

Beltane Fire Society Disciplinary Procedure



- 1. INTRODUCTION**
- 2. PURPOSE**
- 3. SCOPE**
- 4. GENERAL PRINCIPLES**
 - 4.1. Confidentiality
 - 4.2. Anonymity of Witnesses
 - 4.3. Role of the Investigation Panel
 - 4.4. Role of the Nominated Officer
 - 4.5. Right to be Accompanied
 - 4.6. Meetings and Interviews
 - 4.7. Criminal Offences
 - 4.8. Outcomes and Timescales
 - 4.9. Other Considerations
- 5. DISCIPLINARY PROCEDURE**
 - 5.1. Initiating a Disciplinary case
 - 5.2. Assigning Roles
 - 5.3. Investigation
 - 5.3.1. Investigatory Interviews
 - 5.3.2. Other Evidence
 - 5.3.3. Key Considerations
 - 5.3.4. Widening of Investigation
 - 5.3.5. Investigation Report
 - 5.4. Outcome
 - 5.4.1. No Formal Disciplinary Action Justified/Informal Action
 - 5.4.2. First Warning
 - 5.4.3. Final Warning
 - 5.4.4. Serious Disciplinary Action, Dismissal and Termination of Membership
- 6. APPEAL MECHANISMS**
- 7. MOVEMENT BETWEEN PROCEDURES**
- 8. GLOSSARY OF TERMS**

Beltane Fire Society Disciplinary Procedure



1. Introduction

Beltane Fire Society (BFS) has developed and agreed a code of conduct, known as the Principles of Participation, which applies to all volunteers, members, contractors and employees. The underlying goal is to create an inclusive, welcoming and collaborative environment for everyone in our society.

In the event that BFS becomes aware of a volunteer, member or other BFS community member breaching these principles or the requirements of the role they take on, either at a BFS event or in situations directly connected to their involvement with BFS, disciplinary action may be taken.

Confidentiality, diligence, fairness, and impartiality are key features of this procedure. No one should receive less favourable treatment on the grounds of their sex, race, religion/belief, disability, age, marital status, sexual orientation, gender reassignment, or maternity as stated in the Equality and Diversity Policy.

This procedure will only be applied when a grievance or dispute cannot be resolved informally through discussion with those involved.

2. Purpose of Procedure

The Disciplinary Procedure assists in setting and monitoring expectations for conduct and behaviour. It provides a framework for dealing with instances where a volunteer or member is alleged not to have met the required standards set out in the BFS Policies.

While BFS is a volunteer organisation, in the interests of best practice this Procedure is intended to comply with the provisions of the ACAS Code of Practice on Disciplinary and Grievance Procedures and the ACAS Guide on Discipline and Grievances at Work.

3. Scope of Procedure

The Procedure relates to matters of misconduct and applies to all current members, volunteers, employees, contractors and consultants of BFS. Issues with other parties external to BFS may be address using the Grievance Procedure.

The Board reserves the right to implement the procedure at any stage, as set out below, taking into account the nature of the alleged misconduct. Appendix 1 provides examples of disciplinary offences that may constitute misconduct or gross misconduct. These examples are illustrative and not an exhaustive list. If it is felt that the issue would be handled better under a different procedure, the Board will, where necessary, determine the most appropriate procedure to be used for each specific circumstance.

There are occasions when an individual who is under investigation may wish to raise a grievance. Where this situation arises, this does not automatically mean that the disciplinary process will be

Beltane Fire Society

Disciplinary Procedure



paused. Where possible the grievance will be considered as part of the disciplinary procedure in order to ensure a swift resolution to the disciplinary matter.

4. General Principles

4.1. Confidentiality

Confidentiality should be maintained by all parties throughout the Disciplinary Process and after its conclusion. Information about an ongoing investigation may only be shared by the Investigation Panel, where appropriate, with the individual under investigation, witnesses, Nominated Officer and the BFS Board of Trustees (with the exception of trustees with a conflict of interest).

Anyone found to have breached this confidentiality may be subject to disciplinary action.

