Disciplinary Policy

This policy is based on the British Orienteering policy Disciplinary Procedure with amendments where applicable to the Welsh Orienteering Association. This statement acknowledges the use the British Orienteering policy.

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Introduction

The Welsh Orienteering Association (WOA) will closely follow British Orienteering's Disciplinary Procedure Policy with minor amendments relevant to WOA's position. This policy will apply when a matter is drawn to the attention of WOA in the first instance such as following use of the WOA Complaints and Grievance Policy. If the matter is directed to British Orienteering in the first instance, even if the matter has taken place within the remit of WOA, then the matter must be managed by them using their Disciplinary Procedure Policy if applicable. A matter cannot subsequently be re tried using the WOA Disciplinary Policy.

Definitions:

Volunteer: Any member of WOA, or any member of the public acting in a voluntary capacity on behalf of WOA, carrying out orienteering activity either by taking part in a competition, preparation for an activity or event or assisting with an activity or event in any way.

Employee: Anyone paid by WOA for the role they are undertaking. The payment maybe on a regular basis such as a development officer position or a coach undertaking a series of activities, or as a one-off payment such as carrying out survey work for the preparation of a competition map where WOA is the direct payer for this and the person is thus representing WOA while undertaking this role.

1.1 People involved in orienteering are expected to maintain high standards of behaviour. WOA's aim is to encourage and help all volunteers and paid people to reach the necessary standards of behaviour. If these standards are not attained, it may be necessary for disciplinary action to be taken. The disciplinary procedure has been designed to promote fairness in the treatment of all members, volunteers and employees whether they are unpaid or paid; there is also an appeals process forming part of the procedure details of which will be found in the WOA Appeal of Decision Policy and Procedure.

1.2 Where there has been a failure to meet the required standard of behaviour or work, or a breach of rules, or contravention of WOA or British Orienteering's Policies and Rules, or a person has been guilty of misconduct, the disciplinary action to be taken will follow the procedure below. These rules and procedures should ensure that:-

(a) Individuals are fully aware of the standards of behaviour and performance expected of them.

(b) Disciplinary action, where necessary, is taken speedily and in a fair and consistent manner.

(c) In particular circumstances the alleged inappropriate behaviour is investigated by a panel that has expertise in this area of activity, examples of this are anti-doping, safeguarding children and vulnerable adults.

(d) Individuals will only be disciplined after careful investigation of the facts and the opportunity to present their side of the case. On some occasions, temporary suspensions from participation, volunteering or work (for paid people on full pay) may be necessary in order that an uninterrupted investigation can take place. This should not be regarded as a disciplinary action or a penalty of any kind.

(e) Other than for an "off the record" informal reprimand, individuals have the right to representation at all stages of the disciplinary process. An informal reprimand may be given in instances where formal disciplinary action is not appropriate. Informal reprimands will normally be given by the chairman of WOA, or a designated member of WOA committee. In the case of employees, representation can be by a trade union representative, a fellow employee, solicitor, or any person the individual wishes to nominate. It is the responsibility of the individual to ensure that the representative is kept fully informed.

(f) For a first breach of discipline, except in the case of gross misconduct, it is unlikely that:

- an employee will have the contract terminated,

- membership of the Welsh Orienteering Association will be revoked.

(g) If an individual is the subject of a disciplinary process, he or she will be informed of any penalty imposed and will have the right to appeal against the finding and/or the penalty.

Disciplinary Rules

It is not practicable to specify all offences which may result in disciplinary action, as circumstances may vary depending on the nature of the role of the individual. In addition to the specific examples of unsatisfactory conduct, misconduct and gross misconduct given in this procedure, the breach of other conditions, procedures, rules, etc. may result in the disciplinary procedure being invoked to deal with such matters.

2.1 The disciplinary policy contains three categories of misconduct; the level at which disciplinary action may be considered will be governed by the circumstances and seriousness of each case:

• Unsatisfactory conduct or misconduct

• Serious misconduct

• Gross misconduct

2.2 Rules Covering Unsatisfactory Conduct and Misconduct

These are examples and not an exhaustive list.

You may be liable to disciplinary action if you are found to have acted in any of the following ways as a Volunteer or Employee:

(a) Failure to abide by Health & Safety rules and procedures

(b) Failure to abide by the good practice identified with dealing with children or vulnerable adults

(c) Unsatisfactory standards or output of work

(d) Rudeness towards members, members of the public, employees or voluntary members, disruptive or insulting behaviour, harassment, bullying or bad language

(e) If your work involves driving as part of the role, failure to report immediately any type of driving conviction or summons which may lead to your conviction. This does not include driving yourself to and from a place of work or volunteering.

