

Disciplinary Policy

Document Summary

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Document Manager:	The PCC Secretary
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Amendment History

Version	Amendment Date	Author	Amendment Summary
0.1	26/06/2025	Ben Thompson	First Draft
1.0	10/09/2025	Ben Thompson	Policy adopted, with model policy source added.

Version control guide:

- 0.1 (1st draft version)
- 0.2 (2nd draft and so on..... 0.3. 0.4 etc)
- 1.0 (Once document has been approved)
- 1.2 (during review/approval of a lifecycle document i.e. policies)
- 2.0 (2nd approved document) and so on.

1. Introduction

The Parish Church of St Michael, Winterbourne (SMW) requires high standards of conduct from all members of staff. The purpose of this policy is to provide a constructive framework for dealing with staff conduct which falls below the expected standard and to ensure that disciplinary action, where necessary, is applied fairly and consistently. Ministers and/or wardens will attempt to resolve minor matters of concern through informal discussions. If informal approaches do not remedy poor conduct, or if misconduct is sufficiently serious, the formal stages of the disciplinary procedure will apply.

This policy has been developed in accordance with statutory requirements and with regard to the statutory ACAS Code of Practice for Disciplinary and Grievance Procedures (March 2015). This policy is subject to updates and amendments in line with legislative developments.

2. Purpose and Scope

This policy and procedure applies to all staff employed by SMW.

This policy does not cover situations in which performance in a job is unsatisfactory because of the knowledge and/or skills of a member of staff. These situations are dealt with under the organisation's Performance Management Policy'

Where safeguarding issues are alleged, ministers and/or churchwardens should refer to, and comply with, the Diocese of Bristol 'Safeguarding Allegations Management Process'

Where an employee is also a member of the Clergy, advice will need to be sought as to whether use of the 'Clergy Disciplinary Measures' should be considered, in parallel with, or instead of, any Disciplinary process under this policy.

3. Key Principles

This disciplinary policy is based on the following principles:

- The protection and safety of its staff, volunteers and the public is the organisation's overriding priority.
- Employees may be accompanied at formal meetings (section 4).
- No disciplinary action will be taken against an employee unless the case has been fully investigated by the appointed investigating manager.
- The employee will be advised of the complaint against them and will be given the opportunity to state their case before any decision is made.
- No employee will normally be dismissed for a first breach of discipline except in the case of gross misconduct, when the disciplinary sanction will be dismissal without notice or any payment in lieu of notice (see Appendix D).
- The procedure may be initiated at the informal or formal stage dependent on the seriousness and nature of the alleged misconduct.
- Disciplinary hearings and investigations are confidential to the individuals concerned and a breach of confidentiality will be regarded as a disciplinary matter in itself.
- Impartiality will be maintained by all those involved in the disciplinary investigation and hearings. A disciplinary hearing panel will not include anyone who has been actively involved in the disciplinary investigation.
- Investigations may include precautionary suspension on full pay – making it clear that suspension is not in itself a disciplinary sanction but is a neutral act in order to allow the business to carry out an investigation as quickly and thoroughly as possible.(section 6)

4. Right to Representation

The employee has the right to be accompanied by an accredited Trade Union representative or colleague in any Investigation Meeting and Disciplinary hearing. Consideration will also be given to allowing an employee as an alternative to be accompanied by a friend, not acting in a legal capacity. This consideration will be subject to the nature and sensitivities surrounding the allegation(s) made.

It is an employees' responsibility to arrange representation, and it should not cause unreasonable delay to the process.

5. Employee Support

An employee may, if s/he wishes, be supported by a nominated church officer or minister throughout a disciplinary process. The nominated person will not be involved in the initial investigation itself. Additional support for the member of staff may also be sought.

6. Suspension

Where appropriate the organisation may suspend an employee on full pay whilst it undertakes an investigation into alleged misconduct. Suspension is only appropriate in cases of alleged serious misconduct where:

- the employee is being charged with a serious criminal offence that is potentially inconsistent with their position.
- there is a clear concern that the employee or others may be placed at risk by them remaining in the work place. it is considered possible that the presence of the member of staff is likely to hinder an investigation or there are concerns that they may influence witnesses or interfere with relevant evidence and
- there is no workable alternative to suspension

Suspension is a neutral act in this context, It is; not a disciplinary sanction and does not, in any way, pre-determine the outcome of the investigation The period of suspension will last for the minimum time possible and will only be used after alternative ways of managing risk have been considered.

