



Disciplinary Policy and Procedures

The policy and associated procedures is designed to help and encourage all employees of the Taunton Baptist Church (TBC) to achieve and maintain standards of conduct, attendance and performance in their ministry/work. It applies to all TBC employees* and will normally be followed where a breach of discipline occurs to ensure consistent and fair treatment for all. This policy will be reviewed regularly and updated as required.

** It should be noted that Baptist Union ministers are appointed to a ministerial 'office', so are not considered employees.*



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1. Policy statement

- 1.1 Taunton Baptist Church (TBC) will always seek to resolve disciplinary and grievance issues in the workplace in a fair and consistent manner and the employee will have every opportunity to present their case.
- 1.2 TBC would hope to resolve any potential disciplinary or grievance issues informally via a quiet word from the line manager/church secretary. However, where an issue cannot be resolved informally then it may be pursued formally through the procedures outlined below.
- 1.3 Action in relation to disciplinary or capability matters will usually be initiated by the line manager of the relevant employee or by the Church Secretary. The line manager or other person appointed by the Church Secretary has authority to carry out any investigation.
- 1.4 The procedures are not contractually binding upon TBC and are provided for guidance only.
- 1.5 If at the relevant point in time in any part of the procedures below there is no Church Secretary in post, then any reference to Church Secretary should be construed as a reference to any of the Church Elders, the Church Treasurer and the Senior Minister of the Church and such person shall fulfil the role given to the Church Secretary in this procedure provided that no person may fulfil the role of Church Secretary in a case where he/she may be the manager of the employee concerned.

2 Disciplinary procedure

- 2.1 No disciplinary action will be taken against an employee until the case has been fully investigated.
- 2.2 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct for which an individual may be dismissed without notice or payment in lieu of notice.
- 2.3 An employee will have the right to appeal against any disciplinary penalty imposed.
- 2.4 The formal procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.
- 2.5 In the event that an employee submits a grievance during a disciplinary procedure, TBC may at its discretion decide whether to suspend the disciplinary procedure in order to fully consider the grievance, or to deal with both procedures concurrently.



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- 2.6 Any allegation or indication of poor performance or misconduct will be investigated without delay. In some cases, this will require an investigatory meeting, held by a senior Church representative, to establish the true facts in the matter.
- 2.7 It may be necessary to suspend the employee for a reasonable period of time, during any period in which TBC is carrying out a disciplinary investigation into any alleged acts or defaults of the employee. During any period of suspension, the employee shall continue to receive their salary and contractual benefits. This is not disciplinary action, but a neutral act pending the outcome of the investigation.
- 2.8 No employee may be suspended except on the authority of the Church Secretary who must have consulted with the Minister, the Church Elders, and at least two other Church trustees, except that where any of those persons is not readily available, consultation with them is not required.
- 2.9 If, following the investigation, either misconduct or unsatisfactory performance is confirmed and it is felt that there is a disciplinary case to answer, the employee will be asked to attend a formal meeting and will be notified in writing that disciplinary action may follow. This notification will contain sufficient information about the alleged misconduct or poor performance to allow the employee to prepare a response for any disciplinary hearing. It will also include any evidence gathered during the investigation, which supports the decision to take disciplinary action.
- 2.10 The holding of any Disciplinary Hearing must be authorised by the Church Secretary and may be held by the line manager or by a person or persons appointed by the Church Secretary (see Appendix A for the Disciplinary Hearing procedure).
- 2.11 Where a First Written Warning is 'live' or where a Final Written Warning may be under consideration, a Disciplinary Hearing may only be held by the Manager acting jointly with a TBC trustee or by a person or persons appointed by the Church Secretary.
- 2.12 Where a Final Written Warning is 'live' or where there is an allegation or gross misconduct, a Disciplinary Hearing may only be held by the Manager acting jointly with two TBC trustees who, where reasonably practicable, have not been involved with the case at an earlier stage. Any decision to dismiss an employee after a Disciplinary Hearing or after an appeal hearing under the Disciplinary Procedure may only be taken by the Church Secretary after consultation with the TBC trustees.
- 2.13 The employee will also be informed of the time, date and venue of the disciplinary hearing, and advised of their right to be accompanied by a colleague or trade union representative (see section 6 below).



