



# Glebe Chapel policy document

## Disciplinary procedure

### Our commitment

The trustees have delegated responsibility for this policy to the elders. The elders at Glebe Chapel seek to ensure that all employees are treated fairly and with dignity and respect.

### Scope of this policy

The disciplinary procedure will be used only when necessary and as a last resort. Where possible, informal and/or formal counselling or other good management practice will be used to resolve matters prior to any disciplinary action being taken. The procedure is intended to be positive rather than punitive but recognises the fact that sanctions may have to be applied in some circumstances.

An employee can discuss any part of this policy with the Glebe Chapel elder with responsibility for the welfare of employees (hereafter referred to as 'the elder') who will help clarify an employee's rights as well as give guidance and support where it may be needed. Every individual has the right to representation at any point during the disciplinary process.

### Counselling

Counselling is seen as an attempt to correct a situation and prevent it from getting worse without having to begin the disciplinary proceedings. Where improvement is required, the employee must be given clear guidelines as to:

- what is expected in terms of improving shortcomings in conduct of performance;
- the timescales for improvement;
- when this will be reviewed;
- the employee must also be told, where appropriate, that failure to improve may result in formal disciplinary action.

A record of the counselling process will be given to the employee and a copy retained in their personnel file. Any counselling will be followed up and relevant changes recognised and recorded. Once the counselling objectives have been met, any record of the counselling will be removed from the employee's file.

If during counselling it becomes clear that the matter is more serious, then the discussion will be adjourned, and pursued under the formal disciplinary procedure.

### Suspension

Suspension is not a disciplinary action. There are many reasons why a period of suspension may be required: it will be used when it is necessary to remove a member of staff from the workplace pending an investigation; to allow time for a 'cooling down period' for both parties; to ensure safety for all concerned; to prevent an employee/ volunteer/ intern from influencing or being influenced by others, or to prevent possible interference with evidence. Only the elder has the authority to suspend an individual.

An employee suspended from duty will, within three days, receive written confirmation of:

- the reason for the suspension;
- the date and time from which the suspension will operate;
- the timescale of the ongoing investigation;
- the right of appeal (should the suspension last more than 7 days).

## **Procedure for formal investigation**

1. Formal investigations to gather the relevant facts will be carried out by a member of staff appointed by the elder as soon as is practicable after the incident. Statements will be taken and physical evidence will be preserved at the earliest opportunity.
2. A report, submitted to the Glebe Chapel elder with responsibility for the welfare of employees, will be prepared which outlines the facts of the case. The elder will decide whether further action is required.
3. If deemed necessary an investigatory hearing will be set up. This will be chaired by the elder (accompanied by another member of the eldership team). The findings of the investigation will be presented (in the presence of the employee who has been investigated). Witnesses will be called at this stage, and the employee (or their representative) allowed to question these witnesses. The employee has a right of representation at this hearing.
4. Following the full presentation of the facts, and the opportunity afforded to the employee to state his/ her side of the case, the hearing will be adjourned to enable those leading the meeting to discuss the case and decide appropriate action. This will be communicated to the employee.
5. Should the decision be taken to proceed to a disciplinary hearing, then this may follow on immediately from the investigatory hearing if the following criteria have been met:
  - the employee has been informed by letter that the investigation may turn into a disciplinary hearing, and that he has the right of representation;
  - s/he has been told in advance what the nature of the complaint is, and had time to consult with a representative;
  - all the facts have been produced at the investigatory hearing, and the elder is in a position to decide on disciplinary action;
  - the elder will inform the employee and their representative that the hearing would now become a formal disciplinary hearing, and invite them to say anything further in relation to the case.
6. Should anyone who is subject to disciplinary action resign during the course of it, the action will cease unless there are extenuating circumstances that require its continuance. The subject of the discipline may also request that the disciplinary action continue.

## **Disciplinary action**

Depending on the nature and severity of the incident one of the following disciplinary actions will take place:

- First written warning;
- Final written warning;
- Downgrading or transfer to another post;
- Dismissal.

Details for each of these actions is given below.

### **First written warning**

A first written warning will be given when:

- the employee has not responded to informal procedures and the misconduct is either repeated or performance has not improved as required.
- an offence is of a more serious nature for which a written warning is more appropriate.
- the recurrence or accumulation of an offence/offences which, if left, is likely to lead to more severe disciplinary action.

### **Final written warning**

A final written warning is appropriate when:

- an employee's offence is of a serious nature falling just short of one justifying dismissal;
- an employee persists in the misconduct which previously warranted a lesser warning.

### **Downgrading or transfer to another post**

This action is appropriate when:

- previous attempts, via the disciplinary procedure, to rectify a problem have failed and this is a final attempt to solve a problem without having to dismiss an employee;
- an employee is considered by the elder to be incompetent or otherwise unfit to fulfil the duties for which s/he is employed but where dismissal is not thought to be appropriate.

### **Dismissal**

Dismissal is appropriate when either of the following apply:

- an employee's behaviour is considered to be gross misconduct;
- an employee's misconduct has persisted, exhausting all other lines of disciplinary procedure.

### **Timescales for the expiry of warnings**

Warnings issued to employees shall be deemed to have expired after the following periods of time.

- Verbal Warnings: 6 months
- First Written Warnings: 12 months
- Final Written Warnings: 18 months (or as agreed and recorded at the hearing)

These timescales remain provided that during that period, no further warnings have been issued in respect of the employee's conduct.

## **Communicating disciplinary action**

All warnings will be accompanied by a letter (issued within 7 days of the date of the disciplinary hearing), which will contain the following information:

- The nature of the offence and where appropriate, notice that, if further misconduct occurs, more severe disciplinary action will be taken;
- The period of time given to the employee for improvement;
- The employee's right to appeal to the chair of trustees (as appropriate to the stage of proceedings);
- In the case of a final written warning, reference will be made to the fact that any further misconduct will lead to dismissal, and that the employee has the right of appeal, and to whom they can make that appeal.

Note that a copy of the warning and any supporting documentation will be attached to the individual's personnel file.

In addition, a letter confirming dismissal will contain the following information:

- The reason for dismissal and any administrative matter arising from the termination of their employment;
- The employee's right of appeal and to whom they should make that appeal.

## **Appeals**

Every employee has the right to appeal against the outcome of a disciplinary hearing.

An appeal should be put in writing to the chair of trustees. The letter should be lodged within 10 days of receipt of the warning / downgrading or transfer/ dismissal letter.

An appeal will be arranged within 20 working days of receipt of the appeal letter.

When dealing with an appeal, written statements of case may be submitted no later than 2 days prior to the date of appeal hearing. The appeal committee will admit no additional written evidence on the date of the hearing.

Dependent upon the circumstances and nature of the case, witnesses may be required (by either party) at an appeal hearing. However, there is no specific obligation on either party to produce a witness. Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under consideration.

It is the responsibility of the management representative and for the complainant to each arrange for the availability and attendance of any witness they wish to call.

There is no further right of appeal.