

DISCIPLINARY POLICY AND PROCEDURE

1. Policy statement

- 1.1 There may be occasions when it is felt that your conduct or performance is falling below the standards expected. The aim of our disciplinary procedure is to make sure that we bring to your attention issues of performance or conduct which fall short of our standards. This is in order that they can be corrected and improved upon – and to make sure we act consistently and fairly
- 1.2 We will make every effort to assist you to improve through coaching, training or other means. Unfortunately, there will be some occasions where the seriousness of the matter (such as theft) or the failure to improve after various warnings, may require dismissal.
- 1.3 It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond before taking any formal action.
- 1.4 This procedure does not form part of any employee's contract of employment and it may be amended at any time. The Church may also vary this procedure, including any time limits, as appropriate in any case.

2. Who is covered by the procedure?

The procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

3. What is covered by the procedure?

- 3.1 This procedure is used to deal with poor performance and misconduct. It does not apply to cases involving genuine sickness absence, or proposed redundancy. In those cases reference should be made to the appropriate policy or procedure.
- 3.2 Minor aspects of poor performance or conduct issues can often be resolved informally. Any discussions should be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future disciplinary hearings. In some cases an informal verbal warning may be given, which will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

- 3.3 You will not normally be dismissed for a first act of misconduct, unless the Church decide it amounts to gross misconduct or you have not yet completed your probationary period.
- 3.4 If you have difficulty at any stage of the procedure because of a disability, you should discuss the situation with the Church Secretary as soon as possible.

4. Confidentiality

- 4.1 Our aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.
- 4.2 You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.
- 4.3 You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless the Church believes that a witness's identity should remain confidential.

5. Investigations

- 5.1 The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.
- 5.2 Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.
- 5.3 You do not normally have the right to bring a companion to an investigative interview. However, the Church may allow you to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.
- 5.4 You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.

6. Criminal charges

- 6.1 Where your conduct is the subject of a criminal investigation, charge or conviction the Church will investigate the facts before deciding whether to take formal disciplinary action.
- 6.2 The Church will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the Church may have to take a decision based on the available evidence.
- 6.3 A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if the Church considers that it is relevant to your employment.

7. Suspension

- 7.1 In some circumstances the Church may need to suspend you from work. The suspension will be for no longer than is necessary to investigate the allegations and the Church Secretary will confirm the arrangements to you in writing. While suspended you should not visit our premises or contact any of our church members, suppliers, contractors or staff, unless you have been authorised to do so by the Church Secretary or a Senior Deacon.
- 7.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. You will continue to receive your full salary and benefits during the period of suspension.

8. Notification of a hearing

- 8.1 Following any investigation, if the Church considers there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. The Church Secretary will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if the Senior Deacon decides after the hearing that the allegations are true. The Church will also include the following where appropriate:
 - 8.1.1 a summary of relevant information gathered during the investigation;
 - 8.1.2 a copy of any relevant documents which will be used at the disciplinary hearing; and
 - 8.1.3 a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Church will give you as much information as possible while maintaining confidentiality.

- 8.2 The Church Secretary will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually two to seven days, to prepare your case based on the information you have been given.

9. The right to be accompanied

- 9.1 You may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell the Church Secretary who your chosen companion is, in good time before the hearing.

- 9.2 A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

- 9.3 If your choice of companion is unreasonable the Church Secretary may ask you to choose someone else, for example:

9.3.1 if in our opinion your companion may have a conflict of interest or may prejudice the meeting; or

9.3.2 if your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.

- 9.4 The Church may, at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) if this will help overcome a disability, or if you have difficulty understanding English.

10. Procedure at disciplinary hearings

- 10.1 If you or your companion cannot attend the hearing you should inform us immediately and the Church Secretary will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), the Church may have to take a decision based on the available evidence.

- 10.2 The hearing will be chaired by the Senior Deacon and the Church Secretary will also be present. You may bring a companion with you to the disciplinary hearing (see paragraph 9).

