



## Disciplinary Procedure

### Purpose and scope

The parish aim is to encourage improvement in individual conduct or performance of paid employees working on behalf of the parish where conduct falls below reasonable expectations. This procedure sets out the action which will be taken when disciplinary rules are breached by those employed by the Parochial Church Councils of the Priory Benefice (the PCCs). The disciplinary procedure may follow the investigation of a complaint or a grievance, or the investigation of an allegation of abuse, but must be operated as a separate procedure.

A disciplinary procedure is a formal way for the PCCs to deal with an employee's:

- unacceptable or improper behaviour ('misconduct')
- performance ('capability')

Before starting a disciplinary procedure, the PCCs should first see whether the problem can be resolved in an informal way. This can often be the quickest and easiest solution.

A representative of the PCCs could try solving the issue with the employee by:

- privately talking with them and any other staff involved
- listening to their point of view
- agreeing improvements to be made
- setting up a training or development plan, if it's a performance issue

There will, however, be situations where matters are more serious or where an informal approach has been tried but is not working. If informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered to be too serious to be classed as minor, the matter will be dealt with under the following formal procedure.

### Principles

- The procedure is designed to establish the facts quickly and to deal consistently with disciplinary issues. No disciplinary action will be taken until the matter has been fully investigated.
- At every stage employees will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting and be represented or accompanied, if they wish, by a trade union representative, a work colleague or a friend.
- An employee has the right to appeal against any disciplinary penalty.

### Procedure

#### Stage 1 – first written warning

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 6 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. (Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.)

#### Stage 2 – final written warning

If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within 12 months, action at Stage 3 will be taken.

### Stage 3 – dismissal or action short of dismissal

If the offence is one of Gross Misconduct, the subject of the disciplinary procedure will normally be dismissed from the office they hold.

If the conduct or performance has failed to improve, or if further serious misconduct occurs, a disciplinary panel will be formed of three members appointed by the PCCs, who should all be members of the PCC and include either a member of the clergy or a churchwarden. The panel will receive in advance from the investigating officer all the documentation relating to the offence under consideration. The documentation will also be made available in advance to the subject of the disciplinary hearing. At the hearing, the panel will hear evidence from the line manager and subsequently from the subject of the hearing; witnesses may be called by both parties. The panel will then form a judgement as to whether the offence is proven on the balance of probability. If so, the panel will then receive evidence as to any previous warning given which has not yet expired. They will then make a decision regarding the dismissal or otherwise of the subject of the disciplinary procedure.

### **Gross misconduct**

If, after investigation, it is confirmed that an employee has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be dismissal without notice or payment in lieu of notice:

- Theft or unauthorised possession of any property or facilities belonging to the Parish
- Gross insubordination
- Gross negligence
- Serious or malicious damage deliberately sustained to parish property
- Deliberate falsification of parish reports, accounts, expense claims or self-certification forms
- Bribery or corruption
- Refusal to carry out duties or reasonable instructions or to comply with parish policies and procedures
- Conduct unbecoming or inappropriate to the office and work
- Conduct amounting to a deliberate loss of business
- Serious misconduct in relation to the safety of children or adults who may be vulnerable
- Serious misconduct as a result of being intoxicated by reason of alcohol or illegal drugs
- Violent, dangerous or intimidatory conduct
- Sexual, racial or other harassment of a colleague or parishioner
- A criminal offence, which may (whether it is committed in the context of or outside the person's work for the parish) adversely affect the reputation of the parish, the person's suitability for the type of work he or she does, or his or her acceptability to colleagues or parishioners.

While the alleged gross misconduct is being investigated, the employee may be suspended, during which time he or she will be paid their normal pay rate. Any decision to dismiss will be taken by the PCCs only after full investigation.

### **Appeals**

An employee who wishes to appeal against any disciplinary decision must do so to the named person in the organisation within five working days. The PCC will hear the appeal and decide the case impartially.

Further useful information can be found on:

- <https://www.gov.uk/disciplinary-procedures-and-action-at-work>
- <https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures>

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