



DISCIPLINARY POLICY & PROCEDURE

Purpose

This policy and the associated procedure are designed to clarify and provide guidance on the treatment of misconduct offences and the application of disciplinary action where required. The policy will hold the standards, laws and guidelines whilst the procedure will describe the tasks and actions required. A summary of areas covered by this policy is detailed below. Should you have any questions in relation to this document please speak to your Line Manager:

- General Principles of the Policy and Procedure
- The Nature of Disciplinary Offences
- Disciplinary Warnings
- Suspension
- Disciplinary Procedure
- Employee's Right to be Accompanied

Scope

This policy applies to all employees of Charlton Athletic Football Club and Charlton Athletic Women's Football Club, which includes the Men's first team, Women's First Team, the Boys Academy inclusive of PDP and the Girls Academy of PGA and ETC.

General Principles

The Company wishes to help and encourage all employees to achieve and maintain the appropriate standards of conduct, attendance and job performance.

It is the Company's approach that:

- Issues should be raised and dealt with promptly and there should not be unreasonable delay in meetings, decisions or confirmation of those decisions
- Managers and staff should act consistently
- The Company will carry out any necessary investigations, to establish the facts of the case
- Managers should inform employees of the basis of a problem and give them an opportunity to put their case in response before any decisions are made
- Decisions should be fair and appropriate to the circumstances
- Decisions should only be taken following a fair procedure

The Company may also deal with issues informally or use internal or external mediation to resolve disputes, as it feels appropriate. The Company will follow the Disciplinary Procedure as far as is reasonably practicable whenever it considers imposing disciplinary action against an employee. The Disciplinary Procedure will be followed in cases of poor performance unless the Company has a separate Performance Management Policy and Procedure.

The Nature of Disciplinary Offences

Disciplinary offences normally fall into one of the following categories:

- Misconduct



- Gross Misconduct

Misconduct

The following non-exhaustive list sets out some of the types of misbehaviour that constitutes misconduct:

- Abusive behaviour
- Breaches of the Company's rules and policies as a result of the employee's own carelessness, negligence or idleness
- Discourtesy towards customers or employees
- Failure to inform the Company that the employee is taking prescribed medication which may affect their ability to perform their duties
- Harassment, intimidation or bullying
- Horseplay or disorderly conduct
- Infringement of Health and Safety rules
- Misuse of or damage to the Company's property (or that of the Company's clients or other employees)
- Poor timekeeping
- Refusal to carry out a reasonable management instruction
- Unauthorised/unacceptable level of absence

Each of these offences may also be considered as gross misconduct if they are sufficiently serious.

Gross Misconduct

Whilst the offences mentioned in 'Misconduct' can be considered as gross misconduct in sufficiently serious cases, the list below sets out particular offences which will be considered as gross misconduct:

- Breach of duty of good faith or dishonesty (including isolated breaches)
- Committing any act of physical violence
- Conduct that brings the Company's name into disrepute
- Deliberate and/or serious damage, or misuse of the Company's property
- Dishonesty including for example the falsification of reports, accounts, expense forms, or self-certification forms and qualifications which may be stated requirements of employment or promotion
- Harassment or acts of discrimination on the grounds of a person's age, colour, fixed term status, flexible or part time working arrangements, gender, gender reassignment, marital or civil partnership status, nationality, physical or mental disability, pregnancy or maternity leave, race or ethnic or national origins, religion or belief or sexual orientation
- Sexual Harassment
- Making threats of physical violence
- Smoking (and using e-cigarettes) in non-designated areas
- Professional disqualification by virtue of which it is not reasonably practicable for the employee to continue on the job role that they perform
- Serious breach of the Company's rules, including but not restricted to privacy standards, rules on data protection, health and safety rules and computer use



- Inappropriate use of social media in work and private time
- Taking, being in possession of, supplying or being under the influence of illegal drugs or alcohol at work
- Theft or unauthorised possession of property belonging to the Company, our clients or suppliers or to any employee
- Unauthorised disclosure of confidential information or information in regard to which we owe a duty of confidence to anyone

This list is not exhaustive and other offences may be considered by the Company to be serious enough to constitute gross misconduct.

Disciplinary Warnings

If an employee is found to have committed an offence warranting formal disciplinary action the Company may impose one of the sanctions set out in the Disciplinary Procedure.

The Company may also consider sanctions such as demotion or disciplinary suspension without pay either as an alternative or in conjunction with the warning specified in the procedure, if there is a contractual right to do so.

Employees should be aware that gross misconduct offences can lead to dismissal without notice and without pay in lieu of notice in appropriate cases regardless of whether previous warnings have been issued.

In addition the Company may decide to impose any level of warning in an appropriate case or skip levels of the process should it consider that it is fair to do so.

For example the Company may impose a greater sanction than a Written Warning as a first disciplinary step, should it consider that the circumstances merit such a step.