4.2. Anonymity of Witnesses

It may be necessary to interview individuals other than the person under investigation. It should be made clear to each witness that the content of their statement may be shared with the person under investigation (i.e. in the event that disciplinary action is necessary). If a witness requests to remain anonymous, it is important that the investigation panel is satisfied with the motives of the individual for wishing to remain anonymous and that they seek corroborative evidence where possible.

All witnesses must be aware that anonymity will not be guaranteed and if the matter results in tribunal or other legal proceedings, the witness may be subject to a witness order requiring their attendance at the tribunal to provide evidence in the proceedings.

4.3. Role of the Investigation Panel

The Investigation Panel, ordinarily comprised of members of the BFS Board of Trustees, will act as Investigating Officers and will be involved in all stages of the procedure. In exceptional circumstances, the Board may decide to include other individuals in the Panel. One member of the panel will be appointed as the lead Investigating Officer. The individual under investigation will be advised of the chosen composition and roles of the Panel.

The panel is responsible for conducting the investigation, communicating with the complainant and reporting the outcomes to the Nominated Officer (if applicable) and the Board.

4.4. Role of the Nominated Officer

The Nominated Officer is an optional role that may be appointed from the Board of Trustees to advise on correct procedure and provide impartial oversight as required. This role may be useful if the investigation panel is comprised of investigation officers with little or no prior investigation experience.

Beltane Fire Society

Disciplinary Procedure



Inclusion of this role may be requested by either the Board or the Investigation Panel. The Nominated Officer should have previous experience with grievance investigations and have a good overall knowledge of the formal procedure.

If a Nominated Officer is appointed, all investigation reports and outcome letters should be reviewed and approved by the Nominated Office prior to delivery. The Nominated Officer may also take part in interviews and meetings as required by the Investigation Panel.

4.5. Right to be Accompanied

All interviewees are entitled to be accompanied at any formal meeting under this procedure by a Group Organiser (GO), fellow group member, or another trusted person. A request to be accompanied must be 'reasonable', ie the companion should not be someone who will prejudice the meeting.

A companion may:

- Ask questions on the interviewee's behalf;
- Present and summarise the interviewee's case;
- Confer with the interviewee during the meeting;
- Request adjournments (pauses, breaks or rescheduling);
- Take care of the interviewee's wellbeing through the process.

A companion may not:

- Answer questions on the interviewee's behalf;
- Address the meeting against the interviewee's wishes;
- Prevent the Investigating Officer or Nominated Officer from explaining the case or asking questions.

Legal representation will not normally be permitted. Such representation will only be permitted in exceptional circumstances at the discretion of the Board.

4.6. Meetings and Interviews

As part of the investigation process, there may be a requirement to hold interviews with the complainant and/or witnesses. If an interviewee has a disability (as defined by the Equality Act 2010) then it is strongly recommended that they make this known at the outset of this procedure and arrangements for any formal meeting under this procedure will include consideration of any requirements for reasonable adjustments.

The Investigation Panel may hold internal meetings to discuss and review the case. Any such meetings will be minuted and the minutes will be kept as part of the overall case documentation.

The use of any form of electronic recording device is strictly prohibited during any meeting under this procedure unless agreed in advance. Any recordings made are subject to confidentiality as

Beltane Fire Society

Disciplinary Procedure



stated under section 4.1 of this procedure. Should BFS later find that any recording devices were used without proper knowledge or consent, this will be regarded as a serious breach of trust and confidence and can result in disciplinary action.

Complainants and those subject to this procedure should be aware that any non-engagement in any aspects of the investigation within agreed timescales may result in a decision being made in their absence and on the information available. Behaviour during an investigation interview of an abusive or violent nature can result in the early termination of the interview and/or disciplinary action.

4.7. Criminal Convictions

If a BFS volunteer or member is cautioned, charged with, or convicted of, a criminal offence outwith their involvement with BFS, this will not in itself be considered as a reason for disciplinary action unless it has a direct impact in their involvement in BFS.

Where they are cautioned, charged with or convicted of an offense which took place in a BFS context or has a direct impact on BFS or its members, consideration will be given to the relevance and potential effect it may have on their continued involvement with BFS, particularly in relation to their suitability to hold positions of authority and the impact it may have on others.

