**Also refer to https://www.acas.org.uk/sites/default/files/2021-03/conducting-workplace-investigations.pdf**

This policy is intended to help maintain standards of conduct and performance and to ensure fairness and consistency when dealing with allegations of misconduct or poor performance.

Minor conduct or performance issues can usually be resolved informally with your line manager. This policy sets out formal steps to be taken if the matter is more serious or cannot be resolved informally.

This policy applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

**Investigations**

Before any disciplinary hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding and no disciplinary action will be taken without a disciplinary hearing.

In some cases of alleged misconduct, we may need to suspend you from work while we carry out the investigation or disciplinary procedure (or both). While suspended, you should not visit our premises or contact any of our clients, customers, suppliers, contractors or staff, unless authorised to do so. Suspension is not considered to be disciplinary action.

**The hearing**

We will give you written notice of the hearing, including sufficient information about the alleged misconduct or poor performance and its possible consequences to enable you to prepare. You will normally be given copies of relevant documents and witness statements.

You may be accompanied at the hearing by a trade union representative or a colleague, who will be allowed reasonable paid time off to act as your companion. Your companion may make representations, ask question, and sum up your case, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.

We will inform you in writing of our decision, usually within one week of the hearing.

**Disciplinary action and dismissal**

The usual penalties for misconduct or poor performance are:

***Stage 1: First written warning.*** Where there are no other active written warnings on your disciplinary record, you will usually receive a first written warning. It will usually remain active for six months.

***Stage 2: Final written warning*.** In case of further misconduct where there is an active first written warning on your record, you will usually receive a final written warning. This may also be used without a first written warning for serious cases of misconduct. The warning will usually remain active for 12 months.

***Stage 3: Dismissal or other action*.** You may be dismissed for further misconduct where there is an active final written warning on your record, or for any act of gross misconduct. Examples of gross misconduct are given below. You may also be dismissed without a warning for any act of misconduct during your probationary period.

We may consider other sanctions short of dismissal, including demotion or redeployment to another role (where permitted by your contract), and/or extension of a final written warning with a further review period.

**Appeals**

You may appeal in writing to [a member/Chair/Vice Chair of the standing committee/PCC] within one week of being told of the decision.

The appeal hearing will, where possible, be held by a panel of INSERT CHURCH NAME trustees. You may bring a colleague or trade union representative with you to the appeal hearing.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.

**Gross misconduct**

Gross misconduct will usually result in dismissal without warning, with no notice or payment in lieu of notice (summary dismissal).

The following are examples of matters that are normally regarded as gross misconduct:

1. theft or fraud
2. physical violence or bullying
3. deliberate and serious damage to property
4. serious misuse of the organisation's property or name
5. deliberately accessing internet sites containing pornographic, offensive or obscene material
6. serious insubordination
7. unlawful discrimination or harassment
8. bringing the organisation into serious disrepute
9. serious incapability at work brought on by alcohol or illegal drugs
10. causing loss, damage or injury through serious negligence
11. a serious breach of health and safety rules
12. a serious breach of confidence

This list is intended as a guide and is not exhaustive.