



**COMPLAINTS and DISCIPLINARY POLICY and PROCEDURES**

Effective from: September 2017

Date of next review: August 2020

**1 PTC Statement of Intent**

1.1 The People's Theatre Company (PTC), in pursuant of its objectives, seeks to uphold behaviours that:

- Are respectful
- Value diversity
- Are lawful

1.2 PTC will not tolerate bullying or harassment, abusive behaviour or behaviour that discriminates against a person on account of their age, gender, disability, sexual orientation, religion, marital status or socioeconomic status.

**2 Scope of Policy**

2.1 This Policy applies to the conduct of PTC's members and anyone the society has appointed to help out in its productions, such as members of the production team, chaperones and other volunteers.

2.2 The focus of the Policy is mainly on behaviours and conduct during activities and productions organised by PTC, but on matters of gross misconduct occurring outside the society's activities and productions, where there is a risk to the society's reputation and welfare, the Executive Committee may agree to take necessary actions to mitigate the risk.

2.3 This Policy will be regularly monitored by the Executive Committee of the society and will be subject to annual review.

2.4 This Policy complements the Child Safeguarding policy, but does not replace the procedures for Safeguarding. Any complaints relating to child safeguarding should be handled under the Child Safeguarding policy.

**3 Misconduct**

3.1 This is conduct which is sufficiently serious that it requires disciplinary action. Such misconduct must be serious, or if not serious, repeated on more than one occasion.

3.2 Misconduct includes persistent lateness, unauthorised absence, failure to meet performance standards, unacceptable behaviour towards others, breach of smoke-free legislation, breach of the venue hirer's rules and misuse of props.

**4 Gross misconduct**

4.1 This is the term used for serious misconduct, which may lead to instant action being taken.

4.2 Acts that constitute gross misconduct are those that have a serious impact on the safety of others, PTC's reputation and standards of performance.

4.3 Examples of gross misconduct include:

- Theft or fraud
- Physical violence
- Serious bullying or harassment

- Emotional abuse
- Sexual harassment or assault
- Serious insubordination
- Serious incapability brought about by alcohol or illegal drugs
- Endangering others through deliberate breach of Health & Safety procedures.

## **5 Informal complaints procedure**

- 5.1 Complaints, where appropriate, should be dealt with informally, by discussion with:
- The person concerned, or
  - The complainant and the Chairperson.
- 5.2 The Chairperson may take the matter up with the person concerned if requested to do so by the complainant.
- 5.3 Such informal discussions should not be officially recorded and it will be made clear that they do not form part of the formal procedure outlined above.

## **6 Formal complaints procedure**

- 6.1 A complaint may be lodged by any member of PTC to any member of the Executive Committee for consideration by the Committee. For matters of misconduct or gross misconduct, where disciplinary action is to be considered, the complaint must be made in writing.
- 6.2 The member of the Committee receiving the complaint will record the following:
- Name of complainant
  - Name of person the complaint is directed at (if relevant)
  - Date complaint made
  - Date incident occurred
  - Brief description of complaint
  - Describe whether any preliminary actions have been taken
  - Have any immediate actions been taken on allegations of gross misconduct
- 6.3 The member of the Committee receiving the complaint will inform the Chairperson and the Chairperson will include it for discussion at the next meeting of the Committee. For complaints of gross misconduct, an urgent meeting of the Committee will be called within three days to consider any disciplinary actions.

## **7 Disciplinary Procedure**

- 7.1 PTC acknowledges that misconduct may be subjective and may not be witnessed by others. PTC therefore seeks to deal with allegations of misconduct in a fair and timely manner.
- 7.2 The PTC Chairperson will be responsible for dealing with disciplinary actions, typically in consultation with the Executive Committee.
- 7.3 For matters of gross misconduct, the alleged perpetrator will be temporarily suspended from all activities related to PTC, including attendance at rehearsals and productions until a decision is made by the Executive Committee on disciplinary actions. If necessary, the Chairperson or their deputy can make the decision and refer the matter for an urgent discussion by the Executive Committee. The period of suspension will be for as short a period as possible.
- 7.4 Suspension would normally take place in the following circumstances:
- Where children are at risk.

- Where the person needs protection themselves.
- Where the allegations amount to gross misconduct.
- Where the society's reputation might suffer unduly.
- Where the presence of the person may impede investigation.

7.5 The Executive Committee will appoint a member of the Committee to lead on handling the complaint and act as a Committee liaison with the perpetrator and the complainant. The nominated Committee lead will act as the Investigating Officer to investigate the alleged disciplinary offence and provide full details of the disciplinary offence to the perpetrator.