It is not always necessary to wait for the outcome of criminal proceedings before taking disciplinary action. If the individual refuses or is unable to co-operate with this procedure, e.g. they have been imprisoned, they will be advised in writing that a disciplinary decision will be taken on the basis of information available.

4.8. Outcomes and Timescales

Complainants will be informed of the investigation outcome in writing. They have the right to appeal against the decision as detailed in Section 6 of this procedure. Full details of the types of outcomes that may be applied as a result of a Disciplinary are detailed in section 5.4.

Whilst every reasonable effort will be made to adhere to the timescales contained in this Procedure, it is recognised that due to the complexity or specific circumstances of particular cases, timescales may necessarily require to be extended. In such circumstances, the complainant will be advised in writing of the reasons for an extended timeline.

In the event that an Investigation is likely to carry over to a new board term, the Board will be required to discuss the composition of the Panel going forward. They may choose to appoint new Investigating Officers at the start of the next Board term or, if appropriate, they may choose to retain one or more of the existing Investigating Officers (even if they will no longer be members of the Board). If new Investigating Officers are appointed, the outgoing Panel will be required to conduct a handover meeting. Complainants should be notified of any changes to the Investigation Panel.

Beltane Fire Society

Disciplinary Procedure



4.9. Other Considerations

If, after commencing the Disciplinary Procedure, the Investigation Panel considers that the issue should have been dealt with or could be better dealt with under an alternative policy or procedure, the case can be transferred to that different policy or procedure and the complainant should be informed accordingly.

Where an allegation of emotional, physical or sexual abuse is made against a BFS Member by or on behalf of a child or adult at risk, the investigation shall be undertaken within the terms of other relevant policies.

5. Disciplinary Procedure

5.1. Initiating a Disciplinary Case

Disciplinary cases must be initiated within 6 months of the alleged incident(s). This is to ensure the investigation panel is able to conduct their investigation with quality evidence (i.e. while the incident is fresh in people's memories) and reach their conclusions in a timely fashion so as to prevent any further incidents occurring.

A disciplinary can be raised through the following routes:

- Allegation submitted directly to the Board
- Allegation communicated to a GO/Blue, who then escalates it to the Board
- Board opt to initiate an investigation based on observations or concerns
- Transfer from another procedure (e.g. a Grievance or an unsuccessful Resolution attempt)

The Board will jointly make the decision to initiate a Disciplinary investigation. At this point a panel of investigating officers and a nominated officer will be appointed at the next Board meeting.

The Chair/Trustee will send a written communication (email or letter) to the individual under investigation within 7 days of the decision to start a Disciplinary investigation.

5.2. Assigning Roles

The Board as a whole is responsible for appointing the investigation panel. The panel must comprise of at least two people, which must include at least one Board Trustee. Selection will be dependent on experience, availability and suitability for that particular case.

Initial tasks that the panel must carry out include:

- Creating a secure folder in the Board file structure for all investigation documentation;
- Allocate a Case ID number to allow inclusion on agendas whilst maintaining confidentiality;
- Appointing a lead Investigating Officer;
- Setting out any other roles to be undertaken by individual Investigating Officers, e.g. main contact, lead interviewer, etc.

Beltane Fire Society

Disciplinary Procedure



Notification of Roles: As soon as the roles have been appointed, the main contact will issue a further communication to the complainant to provide the following information:

- The names of the investigating officers;
- The name of the investigating officer acting as their main contact;
- The name of the nominated officer (where applicable);
- A summary of the allegations;
- A confidentiality statement; (see section 4.1);
- A copy of the BFS Disciplinary Procedure

5.3. Investigation

Investigations will commence as soon as is reasonably practicable following the appointment of the Investigation Panel. No action will be taken as a result of a disciplinary case until the case has been fully investigated.

Preliminary Fact Finding: It may be appropriate to conduct a preliminary fact finding investigation first to establish the facts. This would normally be when the scope of the grievance or the allegations are unclear at the outset. At the conclusion of the preliminary fact finding investigation the outcome could be that no further action is taken or that a more detailed investigation is required.

Timescales: The Panel will seek to conclude the investigation within a reasonable timescale. Where this is not reasonably practicable, the Panel will notify the complainant in writing of the reasons a longer period is required and update the Nominated Officer and Board.

