

BRITISH TAEKWONDO COUNCIL

Disciplinary Policy

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2	Trevor Nicholls		May 2018	May 2020
3	Trevor Nicholls	Reformatted	May 2020	May 2022
4	T Humphries	Full review: Full review: para 1: removal of 'Ltd' in line with Companies House registration; para 3: updated to reflect new organisation structure; paras 11, 13, 14, 15, 17 updated to clarify 'agreed advocate' and remove references to trade union representation; para 12 to reflect additional safeguarding policy	Dec 2023	Dec 2026
5	Trevor Nicholls	Complaints Policy: appeal timescale added Disciplinary Policy: applied to all BTC licence holders, with reference to Anti-Doping education, responsibilities and violations	Sep 2024	Dec 2026

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1 INTRODUCTION

This document sets out how the British Taekwondo Council (BTC) will deal with any issues involving an instructor's, an employee's or a BTC licence holder's conduct falling below acceptable standards. Its aim is to help and encourage all instructors / employees / licence holders to achieve and maintain the required standards of conduct and to ensure that the BTC is objective, reasonable and consistent in its approach to dealing with conduct issues.

2 SCOPE

- 2.1 This policy sets out the British Taekwondo Council's approach to dealing with misconduct by any BTC instructors (volunteers), employees and licence holders. It does not form part of terms and conditions of the role, employment or practice of Taekwondo and may be subject to change at our discretion.
- 2.2 BTC expects a high standard of conduct from instructors, employees and licence holders at all times. This policy aims to promote, improve and maintain this high standard, whilst ensuring that everyone is treated fairly and consistently. We expect instructors, employees and licence holders to work closely with us to ensure that any issues are resolved as quickly as possible.
- 2.3 This policy applies throughout every aspect of work with BTC, and also extends to events outside of the workplace where there is a link to work, e.g. work-related social events, social media.
- 2.4 Unless there is a potential issue of gross misconduct, we will usually try to deal with disciplinary issues informally first. If we proceed to the formal stages of this policy, then our aim will be to work with instructors and employees to make improvements immediately wherever possible.
- 2.5 If there are issues with performance as well as conduct in the case of instructors / employees, then this will usually be the lead policy, but we will refer to **BTC Capability Policy** wherever appropriate.

3 ROLES AND RESPONSIBILITIES

- 3.1 The BTC Independent Non-Executive Chair (INEC) has overall responsibility for the maintenance of high standards of performance within BTC. The Chief Executive Officer (CEO) has responsibility in operational activities. Head of BTC Member Organisations are responsible for the overall maintenance of high standards of instruction and performance within their organisation. The authority to dismiss under this policy rests with Heads of BTC Member Organisations, Senior Managers and the BTC Board Nominations Committee within BTC.
- 3.2 Heads of Member Organisations, Senior Managers and the Board will:
 - e) Ensure that all instructors, employees and licence holders are aware of the required standards of conduct and follow appropriate policies and procedures.
 - f) Promptly draw the attention of instructors / employee / licence holders to any way in which their conduct falls below what is expected of them.
 - g) Apply this policy fairly and consistently.
 - h) Advise and support instructors / employees / licence holders informally on matters which do not require action under the formal procedure

- i) Keep notes of /and appropriately file any informal or formal discussions relating to conduct issues and maintain confidentiality

3.3 Instructors, Employees and Licence Holders will:

- a) Take full personal responsibility for maintaining a standard of conduct in line with BTC expectations, policies and procedures
- b) Instructors, Employees and Licence Holders shall be deemed to have made themselves familiar with and agree to be bound by the UK Anti-Doping Rules and to submit to the authority of UK Anti-Doping and any other competent body in the application and enforcement of those Rules.
- c) Instructors and Licence Holders agree to cooperate fully with any World Anti-Doping Code-compliant anti-doping investigations or proceedings, whether conducted by UK Anti-Doping or any other competent body
- d) Co-operate with any investigation being carried out into their own or others' alleged misconduct
- e) Attend and take part in any disciplinary investigation meeting or hearing and be prepared to put forward their version of events and/or explain their conduct fully, honestly and truthfully
- f) Maintain confidentiality