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3. Capability procedure

- 3.1 If TBC considers that there are grounds for taking formal action over alleged poor performance, the employee will be required to attend a capability hearing.
- 3.2 The holding of any Capability Hearing must be authorised by the Church Secretary.
- 3.3 TBC will notify the employee in writing of its concerns over the individual's performance, the reasons for those concerns, and the likely outcome if it decides after the hearing that the employee's performance has been unsatisfactory.
- 3.4 The following details will be provided where appropriate:
 - a) A summary of relevant information gathered as part of any investigation;
 - b) A copy of any relevant documents which will be used at the capability hearing;
 - c) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Church will give the employee as much information as possible while maintaining confidentiality.
- 3.5 TBC will give the employee written notice of the date, time and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time (usually two to seven days), to prepare their case based on the information provided in 3.3 above (see Appendix B for the Capability Hearing procedure).
- 3.6 The employee will also be advised of their right to be accompanied by a colleague or trade union representative (see section 6 below).

4. Disabilities

- 4.1 Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including a change of duties or providing additional equipment or training.
- 4.2 Consideration will also be given to making reasonable adjustments to the disciplinary and capability procedures where necessary.
- 4.3 If the employee wishes to discuss this or inform TBC of any medical condition which they consider relevant, they should contact their line manager or the Church Secretary.



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5. Confidentiality

- 5.1 TBC aims to deal with performance 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 a matter which is subject to these disciplinary or capability procedures.
- 5.2 The employee and anyone who accompanies them (including witnesses) must not make electronic recordings of any meetings or hearings conducted under these procedures.
- 5.3 The employee will normally be told in advance the names of any witnesses whose evidence is relevant to their disciplinary/capability hearing, unless TBC believes that a witness's identity should remain confidential.

6. Companions at hearings

- 6.1 The employee may take a companion to any disciplinary, capability or appeal hearing under these procedures. The companion may be either a trade union official or a fellow employee. The employee must tell the person conducting the hearing who their chosen companion is, in good time before the hearing.
- 6.2 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. There is no duty on employees to act as a companion if they do not wish to do so.
- 6.3 If the chosen companion will not be available at the time proposed for the hearing the employee may request that the hearing be postponed to a day not more than five working days after the day originally proposed. If the alternative time proposed is reasonable, and the employee's chosen companion is able to attend, the hearing will be postponed until that time.
- 6.4 Whilst the companion may address the hearing and confer with the employee during the hearing, they do not have the right to answer questions on behalf of the employee.
- 6.5 If the employee's choice of companion is unreasonable TBC may require them to choose someone else, for example:
 - a) If in the opinion of TBC the employee's companion may have a conflict of interest that may prejudice the hearing; or
 - b) If the employee's companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.



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- 6.6 TBC may, at its discretion, allow an employee a companion who is not an employee or union official (for example, a family member or a member of the Church).
- 6.7 The role of a companion may also be used to help overcome a particular difficulty caused by a disability, or where the employee has difficulty understanding English.

7. References

The following guidance documents were consulted in drafting this policy:

Baptist Union UK

https://www.baptist.org.uk/Articles/368689/Guideline_Leaflet_L08.aspx

ACAS Code of Practice on disciplinary and grievance procedures

<https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html>

Signed:

Revd Richard Matcham, Minister

On behalf of the Trustees, as agreed at a meeting on:



Appendix A - Disciplinary Hearing Procedure

At the meeting the following procedure will be followed:

A1. Statement of complaint

TBC will set out what the complaint against the employee is and go through the evidence gathered during the course of the investigation.

A2. The employee's reply

The employee will be given the opportunity to state their case and respond to any allegations made. The employee will be allowed to ask questions and confer with their companion. If the employee accepts that they have done something wrong, steps may be agreed to remedy the situation.

A3. General questioning and discussion

The person responsible for conducting the meeting may ask the employee for an explanation and query whether there are any special circumstances which should be taken into account. If the employee provides sufficient explanation, the proceedings will be brought to a close. If new facts come to light at this stage, it may be appropriate for the meeting to be adjourned and investigate the matter further before calling a further meeting.

A4. Summing up

At this stage the person responsible for holding the disciplinary meeting may summarise the main points of discussion. The employee will be given the opportunity to add anything further.

A5. Adjournment before decision

The meeting will be adjourned before a decision is made about the appropriate action. Following the meeting, a decision will be made as to whether or not disciplinary action is justified. Once a decision is made, the employee will be informed in writing.

A6. Disciplinary decision

Before deciding what, if any, disciplinary action is appropriate consideration will be given to:

- whether the organisation's rules indicate clearly the likely penalty, as a result of the particular misconduct;
- whether standards of other employees are acceptable, and whether the employee in question is not being singled out;



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- the employee's disciplinary record (including current warnings), general work record, work experience, position and length of service;
- the reasonableness of the proposed penalty in the circumstances; and
- whether training, additional support or adjustments to the work are necessary to accompany any disciplinary action.

