

# THE MUSIC POOL – COMPANY POLICIES

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## **CHILD and/or VULNERABLE ADULT PROTECTION POLICY**

### **The Music Pool:**

- 1) Has a commitment to provide children, young people and vulnerable adults with artistic services that will promote their health and development whilst protecting them from harm.
- 2) Holds the belief that children, young people and vulnerable adults have a right to live in safe, secure and caring environments, which offer consistency and continuity of care and affection. The Music Pool promotes socially inclusive activities based on the belief that those people's needs are best met within their own family and community where possible.
- 3) Acknowledges that it is bound by relevant legislation and that its deliberations and actions are informed by principles of anti-discriminatory and anti-oppressive practice, as well as a commitment to the provision of equal access to its services.
- 4) Holds the belief that the welfare of the child and/or vulnerable adult is of paramount concern and that their individual needs and rights must be respected. All employees of The Music Pool must be sensitive to the diversity of these groups' circumstances and background in terms of age, gender, physical or mental ability, ethnicity, culture, religion, sexual orientation and socio-economic background. Children and vulnerable adults have a right to be protected from avoidable harm, neglect, abuse and exploitation.
- 5) Has a commitment to ensure that services for children and/or vulnerable adults will be offered in partnership with parents and/or carers in a manner which not only promotes adult responsibility but which also strengthens the capacity for parental care. Whenever possible decisions will be made in partnership with parents/carers and be based on shared information including the wishes and feelings of the children and parents/carers.
- 6) Has a commitment to ensure a high degree of co-operation and collaboration between all relevant agencies, thereby promoting partnership working to safeguard and promote the welfare of children and/or vulnerable adults.
- 7) Any new guidance/updates on childhood protection issues will be disseminated within the organisation to ensure that all staff and volunteers' knowledge is consistent, maintained and reinforced.

- 8) All employees, full-time, part-time or contracted will have access to training in any new guidance on childhood protection issues.
- 9) In the event of actual issues arising, Music Pool staff will proceed according to the principles set out in the Herefordshire Child Concern Model and the Herefordshire Children's Fund Child Protection Policy, copies of which are readily available to staff.
- 10) All Music Pool staff, volunteers and artists working with client groups are subject to routine Criminal Record Bureau checks, updated in accordance with standard practice.
- 11) Officer responsible for child protection issues within the organisation, including implementation of policy and procedure: Rob Strawson, Director.

## **STATEMENT OF POLICE CHECK (DISCLOSURE) PROCEDURES**

- 1) The Music Pool is a registered organisation with Herefordshire Council's personnel department, and therefore has use of the pre-employment Criminal Records Bureau Disclosures facility.
- 2) Before an individual is engaged in any Music Pool activity involving children or young people, they are required to apply for an Enhanced Disclosure – recommended as the same level as that used for school teachers. This process includes verification of their ID documents.
- 3) Persons are only allowed to work on those activities if the subsequent Disclosure report is satisfactory.

## **COMPLAINTS PROCEDURES**

This is a general statement of the procedures to be followed in the case of a complaint from an external source about The Music Pool's staff or services. Where appropriate, reference should be made to relevant policies eg Child Protection, Health & Safety, Quality Assurance and Equal Opportunities policies.

- 1) If you are aggrieved by your treatment by Music Pool employees, directors, volunteers or services, you should discuss the matter initially with the workshop tutor or employee concerned, if possible. Otherwise, the complaint can be made verbally or in writing to The Music Pool, The Courtyard, Edgar St., Hereford HR4 9JR.
- 2) The Director, Administrator or Project Manager will investigate and reply verbally to the complaint as soon as possible, normally within seven days.
- 3) If you are not satisfied with the reply, the complaint should be set down in writing and sent to a member of the Music Pool Board of Trustees who will investigate and arrange a meeting within ten working days. At this meeting you may be accompanied by a representative of your own choice. The Trustee will notify you of any response to your complaint in writing as soon as possible, normally within ten working days.
- 4) If the matter is not satisfactorily resolved at this stage, you have the option to take your complaint either directly or through a representative to the Board's External Complaints Panel (to be appointed when required, composed of members of the Board of Trustees not previously involved in the process). The Panel will convey its decision to you in writing and normally within ten working days. The decision of the External Complaints Panel will be final.

# GRIEVANCE PROCEDURE

This procedure shall apply to all members of staff and contracted outreach workers. The procedure aims to help resolve individual grievances in a manner which is fair and expeditious. It is The Music Pool's policy to find a solution to individual grievances as early in the procedure as possible.

