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## INTRODUCTION

### Purpose and Scope

These procedures set out the action which will be taken when disciplinary rules are breached. They also provide the means by which an employee can raise a grievance to achieve a resolution in a fair manner.

### Guiding Principles

The procedures are designed to establish the facts quickly and to deal consistently with the issues. No action resulting from either a disciplinary or grievance issue will be taken until the matter has been fully investigated according to the procedures following. The employee who is either the subject of the disciplinary procedure or the grievance procedure will have the opportunity to state their case. In both cases they may be accompanied or represented by a friend or by a fellow employee. A right of appeal is included.

## DISCIPLINARY PROCEDURE

### 1. Informal action

Cases of minor misconduct or unsatisfactory performance will be dealt with informally. The employee will be encouraged to make the necessary improvement and offered additional guidance, support, training and supervision as appropriate. He or she will be informed that, should the required improvement be achieved, that will be the end of the matter.

If informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered too serious by the Rector to be classed as minor, the matter will be dealt with under the formal procedure defined in sections 2 through 7 of this disciplinary procedure.

### 2. Stage 1: Written Warning

If there is no improvement to performance or if further misconduct occurs, or the misconduct or performance warrants it at the outset, the employee will be given a **WRITTEN WARNING** by the Rector explaining the reason for the warning. The employee will be told that, if there is insufficient improvement within a designated timescale (usually not more than 6 months), a final written warning will be given. The Rector will work with the employee to develop and action a personal improvement plan to address the areas of concern that prompted this Stage 1 procedure.

### 3. Stage 2: Final Written Warning

If conduct or performance is still unsatisfactory or the Rector determines that it is sufficiently serious to warrant it at the outset, a **FINAL WRITTEN WARNING** will be given by the Rector making it clear that any recurrence of the offence or other serious misconduct within a period of 12 months will result in dismissal.

### 4. Stage 3: Dismissal

If there is no satisfactory improvement or if further serious misconduct occurs, or if the misconduct is one of Gross Misconduct (see section 5), the employee will normally be

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dismissed. Any such decision will be taken by a panel of 3 members from within the PCC, one of whom (at least) should be a Parish Warden. The incumbent may only be included in the panel if he/she is not the employee's manager. The employee may be accompanied by a friend or a person of their choice. The panel will receive all the documentation relating to the offence under consideration which will also be made available to the subject of the disciplinary procedure.

At the hearing, the panel will hear evidence from the Rector and subsequently from the employee. Witnesses may be called by both parties. The panel will then form a judgement as to whether the action precipitating the disciplinary procedure is proven on the balance of probability. If so, the panel will then receive evidence as to any previous warning given which has not yet expired. They will then make a decision regarding the dismissal or otherwise of the employee.

## 5. Gross Misconduct

Gross misconduct occurs where an employee behaves or acts in such a way that the Benefice cannot reasonably be expected to allow that behaviour or action to be repeated. The employee may be suspended on full pay immediately pending the procedure in section 4 (see section 6 for further details). If, after investigation, it is confirmed that an employee has committed an act of Gross Misconduct they will normally be dismissed following the procedure in section 4 above.

The following is a list of examples of Gross Misconduct. It is neither exclusive nor exhaustive and, in addition, there may be other offences of a similar gravity which would constitute Gross Misconduct.

- Theft, fraud, deliberate falsification of records or unauthorised possession of any property or facilities belonging to the Benefice of Witney
- Gross negligence which causes loss, damage or injury that results in legal action including insurance claims
- Breach of confidentiality
- Bribery or corruption
- Deliberate damage to Benefice property
- Gross insubordination at a level that the relationship between the Rector and employee is irretrievably broken
- Refusal to carry out duties or reasonable instructions or to comply with Benefice policies as defined in the employee's contract of employment
- Misconduct in relation to the safety of children or adults who may be vulnerable and/or ill treatment of anyone using the Benefice facilities
- Misconduct as a result of being intoxicated by reason of alcohol or illicit drugs
- Assault or violence of any kind except in self-defence
- Sexual, racial or other harassment of anyone on Benefice premises
- A criminal offence, which (whether it is committed in the context of or outside the person's work for the benefice) adversely affects the reputation of the Benefice, the person's suitability for the type of work he/she does or his/her acceptability to colleagues and/or parishioners.

