



**Thames Vale Youth Orchestra Trust** (Registered Charity Number 1144327)

## **Statement of Policies**

**This document contains the following policy documents: (1) Anti-bullying; (2) Equal Opportunities; (3) Health and Safety; (4) Safeguarding – see separate document; (5) Data Protection; (6) Complaints; (7) Grievance and Disciplinary.**

### **(1) TVYO Anti-Bullying Policy**

Bullying is defined as behaviour that is:

- \* repeated
- \* intended to hurt someone either physically or emotionally
- \* often aimed at certain groups, because of race, religion, gender or sexual orientation. It takes many forms and can include:
- \* physical assault
- \* teasing
- \* making threats
- \* name calling
- \* cyberbullying - bullying via mobile phone or online (e.g. email, social networks and instant messenger).

TVYO actively promotes positive interpersonal relations and is completely opposed to bullying and will not tolerate it. It is entirely contrary to our values and principles. All members of our Society have a right to experience music and to socialise in a secure and caring environment. They also have a responsibility to contribute in whatever way they can, to the protection and maintenance of such an environment.

TVYO supports the following principles:

- \* Members have a right to play music in an environment free from intimidation and fear.
- \* The needs of the victim are paramount.
- \* TVYO will not tolerate bullying behaviour.
- \* Bullied individuals will be listened to.
- \* Reported incidents will be taken seriously and thoroughly investigated.
- \* Disciplinary action will be taken if anyone is found to be behaving in this way during TVYO time, although discipline will take account of special educational needs or disabilities that the player involved may have.

Examples of bullying might include:

- \* Physical violence such as hitting, pushing or spitting at another player.
- \* Interfering with another player's property, by stealing, hiding or damaging it.
- \* Using offensive names when addressing another player.
- \* Teasing or spreading rumours about another player or his/her family.
- \* Belittling another player's abilities and achievements.
- \* Writing offensive notes or graffiti about another player.
- \* Excluding another player from a group activity.
- \* Ridiculing another player's appearance, way of speaking or personal mannerisms.
- \* Misusing technology (internet or mobiles) to hurt or humiliate another player.

## **The Responsibilities of TVYO Staff**

We expect our staff to:

- \* Foster in our players self-esteem, self-respect and respect for others.
- \* Demonstrate by example the high standards of personal and social behaviour we expect of our players.
- \* Be alert to signs of distress and other possible indications of bullying.
- \* Listen to players who have been bullied, take what they say seriously and act to support and protect them.
- \* Report suspected cases of bullying to the Chairperson.
- \* Follow up any complaint by a parent about bullying, and report back promptly and fully on the action that has been taken.
- \* Deal with observed instances of bullying promptly and effectively, in accordance with agreed procedures.

## **The Responsibilities of TVYO players**

We expect our players to:

- \* Refrain from becoming involved in any kind of bullying, even at the risk of incurring temporary unpopularity.
- \* Intervene to protect the player who is being bullied, unless it is unsafe to do so.
- \* Report to a member of staff any witnessed or suspected instances of bullying, to dispel any climate of secrecy and help to prevent further instances.

Anyone who becomes the target of bullies should:

- \* Not suffer in silence, but have the courage to speak out, to put an end to their own suffering and that of other potential targets.
- \* Action to stop bullying can be taken by talking to a section leader, the leader of the orchestra, a sectional coach, the conductor, or a member of the Committee, or by contacting the Chair in confidence by email: [tvyo.mail@gmail.co.uk](mailto:tvyo.mail@gmail.co.uk)

## **The Responsibilities of TVYO Parents and Guardians**

We ask our parents and guardians to support their children and TVYO by:

- \* Watching for signs of distress or unusual behaviour in their children, which might be evidence of bullying.
- \* Advising their children to report any bullying to the Chair of TVYO, and explain the implications of allowing the bullying to continue unchecked, for themselves and for other players.
- \* Advising their children not to retaliate violently to any forms of bullying.
- \* Being sympathetic and supportive towards their children, and reassuring them that appropriate action will be taken;
- \* Keep a written record of any reported instances of bullying
- \* Informing TVYO of any suspected bullying, even if their children are not involved;
- \* Co-operating with TVYO, if their children are accused of bullying, in trying to ascertain the truth; and pointing out the implications of bullying, both for the children who are bullied and for the bullies themselves.