Employees who have a grievance, or those against whom a grievance is raised have the right to be represented, other than at Stage 1, by a work colleague or friend of their choice.

## Stage 1

Any grievance should be referred in the first instance to the line manager to whom the person raising the grievance is responsible. The line manager will either resolve the matter directly and quickly (normally within 5 days of the matter being raised), or advise the aggrieved person to put the matter in writing to the Director, which the employee may also do if they are dissatisfied with the way in which the immediate line manager has dealt with the issue.

## Stage 2

The Director, to whom the grievance has been referred in writing, will consult with all parties involved before notifying them in writing of a decision on the matter as speedily as possible (normally within 10 days of the matter being raised).

## Stage 3

If the complainant remains dissatisfied with the outcome of Stage 2 they may appeal in writing to the Chair of the Board of Trustees, who, after examining all documentation arising from the previous stages and holding consultations, as appropriate, with all the parties involved, will issue a final decision, in writing, to all the parties involved within 10 working days.

The Chair of the Board of Trustees will use their discretion regarding the need to inform the rest of the Board of the grievance issue concerned.

## Notes:

1. Time limits as set out may be varied by mutual consent.
2. If a grievance is upheld, steps should be taken to restore the status quo, if that is the appropriate action.

# HEALTH AND SAFETY POLICY

## General statement of policy:

- 1) It is the policy of The Music Pool that, so far as reasonably possible, all work shall be carried out in such a manner as to ensure the health, safety, security and welfare of all its employees, volunteers and trainees while at work, in accordance with the Health & Safety at Work Act 1974.
- 2) It is likewise the policy of The Music Pool to ensure the health and safety of visitors, contractors, clients, service-users, members of the public and other people who may be affected by the activities provided.
- 3) In particular it is The Music Pool's intention that there shall be provided for each employee, volunteer and trainee, a safe place of work, safe access and egress from the working place, a safe system of work, safe plant and equipment and safety training or instruction as may be necessary.
- 4) Work shall be carried out in accordance with relevant Acts, Regulations and The Music Pool's policies and procedures.

## Responsibilities:

- 1) The Director shall have overall responsibility for the Health and Safety Policy.
- 2) The Administrator shall have responsibility for Health and Safety within the organisation's office. The Music Pool Office shall adhere to the Health and Safety Policy of the Courtyard.
- 3) Project Leaders shall relate to the policies of the owners of the building in which they are working.
- 4) It is the duty of every employee, volunteer and trainee:
  - (a) to exercise personal responsibility and to do everything possible to prevent injury to both him/herself, to other employees, volunteers and trainees and to members of the public;
  - (b) to take reasonable care that all procedures used are safely carried out, and seek expert advice in any case of doubt;
  - (c) to warn of any special or newly identified hazards in present procedures or risks in new procedures about to be introduced;
  - (d) to report accidents or incidents promptly;
  - (e) to familiarise themselves with fire and emergency drills and escape routes.

# CHALLENGING BEHAVIOUR POLICY

Staff/volunteers, working for The Music Pool, who deliver arts activities to children may, on occasions, be required to deal with a child's challenging behaviour.

The following guidelines aim to promote good practice and to encourage a proactive response, supporting children to manage their own behaviour. They suggest some strategies and sanctions which can be used and also identify unacceptable sanctions or interventions which must *never* be used by staff or volunteers.

The guidelines will also include the views and suggestions of children.

These guidelines are based on the following principles:

- The welfare of the child is the paramount consideration.
- All those involved in activities (including children, artists/volunteers and parents/carers) should be provided with clear guidelines about required standards of conduct, and the organisation's process for responding to behaviour that is deemed unacceptable.

- Children must never be subject to any form of treatment that is harmful, abusive, humiliating or degrading.
- Some children exhibit challenging behaviour as a result of specific circumstances, eg a medical or psychological condition, and artists may therefore require specific or additional guidance. These and any other specific needs the child may have should be discussed with parents/carers and the child in planning for the activity, to ensure that an appropriate approach is agreed and, where necessary, additional support provided e.g. from external agencies, Children's Social Care services etc
- Music and other arts activities can make a significant contribution to improving the life experience and outcomes for all children and young people. Every child should be supported to participate and, only in exceptional circumstances where the safety of a child or of other children cannot be maintained, should a child be excluded from such activities.

### ***Planning Activities***

Good artistic practice requires planning sessions around the group as a whole but also involves taking into consideration the needs of each individual participant within that group. As part of session planning, artistic leaders should consider whether any members of the group have presented in the past or are likely to present any difficulties in relation to the tasks involved, the other participants or the environment.

