

# West of Scotland Cricket Club

**Ground**  
Hamilton Crescent  
Peel Street  
GLASGOW  
G11 5LU



**Honorary Secretary**  
J.H.D. Young  
Herbert House  
22 Herbert Street  
GLASGOW  
G20 6NB

Telephone : 0141 339 0688  
www.westofscotlandcricketclub.co.uk

Telephone : 0141 337 1199  
Fax : 0141 337 3300

**Awarded TOPClub Bronze Status for Junior Development by Cricket Scotland**

## **CLUB COMPLAINTS PROCEDURE**

---

Everyone who visits West of Scotland Cricket Club has the right to be treated fairly and with respect. If you are unhappy with the way you or anyone else has been treated - whether you are a member, a guest, a volunteer, a friend, or a family member - you have the right to make a complaint.

The complaints procedure is not to be mistaken for the normal channels of communication and feedback to the Club where you can pass on any comments or ideas about improving any of our services.

A complaint may be about a service that is being provided, the lack of a service provision, the actions of a staff member, a club member, or a third party, decisions taken by the organisation, policy or procedural issues, breaches of Club rules or Codes of Conduct, or a combination of any of these factors.

There are two stages to our complaints procedure.

Firstly, you should make your complaint either verbally or in writing to any Director of the Club. You must supply a full account of the circumstances giving rise to your complaint including:

- Date and place of incident(s)
- Details of any witnesses
- Names of any others who may have suffered similarly
- Details of any previous complaints about the incident(s) and to whom made:
- Any preference for a solution.

Secondly, if you are dissatisfied with the outcome or lack of outcome, you must make your complaint in writing, providing all the details abovementioned, to the Club Secretary, who will convene a meeting of the Board of Directors at a suitable time to hear your complaint and the statements of any witnesses or other parties involved.

Every Club Director will always take your complaint seriously and all attempts will be made to resolve the situation to your satisfaction.

At stage two you will receive a written acknowledgement of your complaint, and, after the complaint has been heard by the Board of Directors you will be notified of the outcome and the action taken (if appropriate).

The Board of Directors is the final point of authority within the Club.

**WEST of SCOTLAND CRICKET CLUB**  
**Disciplinary Policy and Procedure**  
**2010**

**1. INTRODUCTION**

West of Scotland Cricket Club ("The Company") requires good standards of discipline from its employees, together with satisfactory standards of work. The purpose of the disciplinary procedure is to ensure that any concerns over employees' conduct or performance are handled in a fair, consistent and timely manner, with the intention of bringing about an improvement, and to protect the proper operation of the Company's business and the health and safety of its employees.

This procedure may be reviewed and updated from time to time. Any amendments will be notified to employees in writing, following consultation and/or notice where appropriate.

**2. RULES AND APPLICATION**

2.1 The following are examples of conduct/performance that will normally be addressed through implementation of the Company's disciplinary procedure:

- 2.1.1 Unsatisfactory work performance;
- 2.1.2 Breaches of Company policies and procedures;
- 2.1.3 Inappropriate behaviour (e.g. fighting, drunkenness, etc.);
- 2.1.4 Bullying, harassment or victimisation;
- 2.1.5 Discrimination on any of the grounds e.g. race, sex, sexual orientation, religion, disability, age, gender reassignment, marital status or ethnic origin;
- 2.1.6 Persistent lateness or poor timekeeping;
- 2.1.7 Unacceptable levels of absence, especially when unauthorised;
- 2.1.8 Serious or repeated failure to follow reasonable requests or instructions;
- 2.1.9 Abuse, misuse or neglect of Company property or facilities;
- 2.1.10 Use of Company facilities and equipment for personal reasons during work time e.g. Company email, telephones and internet access.

2.2 The disciplinary procedure does not apply to:-

- 2.2.1 termination due to the non-renewal of fixed term contracts; or
- 2.2.2 termination of employment by reason of redundancy.

2.3 Confidentiality:

- 2.3.1 Disciplinary matters will be handled with as high a degree of confidentiality as is practicable, particularly when the issue is of a sensitive nature.

2.3.2 Confidential records of disciplinary matters will be kept in the employee's personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to the employee, although the Company reserves the right to withhold certain information (e.g. to protect a witness).

2.4 Suspension:

2.4.1 The Company reserves the right to suspend an employee from work, normally for no more than five working days while a disciplinary offence is being investigated.

2.4.2 Employees will be advised if the suspension is likely to last longer than five working days.

2.4.3 Suspension is not regarded by the Company as disciplinary action. The Company shall inform the employee of the reason for the suspension.

