

ST GEORGE, BICKLEY

DISCIPLINARY GUIDE & PROCEDURE

POLICY STATEMENT

The aim of this disciplinary guide and disciplinary procedure is to set out the standards of conduct expected of all staff and to provide a framework within which incumbents can work with staff to maintain those standards and encourage improvement where necessary.

It is the Parochial Church Council's (the PCC) policy to ensure that any disciplinary matter is dealt with fairly and in accordance with the disciplinary procedure.

If the member of staff is in any doubt as to their responsibilities or the standards of conduct expected of them they should speak to their line manager.

GROSS MISCONDUCT

Gross misconduct is a serious breach of contract and includes misconduct which, is likely to prejudice the PCC or the reputation of the church or irreparably damage the working relationship and trust between the PCC and the member of staff. Gross misconduct will be dealt with under the disciplinary procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

- Theft or fraud - theft, or unauthorised removal of church/PCC property or the property of a colleague, contractor, or member of the public; or fraud, forgery or other dishonesty, including fabrication of expense claims and time sheets;
- Physical violence or bullying; or actual or threatened violence, or behaviour which provokes violence or any serious aggressive behaviour;
- Unacceptable use of obscene or abusive language;
- Deliberate and serious damage to property; or deliberate damage to church buildings, fittings, property or equipment, or the property of a colleague, contractor, or member of the public;
- Serious misuse of church property or name;
- Serious breach of the PCC's security procedures.
- Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- Serious insubordination; or repeated or serious refusal to obey instructions, or any other serious act of insubordination;

- Unlawful discrimination or harassment;
- Conduct either at work or away from work that is likely to damage the reputation or operation of the PCC or acting in such a way as to bring the church into serious disrepute;
- Serious incapability at work brought on by alcohol or illegal drugs; or being under the influence of alcohol, illegal drugs or other substances during working hours;
- Causing loss, damage or injury through serious negligence;
- Serious breach of health and safety rules and safety rules or serious misuse of safety equipment;
- Serious breach of confidence; or unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure concerning the affairs of the PCC, church or staff to the media or any other third party connected to the church;
- Gambling or accepting or offering a bribe or other secret payment or other breach of the Anti-corruption and bribery policy;
- Accepting a gift above the value of £50 from a supplier, contractor or other third party in connection with your employment without prior consent from your line manager;
- Conviction for a criminal offence that in the opinion of the PCC may affect their reputation or their relationships with the staff, customers or the public, or otherwise affects the suitability of the member of staff to continue to work at the church;
- Possession, use, supply or attempted supply of illegal drugs;
- Serious neglect of duties, or a serious or deliberate breach of contract or operating procedures;
- Unauthorised use, processing or disclosure of personal data contrary to the Data Protection Policy;
- Any act of indecency or harassment of, or discrimination against, employees, contractors, clients 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;
- Refusal to disclose any of the information required by the PCC or any other information that may have a bearing on the performance of the member of staff's duties;

- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
- Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child;
- Making a disclosure of false or misleading information maliciously, for personal gain, or otherwise in bad faith;
- Making untrue allegations in bad faith against a colleague;
- Victimising a colleague who has raised concerns, made a complaint or given evidence or information under our Grievance Procedure, Disciplinary Procedure or otherwise;
- Serious misuse of the information technology systems (including serious breaches of copyright legislation and unauthorised access to or misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet);
- Undertaking unauthorised paid or unpaid employment during working hours;
- Unauthorised entry into an area of the premises to which access is prohibited.

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

DISCIPLINARY PROCEDURE

POLICY STATEMENT

Objective of the Disciplinary Procedure:

1. To help the individual, whose conduct gives cause for dissatisfaction, to improve to the required standard.
2. To clarify the responsibilities of managers and staff regarding disciplinary action.
3. To ensure fairness and consistency in the handling of disciplinary issues.
4. To ensure that disciplinary matters are dealt with speedily.

Status of the Disciplinary Procedure

Whilst the PCC will fulfil its legal obligations relating to disciplinary issues, this procedure does not form part of individual contracts of employment. The PCC reserves the right to depart from the procedure and/or skip stages or increase/decrease the duration of a warning where appropriate in line with the seriousness of the alleged conduct and the member of staff to whom it relates.

Scope of the Disciplinary Procedure

This procedure applies to all staff employed by the PCC and is concerned solely with disciplinary issues relating to conduct. A distinction is made between conduct and capability issues as follows.

Capability issues are those which relate to a staff member's inability to achieve an acceptable level of performance because of incompetence, lack of qualifications or ill health, for example.

Conduct issues are defined as those which relate to behaviour of a more deliberate or negligent nature, for example, where an employee breaks a PCC rule or fails to observe health and safety procedures.

For staff with less than 2 years' service this policy will be applied in a discretionary manner. For staff members who have under 12 months' service, the Disciplinary Procedure will be shortened and will begin at stage 3, final written warning.