Suspension is not a form of disciplinary action, but breaches of any conditions attached to a suspension may lead to disciplinary action.

A decision as to whether to suspend will be taken by a member of the [insert as appropriate e.g. Senior Leadership Team/Parish Council] or their nominated deputy

The format for conducting a suspension meeting/discussion is detailed in appendix B

7 Procedure

A summary of the disciplinary process is detailed in appendix C.

7.1 Informal stages

It is part of the supervisory process that ministers and/or churchwardens bring to the attention of employees the standards of behaviour required and any failure to meet those standards. Minor misconduct should be dealt with by the employee's line manager informally and without delay.

The line manager should speak to the employee to ensure that they understand the nature of the concerns, hear any reasons or mitigation put forward ensure that expectations of improvements in conduct are clear and where appropriate timescales and the nature of any support available. Employees should be warned that any repeat of the misconduct may lead to formal disciplinary action and the line manager should write to the employee to confirm the discussion.

If informal discussion does not bring about an improvement or where there is a more serious allegation of misconduct, formal action under this procedure may be necessary.

Employees do not have the right to be accompanied at informal meetings.

7.2 Formal Process

The formal procedure should be followed where the informal approach has failed to achieve the required improvements in behaviour, or where an informal approach is inappropriate. If an allegation has been made then the first step of the process will normally be for the line manager to discuss this with the employee to make them aware of the allegation and ask the employee to prepare a written statement for the investigation meeting, or a verbal statement, which will be taken at the investigation meeting.

7.3 Investigations

Before a disciplinary hearing is convened the appropriate ministers and/or churchwardens will normally appoint an investigating manager to carry out an investigation into the circumstances of the alleged misconduct. The investigating manager will be of appropriate seniority with no prior involvement in the matter. The purpose of the investigation is to gather evidence and consider if the matter should proceed to a formal disciplinary hearing.

As part of any investigation, the employee may be invited to provide a written response to the allegations as well as being invited to attend an investigation meeting so that the investigation manager can establish the facts and the employee's version of events.

Investigations should be completed as quickly as possible and not delayed without good reason. If an investigating manager is unable to obtain relevant information in a reasonable timeframe, consideration should be given to concluding an investigation based on the information available.

The investigating manager should recommend whether:

- there is a case to answer;
- there is no case to answer; or
- the matter should be considered under an alternative procedure.

Employees' involved are expected to co-operate fully with an investigation and will be asked to maintain the confidentiality of any discussions held.

An employee may be accompanied at investigation meetings (section 4)

7.4 Disciplinary Hearing

7.4.1 Prior to the Hearing

Once the matter has been investigated and it has been established that there is a case to answer, a disciplinary hearing will be arranged with minimum delay. The employee will be invited to attend a disciplinary hearing and will be provided with details of the allegation(s) and an indication as to whether the alleged misconduct is considered as potentially a

serious/gross misconduct case and therefore whether a sanction less than or up to dismissal may be considered.

Prior to the hearing the employee will be invited to provide:

- their response to the allegations including bringing forward any relevant witnesses; and
- any documentation that they will refer to in the hearing.

Prior to the hearing any documentation or other evidence that is to be relied upon by either the employee or the organisation will be made available to each other and to the Disciplinary panel at least five working days before the hearing.

7.4.2 The Disciplinary Hearing

The order of events at the hearing is shown at appendix C.

A disciplinary panel will consist of at least 2 panel members; the chair of the panel and another appropriate person. There may be a third panel member present to ensure objectivity or be an expert in the field relating to the employee's place of work or from the profession to which the employee belongs. For cases that are deemed serious enough for dismissal to be considered as a potential outcome a third panel member is required. Where dismissal is a potential outcome advice ahead of the hearing may be sought from the DBF Human Resources Team.