Where staff/volunteers identify potential risks, strategies to manage those risks should be agreed in advance of the session, event or activity. The planning should also identify the appropriate number of adults required to safely manage and support the session including being able to adequately respond to any challenging behaviour and to safeguard other members of the group and the staff/ volunteers involved.

When children are identified as having additional needs or behaviours that are likely to require additional supervision, specialist expertise or support, this should be discussed with parents/carers and, where appropriate, young people. The Music Pool should seek to work in partnership with parents/carers, and where necessary external agencies, to ensure that a child or young person can be supported to participate safely.

A teacher, youth worker or other member of staff of the host organisation should, as a high priority, be present during all sessions. If this is for any reason physically impossible then the artist or session leader must have access to a swift and efficient means of summoning support, such as a buzzer system.

### ***Managing Challenging Behaviour***

In responding to challenging behaviour the response should always be proportionate to the actions, be imposed as soon as is practicable and be fully explained to young people and their parents/carers. In dealing with children who display negative or challenging behaviours, staff and volunteers might consider the following options:

- Time out - from the activity, group or individual work.
- Reparation - the act or process of making amends.
- Restitution - the act of giving something back.
- Behavioural reinforcement - rewards for good behaviour, consequences for negative behaviour.
- De-escalation of the situation - talking through with the young person.
- Increased supervision by staff/volunteers.
- Use of individual 'contracts' or agreements for their future or continued participation.
- Sanctions or consequences e.g. missing a session.
- Seeking additional/specialist support through working in partnership with other agencies to ensure a young person's needs are met appropriately e.g. referral for support to Children's Social Care, discussion with the young person's key worker if they have one, speaking to their school about management strategies (all require parental consent unless the child is felt to be 'at risk' or 'in need of protection').

- Temporary or permanent exclusion
- Stopping the session

The following should never be permitted as a means of managing a child's behaviour:

- Physical punishment or the threat of such.
- Refusal to speak to or interact with the young person.
- Being deprived of food, water, access to changing facilities or toilets or other essential facilities.
- Verbal intimidation, ridicule or humiliation.

Staff and volunteers should review the needs of any young person for whom sanctions are frequently necessary. This review should involve the young person, parents/carers and in some cases others involved in supporting or providing services for the young person and his/her family, to ensure an informed decision is made about their future or continued participation. As a last resort, if a young person continues to present a high level of risk or danger to him or herself, or others, he or she may have to be suspended or barred from the group or activities.

### ***Physical Intervention***

The use of physical intervention should always be avoided unless it is absolutely necessary to prevent a young person injuring themselves or others, or causing serious damage to property. All forms of physical intervention should form part of a broader approach to the management of challenging behaviour.

Physical contact to prevent something happening should always be the result of conscious decision-making and not a reaction. Before physically intervening, the member of staff or volunteer should ask themselves, 'Is this the only option in order to manage the situation and ensure safety?' It is good practice to ensure that if you have to physically intervene in a situation with a young person, it is in the least restrictive way necessary to prevent them from getting hurt, and used only after all other strategies have been exhausted. Studies have shown that, where this is the case, children and young people understand and accept the reasons for the intervention.

The following must always be considered:

- Contact should be avoided with buttocks, genitals and breasts. Staff/volunteers should never behave in a way which could be interpreted as sexual.
- Any form of physical intervention should achieve an outcome that is in the best interests of the child whose behaviour is of immediate concern.
- Staff/ volunteers should consider the circumstances, the risks associated with employing physical intervention compared with the risks of not employing physical intervention.
- The scale and nature of physical intervention must always be proportionate to the behaviour of the young person and the nature of harm/ damage they might cause.
- All forms of physical intervention should employ only a reasonable amount of force -ie the minimum force needed to avert injury to a person or serious damage to property - applied for the shortest period of time.
- Staff/volunteers should never employ physical interventions which are deemed to present an unreasonable risk to young people or staff/volunteers.
- Staff/volunteers shall never use physical intervention as a form of punishment.
- Physical intervention should NOT involve inflicting pain.

- Where young people are identified as having additional needs or behaviours that are likely to require physical intervention this should be discussed with parents/carers, and where necessary The Music Pool will seek advice from or work in partnership with external agencies (e.g. Children's Social Care), to ensure that the young person can be supported to participate safely. This may include asking for the provision of a suitably trained support worker/volunteer or accessing staff/volunteer training in physical intervention .

