

# **DISCIPLINARY POLICY & PROCEDURES**

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## **PURPOSE OF THE DISCIPLINARY POLICY**

The DBF recognises that discipline is essential for the conduct of the diocese's affairs and for the safety and wellbeing both of its employees and the people it serves. It is equally the intent of the DBF that disciplinary rules and procedures are applied fairly and equitably to all staff.

The primary purpose of disciplinary action is to encourage all employees to achieve and maintain acceptable standards of conduct, attendance and job performance. The following procedures will apply where an employee's work or conduct appears to warrant disciplinary action. Where the required standard of job performance has not been achieved, and this is deemed to be an issue of capability, it will be more appropriate to proceed using the Capability Policy and Procedure.

## **PRINCIPLES UNDERLYING THESE PROCEDURES**

In following through the procedure outlined below, the following principles will be observed:

- No disciplinary action will be taken against an employee until the case has been fully investigated
- At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made
- The employee will have the right to be accompanied by a companion who will be, a work colleague or a suitably qualified trades union official of his or her choice at any disciplinary interview
- No employee will be dismissed for a first breach of discipline, except in the case of gross misconduct
- An employee will have the right to appeal against any disciplinary decision imposed
- The procedure may be implemented at any stage, depending on the seriousness of the failure in conduct or performance. The employee will always be informed clearly as to which stage has been reached and what the next stage is

## **THE DISCIPLINARY PROCEDURE**

1. Where an employee's work or conduct falls below an acceptable standard, the line manager will ensure that the matter is properly investigated. Such investigations may include an interview with the employee and, where appropriate, obtaining statements from witnesses. A record of these investigations will be kept for future reference.
2. The line manager will then decide whether to drop the matter, to arrange an informal discussion with the employee or to arrange for the matter to be dealt with under the disciplinary or capability procedure.

### Informal Advice and Coaching

3. Minor cases of misconduct and most cases of poor performance are best dealt with through informal advice and coaching, rather than the formal disciplinary or capability procedure. Problems should be discussed with the objective of encouraging and helping the employee to improve and should take place on a one-to-one basis. The employee should be clear about what improvements he/she needs to make, how performance or conduct will be reviewed and over what period. He/she should also be aware of what action will be taken if improvements in performance or conduct do not occur. Discussions of this nature are not part of the formal disciplinary procedure and the employee should be informed of this.

### **DISCIPLINARY HEARINGS**

4. Following the investigation, where the line manager believes that the matter needs to be dealt with under the formal disciplinary procedure, a disciplinary hearing will be arranged at which the employee will have the opportunity to state his/her case and to answer the allegations that have been made.
5. The hearing should be held at a mutually convenient time and the employee will be told in writing of the time, date and venue for the hearing, the nature of the allegations and of their right to be accompanied by a companion who will be, a work colleague, or a suitably qualified trade union official of their choosing. The employee will also be provided with copies of any statements or other documents, which the line manager intends to present to the hearing in support of the allegations. The notification of the hearing and any documents will be provided to the employee at least seven days beforehand.
6. The employee must take all reasonable steps to attend the hearing. If the employee or their supporter cannot attend at the time specified they should inform DBF immediately so that an alternative time can be agreed. If the employee fails to attend the hearing without good reason then it may be conducted, and an appropriate sanction imposed, in their absence.

### **CONDUCT OF DISCIPLINARY HEARINGS**

7. Disciplinary hearings will usually be conducted by the Diocesan Secretary (or a delegated person) who may be accompanied by an adviser.
8. The line manager will present the allegations and supporting evidence in the presence of the employee and his/her companion and may call witnesses. The employee or his/her companion may then ask questions of the line manager and any witnesses called.
9. The employee or his/her companion then has the opportunity to state his/her case in the presence of line manager and may call witnesses. The line manager may then ask questions of the employee and any witnesses called.
10. The line manager presenting the allegations and the employee or his/her companion shall have the opportunity to sum up their case.
11. The Diocesan Secretary will ask those present, except the adviser, to withdraw while he/she considers the decision. Should it be necessary to ask any person to return to clarify a point, all parties will be invited to return.
12. The disciplinary hearing may be adjourned if the Diocesan Secretary needs to carry out further investigations. The employee should be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

13. The decision may be given orally at the end of the hearing to the employee, and will in any case be confirmed in writing as soon as practicable. The employee will be advised of his/her right to appeal if he / she is not happy with the outcome.

14. If the employee is a line manager, or a person who reports directly to the Diocesan Secretary, for line manager in points 1-11 above read Diocesan Secretary and for Diocesan Secretary read a DBF Trustee.

## **APPEAL**

15. If the employee does not agree with the outcome of the disciplinary hearing, he/she may exercise his/her right to appeal.

16. The appeal hearing will be conducted in accordance with the DBF's Appeal Policy which is found in the staff handbook.

