



Church Worker Disciplinary Policy

1. Purpose and Scope

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

2. Disciplinary Procedure

- 2.1** Informal action will be considered, where appropriate, to resolve problems such as minor faults. Where the matter is more serious the following disciplinary procedure will be used.
- 2.2** No disciplinary action will be taken against an employee until the case has been fully investigated. You must co-operate fully and promptly in any investigation. This will include, among other things, informing us of the names of any relevant witnesses, disclosing any relevant documents to us, and attending investigation meetings if required.
- 2.3** For formal action, if the Employer considers there are grounds for disciplinary action, the employee will be required to attend a disciplinary hearing. They will be informed in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences will be if it is decided after the hearing that the allegations are true. The employer will also include the following where appropriate:
- 2.3.1** a summary of relevant information gathered during the investigation;
 - 2.3.2** a copy of any relevant documents which will be used at the disciplinary hearing; and
 - 2.3.3** a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case as much information as possible will be provided while maintaining confidentiality.
- 2.4** The employee will be given written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but a reasonable amount of time, usually two to seven days, will be given for the employee to prepare their case based on the information provided.

- 2.5** In normal circumstances disciplinary action will only be taken by the Trustees.
- 2.6** The employee will have the right to be accompanied by a companion of their choice at all stages of the procedure. If the chosen companion will not be available at the time proposed for a 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 Employer. If the time proposed is reasonable, the hearing will be postponed until that time.
- 2.7** If your choice of companion is unreasonable the Trustees may ask you to choose someone else, for example:
- 2.7.1** if in our opinion your companion may have a conflict of interest or may prejudice the meeting; or
 - 2.7.2** if your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards.
- 2.8** The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason or is persistently unable to do so (for example for health reasons), the employer may have to take a decision based on the available evidence.
- 2.9** At the disciplinary hearing each of the allegations and the evidence that has been gathered shall be considered. The employee will be able to respond and present any evidence, and their companion may make representations and ask questions, but should not answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the hearing.
- 2.10** Recordings of disciplinary meetings and hearings are not usually made, minutes will be prepared at the meeting by your employer, and you will have the opportunity to review these minutes before they are finalised. You or the person accompanying you must not make electronic recordings of disciplinary hearings or meetings.
- 2.11** Relevant witnesses may be asked to appear at the hearing by either the employer or employee. Sufficient advance notice should be given to the relevant parties to give adequate opportunity to attend. You will be given the opportunity to respond to any information given by a witness.
- 2.12** The employer may adjourn the disciplinary hearing if it needs to carry out any further investigations such as re-interviewing witnesses in the light of any new points made at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 2.13** The employee will be informed in writing of the decision and reasons for it, usually within one week of the disciplinary hearing.
- 2.14** No employee will be dismissed for a first breach of discipline except where an employee has not yet completed their probationary period, or in the case of gross misconduct when the penalty will normally be dismissal without notice or payment in lieu of notice.
- 2.15** An employee will have the right to appeal against any disciplinary action.

2.16 The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

3. Disciplinary Outcomes

3.1 If a disciplinary hearing upholds an allegation and determines that a disciplinary penalty is appropriate, the following penalties can be imposed:

Stage 1: Improvement note or warning

This will normally be either:

- *An improvement note for unsatisfactory performance* if performance does not meet acceptable standards. This will set out the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. He or she will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 12 months but then will be disregarded – subject to achieving and sustaining satisfactory performance.
- or
- *A first warning for misconduct* if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is further misconduct or no sustained satisfactory improvement or change (as appropriate). A record of the warning will be kept, but it will be disregarded for disciplinary purposes after 12 months.

Stage 2: Final written warning

If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the currency of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written warning will be kept by the supervisor but will be disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct or performance.

Stage 3: Dismissal or other sanction

If there is further misconduct or failure to improve performance the final step in the procedure may be dismissal or some other action short of dismissal such as demotion, disciplinary suspension, or transfer (as allowed in the contract of employment). If the employee is dismissed, they will be provided with reasons for dismissal in writing, the date on which the employment will terminate and the right to appeal.

Where there is gross misconduct, the Employer is entitled to proceed to stage 3 without having implemented stages 1 or 2. If some sanction short of dismissal is imposed, the employee will be provided with reasons for the decision in writing, will be warned that dismissal could result if there is no satisfactory improvement and they will be advised of the right of appeal.

4. Gross Misconduct

- 4.1** The following list is not exhaustive but provides examples of offences which are normally regarded as gross misconduct:
- 4.1.1** intentional acts of unlawful discrimination or harassment
 - 4.1.2** verbal, physical, sexual or financial abuse of members of the Church
 - 4.1.3** failure to adhere to the Statement of Faith required of all members of the Church
 - 4.1.4** failure to maintain one's personal life in accordance with a good Christian testimony
 - 4.1.5** theft, fraud, deliberate falsification of records
 - 4.1.6** a serious breach of confidentiality
 - 4.1.7** fighting
 - 4.1.8** assault on another person
 - 4.1.9** deliberate damage to the employer's property
 - 4.1.10** serious incapability through alcohol or being under the influence of illegal drugs
 - 4.1.11** serious negligence which causes unacceptable loss, damage or injury
 - 4.1.12** a serious act of insubordination
 - 4.1.13** bullying
 - 4.1.14** serious misuse of the Church's property or name
 - 4.1.15** deliberately accessing internet sites containing pornographic, offensive or obscene material
 - 4.1.16** bringing the Church into serious disrepute
 - 4.1.17** a serious breach of health and safety rules
- 4.2** If, on completion of the investigation and a subsequent disciplinary hearing, the employer is satisfied that gross misconduct has occurred, the outcome for the employee will normally be summary dismissal without notice or payment in lieu of notice.

5. Suspension

- 5.1** The employer may at any time suspend the employee for a reasonable period of time during any period in which the employer is carrying out a disciplinary investigation into any alleged acts or defaults of the employee. The Employer will confirm the arrangements to you in writing.
- 5.2** Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. During any period of suspension, the employee shall continue to receive their salary and contractual benefits.

6. Appeals

- 6.1** If the employee feels that disciplinary action taken against them is wrong or unjust they should appeal in writing, stating the full grounds of appeal, to the Overseers within two weeks of the date on which they were informed of the decision.
- 6.2** If appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity or pay.
- 6.3** If the employee raises any new matters in their appeal, a further investigation may be carried out. If any new information comes to light the employer will provide a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing.
- 6.4** The employee will be given written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after the written notice.
- 6.5** The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the employers' discretion depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible.
- 6.6** Where possible, the appeal hearing will be conducted impartially by another Trustee who has not been previously involved in the case. The Trustee who conducted the disciplinary hearing will also usually be present. The employee may bring a companion to the appeal hearing (see above).
- 6.7** The employer may adjourn the appeal hearing to carry out any further investigations in the light of any new points raised at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 6.8** Following the appeal hearing the employer may:
- 6.8.1** confirm the original decision;
 - 6.8.2** revoke the original decision; or
 - 6.8.3** substitute a different penalty.
- 6.9** The employee will be informed in writing of the final decision as soon as possible, usually within one week of the appeal hearing. There will be no further right of appeal.