Any physical intervention used should be recorded as soon as possible after the incident by the staff/volunteers involved, and passed to The Music Pool management and/or Child Protection Officer as soon as possible.

### ***Views of the child***

It is clear from the accounts of children and young people that physical intervention provokes strong feelings. Children may be left physically or emotionally hurt. Even a child who hasn't directly been involved in the situation may be fearful that it will happen to them in future or have been upset by seeing what has happened to others.

A timely debrief for staff/volunteers, the child and parents should always take place following an incident where physical intervention has been used. This should include ensuring that the physical and emotional well-being of those involved has been addressed and ongoing support offered where necessary. Staff/volunteers, children, young people and parents should be given an opportunity to talk about what happened in a calm and safe environment.

There should also be a discussion with the young person and parents about their needs and continued safe participation in the group or activity.

It is important that staff and volunteers are made aware of and understand the organisation/Music Pool's guidance about managing challenging behaviour to ensure that they are aware of ways in which they may need to intervene and are clear about the practice guidance in this area.

## **QUALITY ASSURANCE & EVALUATION POLICY**

All areas of The Music Pool's work are adequately monitored, appraised and evaluated on a regular basis to ensure that the organisation meets its aims and objectives and provides a high quality service.

- 1) All workers and volunteers will be made aware of the aims and objectives of projects and their expected outcomes.
- 2) Records will be kept of all project participants, with details of gender, ethnic origin and disability status and any other demographic information which is relevant to the monitoring and evaluation of projects. (This information will be treated confidentially following guidelines set out in the Data Protection Act).
- 3) All projects will be monitored at an early stage to compare the projected target group against the actual beneficiaries. Where necessary, additional outreach and recruitment will be undertaken.
- 4) At the end of all projects, evaluations or reports will be completed by all stakeholders in the project. Stakeholders would include:
  - a) participants or trainees (clients) involved in projects
  - b) tutors, artists and volunteers working on projects
  - c) trainers who are working on projects
  - d) host organisations and partners involved (including statutory organisations).
  - e) where applicable, care workers and any other support workers
- 5) The director of The Music Pool undertakes to visit projects on a regular basis and review the quality of work and community music practice taking place there.
- 6) Clear records will be kept of all outcomes of projects. These outcomes will be assessed by comparison with projected and desired outcomes. It is the responsibility of The Music Pool to evaluate to what extent projects have achieved their aims, objectives and expected outcomes.
- 7) Financial monitoring will be the responsibility of the project manager in consultation with The Music Pool's Director and Administrator, who are responsible for overall financial control of The Music Pool.
- 8) Bi-monthly management accounts will be presented to the Board of Directors.
- 9) All projects will be monitored in order to evaluate the effectiveness of our Equal Opportunities Policy, other policies and action plans.
- 9) All monitoring and evaluation information will be collated by Music Pool co-ordinators, and a comprehensive report, with recommendations for future improvements, will be prepared and freely circulated.

## **EQUAL OPPORTUNITIES POLICY**

### **General Statement**

- 1) The Music Pool recognises and acknowledges that levels of discrimination and inequality continue to exist in society. In seeking to redress these inequalities it is committed to Civil Liberties and Human Rights.

- 2) It welcomes and celebrates diversity, accepting that the majority view is not always right and will strive to build equality of opportunity into all aspects of its work.
- 3) The Music Pool will develop a shared understanding of the essence of equality, which is to value and treat all human beings humanely and with respect and dignity.
- 4) The Music Pool through its policies, service, employment, contracting and funding practices will ensure that no service, user, employee, or job applicant will receive less favourable treatment on the grounds of age, colour, impairment, marital status, lifestyle and culture, nationality, race, gender or sexuality, or on the grounds of economic or social status.
- 5) The Music Pool will take all possible steps to eliminate any unfair and unlawful discrimination and take positive action to redress and remedy the effects of past discrimination on these groups and individuals.

## **Strategic Approach**

- 1) The aim of The Music Pool is for the ethos of equalities to be integrated into mainstream policy development and service delivery by the active involvement of staff and users to ensure change is evident.
- 2) The Music Pool has legal and moral obligations specified in Equal Opportunities legislation in the 1975 and 1986 Sex Discrimination Acts; the 1970 Equal Pay Act; the Race Relations Act 1976; and the Disability Discrimination Act 1995 and the strategy incorporates these duties.
- 3) However, over and above this The Music Pool's Equality Policy will emphasise that equality is inseparable from quality service provision. It represents good management practice and our focus will be on taking practical steps to review regularly the way in which we deliver our services.
- 4) Furthermore The Music Pool is concerned to avoid compartmentalising and separating out contemporary 'isms', i.e. race, gender and disability, but rather to recognise that diverse groups and individuals within the community have a right to have their specific needs recognised and addressed with the resources available.
- 5) This may mean responding to individual's needs in terms of existing procedures, as well as encouraging flexibility in meeting individual needs. It may not mean delivering a more resource intensive service but giving greater choice to service users. It will mean development for staff to raise their awareness of individual needs.