## **FORMS OF DISCIPLINARY ACTION**

The person conducting the hearing may take one of the following actions:

### Oral warning

In the case of minor infringements, the employee may receive an oral warning, which may be delivered orally to the employee at the conclusion of the hearing and will in any case be confirmed in writing as soon as practicable. A written record of it will be placed on the employee's personnel file. The warning and the record will include:

- The nature of the unsatisfactory work or conduct
- The standards to be achieved and any assistance being offered by the DBF
- The consequences of any further misconduct or failure to improve
- The employee's right to appeal

### Written warning

If the infringement is regarded as more serious, or there has been a failure to improve or change behaviour during the life of a previous warning, a written warning will be given. The terms of a written warning may be delivered orally to the employee at the conclusion of the hearing and will in any case be confirmed in writing as soon as practicable and a copy placed on the employee's personnel file. The warning letter will include:

- The nature of the unsatisfactory work or conduct
- The standards to be achieved and any assistance being offered by the DBF
- The consequences of any further misconduct or failure to improve
- The employee's right to appeal

### Final written warning

Where there has been a failure to improve or change behaviour during the currency of a prior warning, or where the infringement is sufficiently serious, a final written warning will be given.

The terms of a final written warning may be delivered orally to the employee at the conclusion of the hearing and will in any case be confirmed in writing as soon as practicable and a copy placed on the employee's personnel file. The warning letter will include:

- The nature of the unsatisfactory work or conduct
- The standards to be achieved and any assistance being offered by the DBF
- The consequences of any further misconduct or failure to improve
- The employee's right to appeal

### Dismissal

If the employee's conduct or performance still fails to improve, or where the infringement constitutes gross misconduct, the decision will be taken to terminate an employee's contract of employment with the DBF. This decision may be delivered orally to the employee at the conclusion of the hearing and will in any case be confirmed in writing as soon as practicable. Where the dismissal is for gross misconduct, it will normally take immediate effect (i.e. without notice or pay in lieu of notice). The letter of termination will include:

- The nature of the unsatisfactory work or conduct
- The date of the termination of the contract, including the period of notice or pay in lieu of notice
- The employee's right to appeal

### Other forms of disciplinary sanction

Other forms of disciplinary sanction may include a transfer to other duties, disciplinary suspension without pay, demotion, loss of seniority or loss of an increment. As with other sanctions within the formal disciplinary procedure, the details of the action taken will be conveyed in writing to the employee, including the employee's right to appeal.

## **EXPUNCTION OF RECORDS OF DISCIPLINARY HEARINGS/ACTIONS**

Where, at the conclusion of a disciplinary hearing it is decided not to take disciplinary action or at the conclusion of an appeal hearing it is decided to withdraw the disciplinary action that had been taken, then material relating to the matter will be removed from records relating to the employee and placed in a separate confidential file. A note will be placed on the employee's records showing that material has been transferred to the confidential file. Access to this confidential file will only be granted after an application has been made for consideration.

## **RECORDS OF DISCIPLINARY ACTION**

All warnings will be issued for a stated period of time from their date of issue.

Unless the employee is informed otherwise at the time, warnings will be in force for the following periods from the date of the notified decision of the disciplinary hearing:

- Oral Warning: Six months
- Written Warning: Six months
- Final Written Warning: Twelve months

## **GROSS MISCONDUCT**

Gross misconduct is regarded as conduct which leads to an irretrievable breakdown of the trust, which DBF has in its employees, which forms an essential element of the employment contract. The usual penalty for gross misconduct is summary dismissal from the DBF (i.e. without notice or pay in lieu of notice).

The following list, which is neither exclusive nor exhaustive, gives examples of offences, which, if committed by an employee of the DBF, would usually be regarded as gross misconduct:

- Unauthorised removal of or malicious damage to DBF property
- Stealing from the DBF, members of staff or the public and other offences of dishonesty
- Sexual offences
- Discrimination on the grounds of gender, race, disability, sexual orientation, religion or belief or age, including harassment or victimisation
- Physical assault or fighting
- Deliberate falsification of financial records, including subsistence and expenses claims
- Serious incapability whilst at work due to alcohol or drug abuse
- Serious breaches of health and safety rules
- Serious act of insubordination
- Bullying
- Unauthorised access to records
- Unauthorised or excessive absence
- Job abandonment
- Serious negligence which causes unacceptable loss, damage or injury
- Improper conduct contrary to the ethos of the organisation

In cases of alleged gross misconduct, the employee will normally be immediately suspended with pay from his/her duties, pending an investigation. The employee will be advised of the expected time frame for the investigation.

In the event of the employee's alleged conduct being a matter of Police Enquiry, then the employer's investigation including possible disciplinary matters may have to wait upon the conclusion of decisions by the police or court. In such cases suspension of employees may continue, with or without pay, and there is an obligation on employees and employers to keep each other informed.

## **SUSPENSION**

The DBF reserves the right to suspend an employee at any stage during the disciplinary process if, in its opinion, it would be helpful to the employer, employee or the process itself. The suspension should be for no longer than is necessary to investigate the allegations and should be confirmed to the employee in writing. Suspension is not a disciplinary sanction and does not imply that any decision has already been made. The employee will usually continue to receive their full pay during the period of suspension, unless a decision has been made and notified to the employee that the period of suspension will be without pay.

## SUMMARY

### Step 1

The line manager will write to the employee notifying them of the allegations against them and the basis of the allegations and invite them to a meeting to discuss the matter.

### Step 2

The Diocesan Secretary (or delegated person) will hold a meeting to discuss the allegations - at which the employee has the right to be accompanied - and notify the employee of the decision and their right to appeal.

### Step 3

If the employee wishes to appeal, DBF Trustees will hold an appeal meeting - at which the employee has the right to be accompanied - and inform the employee of the final decision.