## **(2) TVYO Equal Opportunities Policy**

1. TVYO recognises that we live in a society where discrimination still operates to the disadvantage of many groups in society.
2. TVYO believes that all persons should have equal rights to recognition of their human dignity, and should have equal opportunities to be educated, to work, receive services and to participate in society.
3. This Society is committed to the promotion of equal opportunities within TVYO, through the way we manage the organisation and provide services to the community. In order to express this commitment, we develop, promote and maintain policies that will be conducive to the principles of fairness and equality.
4. The objective of this policy is that no person should suffer or experience less favourable treatment, discrimination or lack of opportunities on the grounds of gender, race, colour, nationality, ethnic origin, religious or philosophical beliefs, health status, HIV status, parental status, sexual orientation, gender reassignment, political beliefs, class, physical attributes, or any other grounds which cannot be shown to be justifiable within the context of this policy.
5. This policy will influence and affect every aspect of activities carried out at TVYO as determined by the management committee.
6. In the provision of services and the employment of staff, TVYO is committed to promoting equal opportunities for everyone. Throughout its activities, TVYO will treat all people equally.

Principles governing selection of players:

1. TVYO will only select players by relevant criteria:
  - \* ability to play an orchestral instrument at the required standard (usually AB grade 6 is required, but places are offered after audition).
  - \* age (players are usually aged between 12-18 years).
  - \* commitment to attend rehearsals and concerts.
  - \* access to required instruments (a limited number of instruments are available for loan if access to instruments is a stumbling block).
2. Financial support.
  - \* TVYO aims to keep their subscriptions as low as possible, whilst maintaining a high level of expert tutoring.
  - \* No individual shall be excluded from membership of the Society (provided they meet the playing criteria) on the grounds of financial need. The Trustees of Thames Vale Music Trust have set aside a capital sum to be used exclusively for funding a limited number of 'TVMT Bursaries', to be made available in two styles, viz. 'single' and 'double'. Single-member families may apply for a single bursary; families with two or more members may apply for a single or double bursary. Bursaries will be applied to reduce the Thames Vale Youth Orchestra termly membership fee, for members who for financial reasons would otherwise be unable to continue as members, or who would find continuing membership a severe financial strain.
  - \* The price of concert tickets is kept as low as possible, with concession tickets available (student and OAP) and up to 2 free tickets for under-18s with every paying adult.
3. Every effort is made to advertise our annual recruitment of new players as widely as possible, in order to attract players from state schools and Independent schools, players being educated at home and those at the European School or sixth form colleges.

Conduct and general standards of behaviour

All staff and volunteers are expected to conduct themselves in a professional and considerate manner at all times. TVYO will not tolerate behaviour such as:

- \* making threats
- \* physical violence

- \* shouting
- \* swearing at others
- \* persistent rudeness
- \* isolating, ignoring or refusing to work with certain people
- \* telling offensive jokes or name-calling
- \* displaying offensive material such as pornography or sexist / racist cartoons, or the distribution of such material via email / text message or any other format.
- \* any other forms of harassment or victimisation.

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### **(3) TVYO Health and Safety Policy**

TVYO is committed to taking all reasonable steps to safeguard the health and safety of everyone involved with the orchestra – particularly the players.

However, TVYO also depend on other organisations to play their part – for example concert and rehearsal venues carry out risk assessments and have emergency drills in place. We will not duplicate these measures, but will satisfy ourselves that appropriate measures are in place.