- 10.3 At the disciplinary hearing the Senior Deacon will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but

should not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

- 10.4 You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, the Senior Deacon decides that a fair hearing could not be held otherwise.
- 10.5 The Senior Deacon may adjourn the disciplinary hearing if the Senior Deacon needs to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 10.6 The Senior Deacon will inform you in writing of our decision and our reasons for it, usually within two weeks of the disciplinary hearing. Where possible the Senior Deacon will also explain this information to you in person.

11. Disciplinary penalties

- 11.1 The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. The Church aims to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.
- 11.2 **Stage 1 - First written warning.** It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.
- 11.3 **Stage 2 - Final written warning.** It will usually be appropriate for:
 - 11.3.1 misconduct where there is already an active written warning on your record; or
 - 11.3.2 misconduct that the Church considers sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.
- 11.4 **Stage 3 - Dismissal.** It will usually only be appropriate for:
 - 11.4.1 any misconduct during your probationary period;
 - 11.4.2 further misconduct where there is an active final written warning on your record; or

- 11.4.3 any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Gross misconduct is any deliberate act by an employee that is detrimental to the good conduct of the Church's business. Examples of gross misconduct are set out below:
- 11.5 The following are examples of matters that are normally regarded as gross misconduct:
- 11.5.1 Fraud, forgery, theft or other dishonesty, including fabrication of expense claims;
 - 11.5.2 Actual or threatened violence, or behaviour which provokes violence;
 - 11.5.3 Deliberate damage to Church buildings, fittings, property or equipment, or the property of a colleague, contractor, customer or member of the public;
 - 11.5.4 Serious misuse of our property or name;
 - 11.5.5 Repeated or serious failure to obey instructions, or any other serious act of insubordination;
 - 11.5.6 Unlawful discrimination or harassment;
 - 11.5.7 Bringing the Church into serious disrepute;
 - 11.5.8 Being under the influence of alcohol, illegal drugs or other substances during working hours;
 - 11.5.9 Causing loss, damage or injury through serious negligence;
 - 11.5.10 Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
 - 11.5.11 Acceptance of bribes or other secret payments;
 - 11.5.12 Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, customers or the public, or otherwise affects your suitability to continue to work for the Church;
 - 11.5.13 Harassment of, or discrimination against, employees, contractors, or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age; and

- 11.5.14 Giving false information as to qualifications or entitlement to work (including immigration status);

This list is intended as a guide and is not exhaustive.

- 11.6 **Alternatives to dismissal.** In some cases the Senior Deacon may consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:

- 11.6.1 Demotion.
- 11.6.2 A period of suspension without pay.
- 11.6.3 Loss of seniority.
- 11.6.4 Reduction in pay.
- 11.6.5 Loss of future pay increment or bonus.

12. **The effect of a warning**

- 12.1 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.
- 12.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently the Church may decide to extend the active period.
- 12.3 After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

13. **Appeals against disciplinary action**

- 13.1 If you feel that disciplinary action taken against you is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Church Secretary within one week of the date on which you were informed of the decision.
- 13.2 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.
- 13.3 If you raise any new matters in your appeal, the Deacon may need to carry out further investigation. If any new information comes to light the Deacon will provide you with a summary including, where

appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.

- 13.4 The Deacon will give you written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after you receive the written notice.
- 13.5 The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.
- 13.6 Where possible, the appeal hearing will be conducted impartially by one of the current remaining Deacons who has not been previously involved in the case. You may bring a companion with you to the appeal hearing.
- 13.7 The Deacon may adjourn the appeal hearing if the Deacon needs to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 13.8 Following the appeal hearing the Deacon may:
 - 13.8.1 confirm the original decision;
 - 13.8.2 revoke the original decision; or
 - 13.8.3 substitute a different penalty but not increase it.
- 13.9 The Deacon will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible the Deacon will also explain this to you in person. There will be no further right of appeal.