

GRIEVANCE PROCEDURE

1. Grievance Procedure

Background and principles

Grievance policies, procedures and standards are necessary to promote and ensure consistency in behaviour and attitude within an organisation.

This procedure is based on the Coventry Diocesan Board of Finance's policy, which was written in the light of core values which set the highest standards of expected behaviour and integrity, including the principles of fairness and transparency, hope and respect, forgiveness and reconciliation.

ACAS provides a clear code for employers working through all the stages (across the informal and formal steps) of managing grievances. The PCC will comply with this Code in all formal grievance situations.

<https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html#grievance:-keys-to-handling-grievances-in-the-workplace>

The Code seeks to ensure that as far as is possible, all issues are resolved in the workplace and within the PCC culture and context employees (and their representatives) should feel comfortable with this approach which should sit well with our distinctive context.

2. Introduction to the processes

- 2.1. All grievance-related issues must be dealt with fairly, consistently and reasonably, with the individual afforded every opportunity to state their case or appeal against any decision made which they consider unjust.
- 2.2. Where some form of action is needed, what is reasonable or justified will depend on the circumstances of the particular case. Employees and managers should raise and deal with issues promptly and not unreasonably delay meetings or decisions.

3. The informal process

- 3.1. Employees are encouraged to seek resolution to their issues informally – and if they require some assistance, or advice to do this, they should talk things through with their line manager or other appropriate colleague. It is important that the line manager keeps detailed notes of this informal discussion, as they will be important in the event that the issues cannot be resolved informally.
- 3.2. Often a quiet word, or supported meeting is all that is required with an individual/individuals to resolve an issue.
- 3.3. Managers should be mindful of required standards of behaviour and performance, so they are consistent in their approach, and in their ways of seeking to resolve an issue as quickly, quietly, and effectively as possible.

4. The formal process

Formal grievance

- 4.1. If it is not possible to resolve a grievance informally, or where it is appropriate to go directly to a formal process, an employee should raise the matter in the first instance formally with their line manager.
- 4.2. Where the line manager is the subject of the grievance, the matter should be referred to the Minister or Vice Chair of the PCC.
- 4.3. All official grievances must be put in writing.

Holding meetings

- 4.4. The purpose of the meeting is to consider and try to resolve the grievance(s) the employee has set out in writing.
- 4.5. Meetings will be arranged promptly to help avoid anxiety building up, and the employee will be given reasonable notice of the date, place and time of a meeting. The employee must take all reasonable steps to attend the meeting.
- 4.6. Meetings held within a formal process will be minuted and minutes will be shared appropriately. It may be desirable for a meeting to have an independent note taker.
- 4.7. The employee has the right to be accompanied at meetings by an appropriate workplace colleague or a trade union representative of their choice.
- 4.8. The employee will present their case to the panel comprising their Line Manager (or a PCC member if it is not possible or appropriate for the employee's line manager to be part of the panel) and the Vice Chair of the PCC. The purpose of the hearing will be to establish whether the grievance is justified, and if so, to attempt to find a mutually acceptable solution.
- 4.9. Any investigation will be carried out by an independent person to ensure a fair investigation is carried out. We may adjourn the meeting if we need to carry out further investigations, after which the meeting will usually be reconvened.

Decisions

- 4.10. The outcome of the meeting will be confirmed in writing, as will the employees right to appeal.

- 4.11. If, in the opinion of the panel, the grievance is considered justified, the panel will decide on what action, if any, should be taken to rectify the grievance.
- 4.12. Where it is clear that a grievance, or the outcome of a grievance process, is something that should be considered for a member of staff, within a formal disciplinary or capability process, the appropriate policy will be deferred to.
- 4.13. The decision made as to what steps will/should be put in place to resolve the grievance will be put in writing to those raising the grievance and those affected by it. The employee who has raised the grievance, will not be notified about the details of any action taken against another employee for Data protection reasons, however they will be notified if the grievance has been upheld and that action will be taken in due course.

5. Appeal processes

- 5.1. If the employee bringing the grievance is dissatisfied with the findings and the decisions of the panel, they may appeal. Appeals will be heard without unreasonable delay at an agreed time and place.
- 5.2. Where someone who is the subject of a grievance is unhappy with the outcome/decisions and what is expected of them, they are able to follow this up under the PCC appeals process.
- 5.3. An employee must inform the Vice Chair of the PCC in writing, of their wish to appeal against a decision that has been taken, within 14 days of that decision, giving the grounds on which they wish to appeal.
- 5.4. The Vice Chair of the PCC will then arrange for appeals to be considered.
- 5.5. All Appeals are considered by the Minister (except where the grievance concerns a decision made by the Minister or if the grievance is about the Minister). In this case the employee is encouraged to discuss their appeal/concerns with a Churchwarden and where appropriate another member of the PCC.
- 5.6. Where a case is particularly complex, or where it is requested by the individual, it may be appropriate for the appeal to be heard by an Appeal Panel.
- 5.7. An Appeal Panel will consist of a churchwarden and up to 2 members of the PCC nominated by the Standing Committee. The Appeal Panel will hear the appeal in the presence of the employee and their accompanying person. The Appeal Panel may, if it considers it necessary consult with any other person, before reaching its decision.
- 5.8. Any appeal heard by the Appeal Panel will be final and will be confirmed in writing to those present at the appeal hearing.

