



## The Parish of St Margaret's, Lee **Disciplinary Procedure 2019**

### **Purpose and Scope**

The parish aim is to encourage improvement in individual conduct of paid employees and office holders working on behalf of the parish. This procedure sets out the action which will be taken when disciplinary rules are breached. 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.

### **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 the employee or office holder who is the subject of the disciplinary procedure will have the opportunity to state his or her case; and to be represented, if they wish, at the hearings by a friend, or by a fellow employee.

The subject of the procedure has the right to appeal against any disciplinary penalty.

### **The Procedure**

#### **1 Informal action**

Cases of minor misconduct or unsatisfactory performance will be dealt with informally. The employee or office holder will be encouraged to make the necessary improvement and offered additional guidance, support, training and supervision as appropriate. He or she will be informed that, should the required improvement be achieved, that will be the end of the matter.

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.

#### **2 Stage 1 – Written Warning**

If there is no improvement in standards, or if a further offence occurs, or the offence is such as to warrant it at the outset, the employee or office holder will be given a WRITTEN WARNING by their line manager or the person responsible for co-ordinating their work, which will include the reason for the warning and a note that, if there is insufficient improvement within the designated timescale (usually no more than 6 months) a final written warning will be given.

### **3 Stage 2 – Final Written Warning**

If conduct or performance is still unsatisfactory, or the offence is sufficiently serious to warrant it at the outset, a FINAL WRITTEN WARNING will be given by the line manager or person co-ordinating the work, making it clear that any recurrence of the offence or other serious misconduct within a period of 12 months will result in dismissal.

### **4 Stage 3 – Dismissal**

If there is no satisfactory improvement, or if further serious misconduct occurs, or if the offence is one of Gross Misconduct, the employee or office holder will normally be DISMISSED from the office they hold. Any decision to dismiss will be taken by a panel of three members appointed by the PCC, who should all be members of the PCC and include either the incumbent or a churchwarden.

The panel will receive in advance from the line manager all the documentation relating to the offence under consideration. The documentation will also be made available in advance to the subject of the disciplinary procedure. 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 employee or office holder.

### **5 Gross Misconduct**

Gross misconduct is misconduct so serious that it could justify dismissal without previous warnings and without notice or pay in lieu thereof. If, after investigation, it is confirmed that an employee or office holder has committed an act of gross misconduct, s/he will normally be dismissed, following the procedure in 4 above. The following is a list of examples of gross misconduct. It is for guidance only and is not exhaustive:

- Theft or unauthorised possession of any property or facilities belonging to the Parish
- Gross insubordination
- Gross negligence
- Serious 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
- 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.

## **6 Suspension**

While alleged gross misconduct is being investigated, the employee or office holder may be suspended, during which time s/he will be paid at his or her normal rate of pay. S/he will be entitled to written reasons for the suspension within 3 working days of being suspended.

## **7 Appeals**

If the employee or office holder wishes to appeal against any disciplinary decision, s/he must do so within one week of the decision being conveyed to him/her. The appeal will be heard by a panel of three members appointed by the PCC, not including anyone who has been involved in the process thus far. At least two members of the panel should be PCC members, and one should be either a churchwarden or the incumbent.

The second panel will decide the case as impartially as possible. The panel will receive all the documentation from previous stage of the disciplinary procedure; the documentation will also be made available in advance to both the subject of the disciplinary procedure and the line manager.

The panel will then hear evidence from the line manager, the subject of the hearing, and witnesses may be called. The panel will then form a judgement and make a decision regarding the dismissal or otherwise of the employee or office holder.

The panel's decision will be final.

Reviewed and approved by the PCC 22 January 2019