



Disciplinary Policy and Procedure

Policy Statement

Rodborough Tabernacle United Reformed Church (“the Church”) requires a good standard of conduct and behaviour from its employees in order to protect the proper operation of the Church and the health and safety of all.

The Disciplinary Policy and Procedure will be reviewed and updated from time to time. Employees will be notified in writing of any amendments.

Where time limits are specified in this Policy and Procedure, they may be varied by agreement between the Church and the employee.

During the probationary period, the full disciplinary procedure will not apply.

The Disciplinary Policy and Procedure do not form part of the contract of employment.

Purpose

The purpose of the disciplinary procedure is to ensure that any concerns over employees’ conduct or behaviour are handled in a fair, consistent and timely manner, with the intention of bringing about an improvement to the conduct or behaviour causing concern.

Scope

This policy applies to employees based at Rodborough Tabernacle URC, Tabernacle Walk, Rodborough, GL5 3UJ.

It does not apply to individuals who occupy roles as stipendiary ministers of word and sacraments.

Disciplinary Procedure

Informal discussion

The Church will initially try to resolve disciplinary issues informally by way of an informal discussion with the employee concerned.

This is a two-way discussion where the employee’s line manager will be able to inform the employee of his/her shortcomings in conduct or behaviour and at the same time provide the employee with the opportunity to provide an explanation.

The main purpose of the informal talk is to find a solution to the problem that is beneficial for both the Church and the employee.

Generally, cases of minor misconduct and/or poor behaviour are dealt with informally. However, if the informal action does not provide a solution to the problem or if the disciplinary issue is too serious to be dealt with informally, then the formal disciplinary procedure will be followed.

Investigation

If it is reasonably believed that there is a disciplinary matter that needs investigating, an individual will be appointed to conduct the investigation. The employee concerned will be informed of the investigation as soon as possible and when it has been concluded.

The employee may be asked to attend an investigatory interview. If such an interview is held prior to a disciplinary meeting, the employee will be advised from the start that the interview is an investigatory interview. There is no automatic entitlement for an employee to be accompanied at an investigatory interview.

The Church will establish the facts before the meeting by collecting documents, identifying any relevant people to interview and taking statements before memories start to fade. Any requests for anonymity and confidentiality should be taken seriously. At least seven (calendar) days before the meeting, the employee should be provided with all relevant information, including statements, upon which the Church intends to rely.

The Church reserves the right to omit the investigatory interview stage and move straight to a formal disciplinary meeting.

Suspension

The Church reserves the right to suspend an employee from work while a disciplinary offence is being investigated.

Employees will be advised of the likely duration of the suspension.

Suspension is not regarded by the Church as disciplinary action. The Church shall inform the employee, in writing, of the reason for the suspension.

Suspension will be on full pay and without prejudice to any stage of the disciplinary process.

Written notice of intended disciplinary meeting

If it is decided that there is a disciplinary case to answer, the Church will write to the employee, giving him/her a minimum of seven days' notice of the meeting and advising the employee of his/her right to be accompanied at the meeting. At the same time, the Church will provide the employee with written notice informing him/her that this constitutes the start of the formal disciplinary procedure and as such provide:

- an outline of the alleged misconduct or poor behaviour and any possible consequences of this;
- the findings of the investigation and any other relevant information which will be brought to the disciplinary meeting; and

- where the Church or an employee intends to call relevant witnesses they should give advance notice to the other party that they intend to do so. (At this stage it may also be appropriate to provide copies of written evidence including any witness statements.);
- details as to the time and venue of the disciplinary meeting; and
- notice of the employee's statutory right to be accompanied. (This statutory right can be exercised once the employee has made a reasonable request to be accompanied).

The employee's chosen companion will be able to address the meeting to put or sum up the employee's case as well as confer with the employee during the meeting. He/she may not, however, answer questions on the employee's behalf, address the meeting if the employee does not wish him/her to or prevent the Church from explaining their case. The companion can be a fellow employee or trade union representative.

The meeting will be scheduled in order to give the employee reasonable time to prepare for the meeting.

If the employee is unable to attend the disciplinary meeting at the agreed time, the Church shall offer an alternative reasonable time and date. The Church shall give at least seven days' notice of any rearranged meeting. If the employee fails to attend the rearranged meeting the Church, taking into consideration any reasons and concluding that such failure is without good cause, is free to decide upon the matter using the evidence available. In these circumstances, the employee will be allowed to make written submissions.

Disciplinary meeting

An Elder will be appointed to hear the disciplinary meeting.

The person who has carried out the investigation will explain the complaint against the employee and go through any relevant evidence.

An HR professional or other suitably qualified person will attend to take notes and to advise the Church on the conduct of the meeting.

The employee will then be given the opportunity to present his/her own evidence, answer any allegations, ask questions and call relevant witnesses.

If any of the individuals appointed by the Church is unable to attend the meeting, the employee will be informed at the earliest opportunity and a reasonable alternative date and time will be notified to the employee.

At any point any of those present may ask for a break.

At his/her absolute discretion, the individual hearing the disciplinary case may call for an adjournment; if adjourned the meeting should be resumed within a period not longer than seven days.

Outcome of meeting

As soon as possible after the conclusion of the disciplinary meeting, the employee will be informed what disciplinary action, if any, will be taken. If the meeting finds there

has been no misconduct/unacceptable behaviour, the employee will be informed of this in writing.

Where a minor offence has been committed, a recorded oral warning may be given. The warning will state that any further misconduct will render the employee liable to further, more severe, disciplinary action. The employee shall be informed of the period during which the warning will remain 'live', usually 6 months.