The hearing will be conducted impartially. The chair of the panel must ensure that the employee is given every opportunity to state their case, and that only facts relevant to the alleged misconduct are considered. The panel should consider the information they have received prior to the hearing. If new/additional evidence is to be presented, this needs to be given to the chair of the panel who will consider whether it is appropriate to accept or to refer back to the investigating manager for further investigation.

Witnesses may also be present for the part of the hearing relevant to them. A note taker should also be present and notes will be made available to all parties following the hearing. The purpose of the note taker is to provide the panel with a sufficient record of the hearing to support them in making a decision. The notes are not a verbatim record of the hearing.

The hearing will be organised by the chair of the panel. The chair will not have been actively involved in the disciplinary investigation, but may have been the suspending minister or churchwarden or the line manager who received the investigation report. The chair of the panel will:

- Select who else should be on the panel to support them, depending on the severity or complexity of the case,
- Formally invite the employee to a disciplinary hearing, giving at least 5 calendar days' notice, including the following information:
 - The requirement of the employee to attend the hearing;
 - The date, time and place of the hearing;
 - The precise details of the allegations against the employee;
 - The right of the employee to be accompanied (see section 4)
 - The names and job titles of the individuals attending the hearing;
 - A request for details of the employee's representative (if any) at the hearing, witnesses to be called and documents to be produced;
 - Whether the allegation could be considered gross misconduct, and whether dismissal is a possible outcome of the disciplinary hearing.

- Send out two copies of the investigation report to the employee with the invitation letter.
- Lead the hearing and follow the process as set out in appendix C,
- Make a decision in line, after consultation with the other members of the panel (section 8),
- Confirm the outcome of the hearing to the individual in writing.

7.4.3 Non Attendance at a disciplinary hearing

Failure to attend a hearing is not acceptable without justification, and a hearing may go ahead in the employee's absence. The chair of the panel, in conjunction with the other panel members, will decide if this action is appropriate. Disciplinary hearings may be re-arranged once if the employee or their representative is unable to attend, providing they have given prior warning. At the second attempt, the hearing will take place and a decision will be made in their absence unless there are highly exceptional circumstances.

7.4.4 The Outcome of the Hearing

At the end of the hearing the Disciplinary Panel will consider all representations then decide whether or not, on the balance of probabilities, the allegation(s) are proved and if they are proved what level of disciplinary sanction, up to and including dismissal is appropriate. On the basis of the information presented, the panel may decide to impose any of the disciplinary sanctions or other measures set out in section 8.

The decision may be given on the day of the hearing and will in any event be confirmed in writing within fourteen days of the hearing. The employee has a right of appeal against any decision.

8. Disciplinary Outcomes

8.1 No case to answer

If, following either a full investigation or a formal hearing, the minister or churchwarden receiving the investigation report or chairing the panel decides that there is no case to answer on the presented allegations, they should write to the employee to confirm the decision and end the disciplinary process.

8.2 Outcome with Recommendations

Following either a full investigation or a formal hearing, the minister or churchwarden receiving the investigation report or chairing the panel may decide that while the allegations may be substantiated, a formal hearing or formal sanction is not warranted. They should write to the employee to confirm this decision and the nature of the informal outcome (for example, a recommendation for additional training), and inform them that if further similar allegations arise the evidence gathered may be considered alongside a future investigation

8.3 Written warning

Where unacceptable levels of conduct or performance have not been resolved by verbal advice or where the offence is more serious, the employee may be given a written warning.

The warning will set out the nature of the offence, the consequences of any further offence, specifying, if appropriate, what improvement is required and over what time period, the timing of review hearings if appropriate, and notification that the consequence of failure to correct behavior could result in a final warning and ultimately dismissal.

There can be recommendations made by the panel in reference to retraining or managing performance, where appropriate.

This will normally be issued for a period of up to 12 months, after which this should be removed from the employee's file.

8.4 Final written warning

Where there has been a serious instance of misconduct, or where there has been further misconduct during the timespan of a previous formal written warning, the employee may be given a final written warning.

The final written warning will set out the nature of the offence, specifying, if appropriate, what improvement is required over what time period and will state that any further recurrence or further misconduct may lead to dismissal. There can be recommendations made by the panel in reference to retraining or managing performance where appropriate.

This will normally be issued for a specified period of up to 12 months. However, for serious misconduct, this may be extended up to a maximum of 2 years.

