

Disciplinary Procedure (Code of Conduct Breaches)

This procedure should be read alongside, and practiced in accordance with, the Horncastle Theatre Company Code of Conduct, Complaints Procedure, and Privacy Policy.

1. Identification of concern; initiation; suspensions

A disciplinary process is formally opened **when a potential breach of the Code of Conduct is identified and recorded in writing** by the Management Committee.

A concern may arise from:

- observation of conduct
- safeguarding concerns
- repeated minor issues escalating
- reports from members or volunteers (which do not constitute a formal complainant-led process)

A disciplinary matter is considered *formally initiated* at this point and shall not be refused, blocked, or delayed based on insufficient detail. There should be no substantive discussion of the allegations at this stage beyond acknowledgement, any clarification strictly necessary to identify the nature of the alleged breach and avoid potential conflicts of interest in handling the matter, and determine whether interim measures (such as suspension or temporarily restricted duties) may be necessary. Where an allegation involves an individual in a position of authority, they must not determine whether the matter proceeds. The Subject/s of the concerns may be notified of the existence of the disciplinary process, but no further detail provided at this point where doing so could:

- compromise evidence
- undermine fairness.

If the breach is considered sufficiently serious, and it is considered absolutely necessary to protect the Charity, volunteers or the general public from immediate risk, suspension of membership or restriction of duties may be appropriate while the matter is investigated, limiting the Subject/s' participation in HTC events. Such measures are precautionary only and do not imply guilt.

Although it is expected that all informal routes are exhausted before initiating a formal disciplinary process, this shall not be sufficient grounds on which to refuse to proceed if it is considered that informal resolution is impossible or inappropriate. All disciplinary matters should be handled confidentially on a strictly 'need to know' basis, until a decision is reached, to protect the integrity and fairness of the investigation.



2. Appointment of Independent Decision Maker and Protected Disclosure

The Independent Decision Maker/s must be appointed within a reasonable time of receiving the complaint. Subject/s may object to the appointment **only on reasonable grounds**, such as:

- prior involvement in the matter
- clear bias or conflict of interest

They may not object simply because:

- they dislike the person
- they believe the outcome may be unfavourable
- they want to delay or control the process

If no objection is raised within a specified timeframe, or if any objections are not upheld, the appointment will stand.

The Decision Maker/s should be appointed based on appropriate seniority or experience; ability to act impartially; absence of conflict of interest. The Decision Maker/s may be a member of the Management Committee, another member, or an external individual. Individuals involved in initiating or managing the concern shall not act as Decision Maker/s in the same matter where a conflict of interest exists or could reasonably be perceived.



3. Investigation Stage

The Decision Maker/s will determine the scope of the investigation and may meet with anyone else they feel is relevant to establish the facts of the matter. The Decision Maker/s must also invite the Subject/s to meet to provide their perspective, answer clarifying questions, and ensure there is a fair right of reply to the allegations. The Decision Maker/s will determine the order and format of meetings in a way that ensures fairness to both parties. The Subject/s must be provided with sufficient detail of the complaint in advance of any meeting to allow a fair opportunity to respond, except where strictly necessary to preserve the integrity of the investigation. The Subject/s may provide written representation, attend meetings, present evidence, and identify witnesses.



6. Decision Stage

Once the Decision Maker/s are satisfied they have all the information they require to make a decision based on the balance of probabilities, they should decide whether or not a breach occurred, and if so, whether formal action is required. The outcome must be recorded in writing, including the reasons for the decision, and provided to the Subject/s within a reasonable timeframe.

The Decision Maker/s should also make recommendations to the Management Committee as to how to resolve the disciplinary process, regardless of outcome, including but not limited to: informal resolution, feedback or guidance; mediation; oral warning; first written warning; final written warning; or, as a last resort, where all other options have been exhausted and it is necessary and proportionate, immediate termination of membership of Horncastle Theatre Company.



7. Appeal Stage

The Subject/s may submit a written appeal against the outcome within ten working days. Appeals are not a rehearing of the case or to re-assess the evidence, but should consider whether there has been any procedural error; new evidence not available to the original Decision Maker/s; and fairness/proportionality of the outcome.

Any review will be conducted by new independent Decision Maker/s (as determined under the criteria above) not previously involved in the matter. The outcome of the Appeal shall be final and there shall be no further right of appeal after this stage.

Date adopted: 26/06/2026