## **Principles**

- 1) Equality principles and practices should be integral to policy development, decision-making and resource allocation.
- 2) Celebrating diversity by responding to the specific needs of diverse groups and individuals is a key element in the provision of quality services and opportunities.
- 3) Identifying and removing policies, procedures and barriers which hinder change and the progress of equality and their replacement with measures that promote equality.
- 4) Positive action should be taken to redress and remedy the effects of past discrimination and inequality.
- 5) Promoting equality issues in relation to employment and service delivery, within The Music Pool and with other statutory agencies, the voluntary and private sectors and our own contractors.
- 6) Working in partnership with relevant individuals and self organised groups to establish a climate of mutual trust and respect to enable their participation in decision making and influencing an agenda for action and change.
- 7) Disability Equality will be central to the Equality Policy and The Music Pool recognises that disability is caused by the failure of society to meet the needs of disabled people rather than by an individual's particular impairment.

- 8) The promotion of racial equality and the opposition to all forms of racism.
- 9) Ensuring that service users have equal and independent access to The Music Pool's services and facilities.
- 10) Eliminating on-going discrimination and inequality.

## **CONTINGENCIES POLICY**

- 1) The finances of The Music Pool shall be operated so as to set aside a minimum of 5% of total income, as shown in the accounts.
- 2) The Music Pool management will aim to run the finances in such a way as to **enable the organization to operate for six months without further funding.**

- 3) A separate, interest earning savings accounts shall be set up to hold the contingency monies. This account cannot be accessed without specific approval from the Board of Trustees.
- 4) The contingency fund should be shown on the balance sheet.
- 5) The contingency fund should not be shown in cash flow projections, as it is not readily available cash.
- 6) The management is responsible for implementing the contingency policy, which will give the management the flexibility to plan and to achieve the building up of the fund as soon as possible.
- 7) The Board will review the progress of the policy periodically.

## **ENVIRONMENTAL POLICY**

- 1) By their nature, Music Pool activities pose little or no physical threat to the environment. The Music Pool will continue to prioritise participation in live acoustic music as the most environmentally sympathetic expression of the form.
- 2) Any amplified or electronic music will be located in appropriate acoustic surroundings designed to minimize any potential disturbance to the general public.

## **DATA PROTECTION POLICY**

It is the policy of The Music Pool to ensure that all its employees are aware of data protection requirements and their individual responsibilities in this connection.

The Data Protection Act 1998 is concerned with information about identifiable living persons (personal data) that is processed by any kind of computer, certain other types of automatic equipment and manual records that contain personal data. The main purposes of the Act are to prevent misuse of such data and to safeguard privacy. It also provides individuals with several rights with regard to personal data about themselves; these include access to the data, and the right to seek compensation through the Courts for damage and distress suffered by reason of inaccuracy or unauthorised destruction or wrongful disclosure of the data.

The Music Pool has two principal obligations under the Data Protection Act: firstly, to register a publicly available description of all personal data processed in the course of its administration and to operate strictly within the terms of that registration; secondly, to observe at all times the data protection principles embodied in the Act. These principles reinforce established good practice by requiring that personal data shall be:

- obtained and processed fairly and lawfully;
- held only for one or more of the registered purposes;
- not used or disclosed in any manner incompatible with those purposes;
- adequate, relevant and not excessive;
- accurate and, where necessary, kept up to date;

- kept for no longer than is necessary for the particular purpose;
- secured against unauthorised access, alteration, disclosure or destruction, and against accidental loss or destruction.

All staff who use computers in their work, who use or have access to computerised information, or have access to manual records containing personal data have a responsibility to exercise care in the treatment of this data and to ensure that such information is not disclosed to any unauthorised person or organisation.

Failure to comply with the Act may render The Music Pool, or its Trustees, or employees, liable to legal proceedings.

Members of staff should familiarise themselves with those aspects of data protection practice that are relevant to their work.