(f) Failure to carry out reasonable instructions or follow rules and procedures such as British Orienteering's Rules and Competition Rules

2.3 Definition of Serious Misconduct

Serious misconduct is defined as where one of the unsatisfactory conduct or misconduct rules has been broken and, upon investigation, it has shown to be due to an individual's extreme carelessness or it has a serious or substantial effect upon British Orienteering's or WOA's operation or reputation or upon another member. Serious misconduct may result in the individual being issued with a final written warning in the first instance.

2.4 Definition of Gross Misconduct

Gross misconduct is defined as where one of the gross misconduct rules has been broken and the offence is one which irretrievably breaks the relationship between the employer and employee or brings British Orienteering or WOA into disrepute.

Gross misconduct may result in an individual's membership being revoked or, in the case of an employee, summary dismissal.

2.5 Rules Covering Gross Misconduct

These are examples and not an exhaustive list. You will be liable to summary dismissal if you are found to have acted in any of the following ways as a Volunteer or Employee:-

(a) Grossly indecent or immoral behaviour, deliberate acts of discrimination with regard to race, sex, disability or sexuality, or serious acts of harassment

(b) Dangerous behaviour, fighting or physical assault, abuse in any form of another person

(c) Placing a member of the public or another member of the Welsh Orienteering Association or British Orienteering in danger, or failure to carry out legitimate instructions and or poor performance caused by intoxicants or drugs

(d) Deliberate falsification of any records (including expenses claims)

(e) Theft or unauthorised possession of money or property, whether belonging to another member, another employee or a third party

(f) Destruction/sabotage of WOA or British Orienteering's property

(g) Serious breaches of the Health & Safety rules which may endanger the safety of any other person

(h) Possession or use of illicit drugs while undertaking a role on behalf of or representing WOA

(i) Taking part in activities which may result in adverse publicity to WOA or British Orienteering, or which cause WOA or British Orienteering to lose faith in your integrity

(j) Acting in such a way as to be working in competition with WOA or British Orienteering

Disciplinary Procedure

The disciplinary process can only be started by the Welsh Orienteering Association once they are made aware of an allegation in line with the WOA Complaints & Grievance Policy. The allegation can be made by any person; they are not required to be a member of British Orienteering or WOA. This includes members of the public with a legitimate concern. Any form of suspension will only start from the moment that WOA becomes aware of a complaint that they feel a suspension is required. Suspension is not an indication of guilt but is a step to allow an investigation to be completed in as fair a way as possible for both the complainant and the alleged person or persons involved.

Disciplinary action taken against an individual will normally be based on the guidelines outlined in Table 1. The stage at which the disciplinary process will be invoked will depend on the nature of the alleged offence; this will be confirmed when the individual is advised of any disciplinary hearing.

The Welsh Orienteering Association will take into account any mitigating circumstances when considering how the disciplinary procedure will be invoked.

If a disciplinary penalty is imposed it will be in line with the procedure outlined in Table 1, which may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to the individual in writing (except for a formal verbal warning).

In all cases, warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the procedure in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal or the revocation of membership if the warnings are not heeded.

The appropriate disciplinary action to be taken in a particular case will take into account any previous disciplinary action which is on record, irrespective of the nature of the offence which gave rise to the earlier disciplinary action.

Table 1

Offence	**First Occasion**	**Second Occasion**	**Third Occasion**	**Fourth Occasion**

Unsatisfactory Conduct	Formal verbal warning	Written warning	Final written warning	Dismissal or revocation of membership
Misconduct	Written warning	Final written warning	Dismissal or revocation of membership	
Serious Misconduct	Final written warning	Dismissal or revocation of membership		
Gross Misconduct	Dismissal or revocation of membership			

The following process and timescales will normally be followed:

Formal verbal warning

Where a breach of the required behaviour of a member or the terms of contract for an employee is minor or happens rarely, a word of warning or guidance from a responsible person such as WOA committee member will normally be sufficient. This should be preceded by informal counselling or guidance as part of the normal management process. Where there is no improvement in the identified areas, an interview will be arranged with a minimum of 2 weeks' notice for members or a minimum of 3 working days' notice for an employee, and the reasons for the interview confirmed to the individual. The individual will be provided with an opportunity to put their case at the interview and only after hearing and assessing this evidence will a decision whether to issue a Formal Verbal Warning be made. The interview should be undertaken by at least two members of WOA committee unless the individual is a member of WOA committee when the full committee less the individual should be involved.

Written warning

If there is no improvement in the individual's conduct after the Formal Verbal Warning OR in the event of further unsatisfactory conduct OR in the event of misconduct, an interview will be arranged with a minimum of 2 weeks' notice for members or a minimum of 3 working days' notice for an employee, and the reasons for the interview confirmed to the individual. The individual will be provided with an opportunity to put their case at the interview and only after hearing and assessing this evidence will a decision whether to issue a Written Warning be made. The interview should be undertaken by at least two members of WOA committee unless the individual is a member of WOA committee when the full committee less the individual should be involved.

