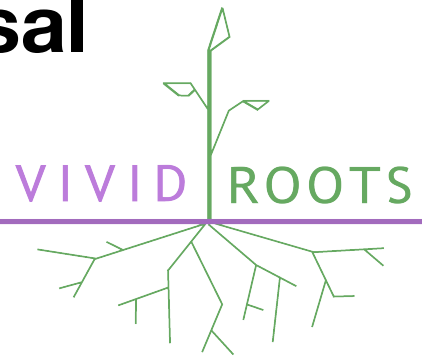


# Procedure for Performance, Conduct, and Dismissal

Vivid Roots Collective

August 2025



## Introduction

At Vivid Roots Collective, our values are care, learning, ambition, and community. The purpose of this procedure is to describe our approach to handling challenges with performance and conduct while reflecting our values and aligning with our legal responsibilities. Our approach is built on our ethos which prioritises learning over blame and punishment.

All team members have the right to a safe working environment, which includes a zero-tolerance attitude to violence, discrimination, and criminal acts. This also means that we endeavour to consider the support needs of team members throughout the process, and we will always consider our own systems and procedures when investigating cases of misconduct and poor performance.

This policy explains what we may categorise as misconduct / gross misconduct. More information about how we expect team members to conduct themselves in their work, with others, and with the public is described in our company handbook, which is shared with all team members with their employment contract or letter of agreements.

This policy is relevant for anyone who engages in paid work with our organisation. For salaried staff who are enrolled with PAYE through the company are subject to and protected by the full policy. This will be different during a probationary period, so we describe how this applies to staff on probation in each section. We will also use this policy for reference when considering the termination of freelance contracts, and maintain the same commitment for these team members: to prioritise learning over blame and punishment. In each section, we describe how this applies to our working relationship with freelance team members.

The elements of discipline are conduct (how you behave), and capability (how well you perform in your role). This policy will explain in greater depth what conduct is inappropriate and how we plan to address instances of misconduct to ensure that we can all improve and the incident isn't repeated. We will also explain in detail what we may consider to be gross misconduct, which will be treated more severely. Poor performance, including challenges attributed to mental health or drug and alcohol use are also part of this procedure. The focus in all instances of misconduct and performance is on learning and support for the team and the development of the organisation.

To mitigate performance and capability challenges before they arise, we have quarterly reviews with all team members where they set their own targets with input from their line manager and other team members (if relevant), and creates space for team members to advocate for the support that they need to deliver their work and feel fulfilled in their job (see our safety at work policy for more).

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## Your Rights

All team members have the right to a safe working environment and protection against discrimination.

For salaried staff, you have the right to fair treatment during a disciplinary process including the right to be informed of the reasons and consequences of any disciplinary action – it is our responsibility to communicate this to you clearly and constructively, with care.

You have the right to be accompanied by a colleague or Trade Union official to any formal disciplinary meeting which could result in disciplinary action – we have a responsibility to let you know when this is the case so that you have time to make this decision – you must tell us in advance who will accompany you. You may also bring a friend or relative who can provide support to you / as a witness

You have the right to appeal any disciplinary decisions, and it is our responsibility to provide a clear pathway for you to do this, which is outlined in this policy.

You have the right to confidentiality both during and after the disciplinary process and your employment. Where we feel that openness about disciplinary issues will support the learning of the organisation and team members, we will always get your consent before sharing any information about the issue.

You have the right to legal protection against unfair dismissal after your first 2 years, which applies if you believe that we have breached our policy or the law in our decision to terminate your employment.

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## Revision

At the end of each calendar year, all team members are invited to review our policies to ensure that they best reflect the values of our company and its staff. Freelance team members we have engaged during the year will also be invited to a policy review. This supports openness across our activities, and will ensure that our policies can be understood by everyone who works with us.

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## Meetings

For the purposes of this policy, meetings may be carried out online or in-person. In all cases, the privacy of all parties must be ensured and where there may be a breach in privacy (i.e. the meeting is interrupted by a third party) the meeting will be ended immediately, and adjourned.

All meetings and any other communication about misconduct and performance issues are required to be recorded. This may be written or video/audio (with consent). Where video/audio recordings are taken, they should only be used for transcription and promptly deleted, unless for legal reasons.

Notes on meetings will always be shared with all parties for amendments to ensure that the notes reflect the experiences of all involved.

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## Informal Approach

This section outlines our approach to handling issues before they become formal matters. Fundamental to this stage of any concern is a priority of learning over blame and punishment. The principle of this stage is to understand any allegations or concerns from all relevant perspectives in an attempt to discern whether reasonable adjustments to a team member's working arrangements, or changes to our approach to working, can mitigate the issue.

This will only be considered in the first instance of misconduct; repeated instances of misconduct or any instance of gross misconduct will require a formal approach.

All staff members are entitled to initiate this process if they are impacted by or witness issues of misconduct or poor performance. They should always do this in collaboration with the individual's line manager, and should seek support from the board if it involves their own line manager.

This will be initiated by written notice (usually by email) of the reason for entering a procedure for conduct, performance, or dismissal clearly stating that it falls under an informal approach to understanding the concerns raised.

