

EDBF DIGNITY AT WORK DISCIPLINARY RULES & PROCEDURE

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Scope	<p>This Policy applies to all EDBF and EDPS Ltd employees plus those individuals identified in paragraph 2. EDBF reserves the right to amend this policy at its discretion at any time. It does not form part of any employees' contract of employment with EDBF.</p> <p>Where EDBF is referred to in this policy, it is used as an umbrella term for both EDBF and EDPS Ltd.</p>
Extensions	<p>Individuals identified in Paragraph 2.</p> <p><i>Note in Paragraph 2.</i></p>
Exclusions	None



Disciplinary Rules & Procedure

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1. Disciplinary Rules and Procedure Statement

The aim of the Disciplinary Rules and Disciplinary Procedures is to set out the standards of conduct expected of all employees and to provide a framework within which managers can work with you to maintain satisfactory standards of conduct and to encourage improvement where necessary.

It is our policy to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give you the opportunity to respond before taking any formal action.

If you are in any doubt as to your responsibilities or the standards of conduct expected you should speak to your manager.

In the event that these rules and procedures and the law conflict, the law shall take precedence. If employees are in any doubt as to what their rights are, they are to discuss matters with their manager. If this policy changes as a result of amendments in the law, the changes will be notified to the employee via their manager.

Any employee cleared of a disciplinary charge in accordance with this policy will not be subjected to any detriment.

You and anyone accompanying you (including witnesses) to any meetings or hearings conducted in accordance with this policy must not make electronic recordings of any such meetings or hearings.

This policy does not form part of your contract of employment and it may be amended at any time.

2. Who is Covered by the Rules and Procedures?

These rules and procedures are intended to apply to all employees of the Exeter Diocesan Board of Finance (hereafter referred to as EDBF) including full-time, part-time and fixed-term employees. These rules and procedures also applies to all employees of EDPS Ltd.

It is intended that volunteers when they are considered to be undertaking activities and duties authorised by EDBF or in a capacity viewed as officially representing EDBF also adhere to these rules and procedures. In such cases, the individuals will be made aware of these rules and procedures by their official supervisor.

Note: All references in this document to 'the Diocese of Exeter' refer to the collective bodies under the headship of the Bishop of Exeter including, but not limited to, Exeter Diocesan Board of Finance (EDBF) Ltd, EDPS Ltd, and the Office of the Bishop of Exeter.

3. Rules of Conduct

While working for us you are at all times to maintain professional and responsible standards of conduct. In particular you are to:



- Observe the terms and conditions of your contract of employment including your Statement of Terms of Employment and Section 2 of the Employee Handbook, particularly with regard to:
 - Hours of work.
 - Confidentiality.
- Observe all our policies, procedures and regulations some of which are included in the Employee Handbook and all of which are available on People HR, or notified to you from time to time by means of notice boards, e-mail, or otherwise.
- Take reasonable care in respect of the health and safety of colleagues and third parties and comply with our Health and Safety Policy.
- Comply with all reasonable instructions given by managers.
- Act at all times in good faith and in the best interests of EDBF and the Diocese of Exeter.

Failure to maintain satisfactory standards of conduct may result in action being taken under our Disciplinary Procedure.

4. Misconduct

The following are examples of matters that will normally be regarded as misconduct and will be dealt with under our Disciplinary Procedure:

- Minor breaches of our policies including the Sickness Absence Policy, Electronic Information and Communications Systems Policy, and Health and Safety Policy.
- Minor breaches of your contract.
- Damage to, or unauthorised use of, our property.
- Poor timekeeping.
- Time wasting.
- Unauthorised absence from work.
- Refusal to follow instructions.
- Excessive use of our telephones for personal calls.
- Excessive personal e-mail or internet usage.
- Obscene language or other offensive behaviour.
- Negligence in the performance of your duties.
- Smoking in no-smoking areas.

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

5. Gross Misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in our opinion, is likely to prejudice the work undertaken by EDBF or reputation or



irreparably damage the working relationship and trust between EDBF and the employee (or between EDBF and an authorised volunteer). Gross misconduct will be dealt with under our Disciplinary Procedure and will normally lead to dismissal without notice or pay in lieu of notice (summary dismissal).

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

- Theft or fraud.
- Physical violence.
- Bullying.
- Deliberate and serious damage to property.
- Serious misuse of our property or name.
- Using equipment or networks provided by the employer to access deliberately internet sites containing pornographic, offensive or obscene material or to access such sites on any equipment while at your place of work.
- Serious insubordination.
- Unlawful discrimination or harassment.
- Bringing the organisation into serious disrepute – this could be through conduct inside or outside of work if it is so serious that it affects your capacity or credibility in your job for us, or substantially undermines any normal working relationships with colleagues, or would otherwise bring EDBF or the Diocese of Exeter into disrepute. This includes, but is not limited to activity and correspondence on social media networking sites and includes breach of our social media policy.
- Being under the influence of alcohol, illegal drugs or other substances during working hours.
- Causing loss, damage or injury through serious negligence.
- Serious breach of health and safety rules.
- Serious breach of confidence.
- Acceptance of bribes or other secret payments.
- Accepting a gift from a supplier, contractor or other third party in connection with your employment without prior consent from your manager.
- Conviction for a criminal offence that in our opinion may affect our reputation or our relationships with our staff or the public, or otherwise affects your suitability to continue to work for us.
- Possession, use, supply or attempted supply of illegal drugs.
- Serious neglect of duties, or a serious or deliberate breach of your contract or operating procedures.
- Knowing breach of statutory rules affecting your work.



