

Disciplinary Policy and Procedure

St Peter's, Colchester

Adopted by the PCC: [tbc]

Review date: [annually]

Policy owner: The Parochial Church Council

1. Purpose

St Peter's seeks to be a church where people are treated with dignity, fairness, honesty and care. This includes the way we handle concerns about conduct, attendance, performance and behaviour at work.

This policy explains how St Peter's will address disciplinary matters involving employees. Its purpose is to help employees understand what is expected of them, to encourage improvement where needed, to deal fairly and proportionately with misconduct or poor performance, and to protect the wellbeing, ministry, reputation and proper functioning of the church.

St Peter's will seek to handle disciplinary matters fairly, carefully and without unnecessary delay. We will consider informal action where appropriate, investigate concerns properly, listen before deciding, and give clear reasons for any formal action.

This policy does not form part of any employee's contract of employment and may be amended by the PCC from time to time.

2. Scope

This policy applies to employees of St Peter's.

It does not apply to the Vicar in respect of his office as an office-holder under Church of England terms of service. Where the Vicar also has a separate employment relationship with the PCC, or where the Vicar has a conflict of interest in relation to a disciplinary matter, the Chair of the Human Resources and Remuneration Governance Group, or another person appointed by the PCC, may act in place of the Vicar.

Volunteers, office-holders, clergy, licensed ministers, elected PCC members and others who are not employees are not subject to this employee disciplinary procedure. However, concerns about their conduct should still be handled fairly, pastorally and in accordance with the relevant St Peter's policy, Church of England process, safeguarding process, volunteer process, charity-governance process, or legal requirement.

3. Relationship with other policies and processes

This policy should be read alongside, where applicable:

- Welcome, Dignity and Fair Treatment Policy;
- Code of Conduct;
- Equal Opportunities Policy;
- Safeguarding Policy;
- Whistleblowing Policy;
- Grievance Policy and Procedure;
- Sickness Absence Policy;
- Flexible Working Policy;
- Data Protection Policy;
- IT Acceptable Use Policy;
- IT Security Policy;
- Social Media Policy;
- Lone Worker Policy;
- Health and Safety Policy;
- Staff Handbook;
- any relevant contract of employment or employment statement.

Some concerns may need to be handled under another policy or process instead of, or as well as, this disciplinary procedure.

A safeguarding concern must be reported and handled under the Safeguarding Policy and should not be treated merely as an ordinary disciplinary matter.

A concern about ill-health, disability, sickness absence or medical capability should normally be considered under the Sickness Absence Policy or a capability process, unless there is also a conduct issue.

A concern about poor performance may be handled informally, through supervision, through a capability process, or under this policy, depending on the circumstances.

A concern involving whistleblowing, serious governance failure, financial irregularity, legal breach, safeguarding failure or danger may need to be handled under the Whistleblowing Policy or another appropriate process.

Where more than one process may apply, St Peter's will decide the most appropriate route, taking advice where needed.

4. Principles

In handling disciplinary matters, St Peter's will seek to:

- treat employees with dignity, fairness and respect;
- act without unreasonable delay;
- consider informal resolution where appropriate;

- investigate the facts before taking formal disciplinary action;
- tell the employee clearly what the concern or allegation is;
- give the employee a fair opportunity to respond before any decision is made;
- provide relevant evidence where appropriate;
- avoid prejudging the outcome;
- consider the employee's wellbeing and any need for reasonable adjustments;
- handle information sensitively and confidentially;
- make decisions proportionately;
- give reasons for formal disciplinary action;
- allow an employee to appeal against disciplinary action.

St Peter's will not normally dismiss an employee for a first disciplinary offence unless the matter amounts to gross misconduct or there are other exceptional circumstances justifying dismissal.

Employees are expected to co-operate honestly and responsibly with disciplinary processes.

Disciplinary action should not be used to punish employees unfairly, silence concerns raised in good faith, or respond to legitimate disagreement, whistleblowing, grievance, flexible working requests, safeguarding reporting, disability-related needs, or other protected matters.

5. Informal action

Many concerns can and should be addressed informally before formal disciplinary action is considered.

Informal action may include:

- a conversation with the employee;
- clarifying expectations;
- additional supervision or support;
- training;
- pastoral or wellbeing support;
- a written note of guidance;
- a review meeting;
- agreeing practical steps for improvement.