#### **1. First Aid**

We aim to ensure that:

- \* an up to date First Aid Kit is available at all times
- \* parental permission has been obtained to administer first aid.
- \* emergency contact details are up to date and readily available.
- \* details of any specific medical needs or conditions are up to date and readily available.
- \* a telephone is available.
- \* details of any first aid given is recorded in the incident book.
- \* an appropriate person is available to transport a player in case of illness or accident if we are unable to contact the parent/guardian, without compromising adult cover at a rehearsal.
- \* the person on the front desk duty is responsible for taking emergency contact details with them in case of the building being evacuated.

#### **2. Emergency evacuation of building**

- \* The buildings we use have procedures in place and these will be followed (see Appendix 1 below - Larkmead Emergency Procedures).
- \* The person running the front desk at rehearsals will take an accurate register and will be responsible for taking the register with them in case of the building being evacuated, in order to ascertain that everyone has exited the building safely.

#### **3. Child Protection**

- \* The Committee will ensure that all tutors have an up to date DBS check; a copy of these checks should be held 'on file' by the Committee.
- \* The Committee will ensure that tutors are reminded of good practice guidelines, including the Child Protection Advice recommended by the Musicians' Union.

#### **4. Risk Assessment**

Where Risk Assessments have been carried out at a venue TVYO will adhere to these.

#### **Appendix 1: Larkmead Emergency Procedures**

##### **Prior to occupation of school facilities**

1. All occupants or visitors to the school are to familiarise themselves with the emergency routes in

advance of occupying any areas of the site, and are to ensure that emergency evacuation routes are kept clear.

#### **Upon discovery of a fire**

2. Any person discovering a fire is to:
  - a. Sound the alarm.
  - b. Call the fire brigade on 9 (for outside line) 999.
  - c. Evacuate the immediate area.
  - d. Once evacuated, inform the Duty Site Supervisor of the location of the Fire.

#### **During evacuation**

3. Leave the premises quietly and quickly and gather on the school sports field opposite the Main School Reception.
4. Group leaders (for lettings etc) are to confirm the whereabouts of all persons for whom they are responsible in readiness for reporting to the Fire Service.

#### **Once evacuation is complete**

5. The Duty Site Supervisor is to interrogate the fire alarm reporting system to determine whether the alarm is genuine or a false alarm.
  - a. If a Real Fire: Direct the fire service to the location of the fire.
  - b. If a False Alarm: Identify the fire call point which has been activated, reset the alarm and inform the Fire Service and evacuees of the situation.

#### **Practice evacuations (Fire Drills)**

6. Fire drills will NOT take place outside of normal school hours.

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## **(4) TVYO Safeguarding Policy**

***Please see separate policy document***

## **(5) TVYO Data Protection Policy**

### **1. Introduction**

The Thames Vale Youth Orchestra (henceforth TVYO) holds and processes information about the current and prospective players, music tutors and Committee members. When handling such information the Committee members who process or use any personal information must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 (the Act). These are given below as the Committee's Data Protection Guidelines in Appendix II.

In summary these state that personal data will:

- \* be processed fairly and lawfully
- \* be obtained for a specified and lawful purpose and will not be processed in any manner incompatible with the purpose
- \* be adequate, relevant and not excessive for that purpose
- \* be accurate and up to date
- \* not be kept for longer than necessary for that purpose
- \* be processed in accordance with the data subject's rights
- \* not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances.

'Processing' refers to any action involving personal information, including obtaining, viewing, copying, amending, adding, deleting, extracting, storing, disclosing or destroying information.

## **2. Notification of Data held**

i. The Committee will notify all relevant data subjects of the types of data held and processed by the Committee concerning them, and the reasons for which it is processed. The information, which is currently held by the TVYO Committee members and the purposes for which it is processed, are sent out in Appendix I of this policy. When processing for a new or different purpose is introduced the individuals affected by that change will be informed and Appendix I will be amended.