8.5 Dismissal

If all disciplinary stages have been followed and the misconduct continues, or where there have been a number of instances of less serious offences, or where an incident is so serious it constitutes gross misconduct (appendix D), then the employee will be dismissed. Dismissal for misconduct will be with the appropriate notice period (or exceptionally payment in lieu of notice) of one week's notice for each completed year of continuous service up to a maximum of twelve weeks. If the dismissal is as a result of gross misconduct, it will normally be a summary dismissal without notice or payment in lieu of notice.

In considering dismissal as an option, the following must be examined:

- Whether the disciplinary procedure has been complied with and, if it has not, that there are good and justifiable reasons for departing from it;
- Whether other available courses of action have been considered and discounted;
- Where appropriate, the dismissal is consistent with previous practice within the organisation and is a reasonable course of action;
- All the evidence relied upon is available and sufficiently clear to justify the decision.

Only the following people can take the decision to dismiss:

The incumbent and the Churchwardens when in agreement.

9. Right of Appeal

Following a disciplinary sanction, an employee can appeal against the decision. An appeal must be sent to the incumbent at the following address:

95 High Street
Winterbourne
Bristol
BS36 1JQ

The employee should include in their written appeal the following:

- The reasons for appeal;

- Whether they believe that due process in the hearing was not followed;
- Whether they believe that there was evidence/mitigation which was not considered.

Appeals will be referred by the parish incumbent or Archdeacon, and will have had no prior involvement in the case.

Any appeal will be dealt with in line with the organisation's Appeals Policy and Procedure. The appeal will be the final stage of the Disciplinary procedure and this decision is final.

10. Referral to Regulatory Bodies

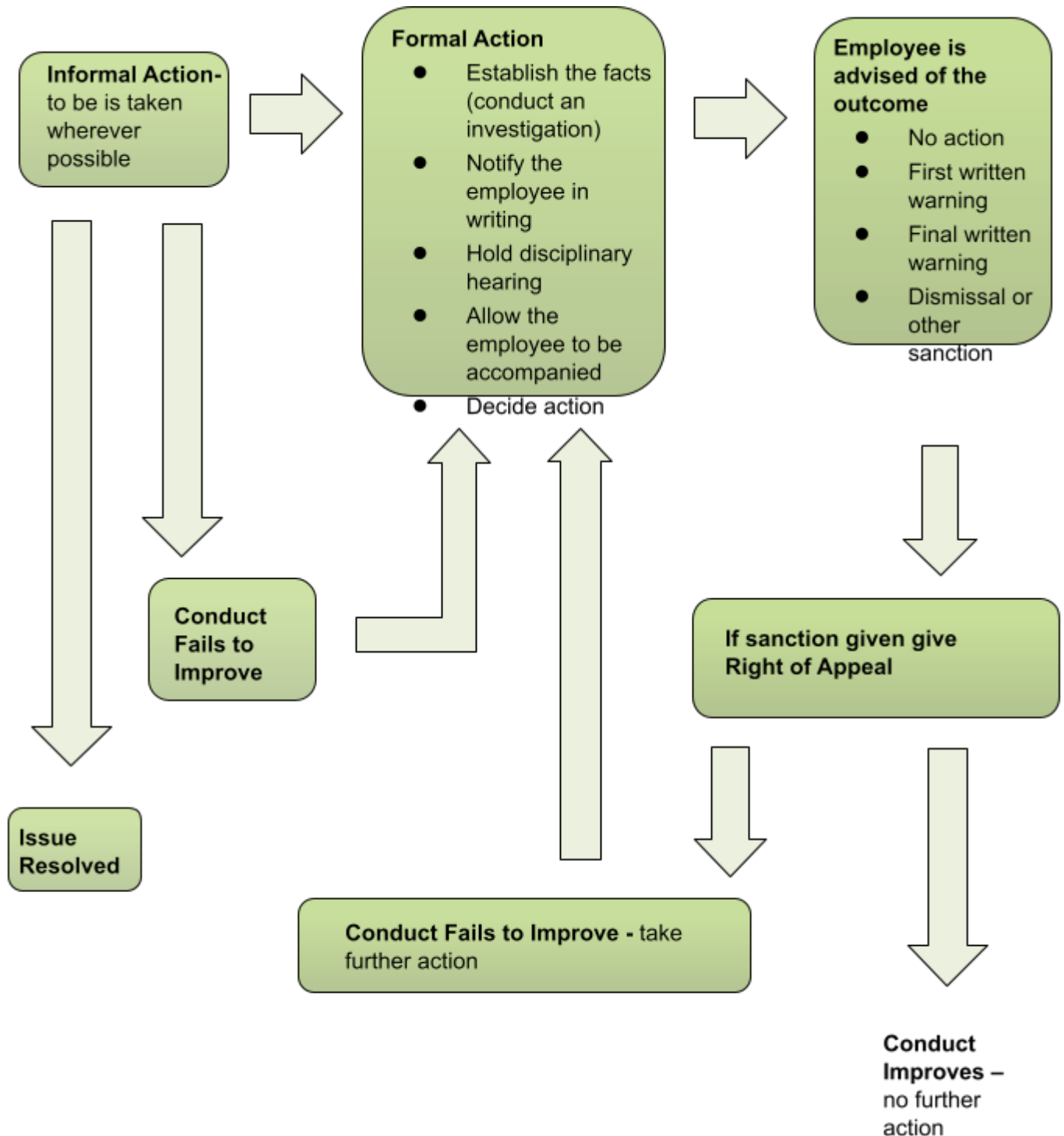
The outcome of a disciplinary hearing where appropriate will be referred to the appropriate regulatory body and DBS (Disclosure and Barring Service).