5.3.1. Investigatory Interviews

Complainant Interviews: If required, the Panel will contact the complainant as soon as reasonably practical to request an interview.

Witness Interviews: Other key witnesses may also be interviewed as they are identified during the course of the investigation. The purpose of interviews with witnesses is to seek to establish the facts from others who were involved. This ensures a balanced and fair investigation.

Number of interviews: Depending upon the circumstances and/or complexity of the case, more than one investigatory interview with any interviewee may be required.

Right to be Accompanied: Interviewees may choose to be accompanied, as specified in Section 4.3 of this procedure.

Interview location: Interviews must take place in a location that allows for private, confidential sharing of information.

Documenting Interviews: A note will be taken of the responses given during an investigatory interview which will be produced as a typed statement and sent electronically or in hard copy to the interviewee for confirmation. The interviewee may append information which provides clarification. Interview statements will comprise part of the evidence presented in the final investigation report.

Beltane Fire Society

Disciplinary Procedure



Verifying Statements: The final statement will be signed and dated if paper copy, or sent with a covering e-mail from the interviewee's email account. An email audit trail in this way will constitute an acceptable alternative to a signature. Where the Investigation Panel does not concur with the amendments put forward by the interviewee then those comments will be appended to the statement for the Nominated Officer to consider. Those involved in the provision of statements will be given a definitive timescale to return their statement - normally 1 week from date of receipt.

5.3.2. Other Evidence

During the investigation, the Investigation Panel will also gather any relevant documents and materials as evidence. This may include, but is not restricted to:

- Copies of policies and procedures;
- Recordings (video, photography, audio);
- E-mails;
- Meeting minutes and agendas.

5.3.3. Key Considerations

Key considerations that the Panel will seek to address during their investigation include:

- Did the incident(s) occur within a BFS context?
- Have any BFS policies and procedures (e.g. principles of participation) been violated?
- Has a criminal offence been committed?
- What has been the impact upon the complainant or others?
- Was the complainant or any implicated individuals in a position of responsibility at the time?

5.3.4. Widening of Investigation

If further incidents take place during the course of the investigation or other allegations of misconduct come to light (either connected or unconnected to the original allegations), the investigation should be widened to include these allegations.

A letter should be sent to the individual under investigation advising of a widening of the investigation which details both the original allegations and the additional allegations.

5.3.5. Investigation Report

The Panel will produce a written report which presents their findings of the investigation and include with this relevant appendices of all final signed or 'email audit trail' statements and any other relevant documents gathered in the course of the investigation.

The panel should also prepare a summary for the board which documents the process and outcomes. The summary will be presented during the next Board Meeting. Any members of the board involved in the circumstances directly relating to the disciplinary will be required to leave the

Beltane Fire Society

Disciplinary Procedure



room during the presentation. Proposed actions should be put forward for discussion, approval and ratification either immediately or, if further time is required for discussion, at the next board meeting.

5.4. Outcome

After an investigation has taken place, the Panel should consider the following options for moving forward:

- **There is no case to answer:** the Panel will write to the individual, providing them with the findings and outcome of the investigation, and invite them to discuss the reason for the decision to take no disciplinary action.
- **The matter is dealt with via informal action:** The Panel will write to the individual, providing them with the findings and outcome of the investigation, and will invite them to attend a meeting to explain the outcome and the actions required (e.g. support and training)
- **There is a disciplinary case to answer:** the Panel will present the findings to the Board who will then collectively agree on the disciplinary outcome. Once an action has been agreed, the Panel will write to the individual, providing them with a copy of the Investigation Report and its appendices, and advise on the outcome and any resulting actions.

The Panel and Board should take into account the following points before deciding which outcome, if any, is appropriate:

- The nature and seriousness of the misconduct;
- The individual's disciplinary record (including any current warnings), general BFS record and length of service;
- Any special or mitigating circumstances;
- Whether the sanction is reasonable in all the circumstances;
- Consistency with BFS's application of the Disciplinary Procedure and rules;
- Whether any training, additional support or adjustments are necessary or appropriate; and
- Whether there is an appropriate alternative to dismissal/termination of membership and if not, why not.