## **3. Committee Members' Responsibilities**

- i. All members of TVYO will ensure that all personal information that they provide to TVYO is accurate and up to date, and will inform TVYO of any changes to that information. TVYO will not be held responsible for any errors of which it has not been informed.
- ii. When Committee members hold or process personal information they should comply with the Data Protection Guidelines as given below in Appendix II.  
Committee Members will ensure that:
  - \* all personal information is kept secretly
  - \* personal information is not disclosed either orally or in writing accidentally or otherwise to any unauthorised third party.
- iii. When Committee members supervise others doing work which involves the processing of personal information, they must ensure that those being supervised are aware of the Data Protection principles, in particular the requirement to obtain the data subject's consent where appropriate.
- iv. Committee members will be advised on an annual basis of any changes or amendments to this policy or any guidelines, as well as good practice.

## **4. Members and Parental Responsibilities**

i. All members and parents/guardians will ensure that all personal information which they provide to TVYO is accurate and up to date, and will inform TVYO of any changes to that information, for example, changes of address, email, telephone numbers etc. The Committee will not be held responsible for errors of which it has not been informed.

## **5. Rights to Access Information**

i. Committee members, tutors, pupils and other data subjects of TVYO have the right to access any personal data that is being kept about them either on computer or in structured and accessible manual files. Any person may exercise this right by submitting a request in writing to the Committee. The Committee aims to comply with requests for access to personal information as quickly as possible, but will ensure that a response is provided within 21 days unless there is good reason for a delay. In such cases, the reason for the delay will be explained, in writing, by the Chairperson, to the data subject making the request.

## **6. Subject consent**

i. In some cases, such as the handling of sensitive information, the Committee is entitled to process personal data, only with the consent of the individual. Agreement to the Committee processing some specified classes of personal data is a condition of acceptance of a member, and a condition of election to the Committee.

## **7. Sensitive information**

The Committee may process sensitive information about a person's health or disabilities. The Committee also asks for information about particular health needs, such as allergies to

particular forms of medication, or conditions such as asthma or diabetes. The Committee will also use such information to protect the health and safety of the individual, for example, in the event of a medical emergency.

### **8. Standard Publication of Information**

- i. The Committee will not publish information into the public forum of any data classes specified in Appendix I without the specific permission of individuals involved.
- ii. The Committee, or associated third parties, will only publish digital or materials-based photographic or video sources in compliance with the Committee's Data Protection – Photography and Video Guidance.

### **9. Photography and Filming Guidance**

Permission will be obtained from all concerned before film and photographs of individuals will be used by TVYO. If permission is refused, no material of that member will appear. The only exception to this might be where a group photo of the orchestra is taken, for example during a concert or major rehearsal. Agreement on this would be discussed with the parents concerned, and a compromise sought.

### **10. Retention of Data**

The Committee will keep different types of information for differing lengths of time, depending on various operational requirements. For example, basic email details or details of a family address might be kept for a number of years in order to facilitate arranging reunions.

### **11. Compliance**

- i. Compliance with the Act is the responsibility of all members and Committee members. Any deliberate or reckless breach of this Policy may lead to disciplinary proceedings (following the guidelines in the Disciplinary Policy given below). Any questions or concerns about the interpretation or operation of this policy should be taken up with the Chairperson.
- ii. Any individual who considers that the policy has not been followed in respect of personal data about a TVYO member, should raise the matter with the designated data controller initially. If the matter is not resolved it should be referred to the Chairperson.

### **Appendix I: Data held by TVYO and its purposes**

Information which is held by the TVYO Committee members and the purposes for which it is processed are set out below.