3.4 Investigating Officers will:

- a) Seek guidance from BTC management team as appropriate
- b) Ensure the provision of a complete, thorough investigation report, within a recommended timeline and to a high standard
- c) Advise the relevant senior manager of any potential conflict of interest that might prejudice a fair investigation
- d) Make a recommendation to the manager who will chair any disciplinary hearing as to whether or not there is a case to answer
- e) Will normally attend disciplinary hearings to present the management case
- f) Maintain contact with an employee who is suspended, where appropriate
- g) Maintain confidentiality

4 TYPES OF MISCONDUCT

Some examples are given below of what may constitute misconduct or gross misconduct. These lists are not exhaustive, and each case will be decided individually. Misconduct and gross misconduct can take place in a number of forms, for instance, verbally, in writing or online such as on social media websites.

5 MISCONDUCT

Depending upon the severity, the appropriate disciplinary sanction for the misconduct issues below can range from formal warnings to dismissal with notice. In addition, the issues below may also amount to gross misconduct, depending on the circumstances and your role:

- poor time-keeping;
- failure to comply with all BTC policies and procedures;
- cancelling a session at short notice or failing to attend a booked session;
- failure to carry out reasonable management instructions;
- disruption to other instructors/employees/licence holders carrying out their duties/activities;
- reckless damage to or loss of BTC's property;
- rudeness to other colleagues, staff, licence holders, customers, parents or other third parties;
- smoking in non-designated areas of BTC's premises;
- failure to work in accordance with Health and Safety policies;
- misuse of social media;
- failure to report a potential safeguarding concern relating to a vulnerable child or adult;
- persistent absenteeism including intermittent and unrelated absences;
- unauthorised absence from place of work without reasonable cause.

6 GROSS MISCONDUCT

Examples of gross misconduct, which would usually lead to summary dismissal, include:

- persistent refusal to carry out reasonable management or instructors' instructions or insubordination;
- abusive, aggressive, offensive or threatening behaviour towards other colleagues, staff, licence holders, customers, parents or other third parties;
- assault, physical violence and/or indecent behaviour towards other colleagues, staff, licence holders, customers, parents or other third parties;
- bullying and/or harassment of other colleagues, staff, licence holders, customers, parents or other third parties;
- theft or unauthorised possession of property belonging to BTC, other colleagues, staff, licence holders, customers, or other third parties;
- fraud, bribery (giving or receiving) or deliberate falsification of records or documents;
- being arrested, charged, cautioned or convicted of a criminal offence (including theft or fraud) which BTC considers renders a person unsuitable or unable to carry out their duties;
- any WADA or UK Anti-Doping Rule Violations;
- wilful or deliberate damage to property or possessions belonging to BTC, other colleagues, staff, licence holders, customers, clients or other third parties;
- acting in such a way as to bring BTC into disrepute;
- unauthorised possession, copying, operation, utilisation, destruction or retention of BTC records (including computer records) or documents;
- any acts of unlawful discrimination, taking into account the Equality Act 2010;
- any act of deceit or dishonesty relating or connected to your employment or BTC business or affairs, including receiving personal benefits from those seeking to do business with BTC and wilful concealment of relevant facts/information;
- failure to disclose relevant/accurate information for criminal record checking procedures;
- divulging any confidential information belonging to BTC to any third parties without prior authority or consent or as part of the proper performance of duties (subject always to the Whistleblowing Policy);
- serious breach of BTC's equal opportunities or dignity at work policies;
- being under the influence of alcohol or prescribed drugs, or dealing drugs, whilst in a working environment or with working contacts;

- endangering the health or safety of others;
- negligence in the performance of work duties;
- indecent behaviour;
- internet, email or social media abuse;
- not having eligibility to work in the UK and wilfully concealing this.

7 INFORMAL PROCESS

- 7.1 It is expected that most minor one-off conduct issues will be dealt with informally. It is usually the case that the right word, in the right way, at the right time will resolve minor conduct issues quickly and effectively. The instructor / employee / licence holder should be told what their shortcomings are, what is expected and the consequences of not addressing these conduct issues. A verbal warning should be issued and note of the discussion should be kept on file.
- 7.2 Where informal action fails to bring about the necessary improvement or the issues are more serious, then the formal stages of this policy will be followed.

