

The Parish of St Mary Magdalene, Yarm

DISCIPLINARY PROCEDURE

The following policy was agreed at the Parochial Church Council (PCC) meeting held on 26th October 2020

Disciplinary Procedure Purpose and Scope

- The aim is to encourage improvement where necessary in individual conduct of paid employees and office holders working on behalf of the parish.
- These procedures do not apply to clergy or Churchwardens for whom other procedures are in place.
- 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.
- At all stages the investigation and panel hearings must be kept strictly confidential and the content and process must not be discussed outside the hearings.

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 their case and to be accompanied, 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 Investigation

In all cases of alleged misconduct an investigation will be carried out usually by one of the Churchwardens, who will inform the employee of the fact that an investigation is being carried out. Once the investigation has been completed the employee and the Incumbent* will be informed of outcome and of the recommended action orally and in writing by the person carrying out the investigation.

2 Informal action

Cases of minor misconduct will be dealt with informally by the Incumbent*. The employee or office holder will be encouraged to make the necessary improvement and offered additional guidance, support, training and supervision as appropriate. They will be informed orally and in writing 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 is considered to be too serious to be classed as minor, the matter will be dealt with under the following formal procedure.

3 Formal Action

a. 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 the Incumbent* , which will include the reason for the warning, an agreed action plan and a note that, if there is insufficient improvement in behaviour within the designated timescale (usually no more than 3 months) a final written warning will be given. The behaviour of the offending person will be reviewed after the agreed period in order that encouragement/further admonishments can be issued. A meeting will be held at the end of the designated period at which the decision will be discussed. If it is determined that sufficient improvement has been made, the Written Warning will be deemed to have lapsed, unless further related behaviour occurs.

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b. Stage 2 – Final Written Warning If conduct is still unsatisfactory, or the offence is sufficiently serious to warrant it at the outset, a FINAL WRITTEN WARNING with an extended action plan will be given by the Incumbent*, making it clear that any recurrence of the offence or other serious misconduct within a period of 12 months will result in dismissal.

c. Stage 3 – Dismissal If there is no satisfactory improvement in conduct, or if further 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 appointed by the PCC, chaired by a Churchwarden and consisting of two members of the PCC all of whom should not have been involved in the process. The panel will receive in advance from the Incumbent*, 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 receive evidence as to any previous warning given which has not yet expired. The Panel will then make a decision regarding the dismissal or otherwise of the employee or office holder and orally inform them of their decision at once. The decision will take effect immediately and will be confirmed in writing by the chair of the Panel within 7 days.

4 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, the employee or office holder will normally be dismissed, following the procedure 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 selfcertification 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.

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5 Suspension

While alleged gross misconduct is being investigated, the employee or office holder may be suspended, during which time they will be paid at their normal rate of pay. The employee or office holder will be entitled to written reasons for the suspension within 7 days of being suspended.

6 Appeals If the employee or office holder wishes to appeal against any disciplinary decision, they must do so in writing, stating the reasons for the appeal, to the PCC Secretary within one week of the decision being conveyed to them in writing. Within 7 days of receiving an appeal the PCC Secretary will convene a Panel chaired by the Rural Dean or Archdeacon and consisting of three PCC members appointed by the PCC, not including anyone who has been involved in the process thus far to hear the appeal. The employee/office holder may make representations to the PCC, about the constitution of the panel if they feel that there may be bias. The PCC will decide whether there is a case for change or not and this decision will be final. The Appeal 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 the subject of the disciplinary procedure. The panel will then convene an appeals hearing which 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 and make a decision regarding the dismissal or otherwise of the employee or office holder. The chair of the Appeals panel will notify the employee or office holder orally and in writing of the panel's decision with 7 days of the hearing.

The Appeal panel's decision will be final.

Vice Chair:

Churchwarden:

Date:

* For the purpose of this document "Incumbent" means the RECTOR or during a vacancy the AREA DEAN