11. Behaviour outside the working environment

Behaviour outside the working environment may also be dealt with under the disciplinary procedure if it affects an individual's continued suitability for employment. The main consideration will be whether or not the offence is one which makes the individual unsuitable for continued employment with SMW.

In certain cases, suspension from duty may be considered appropriate. Inappropriate use of social networking sites can be classed as unsuitable behaviour outside the working environment and could potentially result in disciplinary action. An employee who is arrested and charged, or served with a summons on a criminal charge is required to inform their line manager of the situation as soon as possible. A conviction for a criminal offence, which is not directly related to an individual's employment may still be regarded as gross misconduct resulting in summary dismissal. However, the fact that an employee has been charged, remanded in custody, or convicted of a criminal offence not related to their employment, will not be regarded as an automatic reason for dismissal or other disciplinary action. Where events giving rise to disciplinary action are the subject of legal proceedings or legal processes, SMW may take disciplinary action before such legal proceedings/processes are concluded. This will depend on advice from the police or other prosecuting bodies, on whether it is appropriate to continue with the disciplinary process.

Appendix A – Disciplinary Process



Appendix B - Suspension Checklist

Prior to the suspension meeting:

- Ensure you have read this guidance and the Disciplinary Policy, section regarding suspension before taking further action.
- Consider whether suspension is the most appropriate course of action. Consideration should be given to the seriousness of the incident or allegation(s) (risk to employee, volunteers or the public) for the employee to remain in the workplace should an investigation be required.
- Arrange to meet/speak with the employee as soon as possible following the incident or receipt of the allegation(s).

During the suspension meeting:

- Outline the allegation/serious concern that has been raised.
- Ask if they would like to respond verbally to the allegation(s). If the employee opts out of providing a verbal response, advise them that consideration of suspension would be made on the information available at present.
- If the decision to suspend is made, explain that as the allegations are very serious you have decided to suspend them from duty to allow for an investigation to take place.
- Advise them that they will be required to submit a written statement within 48 hours. This could be extended up to 5 working days on the employee's request (agree a deadline).
- Emphasise that suspension is a precautionary and not a disciplinary action.
- Advise that they will receive full contractual pay whilst on suspension.
- Tell them that whilst on suspension they should not return to [organisation] premises without the express permission of the line manager, nor contact [organisation] staff, volunteers or members of the directly associated with SMW.
- Explain the importance of maintaining confidentiality at all times.
- Inform them that the suspension will be confirmed in writing. Ideally this will be handed to the employee at the suspension meeting.
- Explain the additional support available during suspension.
- Where appropriate explain that the member of staff should not work in a professional capacity anywhere else whilst on suspension.
- Explain that the employee will be required to attend an investigation meeting in accordance with the organisation's disciplinary procedure
- Explain that the employee, while not required to attend work, should remain available to assist in the disciplinary investigation, attend investigation or disciplinary meetings, or deal with any work-related questions.
- Ask the employee whether they have any booked leave which may fall within the suspension period, and explain that this cannot be cancelled, though individual days may be recouped where the employee explicitly offers to make themselves available during annual leave, and a meeting is booked on a day of annual leave.