7.6 The appointed Investigating Officer will conduct the investigation in an impartial and respectful manner.

7.7 The alleged perpetrator will be allowed to put their case forward either to the Investigating Officer, or, at their request to the Executive Committee, before a decision is made. In this regard, they may choose to be accompanied.

## **8 Outcome of investigation**

8.1 **The Executive Committee will appoint a sub-committee, known as the Review Panel, comprising three members of the committee, to consider the case and determine actions.**

8.2 **At the conclusion of the investigation, the Investigating Officer will produce a summary report and their recommendations to the Review Panel to make a decision on disciplinary action.**

8.3 PTC's disciplinary procedure has the following stages:

8.3.1 A formal, oral warning in the case of a minor breach. In the case of a minor infringement the person may be given a formal oral warning. They should be told of the reasons for the warning, that it is the first step in the disciplinary process and that they have the right of appeal.

8.3.2 A written warning for subsequent minor breaches or more serious breaches. If the infringement is regarded as more serious, the person may be given a formal written warning, giving the details of the complaint, the improvement required, the timescale allowed for this and the right of appeal. The warning should also state that a final written warning might be considered if the desired change doesn't occur.

8.3.3 A final written warning for further misconduct. The warning should make it clear that termination of membership may follow failure to comply. Where there is failure to improve the behaviour, or an infringement which is considered sufficiently serious, the person may be given a final written warning. This should include details of the offence and that failure to improve may result in dismissal and the right of appeal.

8.3.4 Termination of membership with appropriate notice will follow if there is insufficient improvement. If the behaviour remains unchanged then the sanction imposed may include termination of membership of PTC and barring the individual's access to rehearsals and other PTC activities, and in the case of a member of the Executive Committee where the misconduct relates to Committee matters alone, termination of their committee role. Under these circumstances a refund of membership fees will not be made.

8.3.5 The decision to dismiss must be taken by the Executive Committee, and the

person should be informed as soon as is reasonably practicable and told how to make an appeal. The decision to dismiss must be confirmed in writing and the person has the right on request to have a written statement of the reasons for dismissal.

- 8.4 The society should ensure that a record is kept of all written warnings. However, any disciplinary action taken (other than dismissal) should be disregarded as follows:
- Warnings for minor offences may be valid for up to six months
  - Final warnings may remain in force for 12 months or more.
- 8.5 Once the time limits have been passed, warnings should be disregarded in any further disciplinary proceedings. These records should be kept confidential and retained in accordance of the disciplinary procedure and the Data Protection Act 1998, which requires the release of certain data to individuals on their request.

## 9 Appeals

- 9.1 The perpetrator has the right of appeal against any disciplinary actions. This has to be made in writing to the Chairperson.
- 9.2 **The Executive Committee will appoint an Appeals Panel, comprising three members of the committee (see below), to consider the appeal and reach a final decision after considering the information presented to them. Members of the Appeals Panel will not have been members of the initial Review Panel.**
- 9.3 Appeals should be dealt with as promptly as possible and be made in writing to the Chairperson within 14 days of receipt of the warning or dismissal.
- 9.4 Individuals should be informed of arrangements for appeal hearings and also of their right to be accompanied. The individual should be informed of the result of the hearing as soon as possible and this should be confirmed in writing.
- 9.5 **The Executive Committee determines who will sit on the Appeal Panel. Whilst this would typically be drawn from members of the Executive Committee, an independent member could be brought in if necessary.**

## 10 Formal grievance

- 10.1 A grievance is a formal statement of complaint, generally against an authority figure. In the context of PTC, it could be a member of the Executive Committee or the production team.
- 10.2 The outcome at each stage of the formal procedure should be recorded. The record will include:
- a note of any agreed corrective action;
  - a note of any warning that has been given and the period after which this warning will be disregarded.
- Copies of this sheet should be given to each party.

### 10.3 The Procedure

#### 10.3.1 STAGE ONE:

The grievance should be raised with the Chairperson. This should be done in writing. The Chairperson will convene meetings with relevant parties to look into the grievance if possible within 10 working days of receiving the request. The Chairperson alone makes the decision, but may consult with the rest of the committee before any decision is made. If the situation is potentially a disciplinary one the disciplinary procedure will be followed.

### 10.3.2 STAGE TWO:

If the grievance is still not resolved to the satisfaction of the complainant s/he must make a written request to the Chairperson for stage two (the appeal stage of the grievance procedure.) At this point the committee as a whole should convene a meeting to investigate the complaint.

10.3.3 If the grievance is against the Chairperson, the complainant should speak to the society's Secretary about how to propose a motion of censure or no confidence at a General Meeting of the society.

## 11 Support

11.1 At any stage during this process the complainant can seek support from the Chairperson. This might be to:

- listen and offer moral support;
- explain any bit of the procedure;
- help identify the options open to the complainant;
- help draft a letter.