If there is a disciplinary case to answer, the possible disciplinary outcomes are:

- No formal disciplinary action justified;
- Informal action, such as counselling/personal development;
- First warning;
- Final warning; or
- Serious disciplinary action, dismissal and restriction from volunteering or participation.

For all the levels of warning, performance and conduct within BFS will be monitored for a defined period of time.

Beltane Fire Society

Disciplinary Procedure



5.4.1. No Formal Disciplinary Action Justified/Informal Action

Where the Board considers that no formal disciplinary action is justified, they will inform the individual of the findings and outcome in writing. Arrangements for any informal actions should be put in place at this time.

In these circumstances the individual will not be monitored any further and the investigation will not have any impact on their future involvement with BFS or any other investigations.

5.4.2. First Warning (six months)

A First Warning may be given where there has been either a minor breach in conduct which remains unresolved by informal action or a first, more serious breach of discipline. A letter detailing the outcome will be issued by the Panel within 7 days of the Board decision and will detail the following:

- The level of formal warning;
- The nature of the unsatisfactory matter(s) dealt with at the Hearing;
- The action required by to remedy the matter;
- Where appropriate, the additional support measures that will be put in place to encourage the required improvement in conduct or performance;
- That subsequent failure in conduct or performance of duties will normally result in further, more serious disciplinary action or dismissal from role (for final warning);
- That a copy of the formal warning letter will be retained in line with the Records Management Policy;
- The date from which the warning will normally expire; and
- The right of appeal.

Performance/conduct should be monitored for a period of 6 months. After 6 months, a member of the Board should meet with the individual and confirm if there has been satisfactory performance or conduct during the warning period (the individual has the right to be accompanied by a trusted person at this meeting).

If satisfactory, the warning will expire and the Board will confirm this to the individual in writing. If not satisfactory, the Board may be choose to extend the sanction period. An extension will only happen on one occasion, thereafter further disciplinary action will be taken. There is no appeal against an extension of a sanction period.

5.4.3. Final Warning (Twelve months)

A Final Warning may be issued where:

- An individual who has been issued with a First Warning fails to achieve and maintain the required improvement in conduct;

Beltane Fire Society

Disciplinary Procedure



- An individual who has been issued with a First Warning commits a further act or omission warranting disciplinary action; and/or
- The individual's misconduct is considered to be sufficiently serious to warrant this level of disciplinary action.

A letter detailing the outcome will be issued by the Panel within 7 days of the Board decision and will detail the following:

- The level of formal warning;
- The nature of the unsatisfactory matter(s) dealt with at the Hearing;
- The action required by to remedy the matter;
- Where appropriate, the additional support measures that will be put in place to encourage the required improvement in conduct or performance;
- That subsequent failure in conduct or performance of duties will normally result in further, more serious disciplinary action or dismissal from role (for final warning);
- That a copy of the formal warning letter will be retained in line with the Records Management Policy;
- The date from which the warning will normally expire; and
- The right of appeal.

Performance/conduct should be monitored for a period of 12 months. After 12 months, a member of the Board should meet with the individual and confirm if there has been satisfactory performance or conduct during the warning period (the individual has the right to be accompanied by a trusted person at this meeting).

If satisfactory, the warning will expire and the Board will confirm this to the individual in writing. If not satisfactory, the Board may choose to extend the sanction period. An extension will only happen on one occasion, thereafter further disciplinary action will be taken. There is no appeal against an extension of a sanction period.

5.4.4. Serious Disciplinary Action, Dismissal and Restriction from Volunteering

Dismissal and serious disciplinary action may be taken where:

- An individual who has been issued with a Final Warning commits a further act warranting disciplinary action; or
- The individual's misconduct is considered to be sufficiently serious to warrant this level of disciplinary action without prior warning(s).

On the basis of the information presented the Board may decide:

- To demote and/or transfer to another suitable role in conjunction with a Final Warning;

Beltane Fire Society

Disciplinary Procedure



- To dismiss the individual from their current role with immediate effect (with or without restrictions on future roles) in conjunction with a Final Warning; or
- In the case of gross misconduct, to dismiss the individual from their current role and ban them from participating again in that role (or any other BFS volunteering roles if appropriate) with immediate effect.