6. Overlapping grievance and disciplinary cases

- 6.1. Where an employee raises a grievance during a disciplinary process, the process *may* be temporarily suspended in order to consider the grievance.
- 6.2. Where the two cases are related, it *may* be appropriate to deal with both processes concurrently.

7. Informal and formal mechanisms for resolving grievances

- 7.1. In order to promote the prompt and effective resolution of grievances there is an expectation that all parties will approach a problem with a clear commitment to engage constructively and adopt a positive and problem-solving approach.
- 7.2. The line manager involved in the process will work to resolve issues within their team. There are various ways in which differences can be resolved within working relationships and team differences such as team awaydays, team building, personality awareness workshops, and facilitated meetings.
- 7.3. Where there are individual problems, the appropriate line manager will do what they can to bring people together to resolve an issue, and to set out a framework of dignity and respect at work, and to communicate what standards of behaviour are acceptable, and what are not.
- 7.4. The PCC can offer, or seek to put in place, mediation, facilitation, 1:1 support for managers and individuals, and can recommend external facilitators, trainers and support professionals where this may be more appropriate and helpful.

8. Support and discretion

- 8.1. Where a grievance may be of a very personal nature, the employee may in the first instance want to discuss things with the Minister.
- 8.2. The PCC will ensure that all parties involved in a grievance process receive appropriate pastoral (and any other agreed) support.
- 8.3. All line managers, hearing or designated as potential managers who could lead a grievance process will be trained and/or supported in the process.



1. Disciplinary Procedure

Background and principles

Disciplinary policies, procedures and standards are necessary to promote and ensure consistency in behaviour and attitude within an organisation. This procedure is based on the Coventry Diocesan Board of Finance's policy, which was written in the light of core values which set the highest standards of expected behaviour and integrity, including the principles of fairness and transparency, hope and respect, forgiveness and reconciliation.

ACAS provides a clear code for employers working through all the stages (across the informal and formal steps) of managing disciplinary processes. The PCC will comply with this Code in all formal disciplinary situations.

<https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html#grievance:-keys-to-handling-grievances-in-the-workplace>

The Code seeks to ensure that as far as is possible, all issues are resolved in the workplace and within the PCC culture and context employees (and their representatives) should feel comfortable with this approach which should sit well with our distinctive context.

2. Introduction

- 2.1. Disciplinary policies, procedures and standards are necessary to ensure consistency in behaviour and attitude within an organisation. The objective of the procedure is to restore a satisfactory standard of personal conduct, behaviour or attendance where the required standards have not been maintained.
- 2.2. This procedure should be used as a means to encourage high standards and not simply to impose sanctions.
- 2.3. All misconduct/disciplinary-related issues must be dealt with fairly, consistently and reasonably, with the individual afforded every opportunity to state their case or appeal against any decision made which they consider unjust.
- 2.4. Where some form of action is needed, what is reasonable or justified will depend on the circumstances of the particular case. Employees and managers should raise and deal with issues promptly and not unreasonably delay meetings or decisions.
- 2.5. There are any number of examples of behaviours that may constitute 'disciplinary' issues. A non-exhaustive list is set out in section 8.

- 2.6. Where issues arise, the employee will be invited to a formal/informal meeting by their Manager.
- 2.7. An informal or formal process may be implemented at any stage if the employee's alleged misconduct warrants it.

3. The Informal Process

- 3.1. Many minor misconduct issues can be resolved informally. Often a quiet word is all that is required to resolve an issue.
- 3.2. Managers should be mindful of required standards of behaviour and performance, so they are consistent in their approach, and in their ways of seeking to resolve an issue as quickly, quietly, and effectively as possible.
- 3.3. Managers are well advised within a one off/informal process to write a brief file-note setting out an overview of the situation, and how it was resolved. This should be sent to the individual concerned, and placed on their personnel file.
- 3.4. Normally any file note where no recurrent issue occurs within 12 months should be removed from the file.
- 3.5. No issue/notes of an issue that refers to a safeguarding related matter will be removed.