2.4.4 Employees may be suspended without pay/or on reduced pay but only if the Company is acting reasonably.

2.5 The Company reserves the right to:

2.5.1 monitor employees' activities including telephone calls, email messages and internet use at any time, whether as part of a disciplinary investigation or otherwise. Employees should therefore not consider such activities and methods of communication to be confidential when conducted at work.

2.5.2 search an employee's desk, bags, pockets, vehicle or other Company property or personal possessions where such action is considered necessary in the opinion of the Company. A search will only be carried out by an appropriate person in the presence of a witness and employees may request the presence of a work colleague.

2.6 Where time limits are referred to in this procedure, they may be shortened or extended by mutual consent.

3. **DISCIPLINARY PROCEDURE:**

3.1 **Stage 1 - Informal discussion**

3.1.1 The Company will initially try to resolve disciplinary issues informally by way of an informal discussion with the employee concerned.

3.1.2 This is a two way discussion where the Company will be able to inform the employee of their shortcomings in conduct or performance and at the same time provide the employee with the opportunity to provide an explanation.

3.1.3 The main purpose of the informal talk is to find a solution to the problem that is beneficial for both the Company and the employee.

3.1.4 Generally, cases of minor misconduct and/or unsatisfactory performance are dealt with informally. However, if the informal action does not provide a solution to the problem or if the disciplinary issue is

too serious to be dealt with informally then the formal disciplinary procedure (Stage 2 below onwards) will be followed.

### **3.2 Stage 2 - Written notice of intended disciplinary meeting**

- 3.2.1 If it is decided that there is a disciplinary case to answer the Company will provide the employee with written notice informing them that this constitutes the first stage of the formal disciplinary procedure and as such outline:
  - 3.2.1.1 the alleged misconduct or poor performance and any possible consequences of these;
  - 3.2.1.2 the improvement that is required, any timescale for achieving this improvement and any support available (if appropriate);
  - 3.2.1.3 details as to the time and venue of the disciplinary meeting; and
  - 3.2.1.4 notice of the employees statutory right to be accompanied if the meeting could result in a formal warning, the confirmation of a warning or the taking of some other disciplinary action. (This statutory right can be exercised once the employee has made a reasonable request to be accompanied).
- 3.2.2 The employee's chosen companion will be able to address the meeting to put or sum up the employee's case as well as confer with the employee during the meeting. They may not, however, answer questions on the employee's behalf, address the meeting if the employee does not wish them to do so or prevent the Company from explaining their case. The companion can be a fellow employee, trade union representative or official employed by a trade union.
- 3.2.3 The meeting will be scheduled in order to give the employee reasonable time to prepare for the meeting.
- 3.2.4 The Company will establish the facts before the meeting by collecting documents, identifying any relevant people to interview and taking statements before memories start to fade. Any requests for anonymity and confidentiality should be taken seriously.
- 3.2.5 Where the Company or an employee intend to call relevant witnesses they should give advance notice to the other party that they intend to do this. It may also be appropriate to provide copies of written evidence including any witness statements.
- 3.2.6 If the employee is unable to attend the disciplinary hearing at the agreed time, the Company shall offer an alternative reasonable time and date. If the employee repeatedly fails to attend rearranged meetings the Company, taking into consideration any reasons and concluding that such failure is without good cause, is free to decide upon the matter using the evidence available. The Company will inform the employee about such a decision in writing.
- 3.2.7 A record of this written notice will be disregarded after 12 months subject to satisfactory conduct and performance.

### **3.3 Stage 3 - Meeting**

- 3.3.1 The Company will explain the complaint against the employee and go through any relevant evidence.

- 3.3.2 The employee will then be given the opportunity to present their own evidence, answer any allegations, ask questions and call relevant witnesses.
- 3.3.3 Where possible, a director who did not carry out the investigation will attend the meeting.