As part of the informal approach, the team member and line manager should agree on reasonable adjustments if necessary. This may include:

- Additional support from other team members
- External support such as training or coaching
- Signposting to external services
- Practical adjustments to working arrangements
- Changes to performance review procedures, including regular check-ins

Where the issue is related to sickness, mental health, or drug and alcohol use, the outcome may include sick leave, at which point the process for safety at work and the individual's employment contract should be followed in place of this procedure. Where the issue related the use of drugs and/or alcohol, sick leave is a mandatory outcome.

Where the issue reoccurs following an informal approach and reasonable adjustments, this will result in a formal approach.

An informal approach will always be taken where there are issues with misconduct and performance for freelance team members (gross misconduct will be treated differently), including the documentation of any conversations, mitigations, and outcomes. Further issues with misconduct or performance, or issues with gross misconduct will be treated using an amendment of the formal approach.

Where a freelance team member's term of engagement stretches over 6 months, they will also be entitled to a formal approach.

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## Formal Approach

A formal approach is the default for any matters of gross misconduct, or where there have been repeated instances of misconduct by a team member. The key difference between the formal and informal approach is that a formal approach may result in formal consequences for the team member who is subject to allegations of misconduct if found to be true.

The core values of the organisation should always be exercised throughout this process, including a commitment to understanding the challenges from the perspective of all parties, and reviewing the impact of company policy and procedures.

The stages of the formal approach are described here:

### Information Gathering

The team member will be notified that we have entered into a formal procedure, including the reasons for doing so. They will also be notified of the terms of the information gathering and when to expect the recommendations produced by this exercise. The team member should be notified throughout about changes to timelines.

The information gathering should be started immediately so that the recommendations can be produced as soon as possible and reduce undue stress on any individuals involved. The purpose of this stage is to record all of the facts and perspectives relative to investigating the allegations to determine the course of action.

It will be the responsibility of the line manager to appoint someone to carry out the information gathering – in most cases this should be a board member, and will never be the line manager, to protect against bias. The appointment of the individual to investigate the issue will be recorded including where and how they are to gather information (e.g. emails, feedback and social media, our systems inc. policies, interviewing others involved). They will be referred to the Acas guide. If they decide to bring in another person for elements which require a second perspective, this must also be recorded including who, and the reason why.

All of their information gathering must be recorded and handled in accordance with the law and our data handling policy.

Following this, they will be required to produce a report which includes all of the evidence of their investigation, and recommendations about the next steps. This might look like:

- Dismissing the allegations
- Determining another point of scrutiny, such as another team member, workplace culture, or internal policies and procedures
- Recommending a meeting review due to misconduct
- Recommending a meeting review due to gross misconduct
- Recommending termination following a review due to gross misconduct

Where the recommendations include scrutiny of workplace culture, or internal policies and procedures, or the investigation of team members who report to the board, this should be brought to the board's attention immediately for their involvement in continued investigation and improvements.

## **Meeting Review**

If the recommendations from the information gathering include a meeting review, the team member will be notified of where and when this will happen with a minimum of 48 hours notice. The team member will be notified that they have the right to be accompanied by a colleague, trade union member, or friend/family if they feel it will support them with their legal rights and wellbeing.

The meeting should be led by a board member who should be acting impartially, observing the behaviour of the line manager, the needs of the team member, with their awareness of the systems of the company.

During the meeting, the evidence will be described to the team member, who should have the opportunity to speak from their perspective, in particular, the person leading the meeting should seek to understand from the team member why the issue occurred.

It must be made clear to the team member who is being interviewed that they have the right to ask questions and to make their own response to the concerns raised, and to share anything mitigating information that can support a holistic understanding of the issue.

The meeting should also be an opportunity, if appropriate, to discuss reasonable adjustments to working arrangements, or constructive changes to aspects of their work more broadly – such as training for all team members to support changes to working culture, or changes to policies.

Following the meeting, a review panel, of three individuals, which should include at least one board member, and may include the line manager, will decide on the outcome(s) of the process as soon as possible after the meeting review. The team member should be asked to review any notes on the meeting to ensure that it truly reflects the conversation.

## **Outcomes**

The following outcomes may be considered by the review panel:

- A notice of concern: this may be issued where the misconduct is deemed to have been true and substantial, in some way negatively impacting the experience of public, artists, or staff engaging with the organisation; or where the individual has not been fulfilling the terms of their employment. Where the issue is performance related, the letter should include clear expectations of what should be achieved, any review points, and any reasonable adjustments that have been decided as part of the meeting review. Where the issue is conduct related, the letter should clearly state expectations for improvement with reference to relevant policies, and signpost to learning resources, or suggest training options. If the misconduct is repeated within 4 months, this will be grounds for more serious outcomes in the future, which may include a final written warning, or dismissal.
- A notice of serious concern: this may be issued where the misconduct is true and deemed to have caused serious impact to the experience of public, artists, or staff engaging with the organisation; or where the individual has not been fulfilling the terms of their employment following continued mitigations. In particular, this may be considered where the misconduct has been wilful and has caused minor harm to the wellbeing of others, or the company's reputation. The letter should contain clear conditions for continued employment; if this is performance related, it should include revised adjustments or review procedures; if this is conduct related, it may stipulate training or mediation. This may also be considered if there have been multiple different issues of misconduct. If the misconduct is repeated within 9 months, this will be grounds for dismissal in the future.
- Dismissal: this will be considered only where the misconduct is true and deemed to have caused significant harm to the wellbeing of others or the company's reputation, have broken the law, or where there has been repeated instances of misconduct despite mitigations in place. It may also be considered where the misconduct has broken the implied duty of mutual trust and confidence between the organisation and the individual, and where attempts to rebuild this trust have been unsuccessful. Dismissal will also be the outcome where an individual no longer has the capacity to perform in their role due to sickness, mental health, or drugs and alcohol use, and where mitigation has been attempted to its absolute fullest within the capacity of the organisation and in accordance with the safety at work policy.