The Company could also choose to dismiss an employee (skipping later stages) if it was of the view that it was fair to do so, however this will only occur in exceptional cases.

In deciding what disciplinary action to take, the Company will of course take into account the seriousness of the offence and where appropriate any current warnings that the employee may already have. The Company may also consider the existence of expired warnings and the conduct that gave rise to such a warning as part of the employee's relevant conduct history in considering the level of disciplinary action that may be taken in respect of similar subsequent misconduct.

The Company has the right to extend existing warnings in appropriate cases. This can only be as an outcome of formal disciplinary action and in exceptional circumstances.

Disciplinary warnings may be accumulated for different types of misconduct offences or for issues relating to poor performance.



Disciplinary Warnings – The Levels of Warning

The Disciplinary Procedure is made up of several formal stages. These are set out in the Disciplinary Procedure in detail however, in summary the process is made up of:

- Written Warning
- Final Written Warning
- Dismissal

An employee may appeal against any formal disciplinary sanction imposed against them.

Timing of Meetings

Wherever practicable both the Company and the employee will try to ensure that each step in the process is taken without unreasonable delay. The location and timings of any meetings held under the procedure will be reasonable. The employee must take all reasonable steps to attend the meetings. Wherever practicable the Company will ensure that an appeal meeting is held by a more senior individual than the first meeting.

Exemptions/Variations

The Company may decide not to follow the disciplinary procedure at all or may decide to follow a variation of that procedure where it feels that is necessary to do so. However, the Company will ensure that any varied process is fair.

Examples of such cases are; where there is a significant threat of harassment or physical harm if the procedure were followed, or where time constraints render it impractical to complete the procedure within a reasonable time period.

Suspension

The Company may decide to suspend the employee on full pay in disciplinary situations. A Senior Manager is to be consulted before any such suspension action is taken. Suspension on full pay and benefits is not a disciplinary action or a disciplinary penalty, nor is it in any way an assumption of guilt.

The purposes of suspension are diverse. Suspension can be used, for example, when:

- It is necessary to remove a member of staff from the workplace pending, or during an investigation, so as to ensure as far as possible that a matter can be properly and fairly investigated
- There are reasonable grounds for concern that evidence may be tampered with, destroyed or witnesses pressurised before the disciplinary hearing
- There is a potential risk to the business or other employees or third parties in allowing the employee to remain at work.

Periods of suspension will be kept to a minimum.



THE DISCIPLINARY PROCEDURE

Investigations

Before any formal disciplinary action is taken against an employee, an investigation must be carried out into the issue in question.

The type and extent of any investigation will depend on the circumstances of each case. However, any investigation must be thorough and fair. In misconduct cases, where practicable, different people should carry out the investigation and disciplinary hearing. There is no right for an employee to be accompanied at investigatory meetings.

Following a full investigation, an employee may be invited to a formal disciplinary hearing. The following outlines the Disciplinary Procedure.

Invite to a Formal Disciplinary Hearing

An employee undergoing formal disciplinary action will be invited to a hearing in writing. The letter will advise:

- The purpose of the hearing and that it will be held under the disciplinary procedure
- The date of the hearing, which should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case.
- The nature of the alleged misconduct, performance or capability issue
- The right of accompaniment

Any relevant evidence (including statements) or other documentation that is available will be included in the letter and if not it will be provided prior to the hearing.

If the employee is unable to attend a hearing due to circumstances beyond their control, the meeting may be re-scheduled, normally within 5 working days of the original hearing. The Company retains the option provided it behaves reasonably in the circumstances to hold a hearing in the absence of an employee.

The Disciplinary Hearing

- The hearing shall take place in a suitable location and in private
- The employee shall be given adequate time and opportunity to state their case
- The hearing will normally be conducted by the employee's department manager together with a witness from the Company
- Where practicable, any member of management responsible for the investigation of the disciplinary offence(s) shall not be a member of the hearing except to present evidence or supporting facts
- The employee will be entitled to be given a full explanation of the case against them and be informed of the content of any statements provided by witnesses
- The employee will also be entitled to state their case in response to the Company's case and put forward an explanation of their conduct and/or mitigating factors
- The Company may adjourn the disciplinary proceedings if it appears necessary or desirable to do so (including for the purpose of gathering further information)



The Hearing Outcome

The employee shall be informed in writing of:

- The decision
- The reasons for it
- The factors considered in reaching the decision, and the penalty
- The right of appeal (see also below)

Levels of Disciplinary Action

If an employee is found to have committed an offence, warranting formal disciplinary action, the Company may impose one of the sanctions set out below.

The Company may also consider, subject to any provisions in the contract of employment, sanctions such as but not limited to demotion or suspension without pay either as an alternative or in conjunction with the warning specified in the procedure.