Informal action is not formal disciplinary action and will not normally be treated as a formal warning.

St Peter's may move directly to formal action where the concern is serious, repeated, disputed, unsafe, damaging, or unsuitable for informal handling.

6. Investigation

Before taking formal disciplinary action, St Peter's will investigate the matter as reasonably appropriate.

The purpose of an investigation is to establish the facts and decide whether there is a case to answer. An investigation is not itself disciplinary action and should not prejudge the outcome.

An investigation may include:

- speaking with the employee;
- speaking with witnesses;
- reviewing documents, emails, messages, records, rota information, ChurchSuite records, financial records, safeguarding records, IT records or other relevant material;
- considering relevant policies, role descriptions, employment documents or instructions;
- seeking HR, legal, diocesan, safeguarding or other advice where appropriate.

The nature and extent of the investigation will depend on the seriousness and complexity of the matter.

Where practicable, the person investigating should not be the same person who makes the final disciplinary decision. In a small church staff context this may not always be possible, but St Peter's will seek to separate roles where reasonably practicable.

Employees and witnesses are expected to co-operate with an investigation and to respect confidentiality.

7. Investigation meetings

An employee may be invited to an investigation meeting before any decision is made about whether formal disciplinary action is needed.

An investigation meeting is usually a fact-finding meeting. It is not normally a disciplinary hearing.

There is no statutory right to be accompanied at a disciplinary investigation meeting, but St Peter's may allow an employee to be accompanied where this is reasonable, especially where the matter is serious, sensitive, or the employee has a disability, health condition or other vulnerability.

If, during an investigation meeting, it becomes clear that formal disciplinary action may be needed, the meeting may be adjourned and the matter dealt with under the formal procedure.

8. Suspension

Suspension is not disciplinary action and does not imply that a decision has been made.

St Peter's may consider suspension only where there is a reasonable and serious reason to do so, for example where:

there may be a risk to people, safeguarding, records, property, money, confidential information or the church's work;

working relationships may be seriously affected;

the employee's presence may hinder the investigation;

there is a serious allegation that may amount to gross misconduct.

Suspension should not be automatic. St Peter's will consider whether alternatives are possible, such as temporary changes to duties, supervision, working location, access to systems, or contact arrangements.

Where suspension is considered necessary, it will normally be on full pay and for as short a period as reasonably possible. The terms of suspension will be confirmed in writing and reviewed periodically.

During suspension, the employee must remain available for meetings and must not contact staff, volunteers, church members, witnesses or others about the matter unless authorised to do so.

9. Formal disciplinary hearing

If, after investigation, St Peter's considers that there is a disciplinary case to answer, the employee will be invited to a formal disciplinary hearing.

The invitation will normally be in writing and will include:

- the allegation or concern;
- enough information for the employee to understand the case against them;
- the possible consequences, including whether dismissal is a possible outcome;
- the date, time and place of the hearing;
- who will attend;
- the employee's right to be accompanied;
- copies of relevant evidence where appropriate;
- details of any witnesses to be called, where applicable;
- a request for the employee to provide any documents or witness information they wish to rely on.

The employee will be given reasonable time to prepare for the hearing.

10. Right to be accompanied

An employee has the statutory right to be accompanied at a formal disciplinary hearing by a work colleague or trade union representative.

The employee should tell St Peter's as soon as possible if they wish to be accompanied and who their companion will be.

The companion may address the hearing, put forward the employee's case, sum up the case, and confer with the employee during the hearing. The companion may not answer questions on behalf of the employee unless this is agreed.

If the employee's chosen companion cannot attend on the proposed date, the employee may suggest another reasonable date, normally within five working days of the original date.

11. Reasonable adjustments and support

St Peter's will consider reasonable adjustments for employees who are disabled or who have health conditions affecting their ability to participate in the disciplinary process.

Adjustments may include:

- changing the format, timing or location of a meeting;
- allowing breaks;
- providing documents in a different format;
- allowing additional support where appropriate;
- holding the meeting by video call or telephone;
- allowing extra time to respond.

Employees should tell the person handling the matter as soon as possible if they need any adjustments or support.

