigative meetings, disciplinary or appeal hearings. Your companion who may accompany you to any meetings or hearings is also forbidden from making electronic recordings.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless, in our discretion, we believe that a witness's identity should remain confidential, or if the witness does not provide consent to his/her identity being disclosed.

Witnesses must treat as confidential any information given to them in the course of an investigation, including the identity of any employees under investigation.

Suspension:

In cases of alleged gross misconduct and/or where an employee's continued presence in the office/at the Club would hinder an investigation we may need to suspend them from work while an investigation or disciplinary procedure is ongoing. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing.

While suspended you should not visit our premises or contact any of our customers, suppliers, contractors or employees, unless you have been authorised to do so by the Club.

Suspension of this kind is not a disciplinary sanction and does not imply that any decision has already been made about your case. You will continue to receive your full basic salary and benefits during the period of suspension.

Procedures

Informal Discussions/Counselling:

Before taking formal disciplinary action, and provided that the issue of conduct is minor, your Line Manager will make every effort to resolve the matter by informal discussions with you. Such discussions should be held in private and without undue delay where there is cause for concern. Only where this fails to bring about the desired improvement or where informal discussion is not appropriate (for example, due to the seriousness of the allegation) will the formal disciplinary procedure be implemented.



Investigations:

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. This may involve reviewing any relevant documents, interviewing you and any witnesses, and taking witness statements.

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.

An appropriate and impartial member of the Club Management Team will be asked to assume the role of Investigative Officer to conduct the investigation, who will then produce a report at the end of the investigation to the Hearing Manager. The latter will then make a decision on whether there is a case to answer or not.

You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome a difficulty caused by a disability, or any difficulty in understanding English.

You must cooperate 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 any investigative interviews.

The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

Formal Disciplinary Procedure

Written Information:

Following any investigation, if we consider there are grounds for disciplinary action, we will inform you in writing of the allegations against you and the basis for those allegations. This will normally include:

- documents which will be used at the disciplinary hearing; and
- witness statements which will be used at the hearing, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

You will have a reasonable opportunity to consider this information before the disciplinary hearing.

Even if the Hearing Manager concludes there is no case to answer, they may still recommend appropriate informal supportive actions which they consider to be beneficial. You will be advised in writing of this outcome and that the case will not be progressing to a disciplinary hearing.

Disciplinary Hearing:

We will give you written notice of the date, time and place of the disciplinary hearing, which will normally be held within one week of you receiving the written notice.



The hearing will be chaired by a member of the Club Management Team or the Board of Directors, if appropriate. A member of the HR team may also be present. You may bring a companion with you to the disciplinary hearing (see below 'Right to be accompanied').

You must take all reasonable steps to attend the hearing. Failure to attend a hearing without good reason may be treated as misconduct in itself. If you or your companion cannot attend at the time specified you should inform us immediately and we will seek to agree an alternative time.

The purpose of the disciplinary hearing is to review the evidence and to enable you to respond to any allegations that have been made against you. If you have a companion, they may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

The disciplinary hearing may be adjourned if we need to carry out any further investigations. For example, we may decide to re-interview witnesses in light of any new points that have been raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Within one week of the disciplinary hearing, at the latest, we will inform you in writing of our decision (including details of the relevant misconduct that we consider you have committed, and the disciplinary sanction to be applied) together with the reasons for our decision. We will also inform you of your right of appeal. Where possible we will also explain this information to you in person.

Appeals:

Any employee who is dissatisfied with the outcome of any stage of the disciplinary procedure should appeal in writing stating their full grounds of appeal.

Appeals must be lodged with the HR Manager within 5 working days of receipt of the letter confirming the disciplinary decision.

In cases where the Chief Executive has issued the disciplinary decision, the appeal will be heard by another member of the Board of Directors.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be within one week of us receiving your written appeal. In cases of dismissal the appeal will be held as soon as possible.

The appeal hearing will be conducted by the Chief Executive Officer or another member of the Board of Directors. A member of the HR team will also usually be present. You may bring a companion with you to the appeal meeting.