Written Warning

When: A Written Warning is appropriate when it is necessary for an authorised Manager /Supervisor to take action against an employee for any minor failing or minor misconduct.

Who: This level of warning will be given to an employee by a Manager.

Duration: A record of the warning will normally remain on the employee's file for a period of 6 months unless otherwise stated and will be deemed to have expired after this period.

Information Required: The warning must be in writing and will set out:

- The nature of the disciplinary offence, or if performance related the performance problem, the improvement required, timescale, and any support
- That further misconduct/failings by the employee is liable to lead to further disciplinary action
- Time limit of the warning
- The right of appeal

Final Written Warning

When: This level of warning is usually appropriate in the following circumstances:

Where an employee's offence is of a serious nature falling just short of one justifying dismissal; or

Where an employee has failed to meet the required standards and/or misconduct, which previously warranted a lesser warning, has persisted.



Where the offence does amount to gross misconduct but the Company decides after taking into account all the circumstances, that dismissal is not appropriate.

Who: This warning will be given to an employee by a Manager.

Duration: A copy of the warning will normally be placed on the employee's record for a period of 12 months unless otherwise stated and will be deemed to have expired after this period.

Information Required: The warning must be in writing and will set out:

- The nature of the disciplinary offence, or if performance related the performance problem, the improvement required, timescale, and any support
- That further misconduct/failings by the employee is liable to lead to dismissal
- Time limit of the warning
- The right of appeal

Dismissal

When Dismissal is appropriate when an employee's behaviour is considered to be Gross Misconduct, or there is a failure to meet the required standards and/or misconduct has persisted, exhausting all other lines of disciplinary procedure.

Who: Dismissal may only be carried out by a Director or Senior Manager.

Information Required: The dismissal must be in writing and will set out:

- The nature of the disciplinary offence, or if performance related the performance problem
- The penalty including whether dismissal is summary (no notice) or with notice
- The right of appeal

The Appeal

If the employee wishes to appeal, they must:

- Write to the person named in the letter of outcome within the time frame specified in the written decision (normally within 5 working days from receipt of the outcome);
- Set out any grounds for their appeal along with any supporting documentation; and
- State whether they are appealing against the finding that they have committed the alleged act(s), against the penalty imposed or if the procedure was not followed correctly.

The Appeal Hearing

The Company will invite the employee to a meeting to discuss the appeal setting out:

- The date, location and time for the hearing
- The person who will hear the appeal
- The right to be accompanied



At the Appeal Hearing the employee will be allowed to explain their case and the Company will respond accordingly.

The Outcome of Appeal

The employee will be informed in writing of the decision and of the fact that the appeal was the last stage and that the process has been exhausted.

Further Information

The Company will review policies and procedures periodically to reflect changes in legislation, good practice etc.

THE RIGHT TO BE ACCOMPANIED AT A DISCIPLINARY HEARING

Any employee, regardless of whether that person is a union member, can be accompanied at a disciplinary hearing by:

- A trade union official employed by a trade union
- An official of a trade union (not employed by the union) whom the union has reasonably certified in writing as having experience of, or as having received training in, acting as a worker's companion at a disciplinary hearing
- A fellow employee

The request to be accompanied must be a reasonable one. The accompanying person's identity must be disclosed to the Manager within sufficient time prior to the hearing in order to make appropriate arrangements as necessary to enable the companion to attend the meeting. What is deemed to be reasonable will be considered on a case by case basis.

Employees wishing to be accompanied by a companion should bear in mind the practicalities of the arrangements. For example, an employee may choose to be accompanied by a companion who is suitable, willing and available on site rather than someone from a geographically remote location.

Acting as a companion is voluntary and colleagues are under no obligation to attend meetings in this capacity. If they agree to act as a companion, they will be allowed reasonable time off from duties without loss of pay to act as a companion.

Their Role

The employee's companion has the right to:

- Address the hearing in order to do any or all of the following:
- Put the employee's case
- Sum up that case
- Respond on the employee's behalf to any view expressed at the hearing
- Confer with the employee during the hearing



However, the companion cannot:

- Answer questions on behalf of the employee
- Address the hearing if the employee indicates at it that they do not wish their companion to do so
- Use the powers that they have in a way that prevents the Company from explaining its case or prevents any other person at the hearing from making their contribution to it


The representative chosen by the employee, or indeed the trade union official, does not have to agree to be the representative, or companion for an employee, and they do not need to give a reason for this.

If the companion is unavailable on the hearing date proposed by the Company and the employee proposes alternative times, which are:

- Reasonable, and
- Within 5 working days, (beginning with the first working day after the day proposed by the employer for the hearing)

The Company will postpone the hearing to an alternative time proposed by the employee.

VERSION CONTROL AND AUTHORISATION

Version	Date Issued	Reviewed by	Signature	Date
V 1.1	August 2025	Francesca Lee, Head of HR		4/8/2025