



DIOCESE OF SODOR AND MAN

DISCIPLINARY POLICY

This policy supersedes any previous policy of this nature. It will be reviewed as appropriate, and amended where any clarification or actions are needed, and at a minimum 2 yearly.

Date of Approval	July 2021
Date Due for review	July 2023

26/07/2021

DISCIPLINARY POLICY

1. Introduction

The Diocese expects good conduct and performance. Where performance falls consistently short of the standards required or the Diocese's and Church's rules are breached remedial action may be taken by The Diocese.

The aim of the disciplinary procedure is to make sure that

- any such issues of performance or conduct which fall short of the required standards are brought to the attention of the individual concerned.
- they can be corrected and improved upon
- the Diocese acts consistently and fairly

The disciplinary procedure should be used with breaches of rules, e.g. persistent lateness or short-term absence where there is no genuine reason or illness is detected and handling serious breaches, for example fighting or theft. You should not use this procedure when there are capability issues, disability, and genuine illness or for resolving minor issues.

Please note that these procedures do not form part of your terms and conditions of employment.

2. Application

This procedure applies to all Diocese employees regardless of length of service. It does not apply to clergy, volunteers, agency workers or self-employed contractors.

3. Confidentiality

The aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

4. Process

4.1. Informal Resolution

Before taking formal disciplinary action, your Line Manager will make every effort to resolve the matter by informal discussions with you. Only where this fails to bring about the desired improvement, should the formal disciplinary procedure be implemented.

4.2. Investigation

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against the employee, before deciding whether to proceed with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held. An employee does not normally have the right to bring a companion to an investigative

interview. However, the Diocese may allow the employee to bring a companion if it helps them to overcome any disability, or any difficulty in understanding English. The employee must co-operate fully and promptly in any investigation.

4.3. Formal Action

During formal disciplinary action The Diocese will observe the following principles:

- The Diocese will aim 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 will be advised of the nature of the complaint and be given the opportunity to state their case.
- An employee will not be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will normally be dismissal without notice and without pay in lieu of notice.
- The employee will have a right to appeal against any disciplinary action taken against them.
- The disciplinary process may be commenced at any stage of the process appropriate to the alleged misconduct.
- The employee has a right to be accompanied at formal meetings by a colleague or a trade union representative, if they are a member of a trade union.
- The Diocese will make written notes of all disciplinary meetings held.
- If the employee or their companion cannot attend the hearing they should inform the disciplining officer immediately to arrange an alternative time. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If they fail to attend without good reason, or are persistently unable to do so (for example for health reasons), the Diocese may have to take a decision based on the available evidence.

5. Outcomes

5.1. **Verbal warning.** If, despite informal discussions, the conduct or performance does not meet acceptable standards, the employee may be given a formal verbal warning by their Line Manager. they will be told:

- The reason for the warning.
- That this warning is the first stage of the disciplinary procedure.
- That they have a right of appeal.

They will be given a note of what was said

A brief note of the warning will be kept on their records but it will lapse after 12 months, subject to satisfactory conduct and/or performance.

5.2. **Written warning.** If there is no improvement in standards, or if further offence occurs, a written warning will be given. This will state the reason for the warning and a note that, if there is no improvement a final written warning will be given. A copy of

this first written warning will be kept on file but the warning will lapse after 12 months subject to satisfactory performance.

5.3. **Final written warning.** If the conduct or performance remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning, then a final written warning will be given, making it clear that any recurrence of the offence or other serious misconduct will result in dismissal. A copy of the warning will be kept on file but the warning will lapse after 12 months subject to satisfactory conduct and/or performance.

5.4. **Dismissal.** If there is no satisfactory improvement or if further serious misconduct occurs, the employee will be dismissed. Any decision to dismiss will be taken only after a full investigation. If the employee is found to have committed an act of gross misconduct, they will be dismissed without notice or payment in lieu.

5.5. **Alternatives to dismissal.** In some cases the disciplining officer may consider alternatives to dismissal. These will usually be accompanied by a final written warning. Examples include:

- Demotion.
- A period of suspension without pay.
- Loss of seniority.
- Reduction in pay.
- Loss of future pay increment or bonus

5.6 During any probationary period, The Diocese reserves the right to waive any or all of the warning steps or proceeding to any disciplinary hearing or appeal or, to terminate the employment contract, by giving the required written notice or payment in lieu.

6. **Gross misconduct.**

If, after investigation, it is deemed that the employee has committed an offence of Gross misconduct, the normal action would be dismissal. The following list provides examples of behaviour that could be considered gross misconduct but is not exhaustive:

- Theft, fraud, deliberate falsification of records
- Actual or threatened violence, or behaviour which provokes violence;
- Deliberate damage to Church buildings, fittings, property or equipment, or the property of a colleague, contractor, customer or member of the public;
- Serious misuse of our property or name;
- Serious incapability through alcohol or being under the influence of illegal drugs
- Serious negligence which causes unacceptable loss, damage or injury
- Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- Flagrant disregard of religious principles for living that are inconsistent with the role and the Church ethos.
- Bringing the Church into serious disrepute
- Abuse of children, young people or vulnerable adults
- Inappropriate use of the internet and or computers, or unauthorized access to computer records
- Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in the employee possession is kept secure;
- Acceptance of bribes or other secret payments;
- Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff, customers or the public, or otherwise affects your suitability to continue to work for the Church;

- Harassment of, or discrimination against, employees, contractors, or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age;
- Giving false information as to qualifications or entitlement to work (including immigration status);

7. Suspension.

The Diocese may suspend a staff member from duty to allow a nominated representative to investigate any alleged complaint made against a staff member in relation to their employment at the Diocese. Such suspension will not be regarded as a form of disciplinary action and will be for as short a period as possible. Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive full salary and benefits during the period of suspension. While suspended the employee should not visit the diocese premises if they are the venue of the subject of the concern. Nor should you contact any of church members, suppliers, contractors or staff, unless you have been authorised to do so by the investigating officer, except where you are seeking specific pastoral support. If this is the case please advise the investigating officer of such.

During any period of notice of termination whether by the Diocese or the staff member, the Diocese will not be under any obligation to assign any duties or provide work and shall be entitled to exclude a person from its premises, provided that this does not affect entitlement to receive normal salary and other contractual benefits.

8. Appeals.

If the employee wishes to appeal against any disciplinary decision, they must appeal stating the full grounds of appeal, in writing to the disciplining officer within five (5) working days of the decision being communicated to them.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at the discretion of the Appeals Officer depending on the circumstances of the case. In any event the appeal will be dealt with as impartially as possible. The decision of the appeal hearing will be final.