General principles of operation of the Disciplinary Procedure:

1. **Investigation:** Management will ensure that all alleged offences are properly investigated to establish the facts. If required, it may be appropriate to suspend staff from duty prior to or after the investigation.
2. **The complaint:** Management will ensure that a member of staff is informed in writing of the complaint against them.
3. **Opportunity to state case:** At each stage of the procedure the staff member will be given the opportunity of stating their case at a disciplinary hearing before any decision is reached about action to be taken.
4. **Adjournment of hearings:** It may be necessary for a disciplinary hearing to be adjourned in order to enable management to fully consider the issues prior to making a decision.
5. **Confirmation of disciplinary action:** Management will ensure that any resulting formal disciplinary action and the reasons for it are confirmed in writing to the individual and that requirements for improvement are clarified where appropriate.
6. **The right to be accompanied:** Staff members have the right to be accompanied at any stage of this procedure by a friend and will be informed of that right before every hearing.
7. **The right to appeal:** Staff members have a right of appeal in accordance with the appeals procedure set out below. Where possible, the level of management hearing the appeal will be more senior than the manager who took the disciplinary decision which is the subject of appeal.

PRELIMINARY ACTION

As part of normal day-to-day management, the incumbents will monitor all aspects of their performance and behaviour, pointing out where they are meeting the required individual and PCC rules, standards and objectives, and where they are failing to achieve them, giving direction, advice and guidance as appropriate. Where this informal action is unsuccessful or where there is an act of alleged misconduct, which is considered to be too serious than can be regarded as minor, the matter will be considered within the framework of the disciplinary procedure under the section headed 'THE PROCEDURE'. The formal procedure for handling disciplinary issues is set out below.

THE PROCEDURE

Stage 1 Verbal warning

Type of offence

Offences other than alleged gross misconduct will normally be dealt with at this stage on the first occasion. First offences may, however, be dealt with at Stage 2 if they are considered to be too serious for an oral warning.

Manager hearing the case

The line manager will conduct the meeting.

Timing of meeting

Where possible, the meeting will take place within five working days of the alleged offence or notification of the alleged offence to management.

Arrangement of hearing

A letter will be sent to the staff member calling them to the hearing, which is to be held under Stage 1 of the Disciplinary Procedure. It will advise them of their right to be accompanied, state the reasons for calling them to the meeting and the possibility that the outcome might be an oral warning.

Decision

At the end of the meeting line manager will decide whether an oral warning is warranted. An adjournment may be needed before a decision is made. If an oral warning is given the line manager will advise the staff member that they have a right of appeal.

Record of action

Any oral warning given will remain in operation for six months after which it will expire. A note of the warning will be placed on the staff member's personal file as a record.

Stage 2 Written warning

Type of offence

Further alleged misconduct (other than alleged gross misconduct) committed within six months of an oral warning will be dealt with at this stage. More serious first offences may also be considered at this stage first.

Manager hearing the case

The line manager will conduct a hearing.

Timing of hearing

Where possible, the hearing will take place within five working days of the alleged offence or notification of the alleged offence to management.

Arrangement of hearing

A letter will be sent to the staff member calling them to the hearing, which is to be held under Stage 2 of the Disciplinary Procedure. It will advise them of their right to be accompanied, state the reasons for calling them to the meeting (with any evidence from investigations) and the possibility that the outcome might be a first written warning.

Decision

The line manager will decide whether a first written warning is warranted. The decision will be confirmed in writing and given to the staff member as soon as possible, but within three working days of the hearing. If a warning is given, the line manager will advise the staff member that they have a right of appeal.

Record of action

Any warning given will remain in operation for six months after which it will expire. A copy of the written warning will be placed on the staff member's personal file.

Stage 3 Final written warning

Type of offence

This stage will apply in the following circumstances:

- further alleged misconduct within six months of a Stage 2 first written warning; or
- where there has been an alleged offence that is too serious to be dealt with at the first written warning stage; or
- where the member of staff has been employed for less than 12 months.

Manager hearing the case

The line manager will conduct the hearing.

Timing of the hearing

Where possible, the hearing will be arranged to take place within five working days of the alleged offence or notification of the offence to management.

Arrangement of hearing

A letter will be sent to the staff member calling them to the hearing, which is to be held under Stage 3 of the Disciplinary Procedure. It will advise them of their right to be accompanied, state the reasons for calling them to the meeting (with any evidence from investigations) and the possibility that the outcome might be a final written warning.

Decision

The line manager will decide whether a final written warning is warranted. The decision will be confirmed in writing and given to the staff member as soon as possible, but within three working days of the hearing. If a final written warning is given, the line manager will advise the staff member that they have a right of appeal.

Record of action

Any warning given will remain in operation for 12 months after which it will expire. A copy of the final written warning will be placed on the staff member's personal file.

