

YIHA Disciplinary Procedure

1. Purpose and Scope

This procedure is designed to help and encourage all YIHA employees, tutors, trainees and volunteers (referred to in this policy as individuals working for or representing the YIHA) to achieve and maintain standards of conduct, attendance and performance. This procedure follows the principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures. The aim is to ensure consistent and fair treatment for everyone involved in the activities of the organisation (YIHA).

The associated Code of Conduct document applies to all teaching staff representing the YIHA, particularly Yoga4Health programme tutors.

2. Principles

- Informal action will be considered, where appropriate, to resolve problems.
- No disciplinary action will be taken against any one representing or working for the YIHA until the case has been fully investigated, unless the cause for concern calls for an immediate action due to a serious event such as the breach of YIHA policies and code of conduct, breaking the law, causing harm or placing anyone in danger of harm or gross misconduct as cited herein . The procedure may be implemented at any stage if the individual's (working for or representing the YIHA) alleged misconduct warrants this.
- For formal action the individual will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting.
- The individual will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- At all stages of the procedure the individual will have the right to be accompanied by a trade union representative, or work colleague.
- No one working for or representing the YIHA will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
- The individual will have the right to appeal against any disciplinary action.

3. The Procedure

Preliminary Investigation

An impartial investigation will be carried out before any formal disciplinary action. The purpose is to establish facts and ensure fairness.

First stage of formal procedure

This will normally be either:

- an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 12 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance

or

- a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after a specified period (eg, six months).

Final Written Warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

Dismissal or Other Sanction

If there is still further misconduct or failure to improve performance the final step in the procedure may be dismissal from the YIHA role or some other action short of dismissal such as demotion or disciplinary suspension from teaching YIHA programmes. Dismissal decisions can only be taken by the appropriate senior YIHA Board Member, and the individual will receive the reasons for dismissal in writing, including the date on which their role with the YIHA will terminate, and their right of appeal.

If some sanction short of dismissal is imposed, the individual will receive details of the complaint, will be warned that dismissal could result if there is no satisfactory improvement, and will be advised of the right of appeal. A copy of the written warning will be kept by the YIHA but will be disregarded for

disciplinary purposes after 12 months subject to achievement and sustainment of satisfactory conduct or performance.

Gross Misconduct

The following list provides some examples of offences which are normally regarded as gross misconduct:

- theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of an organisation's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment including certain breaches of the YIHA Equality, Diversity and Inclusion Policy
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules and YIHA Health and Safety Policy
- a confirmed safeguarding concern
- a serious breach of confidence.

This list is not exhaustive.

If you are accused of an act of gross misconduct, you may be suspended from working for or representing the YIHA, normally for no more than five working days, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the YIHA is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Confidentiality

All disciplinary matters will be handled confidentially. Information will only be shared with those directly involved in the process.

Appeals

An individual who wishes to appeal against a disciplinary decision must do so within five working days. The senior YIHA Board Member will hear all appeals and his/her decision is final. At the appeal any disciplinary penalty imposed will be reviewed.

Change Record

Date Change:	of Changed By:	Comments:
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02.12.2022	AJC	Reviewed and revised
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