At, or following the appeal hearing we may:

- confirm the original decision; or
- revoke the original decision; or
- substitute a different disciplinary sanction.



We will inform you in writing of our final decision within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

The date on which any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, you will be reinstated with no loss of continuity or pay.

Right to be accompanied:

You may bring a companion to any disciplinary or appeal hearings under this procedure. The companion may be either a trade union official or a colleague. You must tell the Club who your chosen companion is, in good time before any hearing(s).

Acting as a companion is voluntary and employees are under no obligation to do so. Employees will be allowed reasonable time off from duties without loss of pay to act as a companion.

If your choice of companion is unreasonable we may ask you to choose someone else. For example:

- if in our opinion your companion may have a conflict of interest or may prejudice the hearing; or
- if your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

We may, at our discretion, allow you to bring a companion who is not an employee or union official (for example, a member of your family) where this will help overcome a particular difficulty caused by a disability, or where you have difficulty understanding English.

Dismissals And Disciplinary Sanction

Disciplinary sanctions:

We aim to treat all employees fairly and consistently. Disciplinary action previously taken against other employees for similar misconduct will usually be taken into account but each case will be assessed on its own merits.

Depending on the seriousness of the matter any of the following stages may be omitted – for clarity, there is no requirement for the Club to follow each stage sequentially. The Club has the right to impose a sanction immediately of any of the below stages, up to and including Stage 4 – Dismissal.

If you have less than 2 years continuous service, the below stages may not apply and the Club can escalate to Stage 4 – Dismissal immediately.

Stage 1 – Letter of Concern

If, despite informal discussions, your conduct does not meet acceptable standards and where you have no other active disciplinary warnings, you will normally be given a letter of concern. You will be told:

- the reason for the letter and any change in behaviour required;
- the likely consequences of further misconduct;
- that you have the right to appeal.



The letter will be issued to you and a record of the letter will be placed permanently on your personnel file and will remain active for 12 months from the date it is given.

Expired letters of concern will be retained on an employee's personnel record as it may be necessary to take account of the letter when considering future conduct, for example establishing a pattern of behaviour or an awareness of the relevant rules. Documentation relating to the expired letter of concern will not normally be retained unless there is a justification for this.

Stage 2 - First Written Warning

If the offence is a more serious one or if there is a failure to improve standards of conduct where there is an active letter of concern on your record, you shall be given a first written warning.

A letter will be sent to you advising of:

- the reasons for the warning, the level of the warning and any change in behaviour required;
- the likely consequences of further misconduct;
- your right to appeal.

A copy will also be placed on your personnel file and will remain active for 12 months, after which it will be treated in line with the above.

Stage 3 - Final Written Warning

If your conduct remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning before dismissal but insufficiently serious to justify dismissal, then a final written warning will be given and advising of:

- the nature of the misconduct and the change in behaviour required;
- the likely consequences of further misconduct;
- your right to appeal.

The warning will be recorded in the same way as the first written warning above, with a copy placed on your personnel file. The final warning will be usually expire after 18 months (although in exceptional cases verging on gross misconduct, a final written warning may state that it will remain live for longer), after which time it will be treated in line with the above.

Stage 4 - Dismissal

If your conduct is still unsatisfactory and you fail to reach the prescribed standards, you will normally be dismissed with notice or payment in lieu of notice.

You will be provided with written reasons for dismissal, the date on which employment will terminate, and confirmation of your right of appeal.



Gross Misconduct

In the case of gross misconduct, employment may be terminated. If, after investigation and the disciplinary procedure, the Club is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

If a final written warning is given in a case of gross misconduct, then that warning will expire after 18 months, after which time it will be treated in line with the above.

