

# PLYMOUTH ARENA

## DISCIPLINARY POLICY

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RESPONSIBLE PERSON: RICHARD FINDLAY

DATE FOR RENEWAL: NLT 5 YEARS

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INDEPENDENT.  
YOURS.**

# DISCIPLINARY POLICY

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## PURPOSE

This policy is designed to help and encourage all employees achieve and maintain standards of conduct and job performance. Plymouth Arena rules and procedures apply to all employees. The aim is to ensure consistent and fair treatment for all.

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## SCOPE

This policy and procedure applies to all employees that work for Plymouth Arena.

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## POLICY

The Disciplinary Policy is central to the way we operate and as such, the overall responsibility for its implementation rests with the Chief Executive and Management Team.

The Chief Executive and Management Team will, through the delivery and implementation of this policy and associated tools, ensure that all managers receive appropriate instruction to support their understanding of the Disciplinary Policy and enable them to consistently apply the principles therein.

Managers, coordinators and supervisors have specific responsibilities to ensure that their decisions do not discriminate unlawfully against members of their team and that any corrective action taken is within the bounds of this policy and subsequently current legislation and best practice.

The Chief Executive and Management Team will:

- Endorse and support the policy
- Ensure all line managers and employees are made aware of the policy and their responsibilities within it
- Review the policy annually and amend as necessary to reflect legislative or best practice changes

Plymouth Arena will ensure no disciplinary action will be taken against an employee until the case has been fully investigated.

At every stage in the procedure, the employee will be advised in writing of the nature of the complaint against them and will be given the opportunity to state their case before any decision is made.

At all stages, the employee will have the right to be accompanied by an accredited trade union representative or work colleague during the disciplinary interviews.

No employee 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.

An employee will have the right to appeal against any disciplinary penalty imposed.

The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

## AVAILABILITY OF THE POLICY

A copy of this policy is available to all current employees:

- As part of their staff induction
- On the administration drive

## CONCLUSION

Plymouth Arena strongly believe that it is in everyone's best interest to give the fullest consideration to the circumstances in any disciplinary action. The Disciplinary Policy is designed to help and encourage all employees to achieve and maintain standards of conduct and sets out the framework for dealing with disciplinary matters. The aim is to ensure consistent and fair treatment of all employees.

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## ENFORCEMENT

### MANAGERS, COORDINATORS AND SUPERVISORS

Managers, coordinators and supervisors are responsible for their staff reading this policy and procedure and ensuring compliance with consistent and fair application within their areas of responsibility.

### INDIVIDUAL EMPLOYEE RESPONSIBILITY

Every employee has a responsibility to follow Plymouth Arena procedures regarding conduct.

An employee's responsibilities are to ensure that they:

- Take full accountability for their actions and inactions
- Maintain expected and reasonable conduct at work
- Attend and participate in relevant meetings
- Comply with the company's policies and procedures

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## PROCEDURE

### FORMAL INVESTIGATION

The purpose of an investigation is to gain as much information as possible and is a fact finding mission in order to consider the appropriate action required. This should include collating evidence via an interview or through statements from witnesses and / or from relevant employees. When addressing an allegation, managers should be clear about the nature of the complaint and decide if what has taken place could be reasonably considered to have caused offence.

The employee or employees that have had allegations made against them should be notified that allegations have been made prior to an investigation being carried out. It is important that both parties involved in a grievance or complaint are updated throughout the investigation process. In more serious cases, it may be necessary as part of the investigation to speak with several employees.

Managers should take necessary steps to ensure employees are able to continue their normal day-to-day working activities without hindrance and that any allegations that have been raised are handled professionally and sensitively.

It is important to note that an investigation may not result in disciplinary action, it is down to the appointed investigating officer to present evidence to the appointed disciplinary officer and decide whether further action is necessary. Formal investigations should run in the following order:

- The meeting should be opened formally with the main objective of the meeting stated.
- All present should be introduced and their roles clarified and the role of the employee's representative (if in attendance) outlined.
- The format of the meeting should be explained.
- When commencing the main part of the interview, set out the reason for the meeting.
- The investigating officer should have clear objectives and questions to ask the employee.
- The investigating officer should use probing questions to draw further information and to establish the facts of the circumstances.
- Copies of the investigation meeting notes can be given upon request to the staff members that attended.

Following the investigation process, if it is decided that further action is necessary, the following disciplinary procedure will be taken. If no further action is to be taken, all parties involved in the grievance and/or complaint are to be notified.

## **DISCIPLINARY**

Minor misdemeanors will be discussed informally but where the matter is more serious, the following procedure will be used:

- You will be given a written statement setting out why disciplinary action is being taken against you
- You will have the right to be accompanied by a work colleague or union representative
- The case against you will be stated and you will have the right to respond. After the meeting, you will be given the decision reached by the person taking the disciplinary meeting.

### **STAGE 1 – WRITTEN WARNING**

If the offence is serious, or if a further offence occurs following advice given informally, a written warning will be given by the manager. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 2 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept by the management team and given to you and a trade union rep (if involved).

The warning will be disregarded for disciplinary purposes after 12 months, subject to satisfactory conduct and performance.

### **STAGE 2 – FINAL WRITTEN WARNING**

If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but insufficiently serious to justify dismissal (in effect both first and final written warning), a final written warning will normally be given to the employee. The trade union rep will be advised accordingly (if involved).

The warning will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on file by the management team but it will be disregarded after twelve months (in exceptional cases the period may be longer), subject to satisfactory conduct and performance.

### **STAGE 3 - DISMISSAL**

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, dismissal will normally result. Only a senior manager can take the decision to dismiss. The employee will be provided with, as soon as reasonably practicable, written reasons for dismissal, the date on which employment will terminate and the right of appeal.

## **GROSS MISCONDUCT**

The following list provides examples of offences which are regarded as gross misconduct (this list is not exhaustive):

- Theft
- Fraud
- Deliberate falsification of records
- Fighting and/or assault on another person
- Deliberate damage to company property
- Incapability through alcohol or being under the influence of illegal drugs
- Serious negligence which causes unacceptable loss to the company
- Damage or injury
- Serious act of insubordination
- Failure to undergo a medical examination.
- Posting derogatory, offensive, discriminatory, or defamatory comments online (for example, on social media websites) about the company, its employees, customers or otherwise conducting themselves online in a way that is detrimental to the company or brings the company into serious disrepute.
- Actions likely to bring the company into disrepute, even if done in your own time.

If you are accused of an act of gross misconduct, you may be suspended from work on full pay (for a maximum of 5 shifts), normally for no more than five working days, while the management team investigates the alleged offence. If, on completion of the investigation and the full disciplinary procedure, the company is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

## **APPEALS**

Every employee that has received a disciplinary warning has the right of appeal. This should be received at the same time as the warning. The time limit within which any appeal should be made is five working days.

An employee who wishes to appeal against any formal sanction of the disciplinary procedure should inform the senior manager in writing within five working days, stating the reason for the appeal. An appropriate senior manager will hear the appeal as soon as possible. At the appeal, any disciplinary penalty imposed will be reviewed but cannot be increased.

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## **ADDITIONAL INFORMATION**

More information on disciplinary action at work can be found here:

<https://www.gov.uk/disciplinary-procedures-and-action-at-work>

<http://www.acas.org.uk/index.aspx?articleid=2179>