## **DISCIPLINARY POLICY AND PROCEDURES**

### **1.0 Policy Aims**

- To establish, encourage and maintain acceptable standards of conduct, behaviour and job performance that are expected of employees.
- To reduce incidences of inappropriate conduct through consistent management.
- To ensure consistent and fair treatment for all.

### **2.0 Scope of policy**

The policy covers all areas of workplace behaviour including conduct and capability and applies to all employees and contracted outreach workers. The policy defines levels of disciplinary action, the procedure that should be followed when applying the policy and general guidelines as to appropriate levels of disciplinary action. The guidelines are not intended to be exhaustive but seek to provide terms of reference for managers and employees when following the disciplinary procedure.

This policy is not contractual but is a statement of current Company policy and demonstrates The Music Pool's commitment to operating a fair disciplinary procedure that takes into account the recommendations made by ACAS from time to time. The Company reserves the right to amend the policy from time to time as it considers necessary.

### **3.0 Principles**

- The policy is concerned with misconduct and gross misconduct, but incompetence, unsuitability for the job and unsatisfactory performance will generally be treated in the same manner as misconduct.

- At every stage in the procedure the employee will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any disciplinary action is taken.
- The employee will have the right to be accompanied to any disciplinary hearing or appeal hearing by a fellow worker, or a friend. The employee must give reasonable notice to the manager conducting the relevant hearing of who is to accompany them. Although the companion will be able to address the hearing and to confer with the employee, they will not be permitted to answer questions on the employee's behalf. If the companion cannot attend a meeting on a proposed date, the employee can suggest another reasonable date not more than five working days after the original date.
- In all cases a record of any disciplinary action taken will be kept. A copy of the relevant record will be supplied to the employee concerned on request. All warnings given under this procedure will normally be disregarded for disciplinary purposes after a period of either 6 or 12 months, depending on the nature of the warning, subject to satisfactory conduct and performance. However, this period may be extended where the Company considers it reasonable to do so in view of the seriousness of the offence. Further, the Company may take account of expired warnings in exceptional circumstances.
- As far as possible, the Company will ensure that issues relating to the disciplinary procedure are kept confidential.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- All employees have the right to appeal against any disciplinary penalty.

#### **4.0 Procedure**

The Director will be held responsible for the fair and consistent application of this disciplinary policy within the business. Where appropriate, The Director should seek specific advice or intervention from the Chair of the Board of Trustees in order to ensure the disciplinary procedure is fairly applied to all employees.

#### **Investigation**

When it is considered that an employee's conduct or performance is unsatisfactory, their manager will discuss the matter with the employee and ask for an explanation. If it is considered necessary, the Director will conduct a more detailed investigation. The nature of the investigation will depend on the case but it may include fact-finding interviews and examination of relevant documents. There is no right to be accompanied at investigatory interviews.

Having established the facts, the Director will decide whether to drop the matter, deal with it informally or arrange for it to be handled formally.

If appropriate, the Director may, by written notice, suspend the employee for a specified period during which time such an investigation will be undertaken. The employee's contract of employment will continue during such a period of suspension, so that the employee will continue to be paid. During the period of suspension the employee will only be entitled to access the Company's premises with the prior consent of the Company and subject to such conditions as the Company may impose. Suspension is not considered a disciplinary action.

#### **Disciplinary Hearing**

Where the Director decides that the matter is serious and that there is a case to answer, they will write to the employee asking them to attend a formal minuted disciplinary hearing. The Director should give the employee reasonable notice of the hearing and should set out details of the allegations against the employee. The letter should contain enough information for the employee to be able to understand what they are alleged to have done wrong and the reasons why this is not acceptable. If the employee has difficulty reading, or if English is not his/her first language, the Director should explain the content of the letter to them orally. The employee should also be given copies of any documents that will be produced at the meeting.

The employee will have the right to be accompanied by a fellow worker or a friend, as detailed above. If the Director considers dismissal to be a possible penalty, they will make this clear to the employee at the earliest practicable opportunity.

At the hearing the Director should explain the nature of the allegation to the employee and go through the evidence that has been gathered. The employee will be allowed to set out their case and answer any allegations that have been made.

An employee who cannot attend the hearing should inform the Director in advance wherever possible. If the employee fails to attend through circumstances outside their control, and which were unforeseeable at the time the meeting was arranged (e.g. illness), another meeting will be arranged. A decision may be taken in the employee's absence if they fail to attend the rearranged meeting without good reason.

