

DISCIPLINARY PROCEDURE

1. Purpose and scope

This procedure is designed to help and encourage all employees of the Church to achieve and maintain standards of conduct, attendance and performance in their ministry/work. The aim is to ensure consistent and fair treatment for all. This procedure applies to all employees of the Church and will normally be followed where a breach of discipline occurs but the procedure is not contractually binding upon the Church and is for guidance only.

2. Principles

- No disciplinary action will be taken against an employee until the case has been fully investigated.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct for which an individual may be dismissed without notice or payment in lieu of notice.
- An employee will have the right to appeal against any disciplinary penalty imposed.
- The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

3. Concurrent Procedures

In the event that an employee submits a grievance during a disciplinary procedure, the Church may at its discretion, decide whether to suspend the disciplinary procedure in order to fully consider the grievance, or to deal with both procedures concurrently, where the issues are related. Establishing the facts The Church will investigate, without delay, any allegation or indication of poor performance or misconduct. In some cases, this will require an investigatory meeting, held by a senior Church representative, to establish the true facts in the matter. The Church may consider it necessary to suspend the employee on full pay pending investigation.

- *Suspension* The Church may at any time suspend the employee for a reasonable period of time, during any period in which the Church is carrying out a disciplinary investigation into any alleged acts or defaults of the employee. During any period of suspension, the employee shall continue to receive their salary and contractual benefit. This is not disciplinary action, but a neutral act pending the outcome of the investigation.
- *Informing the employee* If, following the investigation, either misconduct or unsatisfactory performance is confirmed and it is felt that there is a disciplinary case to answer, the employee will be asked to attend a formal meeting and the employee will be notified in writing that disciplinary action may follow. This notification will contain sufficient information about the alleged misconduct or poor performance to allow the employee to prepare a response for any disciplinary hearing. It will also include any evidence gathered during the investigation, which supports the decision to take disciplinary action. The employee will also be informed of the time, date and venue of the disciplinary hearing, and advised of the employee's right to be accompanied by a colleague or trade union representative.

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- **Disabilities** Consideration should always be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing his/her duties or providing additional equipment or training. The Church may also consider making adjustments to this procedure in appropriate cases. If the employee wishes to discuss this or inform the Church of any medical condition which they consider relevant, he/she should contact his/her supervisor or the Church Secretary.
- **Confidentiality** The Church's aim is to deal with performance 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 a matter, which is subject to this disciplinary procedure. The employee and anyone who accompanies them (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure. The employee will normally be told the names of any witnesses whose evidence is relevant to their disciplinary hearing, unless the Church believes that a witness's identity should remain confidential.
- **Notification of a hearing** If the Church considers that there are grounds for taking formal action over alleged poor performance, the employee will be required to attend a capability hearing. The Church will notify the employee in writing of its concerns over the individual's performance, the reasons for those concerns, and the likely outcome if it decides after the hearing that the employee's performance has been unsatisfactory. The Church will also include the following where appropriate:
 - (a) A summary of relevant information gathered as part of any investigation;
 - (b) A copy of any relevant documents which will be used at the capability hearing; and
 - (c) 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 the employee as much information as possible while maintaining confidentiality. The Church will give the employee written notice of the date, time and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time, [usually two to seven days,] to prepare his/her case based on the information which the Church gives him/her.
- **Right to be accompanied at hearings** The employee may take a companion to any capability hearing or appeal hearing under this procedure. The companion may be either a trade union official or a fellow employee. The employee must tell the manager conducting the hearing who his/her chosen companion is, in good time before the hearing. Employees are allowed reasonable time off from duties without loss of pay to act as a companion. There is no duty on employees to act as a companion if they do not wish to do so.
 - If the chosen companion will not be available at the time proposed for the hearing the employee may request that the hearing be postponed to a day not more than five working days after the day proposed by the Church. If the time proposed is reasonable, and the employee representative is able to attend, the hearing will be postponed until that time.
 - Whilst the companion may address the hearing and confer with the individual during the hearing, they do not have the right to answer questions on the part of the individual. If the employee's choice of companion is unreasonable the Church may require him/her to choose someone else, for example:

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- (a) If in the Church's opinion the employees' companion may have a conflict of interest of may prejudice the hearing; or
- (b) If the employees' companion works at another site and someone reasonably suitable is available at the site at which they work; or
- (c) If the employees' companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

The Church may, at its discretion, allow the employee to take a companion who is not an employee or union official (for example, a member of his/her family) where this will help overcome a particular difficulty caused by a disability, or where the employee has difficulty understanding English.

The procedure

Where possible, matters will be dealt with informally, where the matter is more serious either the capability or the disciplinary procedure will be used.

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