

Parish of St James' Hemingford Grey

Disciplinary Procedure

I. Purpose and Scope

This procedure is designed to help and encourage all staff to achieve and maintain standards of performance and conduct. The Church has a responsibility to ensure that disciplinary practices and procedures are effective, fair and consistently applied. The procedure applies to all employees, with the exception of those in their probationary period.

2. Principles

The following principles will apply to this procedure:

- (a) At all stages you will have the right to be accompanied by a certified trade union official or by a fellow worker within the Church;
- (b) At all stages you will be given reasonable notice of the date and time of any formal disciplinary meeting;
- (c) All matters relating to the disciplinary, where possible, will be dealt with promptly and without undue delay. If there are logistical issues then time limits specified within the procedure may be extended. Should this be the case the earliest mutually agreeable date will be set and confirmed in writing;
- (d) Information relating to the disciplinary issue shall remain confidential and any record will be retained in accordance with the Data Protection Act 1998. All proceedings will be conducted in a private environment.
- (e) At every stage you will be given the opportunity to formally state your case;
- (f) Decisions will be communicated to you promptly and in writing – normally within 10 working days.

Informal Action

It is our intention that minor shortcomings are dealt with informally through discussion, advice, coaching and counselling with the Line Manager, rather than through the disciplinary procedure. Where a disciplinary issue has been identified the Line Manager should promptly gather all the relevant facts and meet informally with the staff member to:

- ❑ Inform them of the unsatisfactory performance
- ❑ Seek an explanation and consider any mitigating circumstances
- ❑ State the level of improvement required
- ❑ Agree any appropriate support/training
- ❑ Set a reasonable timescale for monitoring and review
- ❑ State the action that may follow if the employee fails to achieve the required improvement

An informal verbal warning may be issued in order to encourage and help employees to improve. Informal warnings do not form part of the formal disciplinary procedure and may not be turned into immediate disciplinary action.

Where there is failure to improve or the matter is more serious, then the following formal warning procedure may be used:

Standard Procedure

1. To ensure fairness in disciplinary matters whether related to conduct or performance, a person will be appointed by the PCC for the purpose of attending to personnel issues amongst its employees (hereafter referred to simply as the PCC). The appointed person (on behalf of the PCC) will investigate thoroughly any potential disciplinary issue prior to any decision being made to instigate the formal disciplinary procedure. A written record will be made of all meetings and will be made available to all parties concerned.
2. The general procedure in normal circumstances that will be adopted by the PCC in relation to disciplinary action will be as follows:

- i. Initial Problem unable to be resolved informally Formal oral warning
 - ii. Should performance/conduct remain unacceptable First written warning
 - iii. Should performance/conduct remain unacceptable Final written warning
 - iv. Should performance/conduct remain unacceptable Dismissal
3. The PCC reserves the right to enter the disciplinary procedure at any stage (i-iv) depending upon the seriousness of the matter that is to be investigated and for which you may be disciplined.
 4. When there is a concern in relation to your conduct or performance which may result in disciplinary action, the PCC, following investigation, will set out in writing the alleged conduct or complaint which has led to the PCC to consider disciplinary action and this will be sent to you requesting that you attend a disciplinary meeting. This statement will inform you as to the basis of the grounds leading to the disciplinary meeting, and you will be given reasonable opportunity to consider and prepare your response prior to the disciplinary meeting. It will also confirm your right to be accompanied at the meeting by a work colleague or trade union official. The PCC may suspend you from your duties during this preparation period, if appropriate, but you will be given appropriate access to people, information that you may need to prepare your response.
 5. Prior to and during the course of the meeting you will be given opportunity to make your own representations. No action will take place before that meeting has taken place. You have the right to seek adjustment of the time and date of the meeting within a reasonable timescale but must take all reasonable steps to attend the meeting.
 6. After that meeting has taken place, you will be informed of any decision with in 10 working days and you will also be advised of your right to appeal against that decision.

Appeals Procedure

1. You have the right to appeal against any level of disciplinary decision or action (including dismissal) and must do so, in writing to the PCC, within ten working days of being informed of that disciplinary decision.
2. You will be invited to attend an appeal meeting; this will be heard in addition by someone independent to the disciplinary panel.
3. The procedure for the appeal will be the same as the initial meeting and after that appeal meeting has taken place you will be informed of the final decision of the PCC.

Gross Misconduct (modified procedure)

1. In cases of alleged gross misconduct you may be suspended from work on full pay, normally for no more than five working days, while the PCC investigates the alleged offence fully. If, on completion of the investigation and having heard the employee's case (if he chooses to state it), the employer is satisfied that gross misconduct has occurred, the penalty will normally be summary dismissal without notice and without payment in lieu of notice. The principles stated above will apply during this procedure.
2. A non-exhaustive list of examples of gross misconduct shall include: theft or removal of church goods or property without authority; falsification of time sheets or records; malicious damage; actual physical violence or threatened physical violence; grossly impaired responsibility or job performance due to alcohol or drugs; contravention of Health and Safety regulations; corruption, contamination or use of the Parish Office computer systems or the computer you use to access the office system with materials deemed to be offensive; any action by an employee which may bring the name of the Church into serious disrepute whether on or off duty, for example, drunken behaviour, at any function at which the Church is represented, will be regarded as gross misconduct and the employee will be liable to instant dismissal.
3. The Parish reserves the right to suspend you with pay pending an investigation where the PCC has reasonable grounds to believe your continued presence at work might be prejudicial to the interests of the Parish.

4. With reference to all steps concerning the above modified disciplinary procedure, each step and action under the procedure will be taken without unreasonable delay and all meetings will be conducted in a manner that enables both the PCC and you to explain their respective cases and meetings shall take place at a reasonable time and location. It is incumbent on both you and the PCC to cooperate with each other in operating the procedure.