TVYO handle personal information for the following purposes:

1. Administrative
  - \* to inform players, parents and staff of rehearsal schedules and concerts
  - \* to advertise our recruiting to schools and music teachers
  - \* to advertise our concerts.
2. Health and Safety.
  - \* to ensure the well-being of each and every player
  - \* to have up to date emergency contact details of our players
  - \* to have permission to administer first aid
  - \* to have up to date information of medical needs or conditions
3. Recruiting
  - \* details of new applicants in order to arrange auditions.

TVYO aims to ensure that:

- \* Information is stored primarily on our data base that is safeguarded by individual user names and passwords.
- \* Data on people no longer associated with the orchestra, or people who tell us they do not wish

to be contacted by us, is removed.

- \* All information is accurate – however, we rely on parents/guardians and players to provide this information and to update us as the need arises.
- \* Information is used on a 'need to know' basis only, and staff and Committee members will treat all information confidentially.
- \* We do not share our information with other agencies.

## **Appendix II: Data Protection Guidelines**

TVYO has clearly set out the statutory requirements of data protection for all Committee members, players and tutors, and will follow and operate the Data Protection Principles.

In summary these state that personal data will:

- \* be processed fairly and lawfully
- \* be obtained for a specified and lawful purpose and will not be processed in any manner incompatible with the purpose
- \* be adequate, relevant and not excessive for that purpose
- \* be accurate and up to date
- \* not be kept for longer than necessary for that purpose
- \* be processed in accordance with the data subject's rights
- \* be kept safe from unauthorised processing and accidental loss, damage or destruction
- \* not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances.

Below are examples of how these principles may be applied within TVYO. These are by no means the only ways that the principles apply:

- i. Personal data will be processed fairly and lawfully. By this we mean that any information that is collected and stored electronically will be used within the confines of the various laws that apply, and will not be altered or distorted in any way.
- ii. Personal data will be obtained for a specified and lawful purpose and will not be processed in any manner incompatible with the purpose.
- iii. Personal data will be adequate, relevant and not excessive for that purpose. We will only ask for the information that we really need.
- iv. Personal data will be accurate and up to date in order to minimise mistakes in communication.
- v. Personal data will not be kept for longer than necessary for that purpose.
- vi. Personal data will be processed in accordance with the data subject's rights. People have the right to be informed about how and why we are using their information. They have the right to refuse us that information, and the right to ask us to stop using it.
- vii. Personal data will be kept safe from unauthorised processing and accidental loss, damage or destruction. This includes taking care not to allow an unauthorised individual to have access to a computer where personal, confidential or sensitive information is stored.
- viii. Personal data will not be transferred to a country outside the European Economic Area, unless that country has equivalent levels of protection for personal data, except in specified circumstances. We need to make every effort to ensure that information is only shared with those who are going to abide by the same legal principles as stated within these guidelines.

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## **(6) TVYO Complaints Policy**

TVYO views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person [or organisation] that has made the complaint.

Our policy is:

- \* To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
- \* To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
- \* To make sure everyone at TVYO knows what to do if a complaint is received.
- \* To make sure all complaints are investigated fairly and in a timely way.
- \* To make sure that complaints are, wherever possible, resolved and that relationships are repaired.
- \* To gather information which helps us to improve what we do.

### **Definition of a Complaint**

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of TVYO. Where Complaints Come From

Complaints may come from staff and members of TVYO, and parents and guardians of members of TVYO, donors, and members of the local community. A complaint can be received verbally, by phone, by email or in writing.

This policy does not cover complaints from staff, who should use TVYO's Discipline and Grievance policies.

### **Confidentiality**

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

### **Responsibility**

Overall responsibility for this policy and its implementation lies with the Trustees.

### **Stage 1: Informal**

- i. It is hoped that most complaints and concerns can be resolved quickly and informally.
2. Players and/or parents may speak to the relevant section coach or to the Musical Director.
3. Players and/or parents may speak to the Chairperson.

In many cases, a complaint is best resolved by the person who is responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly, and should do so if possible and appropriate. Whether or not the complaint has been resolved, the complaint information should be passed to the Chairperson within one week.