- Unauthorised use, processing or disclosure of personal data contrary to our Data Protection Policy.
- Harassment or discrimination against employees, contractors or members of the public on the grounds of gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age contrary to our Equal Opportunities Policy or our Anti-harassment and Bullying Policy.
- Refusal to disclose any of the information required by your employment or any other information that may have a bearing on the performance of your duties.
- Giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits.
- Knowingly taking parental, paternity or adoption leave when not eligible to do so or for a purpose other than supporting a child.
- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith.
- Making untrue allegations in bad faith against a colleague.
- Victimising a colleague who has raised concerns, made a complaint or given evidence information under our Whistleblowing Policy, Anti-harassment and Bullying Policy, Grievance Procedure, Disciplinary Procedure or otherwise.
- Serious misuse of our information technology systems (including misuse of developed or licensed software, use of unauthorised software and misuse of e-mail and the internet) contrary to our Electronic Information and Communications Systems Policy.
- Undertaking unauthorised paid or unpaid employment during your working hours.
- Bringing EDBF or Diocese of Exeter into disrepute, including but not limited to, making negative or disparaging comments on social media networking sites or similar.

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

6. What is Covered by the Disciplinary Procedure?

This procedure is used to deal with misconduct. It does not apply to cases involving genuine sickness absence, proposed redundancies or poor performance. In those cases reference is to be made to the appropriate policy or procedure in the Employee Handbook or on PeopleHR.

Minor conduct issues can often be resolved informally between you and your manager. These discussions are to be held in private and without undue delay whenever there is cause for concern. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes



of any future capability hearings. In some cases an informal verbal warning may be given, which will not form part of your disciplinary records. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).

You will not normally be dismissed for a first act of misconduct, unless we decide it amounts to gross misconduct or you have not yet completed your probationary period.

If you have difficulty at any stage of the procedure because of a disability, you must discuss the situation with your manager as soon as possible.

7. Confidentiality

Our 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.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure.

You will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings against you, unless we believe that a witness's identity should remain confidential.

8. Investigations

The purpose of an investigation is for us to establish a fair and balanced view of the facts relating to any disciplinary allegations against you, 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.

You do not normally have the right to bring a companion to an investigative interview. However, we may allow you to bring a companion if it helps you to overcome any disability, or any difficulty in understanding English.

You must co-operate fully and promptly in any investigation. This will include informing us of the names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.



9. Criminal Charges

Where your conduct is the subject of a criminal investigation, charge or conviction we will investigate the facts before deciding whether to take formal disciplinary action.

We will not usually wait for the outcome of any prosecution before deciding what action, if any, to take. Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, we may have to take a decision based on the available evidence.

A criminal investigation, charge or conviction relating to conduct outside work may be treated as a disciplinary matter if we consider that it is relevant to your employment.

10. Suspension

In some circumstances we may need to suspend you from work. The suspension will be for no longer than is necessary to investigate the allegations and we will confirm the arrangements to you in writing. While suspended you must not visit our premises access your work email account or contact any of our volunteers, third parties directly connected with the work of EDBF, suppliers, contractors or employees, unless you have been authorised to do so by your manager.

Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. You will continue to receive your full salary and benefits during the period of suspension.

11. Notification of a Hearing

Following any investigation, if we consider there are grounds for disciplinary action, you will be required to attend a disciplinary hearing. We will inform you in writing of the allegations against you, the basis for those allegations, and what the likely range of consequences will be if we decide after the hearing that the allegations are true. We will also include the following where appropriate:

- A summary of relevant information gathered during the investigation.
- A copy of any relevant documents which will be used at the disciplinary hearing.
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, usually two to seven working days, to prepare your case based on the information we have given you.



12. Right to be Accompanied

At the outset of any disciplinary hearing or appeal hearing, you will be made aware of your right to be accompanied by a work colleague or trade union official (a “Companion”) to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell your manager who your chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days afterwards, we may ask you to choose someone else.

We may at our discretion, allow you to bring a companion who is not a colleague or union representative (for example, a member of your family) where this will help overcome a disability, or where you have difficulty understanding English.

A companion may make representations, ask questions, and sum up your position, but they will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a hearing.

If an employee indicates that they do not want a companion, this must be noted in the minutes of the meeting.