- Explain that if the employee wishes to book new annual leave, they should request it and it will be dealt with in accordance with normal procedures. However it would not normally be granted if it would impede the investigation process.
- Check contact details with the member of staff.
- Allow the member of staff to collect any belongings they need and ensure they leave the premises.
- Remove the employee's Staff ID Badge from them and any other items which would allow the employee to access the organisation's data or premises.

After the suspension meeting:

- Inform the line manager of the employee (if they are not the suspending manager).
- Write the suspension letter the same day and send to the employee, if this has not already been handed to the employee.
- Ensure the employee is regularly updated on the progress of the investigation
- Ensure the employee is informed by the line manager regularly of any service-related information relevant to them.

Appendix C – Format for a formal Disciplinary Hearing

1. Chair of panel makes introductions and sets out meeting
2. If the employee is not accompanied explain that they were offered the right to be accompanied
3. Presenting manager summarises key points of the investigation report and calls witnesses in presence of employee and/or representative
4. Panel conducting the hearing questions the presenting manager and witnesses
5. Employee or representative asks questions of manager and witnesses
6. Manager re-examines his or her witnesses on any matter referred to in their examination by any party
7. Employee or employee representative presents his or her case in presence of presenting manager
8. Panel conducting the hearing questions the employee, their representative or witnesses
9. Presenting manager has opportunity to ask questions of employee, employee representative or employee's witnesses
10. Employee or employee's representative re-examines witnesses
11. Presenting manager sums up and makes closing statement
12. Employee or representative sum up and make closing statement
13. Adjournment while a decision is reached
14. Decision and reasons

Appendix D - Examples of Gross Misconduct

The following acts, and offences of a like nature or of a similar gravity, are regarded as gross misconduct and may lead to summary dismissal (i.e. without notice or previous warning) although mitigating circumstances will be taken into account. The list is not exclusive or exhaustive:

- A serious or wilful breach of the organisation's rules or of the terms and conditions of employment.
- Theft.
- Fraud.
- Deliberate falsification of records.
- Assault, actual or threatened; serious fighting.
- Ill treatment of staff, volunteers or the public either verbally or physically.
- Negligence which causes or threatens unacceptable loss, damage or injury.
- Deliberate damage to the organisation's property or that of colleagues, volunteers, or contractors or users of the organisation whilst on site.
- Being unfit for duty, other than for medical reasons, due to misuse of drugs or alcohol, which may include sleeping on duty.
- Unauthorised disclosure of confidential information.
- Mention of the organisation or reference to working for the Church on social networking sites, which may bring the organisation into disrepute.
- Sexual offences or sexual misconduct at work.
- Grossly indecent/immoral behaviour.
- Professional misconduct - contravention of professional codes of conduct.
- Criminal offences and any other conduct outside employment (whether on or off duty) which affects the employee's suitability to perform his or her work, makes him or her unacceptable to other employees, or damages the organisation to the extent that the employee's presence at work cannot be permitted.
- Corruption
- Breaches of information governance, or failure to comply with regulations relating to computer software and hardware.
- Omission or conduct liable to lead to serious loss of confidence from the organisation.
- Malicious intent to harass, bully or discriminate, including on the basis of a protected characteristic.
- Inappropriate use of the internet or e-mail, e.g. accessing internet sites containing obscene, pornographic or offensive material.
- Employment elsewhere during the hours of work that staff are contracted with the organisation, or while absent due to ill health from the organisation (other than with explicit permission from the appropriate manager).
- Serious negligence and/or conduct that breaches of the Health & Safety rules and/or anything else that might endanger the lives of, or be likely to cause harm, to employees or any other person (regardless of whether such harm is actually caused)