The employee will be given details of any disciplinary action (see options below) as soon as a decision is made.

A7. First formal action – unsatisfactory performance

In such cases, the employee will be given an "IMPROVEMENT NOTE" setting out:

- the performance problem;
- the improvement that is required;
- the timescale for achieving that improvement;
- a review date; and
- any support, including any training that TBC will provide to assist the employee.

The employee will be informed that the note represents the first stage of a formal procedure and is equivalent to a first "written warning". The employee will also be informed that failure to improve could lead to a final written warning and dismissal.

A copy of the note will be kept and used as the basis for monitoring and reviewing performance over a specified period.

If the employee's unsatisfactory performance, or continued unsatisfactory performance, is sufficiently serious (e.g. where it is having / likely to have a serious harmful effect to the church) the employee may be issued directly with a final written warning.

A8. First formal action – misconduct

In cases of misconduct, depending on the seriousness of the misconduct, the employee may be given a FIRST WRITTEN WARNING setting out the nature of the misconduct and the change in behaviour required.

The warning will also inform the employee that a final written warning may be considered if there is further misconduct. A record of the warning will be kept by TBC but it will be disregarded for disciplinary purposes after 12 months.

A9. Final written warning

Following the issue of a written warning, if there is still a failure to improve and conduct or performance remains unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning, a FINAL WRITTEN WARNING will be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no



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satisfactory improvement or if further misconduct occurs. The final written warning will advise the individual of the right of appeal. A copy of this final written warning will be kept by TBC but it will be disregarded for disciplinary purposes after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct and performance.

A10. Dismissal

If conduct or performance is still unsatisfactory and the employee still fails to reach the prescribed standards, DISMISSAL will normally result. The employee will be provided as soon as reasonably practicable with written reasons for dismissal, the date on which employment will terminate and advised of their right of appeal within a specified time.

A11. Gross misconduct

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

- verbal, physical, sexual or financial abuse of Church members or attendees
- theft, fraud, deliberate falsification of records
- serious breach of confidentiality
- fighting, assault on another person or bullying
- deliberate damage to or serious misuse of TBC property
- serious incapability at work through alcohol or being under the influence of psychoactive substances
- serious negligence which causes unacceptable loss, damage or injury
- serious act of insubordination
- bringing TBC into serious disrepute
- a serious breach of health and safety rules
- deliberately accessing internet sites containing offensive or obscene material
- unlawful discrimination or harassment
- failure to maintain one's personal life in accordance with a good Christian testimony

If the employee is accused of an act of gross misconduct, the employee may be suspended from work on full pay, while the alleged offence is investigated and pending the outcome of any disciplinary hearing. If, on completion of the investigation and a subsequent disciplinary hearing, TBC is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

A12. Appeals

An employee who wishes to appeal against a disciplinary decision should put their decision to appeal and the grounds of their appeal in writing to the Church Secretary within five working days of the date they were first notified of the decision. The employee has the statutory right to be accompanied by a colleague or a trade union representative to an appeal meeting.



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The appeal shall, where possible, be heard by at least three TBC trustees appointed by the Church Secretary, and their decision shall be final, subject to any overriding decision of the Church Meeting.

The employee will be informed in writing of the outcome of the appeal hearing as soon as possible. This will usually be within 10 working days.



Appendix B - Capability Hearing Procedure

B1. Aims of a capability hearing

- setting out the required standards that TBC believes the employee may have failed to meet, and going through any relevant evidence that has been gathered
- allowing the employee to ask questions, present evidence, call witnesses, respond to evidence and make representations
- establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement
- identifying whether there are further measures, such as additional training or supervision, which may improve performance
- where appropriate, discussing targets for improvement and a time-scale for review
- if dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment

B2. Adjournment

A hearing may be adjourned if any further information needs to be gathered or consideration be given to matters discussed at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

B3. Decision

TBC will inform the employee in writing of its decision (see options below) and its reasons for it, usually within one week of the capability hearing. Where possible this will be explained to the employee in person.

B4. Stage 1 Capability Hearing - improvement note

Following a Stage 1 capability hearing, if it is decided that the employee's performance is unsatisfactory, the employee will be given an improvement note, setting out:

- the areas in which he/she has not met the required performance standards;
- targets for improvement;
- any measures, such as additional training or supervision, which will be taken with a view to improving performance;
- a period for review;
- the consequences of failing to improve within the review period, or of further unsatisfactory performance.

