**Human Resources information and guidance - top ten tips**

**Fact Sheet Nine: Managing disciplinary issues**

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| **What should we do if we have disciplinary issues with a member of staff?** | |
| Tip one | Act in a timely fashion! When a potential disciplinary situation occurs it is important that this is looked into at the earliest stage, or you may end up with a series of issues that would reach a disciplinary threshold but which haven’t been appropriately handled. | |
| Tip two | Disciplinary policy and processes are there to enable employer set and employee understand the standards of behaviour that are expected, to ensure a fair, and safe workplace for all. | |
| Tip three | A PCC should always follow the ACAS guidance (as referred to in the attached policy). The five stages are: A letter setting out the issue; a meeting to discuss things; clear investigation process; a disciplinary decision and an appeal process. | |
| Tip four | What form of action needed will depend on the context and situation; and on what is reasonable and justified; but should always be followed up in accordance with the PCC policy (attached) and applied fairly. | |
| Tip five | Always follow up a potential disciplinary situation swiftly so things aren’t left to drift. If an issue which requires immediate suspension to put some space between the person and workplace be clear this is a neutral act and not a disciplinary action in itself. | |
| Tip six | A decision to dismiss someone following a disciplinary process should only be taken by a manager who has the authority to do so, and this should always be done with the line manager and an appropriate PCC member (usually a Churchwarden). | |
| Tip seven | Where further training or learning is required, this should be put this in place without delay so that a specific timeline for improved standards/behaviour can be tracked and monitored and for the individual to have a fair time to improve. | |
| Tip eight | Where an employee persistently refuses/is unable to attend a disciplinary meeting without good cause, a decision can be based on the information available, and made by the line manager and appropriate PCC member (usually a Churchwarden). | |
| Tip nine | It is always tricky balancing confidentiality and anonymous informers. Witnesses may be nervous about coming forward, so encouraging people to speak up may require some additional support for all parties involved. | |
| Tip ten | Where a disciplinary process includes Safeguarding concern(s) this should be discussed immediately with the Diocesan Safeguarding Adviser, and the diocesan HR adviser so safeguarding processes can be put in place, along with any related employment advice. | |

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| **Information sheet seven – further information,**  **and a draft PCC grievance and appeal policy** |

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| **Other sources of advice and support** | <https://www.acas.org.uk/disciplinary-and-grievance-procedures>  <https://www.gov.uk/disciplinary-procedures-and-action-at-work/how-disciplinary-procedures-work> |
| **Template PCC disciplinary policy** | Attached |

**Appendix 1 Draft PCC Policy**

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| **PCC policy –disciplinary policy – LOGO of parish** |

**Scope**

1. This policy applies to paid employees only. It does not relate to any volunteers in a parish role.

**Background and introduction**

1. The PCC is committed to comply with the ACAS statutory Code of Practice on discipline and grievance. We will comply with this Code in all formal disciplinary circumstances. [www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures](http://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures)
2. Disciplinary policies, procedures and standards are necessary to ensure consistency in behaviour and attitude within an organisation.
3. This policy should be used as a means to encourage high standards and not simply to impose sanctions.
4. The PCC will ensure that disciplinary-related issues are dealt with fairly, consistently and reasonably, with the individual afforded every opportunity to state their case or appeal against any decision made which they consider unjust.
5. Where some form of action is needed, what is reasonable or justified will depend on the circumstances of the particular case. Employees and managers should raise and deal with issues promptly and not unreasonably delay meetings or decisions.

**Setting standards at work**

1. The PCC has high expectations of the standards of work, behaviour and attitude at work.
2. Examples of where disciplinary action may be taken (N.B. these are examples only)

* unauthorised absences;
* repeated failure to follow instructions
* unsatisfactory attitude
* misuse of company facilities (for example email and Internet)
* poor timekeeping

1. Gross misconduct will usually result in dismissal following a period of immediate suspension and disciplinary investigation/ hearing. Payment will be made until the final date of employment but there will be no notice or payment in lieu of notice (summary dismissal).
2. Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice the PCC or the wider reputation, or irreparably damage the working relationship and trust. This may include misconduct committed outside of work. The following are examples of matters that are normally regarded as gross misconduct where disciplinary action will usually be taken (N.B. these are intended as a guide and the list is not exhaustive):

* theft or fraud
* physical violence or bullying
* abuse of the protected disclosure procedures
* deliberate and serious damage to property
* serious misuse of PCC property or name
* deliberately accessing Internet sites containing pornographic,

offensive or obscene material

* serious insubordination
* unlawful discrimination or harassment
* bringing the organisation into serious disrepute
* serious incapability at work brought on by alcohol or illegal drugs
* causing loss, damage or injury through serious negligence
* a serious breach of health and safety.