A disciplinary process can be stressful. St Peter's will seek to consider wellbeing appropriately while also addressing the matter fairly and responsibly.

12. Conduct of the disciplinary hearing

The disciplinary hearing should be conducted calmly, fairly and respectfully.

At the hearing:

- the concern or allegation will be explained;
- the evidence will be considered;
- the employee will have the opportunity to respond;
- the employee may present relevant evidence;
- the employee may ask questions;
- witness evidence may be considered where appropriate;
- the person hearing the matter may ask questions;
- the meeting may be adjourned if further investigation or advice is needed.

After the hearing, St Peter's will consider the evidence and the employee's response before making a decision.

Where practicable, the decision will not be made until after the hearing has concluded and there has been time for proper consideration.

13. Possible outcomes

After a disciplinary hearing, St Peter's may decide:

- no further action is needed;
- informal guidance or support is appropriate;
- training, supervision or review is needed;
- an improvement note should be issued;

- a first written warning should be issued;
- a final written warning should be issued;
- dismissal is appropriate;
- some other action short of dismissal is appropriate, where permitted by the employee's contract and by law.

Any formal disciplinary action will be confirmed in writing.

The written outcome will normally include:

- the decision;
- the reasons for the decision;
- the disciplinary sanction, if any;
- the improvement or change required;
- the timescale for improvement, where applicable;
- the period for which any warning will remain live;
- the consequences of further misconduct or failure to improve;
- the right of appeal.

14. Improvement note or first written warning

Where performance, conduct or attendance does not meet acceptable standards, St Peter's may issue an improvement note or first written warning.

An improvement note may be appropriate where the concern relates primarily to performance or attendance.

A first written warning may be appropriate where the concern relates primarily to misconduct.

The written warning or improvement note will normally explain:

- the concern;
- the improvement or change required;
- any support or training to be provided;
- the timescale for improvement;
- how the matter will be reviewed;
- the consequences if there is insufficient improvement;
- the right of appeal.

A first written warning or improvement note will normally remain live for 12 months, after which it will be disregarded for disciplinary purposes if the employee's conduct, performance or attendance has been satisfactory.

15. Final written warning

A final written warning may be issued where:

- the matter is sufficiently serious;
- there is further misconduct while a warning is live;

- there is insufficient improvement after an improvement note or first written warning;
- performance, attendance or conduct remains below acceptable standards.

The final written warning will normally explain:

- the concern;
- the improvement or change required;
- the timescale for improvement;
- any support or training to be provided;
- how the matter will be reviewed;
- the consequences if there is insufficient improvement, including possible dismissal;
- the right of appeal.

A final written warning will normally remain live for 12 months, after which it will be disregarded for disciplinary purposes if the employee's conduct, performance or attendance has been satisfactory.

In serious cases, St Peter's may specify a longer period, provided this is reasonable and proportionate.

16. Dismissal or action short of dismissal

Dismissal may be considered where:

- there is gross misconduct;
- there is further misconduct while a final written warning is live;
- there is insufficient improvement after a final written warning;
- the employee's conduct, performance or attendance remains unacceptable despite appropriate process and support;
- there is another substantial reason justifying dismissal.

Action short of dismissal may include, where lawful and permitted by the employee's contract:

- demotion;
- transfer to another role;
- change of duties;
- loss of responsibility;
- additional supervision;
- training;
- another appropriate measure.

A decision to dismiss may only be taken by the Vicar, the Chair of the Human Resources and Remuneration Governance Group, or another person authorised by the PCC, provided they have no conflict of interest and it is lawful and appropriate for them to act.

If dismissal is the outcome, St Peter's will confirm in writing:

- the reasons for dismissal;
- the date employment will end;

- whether dismissal is with notice, payment in lieu of notice, or without notice in the case of gross misconduct;
- details of final payments, including holiday pay and notice pay where applicable;
- arrangements for return of church property and access to church systems;
- the right of appeal.

17. Gross misconduct

Gross misconduct is misconduct so serious that it may justify dismissal without notice or payment in lieu of notice, following a fair process.