First Written Warning - If more serious misconduct or further minor offences are confirmed, the Church will issue a written warning setting out the complaint and stating that further misconduct may result in further disciplinary action. This letter will include details as to the improvement required, time-scales for such improvement and details of any support that will be made available. The employee shall be informed of the period during which the warning will remain 'live' (usually 12 months) and advised of his/her right to appeal against the warning.

Final Written Warning - If the misconduct is sufficiently serious or there has been further misconduct since a previous written warning the Church may issue a final written warning. This will give details of the complaint and nature of the misconduct the improvement required, the timescale for such improvement and details of any help available. It will also warn that failure to improve may lead to dismissal or some other contractual penalty e.g. demotion. The employee shall be informed of the period during which the warning will remain 'live' (usually 12 months) and advised of his/her right to appeal against the warning.

Dismissal / Other Penalty - If there has been further misconduct since a final written warning the Church may dismiss the employee or take some other action short of dismissal such as demotion or disciplinary suspension. As soon as reasonably practicable the employee will be provided with a written statement of the reasons for dismissal or other action, the date on which the employment will terminate (if dismissed), and his/her right to appeal.

Dismissal without Notice - If the Church establishes that there has been gross misconduct the employee may be summarily dismissed i.e. dismissed without notice. The Church will follow a fair disciplinary procedure before taking any decision to dismiss without notice and this will be confirmed in writing (see Gross Misconduct section below).

Appeal

Employees have the right to appeal against any formal disciplinary action. The appeal should be made in writing within 14 days of the disciplinary decision.

The employee must inform the Church, in writing, as to the grounds for appeal: the employee should state if he/she is appealing against the finding that he/she committed the alleged acts of misconduct and/or against the level of sanction imposed.

The Church will hear the appeal without unreasonable delay. The appeal will be heard by an individual not previously involved in the case per Appendix I. The employee may be accompanied by a work colleague or trade union representative.

The outcome of the appeal will be confirmed in writing within 14 days of the meeting. Decisions made at this stage will be final and there is no further right of appeal.

Special Cases

The fact that an employee has been charged or convicted with a criminal offence is not automatically regarded as a reason for disciplinary action. The Church will consider whether the offence or alleged offence is one that makes the employee unsuitable for his/her type of work. Therefore, the Church will establish the facts of the case and consider whether the facts warrant starting the disciplinary procedure. Similarly, an employee cannot be dismissed solely because he/she was absent from work as a result of being remanded in custody.

Where an employee is remanded in custody or imprisoned for a period longer than seven days and therefore unavailable for work, the Church will suspend pay and benefits.

Misconduct

The following non-exhaustive list gives examples of conduct/behaviour that will normally be addressed through the Church's disciplinary procedure:

- minor breaches of Church policies and procedures;
- rudeness towards colleagues or other Church contacts;
- persistent lateness or poor timekeeping;
- unacceptable levels of absence, especially when unauthorised;
- insubordination;
- failure to follow reasonable requests or instructions;
- minor abuse, misuse or neglect of Church property or facilities; and
- inappropriate or excessive use of Church facilities and equipment for personal reasons and/or during work time e.g. Church email, telephones and internet access.

Gross Misconduct

The following non-exhaustive list gives examples of offences the Church will normally regard as gross misconduct:

- theft, fraud, dishonesty or deliberate falsification of records;
- fighting, assault or other violent behaviour;
- deliberate damage to, or misuse of, Church property;
- deliberate use of internet and/or email to access or distribute material of a pornographic, offensive, obscene or inappropriate nature;
- incapability at work due to the effect of alcohol or drugs;
- possession, custody or control of illegal drugs on Church premises;
- serious breach of the Church's rules, policies and procedures;
- serious negligence which causes loss, damage or injury;
- conviction of a criminal offence that is relevant to the employee's employment with the Church and renders him/her unsuitable and/or unavailable for his/her work;
- conduct likely to bring the Church's name into disrepute;

- bullying, harassment, victimisation or discrimination;
- bribery offences under the Bribery Act 2010;
- gross negligence;
- serious acts of insubordination;
- abuse of authority.

In the event that an employee commits an act of gross misconduct, the Church is entitled to summarily terminate the employee's contract of employment without notice or pay in lieu of notice. If the Church decides to summarily terminate the employee's contract of employment without notice or pay in lieu of notice the Church must be acting fairly and reasonably to take this action rather than following the Disciplinary Procedure set out above.

Confidentiality

Disciplinary matters will be handled with as high a degree of confidentiality; as is practicable, particularly when the issue is of a sensitive nature.

Confidential records of disciplinary matters will be kept in the employee's personnel file in accordance with Data Protection legislation. Copies of meeting notes will be provided to the employee, although the Church reserves the right to withhold certain information (e.g. to protect a witness).

The Church reserves the right to:

- monitor employees' activities including telephone calls, email messages and internet use at any time, whether as part of a disciplinary investigation or otherwise. Employees should therefore not consider such activities and methods of communication to be confidential when conducted at work.
- search an employee's desk, bags, pockets, vehicle or other Church property or personal possessions where such action is considered necessary in the opinion of the Church. A search will only be carried out by an appropriate person in the presence of a witness and employees may request the presence of a work colleague.

Policy Owner

Any queries regarding this policy should be addressed to the Church Secretary.

Policy Approved by

This policy was approved for use by Rodborough Tabernacle URC on 5 June 2024 and signed by the Church Secretary.

Policy Review

This policy will be reviewed after 36 months.