Following the hearing, the Director will inform the employee of the decision at the earliest opportunity (personally where this is practical). In some circumstances, the decision may be delayed, for example, where the employee has raised issues that require further corroboration **or investigation or where complex issues requiring detailed consideration have arisen**. The decision will be confirmed in writing and the employee will also be notified of their right of appeal.

## **5.0 Disciplinary Action**

When imposing penalties for disciplinary offences the Company will endeavor to follow the guidance set out below. However, the Company may omit one or more stages of the procedure where it considers that to be appropriate because of the seriousness of the conduct and/or the extent of the poor performance.

### **Verbal Warning**

If conduct or performance does not meet acceptable standards the employee will be given a verbal warning, a record of which will be kept for 6 months. The employee will be given a copy of the record of the warning.

The Director will, as part of the warning, give details of the complaint, explain the sanction given and specify the consequences of further misconduct or failure to improve performance. He/she will also notify the employee of the right of appeal. Where performance is an issue, any training or additional support required by the employee to achieve the required standard will be identified and an appropriate period for improvement/review will be set at the time of the verbal warning.

### **Written Warning**

In the event of misconduct of a more serious nature and/or if a further offence of misconduct occurs, or if there has been a failure to improve and performance is still unsatisfactory, the employee will be given a written warning. A record of this will usually be kept for 12 months. The employee will be given a copy of the warning.

The warning will give details of the complaint, explain the sanction given and specify the consequences of further misconduct or failure to improve performance. Again, it will also confirm the employee's right of appeal. Where performance is an issue, any training or additional support required by the employee to achieve the required standard will again be identified and an appropriate period for improvement/review will be set.

### **Final Written Warning**

In the event of misconduct which is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal and/or if a further offence of misconduct occurs, or if there is still a failure to improve and performance is still unsatisfactory, the employee will be given a final written warning, which will usually be kept for 12 months. The employee will be given a copy of the warning.

The warning will give details of the complaint, explain the sanction given and specify the consequences of further misconduct or failure to improve performance. Again, the employee's right of appeal will be confirmed. The warning will also warn that dismissal or termination of contract will result if there is no satisfactory improvement or if there is any repetition of misconduct. Where performance is an issue, any training or additional support required by the employee to achieve the required standard will be identified and an appropriate period for improvement/review will be set.

### **Dismissal**

In the event of gross misconduct, and/or if a further offence of misconduct occurs or if there is still a failure to improve and performance is still unsatisfactory, the employee will normally be dismissed or

their contract terminated. If dismissal or termination of contract is a possible option, the Director should lead the disciplinary hearing. No employee should be dismissed or their contract terminated for a first breach of discipline, except in cases of gross misconduct.

The employee will, as soon as reasonably practicable, be informed in writing of the reasons for dismissal or termination of contract and the right of appeal. Dismissal or termination of contract for gross misconduct will be summary, i.e. immediate and with no pay in lieu of notice. In all other cases, the employee will be given their period of contractual notice.

### **Gross Misconduct**

Some types of behaviour are so serious and so unacceptable that they may warrant summary dismissal or termination of contract (i.e. dismissal or termination of contract without notice or pay in lieu of notice). It is not possible to set down a definitive list of all the specific offences constituting gross misconduct and, in any event, all cases will be dealt with on their own facts. However, the following examples give some guidance as to types of behaviour, which, in certain circumstances, could be judged to be gross misconduct:

- Theft or unauthorised possession of Company property or of other employees' property.
- Fraudulent conduct including misuse of staff parking permits etc.
- Assault of employees or other third parties (including clients) or other violence.
- Being under the influence of alcohol or unprescribed drugs during the course of employment.
- Unauthorised absence.
- Refusal to carry out reasonable management instructions or gross rudeness or extreme discourtesy to superiors or other employees.
- Any act in breach of the Company's Health and Safety Policy, acting in such a way as to endanger the health or safety of others or infringement of specific safety regulations.
- Wilful damage to the property or possessions of the Company or other employees or other acts of vandalism.
- Indecent or immoral behaviour during employment.
- Any act of deceit or dishonesty relating to an employee's employment or the Company's business or affairs.
- Unauthorised divulgence of any confidential information relating to the Company or any of its officers or employees to any third parties.
- Breach of the Company's Equal Opportunities Policy including racial, sexual, disability, religious or sexual orientation discrimination or discrimination in the form of harassment or victimisation.
- A major breach of the Company's Rules.

This list provides examples of gross misconduct only and is not exhaustive.

## **6.0 Appeals Procedure**

An employee has the right to appeal against disciplinary action taken at any stage of the disciplinary procedure.