Final written warning

In the event of an individual continuing to fail to comply with the required standards OR in the event of further misconduct OR in the event of serious misconduct, an interview will be arranged with a minimum of 3 weeks' notice for members or a minimum of 5 working days' notice for an employee,

and the reasons for the interview confirmed to the individual. The individual will be provided with an opportunity to put their case at the interview and only after hearing and assessing this evidence will a decision whether to issue a Final Written Warning be made. The interview should be undertaken by at least two members of WOA committee unless the individual is a member of WOA committee when the full committee less the individual should be involved.

Gross misconduct

In the event of the individual continuing to fail to comply with the required standards OR in the event of further serious misconduct OR if an individual is alleged to be guilty of gross misconduct this may result in the revocation of membership of WOA or British Orienteering, or if the individual is an employee, summary dismissal without notice. The Chief Executive or Chairman of British Orienteering must be made aware at this stage that an investigation of gross misconduct is being undertaken. An employee may be suspended, with pay, to enable time to be taken to investigate accusations of serious breaches of rules.

A member may be suspended from participating in all orienteering activities to enable time to be taken to investigate accusations of serious breaches of rules. An interview will be arranged with a minimum of 3 weeks' notice for members or a minimum of 5 working days' notice for an employee, and the reasons for the interview confirmed to the individual. The individual will be provided with an opportunity to put their case at the interview and only after hearing and assessing this evidence will a decision whether to revoke membership, or in the case of an employee, issue a Dismissal Notice, be made. The interview should be undertaken by at least two members of WOA committee unless the individual is a member of WOA committee when the full committee less the individual should be involved.

Disciplinary Authority

The operation of the disciplinary procedure contained in the previous section is based on the following authority at the various levels of disciplinary action:

Level of potential disciplinary action	**Authority- Employee**	**Authority - Member**
Formal verbal warning	WOA chairman	Responsible person
Written warning	WOA chairman	Club Chair or person with responsibility for this area of work
Final written warning	WOA chairman & secretary	Club Chair & person with responsibility for this area of work
Gross misconduct (dismissal)	WOA Chairman or Secretary	Chair of British Orienteering or chair of WOA[1]

[1] Chair of WOA if member is a member of WOA only or a WOA affiliated club only, otherwise chair of British Orienteering for a British Orienteering member.

Note: There are circumstances where investigation and disciplinary action is undertaken by a person or persons that have expertise in the area of work that the inappropriate behaviour has taken place in, examples are anti-doping, safeguarding children.

Disciplinary panels will normally be comprised of the following:

Level of potential disciplinary action	Panel composition - Employee	Panel composition - Member
Formal verbal warning	Not applicable	Not applicable
Written warning	WOA Chairman and WOA Secretary	WOA Chairman& a role expert external to the club
Final written warning	WOA Chairman and WOA Secretary	WOA Disciplinary panel
Gross misconduct (dismissal)	WOA Chairman and WOA Secretary	WOA Disciplinary panel

Note: There are circumstances where the panel will be composed of people with expertise in the relevant work area the alleged offence has been committed in; examples of this are anti-doping and safeguarding children where specific Case Management Panel will be used.

Period of Warnings

Formal verbal warning

A Formal Verbal Warning will normally be disregarded after a 6-month period and the individual informed the period has ended.

Written warning

A Written Warning will normally be disregarded after a 12-month period and the individual informed the period has ended..

Final written warning

A final written warning will normally be disregarded after a 24-month period and the individual informed the period has ended..

Disciplinary Appeals Procedure

The disciplinary rules and procedures incorporate the right to lodge an appeal in respect of any disciplinary action taken against an individual.

The WOA Appeal of Decision Policy and Procedure is detailed within the document of the same name and any person seeking to make an appeal should thoroughly read the document.

An overview of the Appeal Procedure is:

(a) Appeals against employment disciplinary matters will be dealt with through consultation with British Orienteering using the human resource mechanisms and tribunal system established under Employment Law.

(b) Any Member of British Orienteering who is affected by a decision of WOA committee, any sub-committee acting under WOA committee or by individual who has been delegated authority to make decisions on behalf of WOA committee, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in the Appeal Procedure.

(c) An appeal against a formal warning or revocation of membership should give details of why the penalty imposed is felt to be too severe, inappropriate or unfair in the circumstances.

(d) If an individual is appealing on the grounds that he or she has not committed the offence, then the individual's appeal may take the form of a complete re-hearing and re-appraisal of all matters so that the Appeals Panel can make an independent decision before deciding to grant or refuse the appeal. The Appeals Panel will decide on the form the hearing will take.

(e) If an individual wishes to exercise the right to appeal, he or she should apply in writing to the Chair of the Appeal Committee via the WOA Secretary normally within 21 days of the disciplinary decision.