8 FORMAL PROCESS

- 8.1 The formal stages of the Disciplinary procedure are based upon a graduated system of warnings with more serious sanctions being applied where poor conduct is repeated. The stages are listed below. The seriousness of the offence may result in stages in the process being missed out. An instructor / employee / licence holder will not usually be dismissed for a first breach of discipline. However, in cases of serious or gross misconduct an instructor / employee / licence holder may be dismissed without having had any prior formal warnings.
- 8.2 When deciding whether a disciplinary sanction is appropriate and what form it should take the following factors will be taken into account: the disciplinary and general work/activity record of the instructor / employee / licence holder, their length of service/participation, the explanation given by the instructor / employee / licence holder (including mitigating circumstances), actions taken in any previous similar case and whether the intended disciplinary action is reasonable in the specific circumstances of the case. Actions which may be taken include:
- **First Written Warning**
The warning will normally be current for 12 months and may be taken into consideration in any future disciplinary action. This would generally be for first offence of misconduct.
 - **Final Written Warning**
The warning will normally be current for 18 months and may be taken into consideration in any future disciplinary action.
 - **Dismissal**
This would be for the recurrence or accumulation of offence/offences or for gross misconduct.
- 8.3 The length of warning may be amended depending on the circumstances. No warning should be issued without an investigation and a hearing. Formal warnings should state

clearly the reasons for the warning, identify any actions, the consequences of further misconduct and the length of time the warning is to be retained on file.

9 OTHER ACTION

It is possible that the outcome of a hearing may be that no further action is necessary because there is no case to answer. This is likely to be an unusual outcome as it should be apparent before a Hearing is organised whether there is sufficient evidence to justify a Hearing.

10 EXPIRY OF WARNINGS

10.1 At the end of the warning period all reference to the warning will be removed from BTC records and destroyed. If there is further misconduct during the warning period which results in another warning being issued, the previous warning will remain on file until the expiry of the subsequent warning.

10.2 There may be circumstances where it is necessary for disciplinary records to be kept for an extended period for example in cases which involve abuse of children or vulnerable adults or serious harassment.

11 SUSPENSION

11.1 There may be instances where suspension from work with pay (employees) is necessary while an investigation is carried out e.g., In cases of alleged gross misconduct, or to allow time for a 'cooling down period' for both parties, for their own or others protection, to prevent them influencing or being influenced by others or to prevent possible interference with evidence other options must always be considered e.g. a move to other work or another work location.

11.2 Suspension will be for as short a period possible and will only be implemented after careful consideration and kept under review. Suspension does not represent disciplinary action and does not involve any prejudgement or assumption of guilt.

11.3 Heads of Member Organisations, BTC senior managers and the BTC Board have the authority to suspend an instructor / employee / licence holder and this will normally be done face to face but may be by phone given the circumstances of the case.

11.4 An instructor / employee / licence holder suspended from duty/activity will:

- receive written confirmation within three days of the suspension
- be told the reason for the suspension
- notified of the date and time from which the suspension will operate and the anticipated timescale of the ongoing investigation
- informed of the arrangements that will be put in place for keeping in touch with the suspended person and there will be clear instructions about what is required of the suspended person e.g. no contact with work colleagues or attendance at work premises unless by prior arrangement and full co-operation with the investigation process

12 PROCEDURE FOR FORMAL INVESTIGATIONS

12.1 In most cases the line manager or instructor of the instructor / employee / licence holder against whom the allegation/s have been made will be responsible for arranging an investigation, or carrying out an investigation where they can do so objectively. An investigation will be required to establish whether or not there is a case for the instructor / employee / licence holder to answer at a formal disciplinary hearing. The investigation should be conducted without unnecessary delay. However, the nature, scale and duration of any disciplinary investigation will depend on the seriousness and complexity of the allegations being investigated and the availability of relevant parties. The person being investigated must be kept informed of the progress of the investigation and the reason for any delays.

