

**ST. LUKE'S CHURCH, LODGE MOOR (ST. LUKE'S)**  
**DISCIPLINARY PROCEDURE**

**1. PURPOSE AND SCOPE**

This procedure is designed to help and encourage all Employees to achieve and maintain standards of conduct, attendance and job performance. It is non-contractual but applies to all Employees of St. Luke's, who should familiarise themselves with its provisions. The aim is to ensure consistent and fair treatment for all.

**2. PRINCIPLES**

- 2.1 Informal action will be considered, where appropriate, to resolve problems;
- 2.2 No formal disciplinary action will be taken against an Employee until the case has been fully investigated and the Employee has had the opportunity to state his/her case at a disciplinary meeting;
- 2.3 If formal action is to be taken against an Employee, he/she will be advised in writing of the nature of the complaint against him/her and, where appropriate, be provided with a copy of all relevant evidence (including witness statements) in advance of the disciplinary meeting. The Employee will be allowed adequate time to consider the evidence before the meeting takes place and a copy of the relevant evidence should normally be provided when the Employee is advised of the time, date and place of the meeting;
- 2.4 At all stages of the procedure the Employee will have the right to be accompanied by a trade union representative or by a work colleague at the disciplinary meeting. The Employee's chosen companion will be entitled to address the meeting but not to answer questions on the Employee's behalf. In the letter convening the disciplinary meeting, the Employee will be advised of his/her right to be accompanied;
- 2.5 No Employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice or payment in lieu of notice;
- 2.6 An employee will have the right to appeal against any disciplinary decision and will be advised of the right of appeal in the letter advising him/her of the outcome of the disciplinary meeting. He/she will, at the same time, be informed of his/her right to be accompanied at the appeal hearing;
- 2.7 This procedure may be implemented at any stage if the Employee's alleged misconduct warrants such action;
- 2.8 At all stages of the procedure matters shall be dealt with by St. Luke's promptly and without undue delay;

- 2.9 Information relating to any disciplinary action including witness statements and records shall remain confidential.

### **3. PROCEDURE**

If informal action fails to resolve the problem (and minor problems will usually be dealt with informally) or the matter is more serious, the following procedure will be used: -

#### **Stage 1 – first written warning**

If conduct or performance does not meet acceptable standards, the Employee will normally be given a formal written warning. If the problem is one of job performance, (rather than misconduct), the written warning will set out the performance problem, the improvement that is required, the timescale within which the improvement is expected to take place, the help (if any) St. Luke's may be able to give and the Employee's right of appeal against this decision. It will also inform the Employee that the written warning is the first stage of the formal procedure and that, if the required improvement does not take place within the specified timescale, a final written warning may be considered, but that if satisfactory performance is achieved and sustained, this written warning will be disregarded after six months. If the problem is one of misconduct, the written warning will set out the nature of the misconduct, the change in behaviour required and the Employee's right of appeal against this decision. It will also inform the Employee that this is the first stage of the formal disciplinary procedure, that a final written warning may be considered if there is no sustained satisfactory improvement or change and that, although a record of this written warning will be kept by St. Luke's, it will be disregarded for disciplinary purposes after a period of six months.

#### **Stage 2 – final written warning**

If conduct or performance remains unsatisfactory during the currency of a first written warning, or if the misconduct is sufficiently serious to warrant only one written warning (but insufficiently serious to justify dismissal), a final written warning may be given to the Employee. This will give details of the misconduct or inadequate performance, the improvement required and the timescale, and the right of appeal against this decision. It will warn that failure to improve may lead to dismissal and that, although a record will be kept by St. Luke's, it will be disregarded after nine months subject to achieving and sustaining satisfactory conduct or performance.

#### **Stage 3 –dismissal**

If conduct or performance remains unsatisfactory during the currency of a final written warning, or if the Employee is found guilty of gross misconduct, dismissal will normally result. Only a Trustee or disciplinary panel of Trustees appointed by the body of Trustees can take the decision to dismiss. In the event of dismissal, the Employee will be provided, as soon as reasonably practicable, with written reasons for dismissal, and the date on

which the employment either has terminated or will terminate and will be advised of his/her right of appeal against this decision and the manner in which such right can be exercised.

#### **4. GROSS MISCONDUCT**

The following list (which is not exhaustive) provides examples of offences which are normally regarded as gross misconduct: -

- 4.1 Theft, fraud and deliberate falsification of records;
- 4.2 Insulting or violent behaviour;
- 4.3 Bullying, harassment or unlawful discrimination;
- 4.4 Deliberate damage to property;
- 4.5 Serious misuse of St. Luke's property (including its computer and communications equipment) or name;
- 4.6 Deliberately accessing internet sites containing pornographic, offensive or obscene material;
- 4.7 Bringing St. Luke's or its Vicar/Minister, trustees, officers, members or other employees into disrepute;
- 4.8 Serious incapability whilst at work brought on by alcohol, illegal drugs or other illegal substances;
- 4.9 Serious negligence which causes or is likely to cause serious loss, damage or injury;
- 4.10 A serious breach of health and safety rules;
- 4.11 A serious act of insubordination including a refusal to carry out a lawful request or order;
- 4.12 A serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998);
- 4.13 Consistently poor time-keeping or irregular attendance;
- 4.14 A serious failure to comply with the requirements of St. Luke's Safeguarding Children's Policy or Safe Church Policy.

If an Employee is accused of an act of gross misconduct, he/she may be suspended from work on full pay normally for no more than 30 working days while the alleged offence is investigated. If, on completion of the investigation and a disciplinary meeting, a Trustee or a disciplinary panel of Trustees appointed by the body of Trustees is satisfied that gross misconduct on the part of the Employee has taken place, the outcome will normally be summary dismissal without notice or payment in lieu of notice.

#### **5. APPEALS**

An Employee who wishes to appeal against a disciplinary decision should inform the Vicar/Minister or the Secretary of the Trustees in writing within five working days of receiving written notification of the decision setting out his/her reasons for the appeal. A Trustee or a disciplinary panel of Trustees appointed by the body of Trustees (from amongst themselves) will hear the appeal and his/her or its decision will be final. On the hearing of the appeal any disciplinary penalty previously imposed will be reviewed but will not be increased.

## **6. AUTHORITY**

- 6.1 Written warnings and suspensions may be issued by the Employee's supervisor or by a Trustee or Trustees appointed by the body of Trustees;
- 6.2 Dismissals may only be carried out by a Trustee or by a disciplinary panel of Trustees appointed by the body of Trustees. Any meeting convened for the purpose of considering a possible dismissal should therefore be convened and conducted by a Trustee or panel of Trustees so appointed;
- 6.3 Appeals will, whenever possible, be considered by a person or persons who have not been involved in the original disciplinary decision.