4. Formal process

- 4.1. Where a matter concerning an individual is reported or discovered, you must follow these steps:

Establishing the facts

- 4.2. The matter is investigated by an appropriate person appointed by the Minister to establish facts. This will be a separate person to the person conducting the disciplinary hearing.
- 4.3. In some cases, this will require the holding of an investigatory meeting with the individual concerned before proceeding to any disciplinary hearing. Or in other cases it may require a collection of evidence.
- 4.4. The purpose of an investigation is for the appropriate manager to establish a fair and balanced view of the facts relating to any disciplinary allegations against the employee, 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 the employee and any witnesses, and/or reviewing relevant documents.
- 4.5. All staff are expected to co-operate fully and promptly in any investigation. This will include supplying appropriate information, names of any relevant witnesses, disclosing any relevant documents to us and attending investigative interviews if required.
- 4.6. 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.

Suspension on full pay

- 4.7. In some circumstances a manager may decide to suspend an individual member of staff.
- 4.8. Suspension is a neutral act and allows for a period of time that will enable an appropriate investigation to take place.
- 4.9. Ideally this will be for no more than 5 working days, but this will depend on each set of circumstances.
- 4.10. During this period of time staff will receive full pay and benefits without prejudice and will be expected to remain available for work (e.g. to meet with the investigating manager).
- 4.11. No period of suspension will be determined without prior approval from the Minister.
- 4.12. While suspended an individual should not visit our premises or PCC customers, suppliers, contractors or staff, unless authorised to do so by their manager.

Informing the employee of the issue

- 4.13. Individuals will be informed of the issue in writing and invited to a meeting to discuss what has arisen. The letter will include a copy of the PCC policy so they are aware of support available, due process, and their right of appeal.
- 4.14. Meetings will be arranged promptly to help avoid anxiety building up, and employees will be given reasonable notice of the date, place and time of a meeting.
- 4.15. The meeting will always provide an opportunity for an individual to put their case in response, before any further or formal decisions are made.
- 4.16. Prior to any meeting appropriate paperwork, records etc. will be shared so that there is time to review responses and prepare for the meeting. (The norm would be for one working week to be given for this preparation).
- 4.17. An employee may bring a companion to any disciplinary hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. The employee must tell the PCC who their chosen companion is, in good time before the hearing.
- 4.18. The employee 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.

Holding the meeting

- 4.19. At the disciplinary hearing the issues will be discussed and the evidence that has been gathered so far, reviewed.
- 4.20. The individual will be able to respond and present any further evidence.
- 4.21. An accompanying colleague/union representative may make representations and ask questions, but should not answer questions on behalf of an individual unless expressly asked to.
- 4.22. At any time during the hearing/meeting an individual can ask for a break in which to discuss things privately with their companion.
- 4.23. A meeting may be adjourned where there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new information etc.
- 4.24. Further time will be offered before a further disciplinary hearing to consider any new information obtained before the meeting is reconvened.
- 4.25. The outcome will be notified in writing to the employee (usually within one week from the date of the hearing) and will confirm any action required.

- 4.26. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause, the PCC has the right make a reasonable decision on the evidence available.
- 4.27. 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.
- 4.28. If the employee's companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, we may ask them to choose someone else.
- 4.29. Meetings held within a formal process will be minuted, and minutes will be shared appropriately.

5. Deciding on what action is appropriate in the circumstances

- 5.1. The potential outcomes of a disciplinary process are:
 - No further action is required
 - Further training and support is required
 - A first or final warning is required
 - Dismissal
 - Alternatives to dismissal (these would be relevant to a particular case, but could potentially include for example loss of seniority, redeployment).
- 5.2. The usual penalties for misconduct are set out below. No penalty should be imposed without a hearing. We aim to treat all employees fairly and consistently, considering any mitigating circumstances. A penalty imposed on another employee for similar misconduct will usually be taken into account but should not be treated as a precedent. Each case will be assessed on its own merits.
- 5.3. Where misconduct is confirmed in the first instance it is usual to give a **first written warning**. The warning will include details of expected changes in behaviour/improvement in work, any training and support that will be given, and a clear timeline and an agreed review period. (Along with the warning of potential dismissal should this recur/not improve).
- 5.4. Where the matter is a further act of misconduct or failure to improve within a set period of time, then a **final written warning** will be issued with clear details of expected changes in behaviour/improvement in work, any training and support that will be given, and a clear timeline (along with the warning of potential dismissal should this recur/not improve).
- 5.5. If the matter is of sufficient seriousness, it may be appropriate to move directly to a **final written warning or dismissal**.
- 5.6. Where a final written warning has already been given, following this process, the **decision to dismiss** may be made. The employee should be notified as soon as possible of the reasons for the dismissal, the date on which their contract will end, the appropriate notice period, any final payments due to them, and of their right of appeal.
- 5.7. Only in the most serious situations (gross misconduct) will a **decision to summarily dismiss** be made.
- 5.8. In exceptional cases it may be appropriate to consider demotion as an alternative to dismissal (except in cases of gross misconduct).