13. Procedure at Disciplinary Hearings

If you or your companion cannot attend the hearing you must inform us immediately and we will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), we may have to take a decision based on the available evidence.

The hearing will be chaired by a manager, the Diocesan Secretary or an Executive Director. The Investigating Officer will also be present. You may bring a companion with you to the disciplinary hearing (see point no. 12 above).

At the disciplinary hearing we will go through the allegations against you and the evidence that has been gathered. You will be able to respond and present any evidence of your own. Your companion may make representations to us and ask questions, but cannot not answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not



normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.

We may adjourn the disciplinary hearing if we need to carry out any further investigations such as re-interviewing witnesses in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within one week of the disciplinary hearing. Where possible we will also explain this information to you in person.

14. **Disciplinary Penalties**

The usual penalties for misconduct are set out below. No penalty will be imposed without a hearing. We aim to treat all employees fairly and consistently, and a penalty imposed on another employee for similar misconduct will usually be taken into account but is not be treated as a precedent. Each case will be assessed on its own merits.

Stage 1 - First Written Warning

A first written warning may be authorised by a manager. It will usually be appropriate for a first act of misconduct where there are no other active written warnings on your disciplinary record.

Stage 2 - Final Written Warning

A final written warning may be authorised by a manager. It will usually be appropriate for:

- Misconduct where there is already an active written warning on your record.
- Misconduct that we consider sufficiently serious to warrant a final written warning even though there are no other active warnings on your record.

Stage 3 – Dismissal

Dismissal may be authorised by the Diocesan Secretary or, if unavailable, any two members of the Standing Committee of the Board. It will usually only be appropriate for:

- Any misconduct during your probationary period.
- Further misconduct where there is an active final written warning on your record.
- Any gross misconduct regardless of whether there are active warnings on your record. Gross misconduct will usually result in immediate dismissal without notice or payment in lieu of notice (summary dismissal). Examples of gross misconduct are set out in our Disciplinary Rules, which are available on PeopleHR.



15. Alternatives to Dismissal

In some cases we may, at our discretion, consider alternatives to dismissal. These may be authorised by a manager with the agreement of the Diocesan Secretary, the Director of People and Safeguarding or any two members of the Diocesan Board of Finance Standing Committee and will usually be accompanied by a final written warning. Examples include:

- Demotion.
- Transfer to another department or job.
- A period of suspension without pay.
- Loss of seniority.
- Reduction in pay.

16. The Effect of a Warning

Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that active period.

A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. Your conduct may be reviewed at the end of a warning's active period and if it has not improved sufficiently we may decide to extend the active period.

After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future disciplinary proceedings.

17. Appeals against Disciplinary Action

If you feel that disciplinary action taken against you is wrong or unjust you need to appeal in writing, stating your full grounds of appeal, to the Diocesan Secretary within one week of the date on which you were informed of the decision.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.

We will give you written notice of the date, time and place of the appeal hearing. This will normally be within seven days after you 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 our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.

Where possible, the appeal hearing will be conducted impartially by a manager or member of the Senior Management Team who has not been previously involved in the case. The Investigating Officer will also usually be present. You may bring a companion with you to the appeal hearing (see Section 11).

We may adjourn the appeal hearing if we need to carry out any further investigations in the light of any new points you have raised at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing we may:

- Confirm the original decision.
- Revoke the original decision.
- Substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.



APPENDIX A: Guidance on the role of a Companion

This document is intended to provide guidance to individuals who have been asked to accompany a colleague to a meeting held under procedures set out in this policy

Should/Can you Attend?

You are entitled to refuse to accompany your colleague, for any reason, if you choose to do so.

If you cannot attend the meeting on the proposed date, liaise with the individual concerned or get in touch with the relevant contact in the People Team as soon as possible so that an alternative date can be scheduled. This will normally be no more than five working days later than the originally scheduled date.

Prior to the Interview/Hearing

It may be helpful for you to read the relevant sections of the Employee Handbook.

- Ensure your colleague understands the procedure to be followed. If they are in doubt, you or your colleague are to talk to the relevant contact person in the People Team.
- Ensure you are familiar with the full facts of the case and understand your colleague's views and the issues to be addressed.
- Ensure that your colleague has notified the relevant contact person in the People Team that you will be accompanying them to the meeting.

During the Interview/Hearing

During the meeting you may address the meeting in order to:

- State your colleague's case.
- Sum up your colleague's case.
- Respond on your colleague's behalf to any view expressed at the meeting (but this does not extend to answering questions on behalf of your colleague).
- You and your colleague can confer with each other at any time during a hearing. If you wish to do so privately, ask the person chairing the meeting to have an adjournment.
- You may not answer questions on behalf of your colleague.
- You may take notes.

After the Interview/Hearing

Write up your notes so that the events remain clear in your mind. You may also wish to advise your colleague to go to the relevant contact in the People Team if they are unclear about the process that will follow the interview.