On receiving the complaint, the Chairperson records it in a complaints log. If it has not already been resolved, they delegate an appropriate person to investigate it and to take appropriate action.

If the complaint relates to a specific person, they should be informed and given a fair opportunity to respond. The person handling the complaint should acknowledge receipt of the complaint within one week. The acknowledgement should say who is dealing with the complaint and when the person complaining can expect a reply. A copy of this complaints procedure should be attached. Ideally complainants should receive a definitive reply within four weeks. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given. Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

### **Stage 2: Formal**

If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed at the next level. At this stage, the complaint will be passed to the Trustees. The request for next level review should be acknowledged within a week of receiving it. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.

The Trustees may investigate the facts of the case themselves or delegate a suitably senior

external person to do so. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage One. If the complaint relates to a specific person, they should be informed and given a further opportunity to respond. The person who dealt with the original complaint at Stage One should be kept informed of what is happening. Ideally complainants should receive a definitive reply within four weeks. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given. Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint. Once the Trustees have reached a decision it will be communicated in writing with an explanation. If the complaint is found to be legitimate, satisfactory resolution will be rigorously sought to bring the matter to a satisfactory resolution. The decision taken at this stage is final, unless it is appropriate to seek further external assistance with resolution.

**General points:**

- i. It may be necessary to carry out further investigations. Consideration will be given to the matter of the player concerned continuing to attend rehearsals during this period. If it seems necessary for players to suspend their attendance temporarily they will not be penalised on their return to the orchestra (for example, by losing their position in the section).
- ii. In some cases it may be appropriate to refer the complainant to Making Music, our supporting agency, for advice or information.
- iii. Written records of meetings and interviews will be kept.

**Appendix 1 - Practical Guidance for Handling Verbal Complaints**

- \* Remain calm and respectful throughout the conversation
- \* Listen - allow the person to talk about the complaint in their own words. Sometimes a person just wants to "let off steam"
- \* Don't debate the facts in the first instance, especially if the person is angry
- \* Show an interest in what is being said
- \* Obtain details about the complaint before any personal details
- \* Ask for clarification wherever necessary
- \* Show that you have understood the complaint by reflecting back what you have noted down
- \* Acknowledge the person's feelings (even if you feel that they are being unreasonable) - you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organisation e.g. "I understand that this situation is frustrating for you"
- \* If you feel that an apology is deserved for something that was the responsibility of your organisation, then apologise
- \* Ask the person what they would like done to resolve the issue
- \* Be clear about what you can do, how long it will take and what it will involve.
- \* Don't promise things you can't deliver • Give clear and valid reasons why requests cannot be met
- \* Make sure that the person understands what they have been told
- \* Wherever appropriate, inform the person about the available avenues of review or appeal

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## **(7) TVYO Grievance and Disciplinary Policy**

### **Scope of Procedure**

The Grievance and Disciplinary Procedure outlined below ("the Procedure") applies to all employees of Thames Vale Music Trust ("the Employer").

### **Statement of Intent**

It is the Employer's intent to create a good working relationship between Employees and

management, to promote effective and open communication and to ensure that the required standards of performance, attendance and conduct are maintained. The Employer aims to provide a safe forum where Employees may raise problems concerns or grievances.

At times, Employees may wish to bring to the Employer's attention concerns or complaints in relation to their employment. In some cases, the Employer may need to take formal disciplinary action to address problems such as poor performance, poor attendance or misconduct. It is the Employer's intention to implement just and effective arrangements for handling disciplinary and grievance matters to ensure fair and consistent treatment of all Employees.

## Grievance Procedure

### **General Principles**

Wherever possible, Employees are encouraged to raise their concerns as soon as possible informally with their line manager (either the Director of Music or the Chairperson). The Employee's line manager shall act promptly to investigate the Employee's grievance speedily efficiently and impartially. If necessary, s/he shall take appropriate action. If the Employee is not satisfied with the result of an informal action, s/he may lodge a formal grievance. This Grievance Procedure may not be used for appeals against any decision reached under the Disciplinary Procedure.