**Stages, informal and formal**

1. **A pre-formal process: A** minor conduct issues can be resolved informally. Often a quiet word is all that is required by a line manager to resolve an issue.
2. A manager should be mindful of required standards of behaviour and performance, so they are consistent in their approach, and in their ways of seeking to resolve an issue as quickly, quietly and effectively as possible.
3. A manager is well advised within a one-off/pre-formal process to write a brief file-note setting out an overview of the situation, and how it was resolved. This should be sent to the individual concerned, and placed on the personnel file.

**Formal process**

1. A formal process includes establishing the initial facts, informing the employee, conducting an investigation, decision making, and outcomes. The first stage is establishing the facts and the PCC will ensure that the matter isinvestigated by an appropriate manager. In some cases this will require the holding of an investigatory meeting with the individual concerned before proceeding to any disciplinary hearing. Or in other cases it may require a collection of evidence. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding.
2. The employee should be informed of the problem in writing and will be given notice of a disciplinary meeting where this is required. The letter will set out the current circumstances, reflect on what has occurred, and possible consequences, to enable the employee to prepare. Where it is appropriate, if it is concluded that formal disciplinary action is not required, it can set out any clear expectations for moving forward.
3. The employee will normally be given copies of the relevant documents and a copy of this policy prior to the meeting, and they will always be given an opportunity to put their case in response, before any formal decisions are made.
4. The employee has the right to be accompanied at the meeting by an appropriate workplace colleague of their choice or a trade union representative. This meeting will be formally minuted by an appropriate person and minutes will be shared appropriately.
5. A decision will be made as to the outcome of the matter after the meeting, and the individual will be informed of this in writing without undue delay, and of their right to appeal as the final stage of the process.
6. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the PCC has the right to make a decision on the evidence available.

**Deciding on what action is appropriate in the circumstances**

1. Where misconduct is confirmed, in the first instance it is usual to give a **written warning**.
2. Where the matter is a further act of misconduct or failure to improve within a set period of time, then a **final written warning** will be issued with clear details of expected changes in behaviour/improvement in work, any training and support that will be given, and a clear timeline (along with the warning of potential dismissal should this recur/not improve).
3. If the matter is of sufficient seriousness it may be appropriate to move directly to a final written warning.
4. Where a final written warning has already been given, following this process, the **decision to dismiss** may be made following further misconduct where there is an active final warning on your record. The employee should be notified as soon as possible of the reasons for the dismissal, the date on which their contract will end, the appropriate notice period, and of their right of appeal.
5. Only in the most serious – gross misconduct – situations will a decision to summarily dismiss be made. This will be immediate suspension and investigation.
6. New employees should note that they may also be dismissed without a warning for any act of misconduct during a probationary period.

**Suspension on full pay**

1. In some circumstances, a line manager may decide it is appropriate to suspend an employee on full pay for a period of time to enable an independent investigation and Disciplinary Procedure to take place. The period of suspension will be for no longer than is strictly necessary and will be kept under review.
2. During this period of time the employee will receive full pay and benefits without prejudice and will be expected to remain available to participate in the investigation and Disciplinary Procedure where required (e.g. to meet with the investigating officer). Suspension is not considered to be disciplinary action.

**Record-keeping**

1. All records of disciplinary matters will be filed on the individual’s personnel file.
2. A first written warning will usually be disregarded after six months.
3. A final written warning will usually be disregarded after one year.

**Special cases**

1. If an employee is charged with, or convicted of, a criminal offence this is NOT necessarily in itself a reason for disciplinary action – much will depend on the circumstances. Consideration will be given to each case on its merits – and will also be given to what effect any charge or conviction has on the employee’s suitability to continue to do the job, their relationship with the PCC and their work colleagues.

**Governance and PCC responsibilities**

1. The PCC may from time to time review its employment practices.
2. The PCC may appoint or delegate certain employment oversight, projects or developments for recommendation etc to a small working group/standing committee to oversee practical issues and to report back to the wider PCC.

**Appeals policy**

1. Appeals will be heard without unreasonable delay at an agreed time and place.
2. An employee must inform the PCC of their wish to appeal against a disciplinary decision (at whichever level) that has been taken, and the grounds on which they wish to appeal and should put these in writing within [one week] of the date that the decision was sent or given to them.
3. All appeals are considered by a Churchwarden and one other member of the PCC (or delegated members of a PCC employment working group) not previously involved.
4. The decision will be confirmed in writing without unreasonable delay [and usually within one week of the appeal hearing]. There is no further right of appeal.

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| **Policy version** | Version one |
| **Approved by the PCC on (date)**  **Date for renewal of policy** |  |
| **Signed by (name)**  **Print Name**  **Role** |  |