12.2 Investigations relating to safeguarding allegations must be made with reference to Safeguarding Policies.

13 PURPOSE OF INVESTIGATION

- All the relevant facts should be gathered promptly as soon as is practicable after the incident. Statements should be taken from witnesses at the earliest opportunity. Any physical evidence should be preserved and/or photographed if reasonable to do so
- Seek the individual's initial response to the allegation
- If feedback is required from other relevant parties, this will be handled in a sensitive and appropriate way
- Form a view as to whether there is a case to answer at a formal disciplinary hearing

13.1 The instructor / employee / licence holder suspected of misconduct will be required to attend an investigatory interview. The instructor / employee / licence holder must endeavour to attend any investigatory interviews and co-operate with the investigation. Although, not formally entitled to be accompanied at this meeting by a union representative, work colleague or agreed advocate, BTC may in some cases allow this as long as it does not delay procedures in any way. It is the responsibility of the instructor/employee to make any necessary arrangements BTC reserves the right not to hold an investigation meeting and to proceed directly to a formal disciplinary meeting depending on the circumstances. If this is the case, then the instructor / employee / licence holder should be given details of the allegations made against them before the disciplinary meeting.

13.2 The instructor / employee / licence holder should make the investigation officer aware of anyone they feel should be contacted as part of the investigation. The instructor / employee / licence holder should not try to carry out their own investigation e.g. by personally getting statements from BTC from other employees, students or parents/carers.

13.3 The Investigating Officer must make an evidence-based recommendation to the person who will chair any potential disciplinary hearing to help them decide whether to organise a hearing. The remit and format of the investigation will depend on the circumstances of each case but will always be governed by the principles of reasonableness and proportionality.

14 NOTIFICATION TO ATTEND A DISCIPLINARY HEARING

14.1 Where a formal disciplinary hearing is to take place, the instructor / employee / licence holder will receive written notification ideally no less than five working days in advance. The letter will advise the employee of the following:

- The location, date and time of the proposed disciplinary hearing
- Details of the allegations
- Whether dismissal is being contemplated as a sanction
- Their right to be accompanied
- Who will be chairing the hearing (Hearing Officer)
- Who else may be attending the hearing e.g. the Investigating Officer and/or management witnesses and note taker
- The requirement for the instructor/employee to confirm in writing that they are attending, ideally at least two working days before the disciplinary hearing, providing all relevant documentation and confirming the names of their colleague/employee representative and any witnesses they may wish to call. The instructor / employee / licence holder should be informed that it is their responsibility to ensure that these people can attend.

14.2 Unless already provided, the instructor / employee / licence holder will also be given copies of any documents to be considered at the disciplinary hearing. For example:

- A copy of the investigation report
- Copies of or a summary of any statements obtained as part of the investigation. Where statements have been provided they should be signed by the person having given the statement to confirm the accuracy of the information
- Notes of any investigatory interview they attended.
- The Disciplinary and any other relevant Policies

14.3 The disciplinary hearing will not take place unless and until the instructor / employee / licence holder has had proper opportunity to consider the information supplied to them. If the instructor's / employee's / licence holder's agreed advocate is unable to attend, the instructor / employee / licence holder can ask for the disciplinary hearing to be held at a later date, normally within five working days of the date of the original hearing.

14.4 The instructor / employee / licence holder may agree to accept a sanction in lieu of a hearing.

14.5 The instructor / employee / licence holder is required to attend the hearing. The disciplinary hearing may proceed in the employee's absence where:

- The instructor / employee / licence holder has either failed to attend two disciplinary hearings without good reason (or failed to respond to at least two notifications to attend a disciplinary hearing)
- The instructor / employee / licence holder is on notice that the disciplinary hearing may proceed in their absence

- The instructor / employee / licence holder has been informed of the opportunity to provide a written statement setting out their defence to the allegations or other means by which they may present their case
- If the instructor / employee / licence holder has been certified by a doctor as unfit to participate at the hearing, they may arrange for their representative to attend in their place, and present their case
- The instructor / employee / licence holder has resigned but BTC believe an outcome should be recorded e.g. safeguarding or very serious issue

15 RIGHT TO BE ACCOMPANIED

15.1 The instructor / employee / licence holder has the right at any disciplinary hearing to be accompanied by an agreed advocate (e.g. work colleague) but not a friend, family member or legal representative. BTC will not meet any of the costs associated with the attendance of the representative at a disciplinary hearing beyond granting paid time off to a representative who is a BTC employee.

15.2 The role of the agreed advocate is to support the instructor / employee / licence holder. They should have the opportunity to ask questions of clarification and confer with the instructor / employee / licence holder. The representative should not normally answer questions on behalf of the instructor / employee / licence holder. However, if there are potential communication issues and the instructor / employee / licence holder agrees, the agreed advocate may answer questions on their behalf as long as the accuracy of the responses are checked with the instructor / employee / licence holder.