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## 6. Suspension following alleged Gross Misconduct

While alleged Gross Misconduct is being investigated the employee may be suspended by the incumbent during which time they will be paid at their normal rate of pay. They will be entitled to written reasons for the suspension within 3 working days of being suspended.

## 7. Appeal if necessary

If the employee wishes to appeal as a result of dismissal subject to section 4, they must inform the Rector in writing within one week of the decision. The Rector will then invite the employee to attend another meeting and the employee must take all reasonable steps to attend. Three members of the PCC who have not been previously involved in the disciplinary procedure will hear the appeal.

The second panel will decide the case as impartially as possible. The panel will receive all the documentation from the previous stages of the disciplinary procedure and the documentation will also be made available in advance to both the subject of the disciplinary procedure and the Rector. The panel will then hear evidence from the Rector, the employee and witnesses may be called. The employee may be accompanied by a friend or a person of their choice. The panel will then form a judgement and make a decision regarding the dismissal or otherwise of the employee. The panel's decision will be final.

The chair of the Appeals Panel will notify the employee orally as soon as possible after the hearing of the panel's decision and in writing within 7 days of the hearing.

## 8. Statutory rights

The above discipline procedure does not affect the employee's statutory rights under current UK employment legislation at the time the dismissible behaviour occurred.

## GRIEVANCE PROCEDURE

It is policy to ensure that any employee with a grievance has access to a procedure which can lead to a speedy resolution of the grievance in a fair manner. Most grievances are best resolved informally by discussion with the Rector. Where the grievance cannot be resolved informally, it will be dealt with under the following procedure that complies with the statutory standard three-step grievance procedure.

### STEP 1. Employee gives written statement of grievance

The employee must put their grievance in a written statement of grievance and send it to the Rector.

Where the grievance is against the Rector, the matter should be raised with the Parish Wardens. On receipt of the letter, the Parish Wardens will discuss the alleged grievance with the Rector without disclosing its actual content.

### STEP 2. Meeting is held and employer informs employee of the outcome

Once the employee has given the Rector or Parish Wardens the written statement in Step 1, they must offer the employee a meeting within 2 weeks. The employee may be accompanied

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by a friend or a person of their choice. After the meeting, the Rector or Wardens must inform the employee of the decision taken in response to the grievance and notify the employee of his/her right to appeal if not satisfied with the decision. The decision will be confirmed in writing within 3 days.

### STEP 3. Appeal if necessary

If the employee wishes to appeal, they must inform the Parish Wardens within one week of the decision. They will then invite the employee to attend another meeting and the employee must take all reasonable steps to attend. Three members of the PCC who have not been previously involved in any related procedure will hear the appeal.

The second panel will decide the case as impartially as possible. The panel will receive all the documentation from the previous stages of the grievance procedure and the documentation will also be made available in advance to both the subject of the grievance procedure and the Rector. The panel will then hear evidence from the Rector, the employee and witnesses may be called. The employee may be accompanied by a friend or a person of their choice. The panel will then form a judgement and make a decision. The panel's decision will be final.

The chair of the Appeals Panel will notify the employee orally as soon as possible after the hearing of the panel's decision and in writing within 7 days of the hearing.

### Statutory rights

The above grievance procedure does not affect the employee's statutory rights under current UK employment legislation at the time the grievance is alleged to have occurred.

Adopted by Witney PCC on 25 January 2021

Signed *Toby Wright*

Counter-signed *Kate Banks*

Review date: 5 years from date of adoption