The following list provides examples of offences which are normally regarded as gross misconduct and which may result in summary dismissal. This list is not exhaustive:

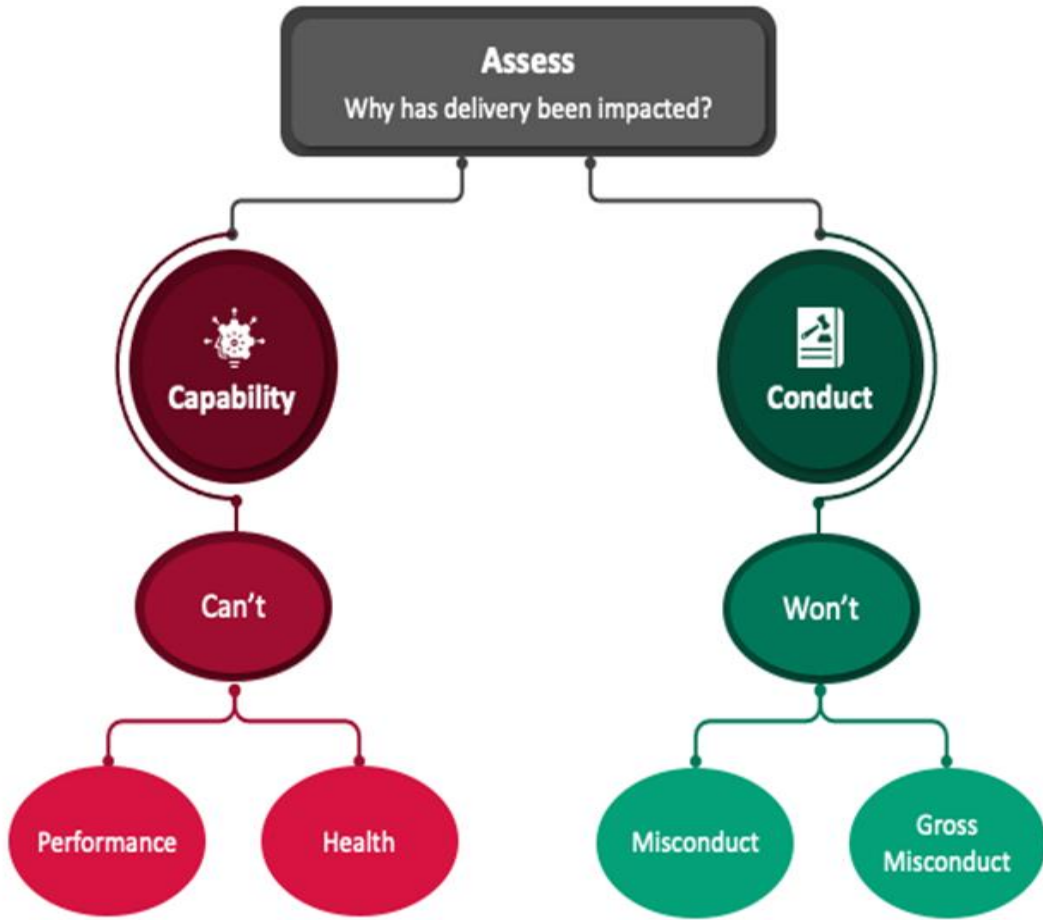
- (i) theft, fraud, deliberate falsification of Club documents;
- (ii) breach of trust and confidence;
- (iii) actual or threatened physical violence or bullying;
- (iv) deliberate and serious damage to Club property;
- (v) unauthorised possession of property belonging to the Club, fellow employees or anyone connected with the Clubs business;
- (vi) serious misuse of the Clubs name;
- (vii) unlawful discrimination or harassment;
- (viii) conduct likely to bring the good name of the Club into disrepute;
- (ix) being unfit for work through alcohol or illegal drugs;
- (x) gross negligence;
- (xi) gross insubordination;
- (xii) knowing breach of statutory rules affecting your employment;
- (xiii) unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- (xiv) serious breach of health and safety rules;
- (xv) serious breach of confidence;
- (xvi) acceptance of bribes or other secret payments arising out of your employment;
- (xvii) deliberate breach of Club IT Policies;
- (xviii) deliberate breach of the Club Social Media Policy.
- (xix) deliberate breach of the Club Anti-Bribery Policies.

In cases of alleged gross misconduct, the employee may be suspended whilst enquiries are pursued. During such suspension, the employee will continue to receive his/her normal salary.