- 5.9. Please note that concerns or allegations relating to a safeguarding matter will be passed to the Diocesan safeguarding team to be dealt with in line with the House of Bishops' safeguarding policy and practice guidance.

6. Appeal processes

- 6.1. All employees have the right to appeal against any disciplinary decision that is taken against them.
- 6.2. Appeals will be heard without unreasonable delay at an agreed time and place.
- 6.3. An employee must inform the Vice Chair of the PCC, in writing, of their wish to appeal against a decision that has been taken, within 14 days of that decision, and the grounds on which they wish to appeal. The Vice Chair of the PCC will arrange for appeals to be considered.
- 6.4. All Appeals at the final, written warning stages, will be considered by the Minister except where the outcome has been dismissal, where an Appeal Panel will hear the appeal.
- 6.5. An Appeal Panel will consist of a churchwarden and up to 2 members of the PCC nominated by the Standing Committee. The Appeal Panel will hear the appeal in the presence of the employee and their accompanying person. The Appeal Panel may, if it considers it necessary consult with any other person, before reaching its decision.
- 6.6. Any appeal heard by the Appeal Panel will be final and will be confirmed in writing to those present at the appeal hearing.

7. Examples of misconduct/disciplinary issues (a non-exhaustive list of examples)

- 7.1. Examples of where disciplinary action may be taken

- ✓ Inappropriate behaviour, such as fighting or drunkenness
- ✓ unsatisfactory work performance or attitude
- ✓ misuse of company facilities (for example email and internet)
- ✓ poor timekeeping
- ✓ unauthorised absences
- ✓ failure to follow instructions of PCC policies and practices
- ✓ refusal to carry out reasonable management instructions

(The above list is not exhaustive and there may be other circumstances that warrant disciplinary action)

- 7.2. An allegation of gross misconduct is extremely serious and is not made lightly. Gross misconduct is regarded as a fundamental breach of contract that makes it impossible to continue employing the employee. Where an employee is dismissed for gross misconduct, the dismissal is normally summary, i.e. without notice.
- 7.3. Examples of gross misconduct where disciplinary action will always be taken and which could, following due process, normally lead to dismissal without notice or pay in lieu of notice (summary dismissal). Note that these categories are quite broad and emphasise the seriousness of offences – some of the issues on this list might not be serious and depending on context, may warrant dismissal but are not gross misconduct

- ✓ Theft, bribery, fraud or deliberate falsification of records
- ✓ harassment/ victimisation/ discrimination as defined in the Equal Opportunity and Positive Working Policies
- ✓ physical violence, bullying or intimidation
- ✓ failure to follow data protection and related policy/processes
- ✓ abuse of the protected disclosure procedures
- ✓ deliberate and serious damage to property
- ✓ serious misuse of PCC property or name
- ✓ deliberately accessing internet sites containing pornographic, offensive or obscene material
- ✓ serious insubordination/refusal to carry out management instruction
- ✓ bringing the organisation into serious disrepute, including but not limited to, making negative or disparaging comments on social media sites or similar
- ✓ serious incapability at work brought on by alcohol or illegal drugs
- ✓ causing loss, damage or injury through serious negligence or neglect of duty
- ✓ a serious breach of health and safety rules and/or instructions

8. Management authority and record keeping

- 8.1. All records of disciplinary matters will be filed on individual's personnel file.
- 8.2. A written warning will normally be issued by a line manager or the minister and disregarded after one year.
- 8.3. A final written warning will normally be issued by a line manager or the minister and disregarded after one year.

9. Special cases

- 9.1. If an employee is charged with, or convicted of, a criminal offence this is NOT necessarily in itself a reason for disciplinary action – much will depend on the circumstances.
- 9.2. Consideration will be given to each case on its merits – and will also be given to what effect any charge or conviction has on the employee's suitability to continue to do the job, their relationship with St Mary and St John's Church, and their work colleagues.

10. Support

- 10.1. The PCC will ensure that all parties involved in a disciplinary process receive appropriate pastoral (and any other agreed) support.

Who comforts us in all our affliction, so that we may be able to comfort those who are in any affliction, with the comfort with which we ourselves are comforted by God (2 Corinthians 1:4 ESV)

- 10.2. Where formal training is required the PCC will arrange for this to take place and appropriate improvement, and/or learning followed up.
- 10.3. All line managers who will be involved in the disciplinary process will be trained and/or supported in the procedure.