Examples of gross misconduct may include:

- theft, fraud or dishonesty;
- physical violence or threats;
- serious bullying, harassment, discrimination or victimisation;
- serious breach of safeguarding requirements;
- abuse, coercion or intimidation;
- serious breach of confidentiality or data protection;
- serious misuse of church funds, property, records, systems or equipment;
- serious breach of health and safety requirements;
- serious insubordination;
- deliberate damage to church property;
- being under the influence of alcohol or drugs at work where this affects safety, judgement, conduct or ability to work;
- serious misuse of email, internet, IT systems or social media;
- conduct likely to bring St Peter's or the Christian witness of the church into serious disrepute;
- criminal conduct relevant to the employee's role or to St Peter's trust and responsibilities;
- serious breach of the Code of Conduct, Safeguarding Policy, Welcome, Dignity and Fair Treatment Policy, or other PCC policy.

This list is not exhaustive.

St Peter's may treat other serious conduct as gross misconduct depending on the circumstances.

18. Appeals

An employee has the right to appeal against formal disciplinary action.

An appeal should be made in writing within five working days of receiving the written outcome.

The appeal should explain why the employee disagrees with the decision. This may include, for example:

- the procedure was unfair;
- the decision was unreasonable;
- the sanction was too severe;

- relevant evidence was not considered;
- new evidence has become available;
- there was a conflict of interest or apparent bias.

The appeal will normally be heard by someone who was not responsible for the original decision, where this is practicable. This may be the Vicar, the Chair of the Human Resources and Remuneration Governance Group, a Churchwarden, a PCC member, or another person appointed by the PCC.

The employee will be invited to an appeal meeting and may be accompanied by a work colleague or trade union representative.

The appeal may review the decision, reconsider the sanction, consider new evidence, or decide whether further investigation is needed.

After the appeal meeting, St Peter's will confirm the appeal outcome in writing.

The appeal decision will be final.

19. Grievances raised during disciplinary proceedings

An employee may raise a grievance during a disciplinary process.

Where this happens, St Peter's will decide how best to handle the matters fairly. This may include:

- pausing the disciplinary process while the grievance is considered;
- dealing with both matters together;
- dealing with the grievance within the disciplinary process;
- appointing a different person to consider the grievance;
- taking HR, legal, diocesan, safeguarding or other advice.

The appropriate approach will depend on the nature of the grievance and the circumstances.

20. Criminal allegations or police involvement

A disciplinary matter may also involve alleged criminal conduct or police involvement.

St Peter's will not necessarily wait for the outcome of a criminal investigation or prosecution before taking disciplinary action. However, it will consider what is fair, reasonable and appropriate in the circumstances.

Where safeguarding, police, statutory authorities, diocesan safeguarding staff or legal advisers are involved, St Peter's will take appropriate advice before proceeding.

21. Confidentiality

Disciplinary matters will be handled as confidentially as reasonably possible.

Information will normally be shared only with those who need to know in order to consider, investigate, respond to or advise on the matter.

Absolute confidentiality cannot be promised, especially where the matter involves safeguarding, legal obligations, risk of harm, serious misconduct, disciplinary action, governance concerns, or the need to speak with witnesses.

Employees, witnesses, companions and others involved in the process are expected to respect confidentiality and not discuss the matter unnecessarily.

22. Records and data protection

St Peter's will keep appropriate records of disciplinary concerns, investigations, meetings, evidence, outcomes, appeals and related correspondence.

Records will be handled in accordance with St Peter's Data Protection Policy, Data Retention and Records Management Policy, and Data Privacy Notice.

Records will be kept securely and shared only where necessary for proper management, HR, legal, safeguarding, governance or pastoral purposes.

23. Protection from unfair treatment

Employees should not be treated unfairly because they have participated in a disciplinary process in good faith, acted as a witness, acted as a companion, raised a grievance, reported a safeguarding concern, made a protected disclosure, requested flexible working, requested reasonable adjustments, or exercised statutory employment rights.

However, malicious or knowingly false allegations, dishonest evidence, intimidation of witnesses, victimisation, or breach of confidentiality may themselves be treated as disciplinary matters.

24. Further information

Employees may seek further information from their line manager, the Vicar, or the Chair of the Human Resources and Remuneration Governance Group.

External guidance is available from Acas and GOV.UK.

25. Review

This policy will be reviewed annually, or sooner if required by changes in employment law, statutory guidance, Acas guidance, St Peter's staffing arrangements, PCC policy, or parish practice.