A Stage 1 Capability Hearing may be held by the Manager, or by a person appointed by the Church Secretary



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An improvement note must be authorised by the Church Secretary and will normally remain active for six months from the end of the review period, after which time it will be disregarded for the purposes of the capability procedure. However, a permanent record of it will be placed on the employee's personnel file.

The employee's performance will be monitored during the review period and at the end of the review period they will be informed of the outcome in writing.

- if the employee's manager is satisfied with the employee's performance, no further action will be taken
- if the manager is not satisfied, the matter may be progressed to a Stage 2 capability hearing
- if the manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

B5. Stage 2 Capability Hearing - final written warning

If the employee's performance does not improve satisfactorily within the review period set out in an improvement note or if there is further evidence of poor performance whilst the employee's improvement note is still active, TBC may decide to hold a stage 2 capability hearing. The Church will send the employee written notification as set out above.

Following a Stage 2 capability hearing, if the Church decides that the employee's performance is unsatisfactory, it will give the employee a final written warning, setting out:

1. the areas in which the employee has not met the required performance standards;
2. targets for improvement;
3. any measures, such as additional training or supervision, which will be taken with a view to improving performance;
4. a period for review;
5. the consequences of failing to improve within the review period, or of further unsatisfactory performance.

A Stage 2 Capability Hearing may be held by the Manager acting together with a member of the Church Leadership Team, or by a person appointed by the Church Secretary.

A final written warning must be authorised by the Church Secretary and will normally remain active for six months from the end of the review period, after which time it will be disregarded for the purposes of the capability procedure. However, a record of the warning will form a permanent part of the employee's personnel record.

The employee's performance will be monitored during the review period and at the end of the review period they will be informed of the outcome in writing.



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- if the employee's manager is satisfied with his/her performance, no further action will be taken
- if the employee's manager is not satisfied, the matter may be progressed to a Stage 3 capability hearing
- if the manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

B6. Stage 3 Capability Hearing - dismissal or redeployment

TBC may decide to hold a stage 3 capability hearing if it has reason to believe:

1. the employee's performance has not improved sufficiently within the review period set out in a final written warning;
2. the employee's performance is unsatisfactory while a final written warning is still active; or
3. the employee's performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.

TBC will send the employee written notification of the hearing as set out above.

A Stage 3 Capability Hearing may be held by the Manager acting together with two trustees who, where reasonably practicable, have not been involved at an earlier stage in the case, or by a person or persons appointed by the Church Secretary.

Following the hearing, if TBC finds that the employee's performance is unsatisfactory, it may consider a range of options including:

1. dismissing the employee;
2. redeploying the employee into another suitable job if one is available; or
3. extending an active final written warning and setting a further review period (in exceptional cases where it is believed a substantial improvement is likely within the review period); or
4. giving a final written warning (where no final written warning is currently active).

The decision must be authorised by the Church Secretary. Dismissal will normally be with full notice or payment in lieu of notice, unless the employee's performance has been so negligent as to amount to gross misconduct, in which case the Church may dismiss the employee without notice or any pay in lieu. Any decision to dismiss or redeploy an employee after a Stage 3 Capability Hearing or after an appeal hearing under the Capability Procedure may only be taken by the Church Secretary after consultation with the trustees.

B7. Appeals against action for capability

If the employee feels that a decision about capability under this procedure is wrong or unjust he/she should appeal in writing, stating his/her full grounds of appeal, to the Church



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Secretary within one week of the date on which he/she was informed in writing of the decision.

If the employee is appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the employee's appeal is successful he/she will be reinstated with no loss of continuity or pay.

If the employee raises any new matters in his/her appeal, TBC may need to carry out further investigation. If any new information comes to light TBC will provide the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the appeal hearing.

The employee will be given written notice of the date, time and place of the appeal hearing. This will normally be two to seven days after they receive the written notice.

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 TBC depending on the circumstances of the employee's case. In any event the appeal will be dealt with as impartially as possible.

An appeal hearing under the Capability Procedure will be held by a person or persons appointed by the Church Secretary. Where possible, it will be conducted by a person who was not previously involved in the case. The manager who conducted the capability hearing will also usually be present to advise and comment. The employee may take a companion with them to the appeal hearing.

A hearing may be adjourned if further information needs to be gathered or consideration given to matters discussed at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing the Church may:

- confirm the original decision; or
- revoke the original decision; or
- substitute a different penalty.

The decision must be authorised by the Church Secretary.

The employee will be informed in writing of the final decision as soon as possible, usually within one week of the appeal hearing. Where possible this will also be explained to the employee in person. There will be no further right of appeal.