At all formal stages of the Grievance Procedure which deal with a complaint in relation to the Employer's duties to its Employees, the Employee may be accompanied by a fellow Employee or a trade union official, provided s/he makes a prior written request within 5 days of a hearing meeting or interview. As far as practicable, the Employer will keep grievance complaints confidential.

### **Stage 1 - informal complaint**

If the Employee wishes to make an informal complaint, s/he should do so in writing to the Employee's line manager, (the Director of Music or the Chair of the TVYO Management Committee). If the complaint relates to the Employee's line manager, the Employee should write to the Trustees of TVYO.

The Employee's line manager shall act promptly to investigate the grievance speedily thoroughly and objectively. If the grievance is contested, the line manager will arrange a meeting within reasonable time. In the meeting, all persons involved will be able to put their case forward. The line manager shall inform the Employee and all other persons involved of his/her decision following the meeting.

### **Stage 2 - formal complaint**

If the Employee is not satisfied with his/her line manager's decision, s/he may make a written complaint (either to the Chair of the TVYO Committee or to the Trustees of TVYO). They shall take the necessary steps to investigate the Employee's grievance speedily efficiently and impartially. If s/he considers it appropriate, s/he shall call a meeting within reasonable time. In the meeting, all persons involved will be able to put their case forward. The Trustees shall inform the Employee and all other persons involved of his / her decision following the meeting. This decision shall be final within the Society. If the Employee still has further cause for complaint they may wish to consult an external agency such as Making Music.

## Disciplinary Procedure

### **General Principles**

This Disciplinary Procedure applies where an Employee's level of conduct attendance or performance has fallen below the standard expected of him / her ("Misconduct"). Examples of Misconduct in respect of which disciplinary action will be taken include (but are not limited to)

unauthorised or persistent absence; poor timekeeping; failure to comply with the Employer's rules on notification and evidence of sickness absence; failure to meet required performance standards; serious professional misconduct.

Before taking formal disciplinary action in relation to an Employee, the Management Committee will consider whether the matter can be resolved effectively through informal action (e.g. training, coaching or counselling), taking into account the nature of the Misconduct.

No disciplinary action will be taken until a matter has been fully investigated and considered by the Employee's line manager (the Director of Music, Chair of the TVYO Management Committee or TVYO Trustees). Employees will normally receive advance written notice of any disciplinary hearing interview or meeting. In addition, Employees will normally be told in advance (and receive written confirmation) of:

- \* The nature of the complaint / allegation against them; and
- \* Any witness who is called to support such complaint / allegation and what s/he might say; and
- \* Where appropriate, Employees will receive a copy of any written evidence which will be used to support the complaint / allegation against them; and
- \* The possible outcome of any disciplinary hearing interview or meeting.

At all formal stages of the Disciplinary Procedure, Employees will be given full opportunity to present their case and to put forward evidence in their defence. Provided an Employee makes a prior written request within 5 days of the relevant hearing meeting or interview, s/he may be represented by a fellow Employee or a trade union official during any formal stage of the Disciplinary Procedure.

At each stage of the Disciplinary Procedure, an Employee has the right to appeal against the decision. The Employee shall have an opportunity to comment on any new evidence arising during the appeal before a new decision is taken. As far as is reasonably practicable, the Employer shall keep disciplinary matters confidential.

The Disciplinary Procedure has four stages. The Employer reserves the right to initiate the procedure at any stage or to jump stages depending on the circumstances of the case and the seriousness of the Employee's misconduct. Except in the case of gross misconduct or conduct which is sufficiently serious to amount to gross misconduct, no Employee will be dismissed for a first breach of discipline.