#### 3.4 **Stage 4 - Outcome of meeting**

- 3.4.1 If the Company finds there has been no misconduct/ poor performance the employee will be informed of this in writing.
- 3.4.2 *First Formal Warning* - If misconduct/poor performance is confirmed the Company will issue a written warning setting out the complaint and stating that further misconduct or a failure to improve performance will result in a final written warning. This letter will include details as to the improvement required, time-scales for such improvement and details of any help that will be made available e.g training. A record of this warning shall be kept for 12 months and shall be disregarded thereafter subject to satisfactory conduct and performance.
- 3.4.3 *Final Formal Warning* - If the misconduct/ poor performance is sufficiently serious or there has been further misconduct or a failure to improve since a previous formal warning the Company may issue a final written warning. This will give details of the complaint and nature of the misconduct/poor performance, the improvement required, the time-scale for such improvement and details of any help available. It will also warn that failure to improve may lead to dismissal or some other contractual penalty e.g. demotion. A copy of this written warning will be kept on file and will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct and performance.
- 3.4.4 *Dismissal / Other Penalty* - If there has been further misconduct or failure to improve performance since a final written warning the Company may dismiss the employee or take some other action short of dismissal such as demotion or disciplinary suspension. The employee will be provided with, in writing, the reasons for dismissal/or other action, the date on which the employment will terminate (if dismissed), and their right to appeal, as soon as reasonably practicable. The dismissal decision should only be taken by a director who has the authority to do so.
- 3.4.5 *Dismissal without Notice* - If the Company finds that there has been gross misconduct the Company may call for dismissal without notice, the Company will follow a fair disciplinary procedure before taking any decision to dismiss without notice and this will be confirmed in writing (see Gross Misconduct section below).

#### 3.5 **Stage 5 - Appeal**

- 3.5.1 Employees have the right to appeal against any formal disciplinary action. An appeal should be made in writing within 5 working days of the disciplinary decision.
- 3.5.2 The employee must inform the Company as to the grounds for appeal in writing, and may be accompanied to the appeal meeting.
- 3.5.3 The Company will hear the appeal without unreasonable delay and where possible the appeal will be dealt with by at least 3 directors not

previously involved in the case. However, where this is not practicable, the same director may be involved in both the disciplinary and the appeal meetings and he/she will act as impartially as possible.

- 3.5.4 The outcome of the appeal will be confirmed in writing within 5 working days of the meeting. Decisions made at this stage will be final and there is no further right of internal appeal.

#### **4. SPECIAL CASES**

- 4.1 Where disciplinary action is being considered against an employee who is a trade union representative the above procedure should be followed. However it is advisable, depending on the circumstances, to obtain the employee's agreement and discuss the matter at an early stage with a senior trade union representative or permanent union official.
- 4.2 An employee being charged or convicted with a criminal offence is not in itself a reason for disciplinary action. The Company will consider whether the offence or alleged offence is one that makes the employee unsuitable for their type of work. Therefore, the Company will establish the facts of the case and consider whether the facts warrant starting the disciplinary procedure. Similarly, an employee cannot be dismissed solely because they were absent from work as a result of being remanded in custody.

#### **5. GROSS MISCONDUCT**

- 5.1 In the event that an employee commits an act of gross misconduct, the Company is entitled to summarily terminate the employee's contract of employment without notice or pay in lieu of notice.
- 5.2 The following non-exhaustive list gives examples of offences that the Company will normally regard as gross misconduct:-
- 5.2.1 Theft, fraud, dishonesty or deliberate falsification of records;
  - 5.2.2 Fighting, assault or other violent behaviour;
  - 5.2.3 Deliberate damage to, or misuse of, Company property;
  - 5.2.4 Deliberate use of internet and/or email to access or distribute material of a pornographic, offensive, obscene or inappropriate nature;
  - 5.2.5 Incapability at work due to the effect of alcohol or drugs;
  - 5.2.6 Possession, custody or control of illegal drugs on Company premises;
  - 5.2.7 Serious breach of the Company's rules, policies and procedures;
  - 5.2.8 Serious negligence which causes loss, damage or injury;
  - 5.2.9 Conviction of a criminal offence that is relevant to the employee's employment with the Company and renders them unsuitable for their work;
  - 5.2.10 Conduct likely to bring the Company's name into disrepute;
  - 5.2.11 Bullying, harassment, victimisation or discrimination;
  - 5.2.12 Serious acts of insubordination.

5.3 If the Company decides to summarily terminate the employee's contract of employment without notice or pay in lieu of notice the Company must be acting *fairly and reasonably* to take this action rather than following the Disciplinary Procedure set out in Clause 3 above.

This procedure has been approved & authorised by:

Name: The Board of Directors of The Company

Date: 19<sup>th</sup> April 2010

Signature: "James H D Young", Secretary

**WEST of SCOTLAND CRICKET CLUB**  
**Grievance Procedure**  
**2010**

1. The grievance procedure enables West of Scotland Cricket Club (“the Company”) to ensure that any problems, complaints or concerns raised by employees are dealt with in a fair, timely and consistent manner. If an employee has a grievance or complaint regarding:
  - 1.1 their work, working conditions, pay and benefits, working hours; or
  - 1.2 discrimination on the grounds of race, sex, sexual orientation, religion, disability, age, gender reassignment, marital status or ethnic origin; or
  - 1.3 treatment by colleagues including harassment and bullying; or
  - 1.4 their health and safety or a breach of statutory employment rights; or
  - 1.5 any other issue affecting their employment it should be raised in line with this procedure.
  