An individual subject to serious disciplinary action/dismissal can opt to terminate their membership of BFS, in which case the termination of membership will be confirmed to them in writing by BFS.

If demotion or transfer to another role has been explored and no suitable roles have been identified then the individual will simply be dismissed from their current role.

Where a decision of demotion, transfer or dismissal is taken, the Panel will confirm in writing the following to the individual in writing:

- That this constitutes serious disciplinary action as an alternative to restriction of all BFS volunteering activities;
- The precise serious disciplinary action that will be taken e.g. transfer to another role, and the effective date;
- That this action is taken in conjunction with a Final Warning, i.e. will remain live for a period of 12 months;
- The nature of the unsatisfactory matter(s);
- The date(s) of any previous formal warning(s);
- The action required by the individual to remedy the matter;
- Where appropriate, the additional support measures that will be put in place to encourage the required improvement in conduct;
- That subsequent failure in conduct will normally result in a complete restriction in all BFS volunteering roles;
- That a copy of the formal warning letter will be retained in line with the Records Management Policy;
- The date from which the warning will normally not apply for disciplinary purposes;
- The right of appeal; and
- That where the individual does not accept serious disciplinary action as an alternative to restriction of all volunteering activity, restriction of volunteering activities must be confirmed in writing.

Where a decision is taken to restrict an individual from holding any voluntary roles within BFS, the Panel will write to the individual to confirm:

- That the restriction of type/all voluntary activity and the date of restriction;
- The reason(s) for restriction;
- The nature of the unsatisfactory matter(s);
- The date(s) of any previous formal warning(s);
- That a copy of the formal warning letter will be retained in line with the Records Management Policy;

Beltane Fire Society

Disciplinary Procedure



- The employee's right of appeal; and
- That a record of the restriction will be kept and referred to in any subsequent requests to participate in BFS events.

6. Appeal Mechanisms

The individual under investigation may submit notification of the intention to appeal to the Chair/Panel within 2 weeks of receipt of a Disciplinary Outcome letter. Upon receipt, a copy of the Investigation Report should be provided. References to confidential information should be redacted from the Report prior to sending.

Once they have received the Report, their appeal should be made in writing, with reference to original allegation(s), the reason that they are not satisfied with the outcome and what outcome they are seeking.

An appeal may be sought on the following grounds:

- Evidence was misinterpreted;
- New evidence has come to light;
- The disciplinary process was not followed correctly;
- The outcome(s) do not match the findings of the investigation

The Board retains the right to reject an Appeal if it does not meet the criteria set out above. In such instances, no further action will be taken and the case will be considered closed.

The appeal will be presented to the BFS Board of Trustees at the next Board meeting for deliberation. Any members of the board implicated in the grievance will be required to leave the room during the discussion.

If appropriate, the Board may choose to reform the Investigation Panel to re-evaluate the evidence and the outcomes reached. The new Panel should not include any members of the original Panel.

The outcome of the meeting will be provided to the complainant in writing within 1 week.

7. Movement Between Procedures

If, after commencing the Grievance or Disciplinary Procedure, the Panel, considers that the concern could be more appropriately addressed under an alternative policy or procedure, the case will be transferred to that different policy or procedure.

In all cases, those involved will be informed in writing of the reasons for the movement between procedures.

Beltane Fire Society

Disciplinary Procedure



8. Glossary of Terms

Interviewee - A person who is interviewed as part of the investigation process. This may be the complainant, a witness

Member - refers to any individual who has been a recent BFS volunteer. Volunteers are considered to be members of BFS up to 3 year of their last voluntary participation in a festival. Within festival periods, an individual may be considered both a volunteer and a member.

Volunteer - Refers to individuals taking part in a current BFS event. Their volunteer status lasts from their initial group subscription to the end of the final festival event. Volunteers can include:

- Performers
- Stewards
- BFS photographers
- Tech
- Group helpers

Witness - Any individual who is asked to provide evidence, either verbally or in writing, during the course of the investigation.

THIS POLICY WAS FORMALLY APPROVED BY THE BFS BOARD ON:	31 JULY 2017
LAST REVIEWED:	31 JULY 2017