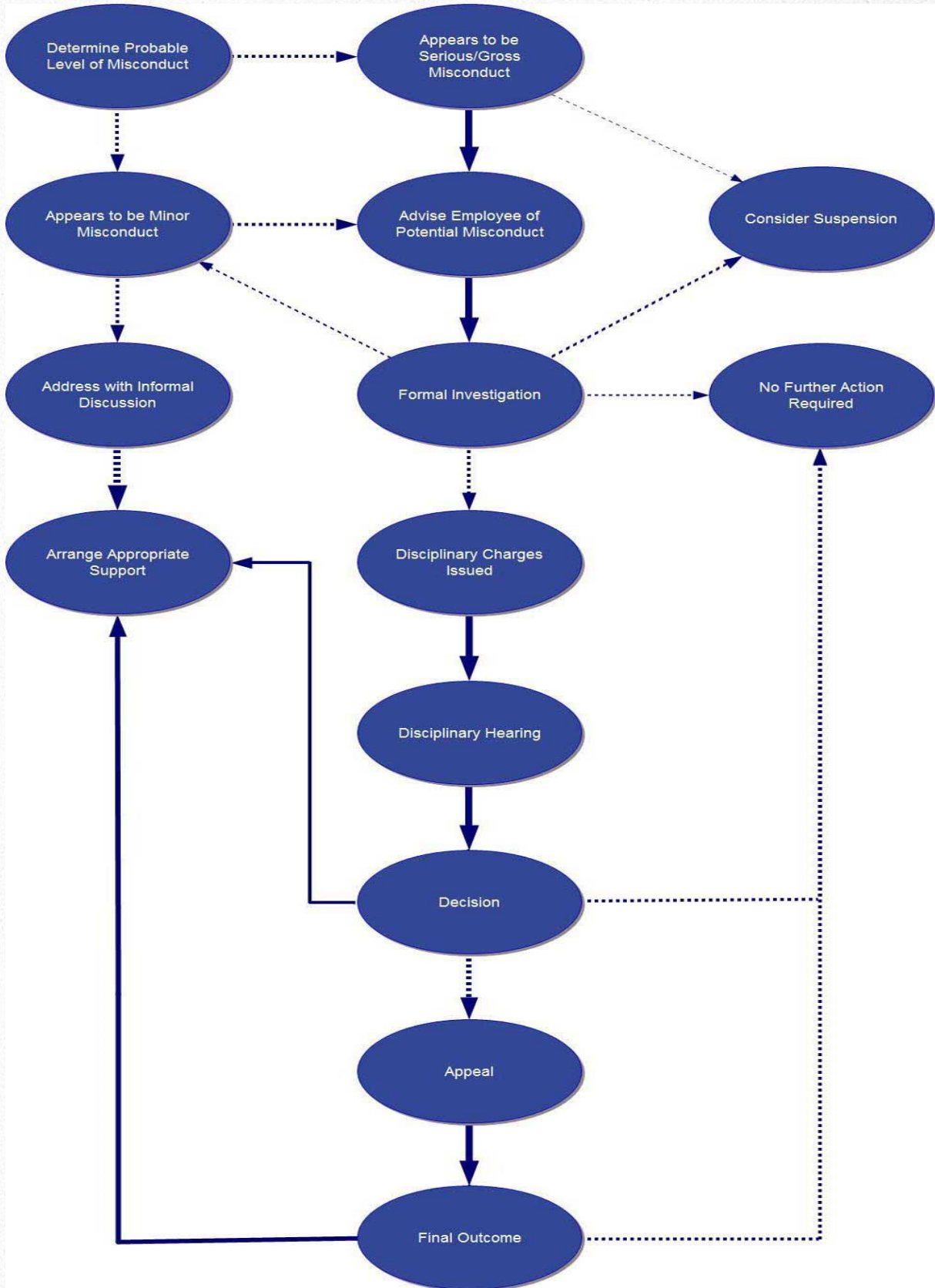
DISCIPLINARY PROCESS

Following a Fair Disciplinary Procedure





THE DISCIPLINARY PROCESS FLOWCHART:





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