THE CATHOLIC DIOCESE OF
ARUNDEL & BRIGHTON

Disciplinary Policy

Version: April 2022

1. THE POLICY

1.1 The disciplinary policy is set out below. It is designed to ensure that all employees across the Diocese are managed fairly and consistently in disciplinary and other related matters affecting their work with the Diocese. However, this procedure is intended only as a statement of our aims and the guidance give to managers, and it does not form part of your contract of employment r otherwise have contractual effect to the extent permitted by law.

1.2 This policy applies to conduct only (lack of 'will'); if there is an issue with performance capability (lack of 'skill') please refer to the Capability Policy. Contact your line manager or the Chief Operating Officer.

1.3 The Diocese Disciplinary Procedure should be used only when necessary. 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 takes notice of the fact that sanctions may have to be applied in some circumstances.

1.4 An employee can discuss any part of this Policy with their line manager, their trade union representative or the Chief Operating Officer. Every individual has the right to be accompanied by a work colleague or trade union representative to a hearing at any point during the formal disciplinary procedure.

1.5 Should an employee's conduct fail to meet the standards expected, they will entitled to fair and proper hearings in line with the disciplinary procedure set out below. At every stage of this procedure supervisors, managers and Parish Priests are expected to consult with the Chief Operating Officer to ensure that a consistent approach in dealing with disciplinary action across the Diocese is adopted.

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1.6 The Diocese will carry out an investigation of the facts and this may require the employee to be suspended from work on basic pay, normally for a maximum of 7 calendar days (although this may be extended in appropriate cases) while the alleged offence is investigated. If an employee is or becomes sick during such a period of suspension, the normal absence reporting and sick pay rules will be followed.

1.7 If it is felt that there is case to answer then the employee will be required to attend a disciplinary hearing with enough notice to allow both sides to prepare. This hearing will be confirmed in writing together with details of any alleged offence, and copies of any documentary evidence.

1.8 Hearings may be postponed due to the non-availability of a companion or representative but for no longer than a period of 7 days.

2. PRINCIPLES

2.1 All disciplinary matters should be dealt with promptly.

2.2 Disciplinary procedures should be applied consistently to all employees.

2.3 Suspension prior to a disciplinary hearing is not intended as a form of disciplinary action in itself but may be taken in order for the Diocese to establish the facts prior to deciding whether disciplinary action is justified.

2.4 No disciplinary action will be taken until the case has been fully investigated.

2.5 No employee will be dismissed for a first breach of discipline except in cases of gross misconduct or when someone is still within their probationary period.

2.6 All employees have the right of appeal against any disciplinary decision made as long as they observe the time limits outlined in this policy.

2.7 At every stage of these procedures, managers should consult with the Chief Operating Officer to ensure that any action taken against staff is fair, legal and consistent.

2.8 A copy of this policy will be accessible to all employees from their line managers and the Chief Operating Officer. The policy is published on the Diocesan website.

2.9 Training and support are available to managers responsible for implementing the policy: please contact the COO.

2.10 It is the Diocese's intention that employees accept that these procedures are in place to support and protect employees.

2.11 The Diocese will support staff as much as is reasonably possible in order to affect development and change and will honour the outcomes and recommendations (in the form of support or training) from any disciplinary hearings that take place.

2.12 Prior to a hearing taking place, the employee will be given a copy of this policy including information about their rights to be accompanied by a work colleague or union representative.

2.13 Employees will be given every opportunity to state their case and submit mitigating circumstances and will be given copies of evidence concerning the allegations prior to the hearing taking place. As far as is reasonably practical, the hearing will be held on a mutually convenient date.

2.14 The Diocese will endeavour to ensure that any disciplinary procedures are free of any discriminatory practice or assumptions being made about the employee, in line with current legislation and the Diocese's Equal Opportunities Policy.

2.16 All proceedings, witness statements and records relating to disciplinary procedures will be kept strictly confidential, although it may be necessary to involve third parties in the initial investigation in the event that further investigation is required.

2.17 All disciplinary action will be confirmed in writing.

3. STAGES OF THE PROCEDURE

3.1 Minor incidents of misconduct or irregularities in performance will be dealt with informally (written notes of these discussions will be kept). However, repeated more serious incidents will lead to the following stages been initiated.

3.2 There are 3 stages to the procedure. The Diocese reserves the right to initiate the procedure at any stage (including dismissal) or to jump stages, depending upon the circumstances of the case.

4. STAGE 1 – WRITTEN WARNING

4.1 In the event of misconduct, you will normally be given a WRITTEN WARNING. This will give details of the complaint, and the consequences of failure to improve conduct to acceptable standards. This warning shall be disregarded for disciplinary purposes after a period of 12 months (unless otherwise specified), subject to satisfactory improvements.

5. STAGE 2 – FINAL WRITTEN WARNING

5.1 In the event of more serious or further misconduct or if the misconduct is sufficiently serious to warrant a single and final written warning you will be issued with a final written warning. This will give details of the complaint and warn that any further misconduct will render the employee liable to dismissal. It will also inform of the consequences of failure to improve conduct to acceptable standards. The final written warning will be disregarded for disciplinary purposes after 12 months (unless otherwise specified), subject to satisfactory improvements.

6. STAGE 3 – DISMISSAL

6.1 In the event of repeated misconduct, dismissal will normally result. If you are dismissed you will be provided as soon as reasonably practicable with written confirmation of the dismissal, the reason or reasons for the dismissal, any entitlement to notice and the date on which your employment terminated or will terminate .

