

CVA Misconduct Procedure

1. Introduction and Purpose of the Procedure

The CVA is committed to creating an environment where all volunteers are able to perform to their best ability and achieve role satisfaction. The CVA also recognises that there will be occasions when code of conduct and/or performance problems arise. The purpose of this policy is to ensure that if such problems do arise, they are dealt with fairly and consistently. This policy sets out the action that will be taken when problems occur.

The aim of the policy is to encourage improvement in individual conduct and performance and to minimise disagreements about code of conduct matters thereby reducing the need for “counselling out”

2. Principles

If a volunteer is subject to code of conduct action:

- The procedure is designed to establish the facts quickly and to deal consistently with code of conduct issues
- At every stage the volunteer will be advised of the nature of the issue and given the opportunity to state their case in a meeting before any decision is taken on whether to impose a warning or other code of conduct sanction
- The volunteer will be given the opportunity to be represented or accompanied at any misconduct meeting
- In some cases an investigation will be required before any final decision is taken on whether to impose a warning or other code of conduct sanction
- There is a right to appeal against any misconduct action taken against a volunteer

3. Informal Discussions/Counselling

Most misconduct problems can be solved by informal discussions or counselling. Before taking formal misconduct action, the relevant CVA representative will make every effort to resolve the matter by informal discussions, which may include mediation, additional training, or support for the volunteer.

This would not be recorded as misconduct action and would be seen as a process of constructive dialogue. Only where this fails to bring about the desired improvement will the formal misconduct procedure be implemented.

The Procedure

4. Formal Verbal Warning

If, despite informal discussions or training, the conduct or performance still does not meet acceptable standards, the volunteer may, following an appropriate misconduct meeting, be given a formal verbal warning by a CVA representative. The volunteer will be told:

- The reason for the warning
- What the volunteer needs to do to improve the situation
- A time frame within which the conduct or performance needs to be improved
- Any support or training that CVA might provide to support the volunteer
- That the verbal warning is the first stage of the misconduct procedure

A brief note of the warning will be kept but it will lapse after 6 months, subject to satisfactory conduct and/or performance.

5. Written Warning

If there is no improvement in standards within the prescribed time, or if a further offence occurs, the volunteer will receive a letter from a CVA Representative. The letter will contain:

- Details of what the volunteer has alleged to have done wrong
- The reason why the current behaviour or performance is unacceptable
- An invitation to attend a misconduct meeting with a CVA Representative at which the problems can be discussed
- Information about the right to be accompanied at the misconduct meeting
- Copies of any documents that will be referred to at the misconduct meeting

The misconduct meeting should take place as soon as is reasonably possible but with sufficient time for the volunteer to consider their response to the information contained in the letter. The meeting will be an opportunity for both the volunteer (with their representative) and the CVA Representative to talk about the allegations being made, review the information with a view to establishing whether to progress the misconduct action.

Where, following the misconduct meeting, it is decided that no further action is warranted, the volunteer will be informed in writing.

Where, following the misconduct meeting, the volunteer is found to be performing unsatisfactorily or their behaviour is deemed unsatisfactory, they will be given a written warning which will set out:

- The performance and/or behaviour problem
- The improvement that is required
- The timescale and date for achieving the improvement
- Any support that the CVA will provide to assist the volunteer
- A statement that failure to improve could lead to a final written warning and ultimately dismissal from their role / CVA

- A review date
- The appeal procedure

A copy of the written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

Where a written warning is given, the Sports Volunteering & Employability Manager will be advised and kept up to date with any progress.

8. Final Written Warning

If the conduct or performance still remains unsatisfactory by the stipulated date, or if the misconduct is sufficiently serious to warrant only one written warning, a further misconduct meeting (where the Sports Volunteering & Employability Manager will be present) will be called with the volunteer and their representative. The misconduct meeting will be an opportunity for the volunteer to answer the issues raised by the CVA.

Where this meeting establishes that there has been a failure to improve or change behaviour, then a final written warning will be given to the volunteer. The final warning will:

- Give details of and the grounds for the complaint
- Set out the improvement that is required and a time frame
- Make it clear that any recurrence of the offence, lack of improvement or other serious misconduct within the stipulated period of time will result in dismissal
- Refer to the volunteer's right of appeal

A copy of the final written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

9. Dismissal

If the volunteer's conduct or performance still fails to improve or if further serious misconduct occurs, the final stage in the misconduct process may be instituted and the volunteer dismissed. The decision to dismiss will be taken by the Sports Volunteering & Employability Manager following an appropriate hearing and the volunteer being given the opportunity to state their case and put forward any mitigating circumstances. Following the hearing the volunteer will be informed as soon as possible as to the outcome and if relevant the reason for the dismissal, the date on which the CVA Volunteer Agreement will terminate and the right of appeal.

10. Gross Misconduct

Where a volunteer is found guilty of gross misconduct, they will normally be subject to summary dismissal and the above procedures regarding progression of warnings will not apply. Where there is an allegation of gross misconduct, the Sports Volunteering & Employability Manager will carry out an immediate investigation.

The volunteer will have an opportunity to participate in that investigation and put their case and answer the allegations of gross misconduct. While the alleged gross misconduct is being investigated, the volunteer may be suspended.

Such suspension is not to be regarded as a form of misconduct action and will be for as short a period as possible. Any decision to dismiss will be taken only after an investigation and a misconduct hearing.

If, after investigation and misconduct hearing, it is deemed that the volunteer has committed an offence of gross misconduct, the normal consequence will be dismissal without notice. The volunteer will be notified of the dismissal and appeal process as soon as possible.

The following list is a non-exhaustive list that indicates the type of actions that may constitute gross misconduct:

- Theft, fraud, deliberate falsification of company documents
- Violent behaviour, fighting, assault on another person
- Deliberate damage to company property
- Harassment
- Being unfit for the role through alcohol or illegal drugs
- Gross negligence
- Gross insubordination

11. Appeals

If a volunteer wishes to appeal against any misconduct decision, they must appeal, in writing within five working days of the decision being communicated to them to the Executive Director of Sport. The Executive Director of Sport will convene an Appeals Subcommittee to hear the appeal and the volunteer will be invited to a meeting with the Appeals subcommittee. The volunteer will have the right to be accompanied to the appeal meeting.

The Sports Volunteering & Employability Manager will not form part of the Appeal sub – committee and the decision of the Appeal sub-committee will be final.