Stage 4 Dismissal

Type of offence

This stage will apply in the following circumstances:

- further alleged misconduct within 12 months of a stage 3 final written warning; or
- alleged gross misconduct, which will be dealt with, in the first instance at this stage.

Suspension of the member of staff

In most cases of alleged gross misconduct it will be inappropriate for the member of staff concerned to remain at work after the alleged offence. Furthermore, management may need time to carry out a proper investigation. The incumbent has the authority to suspend him/her from duty with full pay pending the disciplinary hearing.

Arrangement of hearing

A letter will be sent to the staff member calling them to the hearing, which is to be held under Stage 4 of the Disciplinary Procedure. It will advise them of their right to be accompanied, set out the staff member's alleged conduct or characteristic or other circumstances which represent the reason for calling them to the hearing, (along with any evidence from the investigation) and the possibility that the outcome might be their dismissal.

Staff member's opportunity to respond

The staff member will be given a reasonable opportunity to consider their response to the information contained in the above letter.

Timing of the hearing

The hearing will be arranged to take place if possible and reasonable within five working days of the alleged offence or notification of the offence to management.

Staff member's responsibility

The staff member should take all reasonable steps to attend the hearing.

Manager hearing the case

The (ad hoc) *Disciplinary Committee* of the PCC will conduct the hearing.

Decision

Cases dealt with at this stage which fall into category (a) above will, if proven, result in dismissal with notice or payment in lieu of notice.

Cases that fall into category (b) above will, if proven to be gross misconduct, result in summary dismissal (i.e. dismissal without notice). However, it may be decided that the offence, though proven, does not constitute gross misconduct, but is misconduct or serious misconduct. In such instances, an appropriate warning will be given in accordance with this procedure.

Confirmation and record of decision

The decision will be confirmed in writing to the staff member within three working days of the hearing. They will be advised of their right of appeal. A copy of the written confirmation of the decision will be placed on the staff member's personal file.

APPEALS PROCEDURE

GENERAL PRINCIPLES

Scope

Staff members have the right to appeal against any disciplinary action and will be advised of their rights of appeal at all appropriate stages of the disciplinary procedure.

The objective of the Appeals Procedure

The procedure aims to ensure that appeals are dealt with speedily, effectively and fairly.

The right to be accompanied

Staff members have the right to be accompanied at any stage of this procedure by a friend and will be informed of that right before every hearing.

Evidence

The member of staff appealing will have the opportunity to comment on any evidence discussed during the appeal hearing.

PROCEDURE

Stage 1: Appeals against decisions made at Stages 1, 2 and 3 of the Disciplinary Procedure

How the appeal is to be made and the time limit

The appeal is to be made in writing by the staff member to the PCC Secretary within 5 working days of receipt of written confirmation of the disciplinary action. The staff member should state clearly the grounds of their appeal.

Arrangement of Appeal Hearing

A letter will be sent to the staff member calling them to the hearing which will take place within 5 working days of receipt of the appeal. It will advise them of their right to be accompanied.

Manager hearing the appeal

The appeal will be heard by the (ad hoc) *Disciplinary Committee* of the PCC. It may be necessary for an adjournment to take place to allow for full consideration of the appeal.

The decision

The committee hearing the appeal may uphold or reject the appeal after consideration of all the issues. The level of disciplinary action can be reduced but not

increased. The decision will be confirmed in writing normally within 5 days of the hearing.

Rejected appeals

There will be no further right of appeal against a warning once the appeal decision has been made.

Upheld appeals

If the appeal is upheld, the warning letter will be removed from the staff member's personnel file.

Stage 2: Appeals against decisions made at Stage 4 of the Disciplinary Procedure, i.e. dismissal

How the appeal is to be made and the time limit

The appeal is to be made by the staff member in writing to the PCC Vice-Chairman within 5 working days of receipt of written confirmation of the dismissal decision. The staff member should state clearly the grounds of their appeal.

Arrangement of the Appeal Hearing

A letter will be sent to the staff member calling them to the hearing, which will take place, where practical within 5 working days of receipt of the appeal. It will advise them of their right to be accompanied.

Manager hearing the appeal

The appeal will be heard by a newly-constituted *Disciplinary Committee* of the PCC, who may be advised by a human resources professional. This is the highest level of appeal within the PCC. It may be necessary for an adjournment to take place to allow for full consideration of the appeal.

The decision

Following full consideration of all the issues, the committee may uphold or reject the appeal. The decision will be confirmed in writing normally within 3 working days of the hearing.

Unsuccessful appeals

There will be no further right of appeal against dismissal once a decision has been made.

Successful appeals

If the appeal is upheld the staff member will be re-instated without loss of salary and with continuity of service. However, in appeals against dismissal for gross misconduct, the committee may decide that the alleged offence, although proven, is not gross misconduct, but misconduct of a less serious nature. In such cases, the committee may re-instate the employee but issue an appropriate warning in accordance with the disciplinary procedure.