16 GRIEVANCES DURING THE DISCIPLINARY PROCESS

Where, during the course of the disciplinary process, the instructor / employee / licence holder raises a grievance connected to the disciplinary process, the grievance will be dealt with as part of the disciplinary process and will not be treated as a separate grievance under BTC's grievance procedure. In some circumstances it may be appropriate to put the disciplinary on hold while the grievance is considered and a decision made.

17 DISCIPLINARY HEARINGS

17.1 The chair of the hearing will be an appropriate senior manager who has not had any involvement in the detail of the case or the investigation and is able to be objective and impartial. Where dismissal is a possible outcome, the hearing will be chaired by a Head of a Member Organisation or a member of the Senior Management Team. A panel of two is sufficient, but they may be supported by a HR advisor if appropriate.

17.2 Format for the hearing:

The hearing officer will make appropriate introductions and describe the process. They will check that paperwork has been received and if the instructor / employee / licence holder attends without a representative the manager will check that they understood their right to be accompanied and that they are ok to proceed.

- The Investigating Officer will present the management case, summarising key aspects
- The Investigating Officer will call any witnesses or highlight key points from witness statements and direct the Hearing Officer's attention to any documents

- The instructor / employee / licence holder, their representative and the Hearing Officer will have the opportunity to ask questions of clarification of the Investigating Officer and any witnesses called
- The instructor / employee / licence holder will outline their case and call any witnesses; or refer to witness statements; and direct the Hearing Officer's attention to any documents
- The Investigating Officer and the Hearing Officer will have the opportunity to ask questions of clarification of the instructor / employee / licence holder and any witnesses called by them
- The Investigating Officer and the instructor / employee / licence holder will sum up their respective cases. If at any point during the Hearing new evidence is introduced, the Hearing Officer will consider whether and how to consider this and an adjournment may be called to enable this information to be considered. However, there must be a genuine reason for the late submission of any new information.
- The hearing will adjourn for the Hearing Officer to consider the evidence from all parties and determine what level of discipline sanction, if any, is appropriate.

18 CONFIRMATION OF THE OUTCOME OF THE DISCIPLINARY HEARING

18.1 The Hearing Officer may decide to inform the instructor / employee / licence holder and their representative of the outcome of the hearing verbally. However, this is not always possible. In any case, the instructor / employee / licence holder must always be notified of the outcome of the disciplinary hearing in writing. Written notification will normally be within 5 working days of the date of the hearing and will include:

- The reasons for upholding or not upholding any allegation of misconduct
- The details of any disciplinary warning including the level and length of the warning
- The consequence of further offences of a similar or different nature
- Any specific requirements for future conduct
- Any specific requirements in terms of training to be undertaken
- Any specific monitoring and support and by whom
- If the disciplinary sanction is dismissal, the reason and whether it is with or without notice
- The right of appeal, giving the name of the person to whom the appeal should be addressed.

18.2 If the written notification is confirming dismissal, the dismissal is effective from the date the employee receives written confirmation of the decision.

19 RIGHT OF APPEAL

19.1 An appeal must be made in writing to the CEO within 10 working days of receipt of the written confirmation of disciplinary action and must detail the grounds of appeal the basis of an appeal should normally relate to one of the following areas:

- That BTC's procedure had not been followed correctly
- That the resulting disciplinary action was inappropriate
- That the need for disciplinary action was not warranted

- that new information regarding disciplinary action has arisen

19.2 Appeals will be heard by the CEO, Head of a Member Organisation or a senior manager not involved in the original disciplinary hearing. HR advice may be sought. The appeal will generally be held within 5 working days of receipt of the appeal later.

19.3 The appeal hearing officer will consider whether the original decision was a reasonable response given the circumstances of the case. An appeal may overturn the sanction or apply a lesser sanction. An appeal will not usually impose a more severe penalty.

19.4 The outcome of the appeal must be confirmed in writing ideally within 5 working days of the appeal hearing. If a decision to dismiss has been overturned, the instructor / employee / licence holder will be reinstated with no break in service. The instructor / employee / licence holder will be informed that there is no further right of appeal.