7. SUMMARY DISMISSAL

7.1 The Diocese will be entitled to dismiss an employee without notice or payment in lieu in the event of gross misconduct, or some other fundamental breach of Diocese rules or of the contract of employment. Examples of conduct which may render an employee liable to summary dismissal include, but are not limited to, the following:

- Falsification or altering of official records such as application forms, work schedules or time sheets, financial records, requisitions, stock take, or computer or other records without authorisation.
- Breach of cash handling procedures.
- Fighting, use of threatening or abusive language, or harassment of guests or other employees through verbal or physical conduct.
- Abuse or harassment contrary to the equal opportunity policy of either colleagues, guests/visitors or parishioners.
- Unauthorised possession or removal of property belonging to the Diocese, visitor or another employee, including failure to report or hand in lost and found items.
- Breach of health and safety or other relevant regulations (including smoking on the premises other than in the permitted areas).

- Working or attending work under the influence or alcohol, non-prescribed drugs or solvents.
- Possession or consumption or arranging purchase or sale of illegal drugs on Diocese premises.
- Unauthorised disclosure of confidential information.
- Gambling or soliciting any private business transactions in any form on Diocese premises.
- Possession of illegal publications or items on Diocese property.
- Use of assets, service or confidential information for personal gain.
- Any act of dishonesty, including being in unauthorised possessions of or using Diocese property, whether or not such an act results in a criminal prosecution.
- Failure to perform assigned work or to follow a manager's reasonable instructions unless illegal or immoral, or any act of gross insubordination.
- Uttering, publishing or distributing false, vicious, malicious or confidential statements concerning the Diocese or any of its parishioners, employees or managers.
- Sexual, racial, disability or other harassment.
- Breach of confidentiality.
- Theft or attempted theft of either Diocese or other employees' property.
- Breach of any policy or procedure published on the Diocesan website.
- Breach of any terms set out in your contract of employment.
- Conviction for any serious criminal offence whilst an employee of the Diocese.
- Conduct that could bring the Diocese into disrepute.

This list is not exhaustive.

7.2 Other Disciplinary Sanctions

- In addition to warnings, the Diocese may consider other possible disciplinary sanctions. Examples include (but are not limited to) demotion, disciplinary

transfer, loss of seniority or salary increment or review, suspension with or without pay, the withdrawal of Diocese benefits.

- The Diocese reserves the right to inform the police and/or seek prosecution in cases where it deems that it is appropriate to do so.

8. OPERATION OF THE PROCEDURE

8.1 No disciplinary action will be taken until the matter has been investigated by the manager carrying out the investigation. The employee may be suspended on basic pay while investigations are carried out.

8.2 Disciplinary action under the procedure will normally be taken by a member of management, except in the case of dismissal where only a designated manager and Human Resources can take the decision to dismiss.

8.3 It may on occasions not be the line manager but another member of management who chairs the disciplinary meeting.

8.4 Management should seek assistance from or involve the Chief Operating Officer where appropriate.

8.5 Management will adjourn a disciplinary hearing in order to consider the case and any representations made by the employee or their representative, before making a decision.

8.6 You will normally receive advance notice, minimum 48 hours, of a disciplinary meeting. You will be warned of the possible sanctions that may be imposed. In addition, you will be provided with copies of any evidence or other documentation relevant to the alleged misconduct.

8.7 At each stage of the procedure you shall have an opportunity to respond to the alleged misconduct.

8.8 Both you, and your representative, have a right to question any statements provided by witnesses by submitting a list of questions, which the Diocese will put to the witness prior to the hearing. The Diocese will then provide you with the responses. Please note there is no right to cross-examine any witness at the hearing.

8.9 You may be accompanied at the disciplinary meeting, if you wish, by a work colleague of your choice or your Trade Union Representative. It is your responsibility to secure the attendance of any colleague, and the colleague has the right to decline to attend. Notes will be taken at this meeting and copies will be provided to you. At each stage

of the procedure you will have the opportunity to respond to the allegations presented.

8.10 Any employee under the age of 18 may be accompanied during a disciplinary hearing by a parent or guardian.

9. APPEALS

9.1 If you wish to appeal against a disciplinary decision you should inform the Chief Operating Officer or the nominated manager in writing within 7 calendar days of the notification of the disciplinary decision, together with the grounds of your appeal.

9.2 Where possible, the appeal will be heard within 14 calendar days by a more senior level of management in the Diocese than that taking the disciplinary action.

9.3 At the appeal hearing, you will be entitled to be accompanied as at the disciplinary hearing, have a full opportunity to state your case and to comment on any new evidence. Following an adjournment, you will be informed of the decision which will be final and there will be no further steps to this procedure.

9.4 The Diocese will confirm in writing (usually within 7 days of the appeal meeting) the results of the appeal and outline the reasons for the decision reached. If the appeal decision upholds a decision to dismiss, the date of termination will take effect from the date on which the original dismissal was notified to the employee.

10. CRIMINAL CHARGES

10.1 If an employee is charged and/or found guilty of an offence outside of work, it will not automatically be seen as a disciplinary offence. It will depend on what bearing it has on their job or the Diocese's reputation.

11. RECORDING INFORMATION

11.1 Records of any disciplinary proceedings, evidence involved, mitigating circumstances and decisions will be kept confidentially and in accordance with the General Data Protection Regulation.

12. OBTAINING HR SUPPORT

12.1 The Diocese works with an external HR adviser for support on employment issues. HR support is accessed by contacting the Chief Operating Officer via coo@abdiocese.org.uk.

Approval

The policy was approved by the Diocesan Board of Trustees on	28 April 2022
The next review is due by:	30 April 2024