## **Appeals**

You always have the right to appeal the outcome of this procedure. An appeal must be made in writing and addressed to the board chair. Their contact information will be included in the notice of concern, or dismissal.

You must send your appeal within 2 weeks of the date on the notice to allow us to review the process and outcomes in a timely manner.

Your appeal will be reviewed by an appeal panel of 3 individuals, at least 2 of whom have not been involved in the process. They must review the information and issue a decision within 2 weeks of the date of your appeal. If this is not possible for any reason, the individual must be notified of a date to expect a decision.

The decision made by the appeal panel will be issued in writing, explaining how they have reviewed the outcome (including reviewing the information gathered, the meeting review notes, and considering any new information), and their decision is final.

## **Freelancers**

Where a freelance team member's term of engagement stretches over 6 months, they will also be entitled to a formal approach.

Freelancers with an engagement term of 6 months or less and who are accused of gross misconduct, or repeated issues of misconduct will be subject to a shortened formal approach (due to the short term of their engagement) as follows:

- Information gathering: this must always be completed where there is a formal process; the recommendations of this stage will only include a notice of concern or termination of the contract
- A notice of concern may be issued without a meeting review; a meeting review must take place if the recommendation is termination. The review panel may be made up of the board member and line manager involved in the meeting for freelance team members due to the short timeframe, but attempts should be made to implement an impartial review panel if possible. Otherwise, the review process should be the same for freelancers as salaried staff. The review panel may decide to dismiss the allegations, issue a notice of concern, or terminate the contract, and they should consider internal changes to the organisation as with salaried staff.
- Any decision made by the review panel is final. Freelancers who wish to appeal will not be able to reinstate their contract, but they may be entitled to full or partial payment of the remainder of their fee if the panel determines that the appeal is justified.

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## Misconduct

Misconduct is considered by us to be behaviours that have unintentionally caused harm, or that have caused a significant but not serious negative impact upon the experiences of public, artists, or staff engaging with the organisation. This may be caused by the individual not fully executing their responsibilities with the organisation by affecting the level of work imposed on other team members, or the experience of people engaging with our services.

This may also include discriminatory behaviour/language that are found to be unintentional – in this case, training must be included in the outcome of the procedure, and it may only be considered misconduct on a first instance. All further instances following training will be considered gross misconduct, which may result in a notice of serious concern or dismissal.

Misconduct may include:

- Repeated failure to communicate with other team members on matters that affect them (such as working hours, failure to attend meetings, arranging meetings without adequate notice, failure to communicate expectations and enforcing accountability, etc.)
- Minor breaches of the company code of conduct (such as use of inappropriate but not harmful language, performing but not acting aggressively around others, or otherwise communicating in a way which may unintentionally cause harm)
- Minor breaches of company policy
- Specific actions in your role, or public behaviour, which may impact the company's reputation

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## Gross Misconduct

These actions and behaviours are considered by us to have intentionally caused harm, caused serious negative impact upon the experiences of public, artists, or staff engaging with the organisation, or to have broken the law. This may be caused by the individual not fully executing their responsibilities with the organisation where this is particularly acute and has caused inadvertent harm through the stress of others increasing their workload, or by affecting the reputation of the organisation.

For the purpose of this policy, drug and alcohol use is treated as gross misconduct due to the legal implications of drug and alcohol use in the workplace. This means that a formal approach will always need to be followed if any team member is suspected of attending work under the influence of drug or alcohol. Drugs and alcohol use will always be treated in the same way as performance-related challenges with mental health and sickness, will always invoke sick leave as an outcome of any procedure, and further steps should be taken in alignment with the safety at work policy.

This may also be the result of the breach of the implied duty of mutual trust and confidence between an employee and employer.

Gross misconduct may include:

- Breaking the law (such as theft or fraud)
- Harassing, bullying, or openly discriminating against anyone who engages with our organisation where this is direct and wilful
- Serious breaches of the company code of conduct (such as use of harmful language, acting aggressively towards others, communicating in a way which is deliberately harmful by making others feel uncomfortable or undervalued)
- Serious breaches of company policy; including health and safety, and safeguarding
- Damage to the property of others or the company
- Specific actions in your role, or public behaviour, which is likely to impact the company's reputation