All appeals against disciplinary action should be addressed to the Senior Manager who imposed the penalty. An appeal hearing will then be arranged and the Company will provide reasonable notice of the time and place of the appeal hearing. The appeal will normally be heard by the Chief Executive. The employee has the right to be accompanied to the appeal hearing by a fellow employee or friend, as detailed above.

The decision of the appeal officer will be final. An appeal will not suspend or delay any disciplinary penalty already invoked (including dismissal).

All appeals against disciplinary sanctions should be made in writing within 5 working days of the employee being notified of the disciplinary action being taken and should set out the grounds of appeal.

## **Appendix A**

## **Disciplinary Interview**

Any disciplinary action **must** always be preceded by a well-structured and controlled interview. All disciplinary actions **must** be in strict accord with The Music Pool's Disciplinary Procedure.

### **The Purpose**

To inform and correct unacceptable behaviour or performance and to prevent this from happening again. To establish an understanding of the standard required and to give guidance to the person in achieving this standard.

### **Preparation for Interview**

1. Gather the facts (consult others, records, rules and procedures)
2. **Do not** prejudice the issue
3. Plan the approach according to the individual concerned
4. Ensure privacy and no interruptions
5. Allow adequate time
6. Clarify the disciplinary actions available to you
7. Seek advice from the Chair of the Board of Trustees.
8. Notify the time, place and reason for the interview. Notify others who may be concerned that the employee will be absent from the place of work especially first line supervision
9. Invite the Administrator to be present, act as a witness and take notes
10. Check The Music Pool's Disciplinary Procedure and ensure that the employee is aware of it
11. Advise the individual of the right to be accompanied by a work colleague or a friend and ensure that they can be available at the agreed time

### **Conduct of Interview**

1. State the **reason** for the interview briefly giving those details of behaviour or performance which have caused concern
2. State the **standards** that The Music Pool expects in relation to the matter under consideration
3. Identify the '**gap**' between standards expected and those achieved
4. Ask the interviewee why this '**gap**' exists. Encourage the employee to talk and to give a full explanation, and if involved allow the friend or work colleague to comment.
5. Listen closely and make notes of what the employee says in order to establish the cause.
6. If necessary, adjourn the meeting to allow further investigation or to allow time to consider the facts before making a decision.
7. Having evaluated the evidence decide whether disciplinary action is warranted and what action to take, if any, and inform the interviewee. At the same time advise the individual of the right of appeal.
8. Now switch to the future, and get agreement on how to bring performance back to standard by encouraging the interviewee to make suggestions.

9. Offer help where this is possible
10. Set an agreed review date for the purpose of monitoring progress and state that the consequences of failure to meet standards will be dismissal or termination of contract
11. Agree a date to review progress/plan

Note: Do not negotiate on your actions. Make this clear at the outset.

### **Follow up**

1. Record the interview
2. Check: future behaviour, attitude and performance against time limits on the agreed dates
3. Check that help is given where this is either required or has been agreed with the individual
4. Encourage and praise improvements
5. If the required standard is met over a reasonable period consider removing file notes, and in any case check the steps to be taken within the written procedure
6. Look at what you could have done as a manager that would have prevented the breach of discipline

## **Appendix B**

### **The Procedure to be Followed at Disciplinary Interviews and Appeals**

Disciplinary interviews should not be conducted on a legal or quasi-legal basis, however employees should be treated equitably and due regard given to the requirements of natural justice.

1. The person who has carried out an investigation (the Investigating Officer) will state the allegations/report of the case. In the case of gross misconduct, the Director may appoint an independent person to carry out the investigation. Witnesses may attend as necessary in the presence of the employee and their work colleague or friend.
2. The employee and/or their friend or work colleague will have the opportunity to ask questions of all parties.
3. The employee and/or their work colleague or friend will put their case/explanation, with witnesses if necessary.
4. The person conducting the interview or Disciplinary Panel (for appeals against dismissal or termination of contract) will have the opportunity to ask questions of all parties throughout.
5. Short adjournment of a Disciplinary Interview may be requested by any party to allow for consultation.
6. Both parties will have the opportunity to sum up provided new information is not introduced, with the employee and/or their work colleague or friend making the final representations.
7. Following the interview the employee and/or their work colleague or friend and any witnesses shall withdraw for a short period to allow the person or panel to consider their decision

8. Having considered the matter, the person or panel making the decision will either announce the decision orally to the employee and their work colleague or friend or indicate when the decision will be announced. Confirmation of the decision will be given in writing subject to the time limits in the Disciplinary Procedure.

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