2. **Informal Procedure**
  - 2.1 Employees should, where possible, discuss the grievance or complaint with their immediate line manager on an informal basis first. The manager will discuss any concerns with the employee and attempt to resolve the matter within a reasonable timescale. Where it is not possible for the employee to talk to their immediate manager, or if the grievance concerns him or her, the employee should instead talk to any Director of The Company.
  - 2.2 Where the informal procedure is used, both parties should keep a written record of the meeting including what was discussed and any proposed action.
  - 2.3 If the grievance has not been resolved or cannot be settled informally, the matter should be dealt with according to the formal grievance procedure.
  
3. **Formal Grievance Procedure:**
  - 3.1 Stage 1 - Written Statement
    - 3.1.1 The aggrieved employee must first send a written statement detailing the nature of the grievance to a Director of The Company without unreasonable delay.
    - 3.1.2 Where a Director is the line manager who is the subject of the Grievance, the employee should instead send the written statement to another Director of equal or greater seniority, where possible.
  
  - 3.2 Stage 2 - Grievance Meeting

- 3.2.1 Upon receiving the written statement the appropriate Director will arrange for a formal meeting to be held in order to discuss the grievance. The formal meeting will be held without unreasonable delay and usually no longer than 5 working days after the statement of grievance is received.
  - 3.2.2 The meeting must not take place if the appropriate Director has not had a reasonable opportunity to consider their response to the information.
  - 3.2.3 The Company should establish the facts by collecting documents, identify any relevant people to interview and take statements before memories start to fade. Any requests for anonymity and confidentiality should be taken seriously.
  - 3.2.4 The employee may, following a reasonable request, be accompanied by a colleague, a suitably certified trade union representative or an official employed by a trade union. The companion may not, however, answer questions on behalf of the employee.
  - 3.2.5 The employee's chosen companion will be able to address the meeting to put or sum up the employee's case as well as confer with the employee during the meeting. They may not, however, answer questions on the employees' behalf, address the meeting if the employee does not wish them to do so or prevent the Company from explaining their case.
  - 3.2.6 The appropriate Director, employee and their companions shall make every effort to attend the meeting.
  - 3.2.7 If possible the employee should explain how they think the grievance could be resolved.
  - 3.2.8 If a full investigation of the matter is required then the meeting should be adjourned to a later date before a decision is taken about how to deal with the employee's grievance.
- 3.3 Stage 3 - Outcome of meeting
- 3.3.1 Following the meeting and investigation and without unreasonable delay the appropriate Director shall set out in writing the action they intend to be take in order to resolve the grievance (if appropriate).
  - 3.3.2 The appropriate Director shall also inform the employee of their right to appeal if they are not satisfied with the action taken.
  - 3.3.3 Any action taken shall be monitored and reviewed, as appropriate, to ensure it effectively deals with the issue.
- 3.4 Stage 4 - Appeal
- 3.4.1 Employees have the right to appeal where they feel their grievance has not been satisfactorily resolved.

- 3.4.2 The request for an appeal must state the grounds for the appeal and should be submitted to the appropriate Director in writing within 5 working days of receiving written confirmation as to the outcome of the grievance meeting.
- 3.4.3 The appropriate Director will arrange a further meeting to discuss the appeal within a reasonable time of receiving the request for an appeal. The employee will be informed of the time and place of the appeal in advance.
- 3.4.4 The appeal will be dealt with impartially and, wherever possible, will be heard by at least three Directors who have not previously been involved in the case.
- 3.4.5 The employee has the right to be accompanied at the appeal meeting and the outcome of the appeal meeting shall be communicated to the employee in writing within 5 working days. Decisions made at this point are final and the grievance procedure is concluded.

#### 4. **Confidentiality**

- 4.1 Grievances will be handled with as high a degree of confidentiality as is practicable.
- 4.2 Confidential records of the grievance will be kept in the employee's personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to the employee, although the Company reserves the right to withhold certain information (e.g. to protect a witness).

#### 5. **Special Cases**

- 5.1 Where a grievance relates to a disciplinary matter, both can be dealt with concurrently.
- 5.2 Where a grievance is raised during the disciplinary process, the disciplinary process may be suspended so the grievance can be dealt with first.
- 5.3 The above procedure shall not be used for collective grievances.

This procedure has been approved & authorised by:

The Board of Directors of West of Scotland Cricket Club

Date: 19<sup>th</sup> April 2010

Signature: "James H D Young", Secretary