#### **Stage 1 - formal verbal warning**

Where informal attempts to resolve a problem have failed, or a first instance Misconduct is sufficiently serious to warrant formal action, a disciplinary hearing may be called by the Employee's line manager following which s/he may issue the Employee with a formal verbal warning. A written record of the warning will be kept on the Employee's file. The Employee will be told clearly of the improvements

expected of him / her, the timescale within which they have to be achieved and the consequences of failure to do so.

#### **Stage 2 - first written warning**

In the event of further Misconduct, or where previous attempts at resolving a problem have failed, or a first instance Misconduct is sufficiently serious to warrant action at an advance stage of the Disciplinary Procedure, a disciplinary hearing may be called following which s/he may issue the

Employee with a first written warning. The Employee will be given a copy of the warning which will also confirm in clear terms the improvements expected of the Employee, the timescale within which they have to be achieved and the consequences of failure to do so. A copy of the warning will be kept on the Employee's file.

### **Stage 3 - final written warning**

In the event of more serious or further Misconduct, failure to comply with the terms of a previous warning, or a first instance Misconduct which is sufficiently serious to warrant more than a first written warning but is not sufficiently serious to justify dismissal, the director responsible for the Employee's division may call a disciplinary hearing following which s/he may issue a final written warning to the Employee. The Employee will receive a copy of the final warning which will detail in clear terms the improvements required from him / her, the timescale within which they have to be achieved and the fact that failure to do so may result in further disciplinary action and dismissal. A copy of the warning will be kept on the Employee's file.

### **Stage 4 - dismissal**

If Misconduct persists following the issue of a final written warning or conduct, attendance or performance remains unsatisfactory, or if the offence is sufficiently serious to amount to gross misconduct, a disciplinary hearing will be held following which the Employee may be dismissed. If the Employee is dismissed, s/he will be given a written confirmation of the dismissal, and the date of termination of the employment and a notice of his / her right of appeal as soon as is reasonably practicable. Action at this stage may only be taken by the Trustees.

### **Summary Dismissal**

The Employer will only dismiss an Employee summarily in the event of gross misconduct or some other serious breach of the Employer's rules or the Employee's contract of employment which amounts to gross misconduct. An Employee who is dismissed summarily will not be entitled to notice or pay in lieu of notice. In each case before dismissing the Employee, the Employer will take into account the gravity of his / her conduct and any individual mitigating circumstances.

Examples of gross misconduct include but are not limited to:

- Theft or attempted theft
- Fraud or deliberate falsification of records or expense claims; Dishonesty;
- Violent behaviour or fighting at work;
- Negligence capable of causing unacceptable loss, damage or injury; Deliberate damage to property;
- Breach of confidence (subject to the Public Interest (Disclosure) Act 1998); Serious acts of sexual, racial or disability harassment;
- Downloading and / or circulation of pornographic abusive or defamatory material; Being unfit to work through the influence of alcohol or drugs;
- Behaviour likely to damage the image or interests of the Employer to a material extent;
- Serious insubordination or wilful refusal to comply with the Employer's lawful instructions / rules.

### **Appeals**

At any stage of the Disciplinary Procedure (including dismissal), an Employee has a right to appeal against the decision. The Employee should inform the person who made the decision of his / her intention to appeal and the grounds for doing so. Notification must be in writing, within 5 days of receipt of a written confirmation of the outcome of the disciplinary hearing. The Employer will take all reasonable steps to deal with any appeal within 10 days. Where practicable, appeals

will be heard by a more senior level of management than that taking the disciplinary action. An appeal against dismissal shall be conducted as a rehearing. The person hearing the appeal may uphold the decision reached in the disciplinary hearing; agree with the Employee's appeal and direct that the Employee's disciplinary record be amended accordingly; decide that a lesser penalty be substituted for that imposed following the original disciplinary hearing.

The Employer will confirm to the Employee in writing the results of the appeal and will outline the reasons for its decision. A decision following an appeal shall be final within the Society.