

15 Aug 2023

To: All Handbook holders
From: the UEC office, Stanway

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Dear friends,

Disciplinary Procedure

This letter is to explain the rationale behind the UEC Disciplinary Procedure, and for you to have these pages in your Handbook in section 8.

First, because the UEC is a Christian organisation, its prime source of procedure if someone is to be formally disciplined is Scripture. In particular, look at Jesus' words in Matthew 18 v15-17 (bear in mind that "brother" includes "sister" and "he" includes "she"):

"If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won him over. But if he will not listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses. If he refuses to listen, tell it to the Church; and if he refuses to listen even to the Church, treat him as you would a pagan or a tax collector."

There are also Jesus' words in Matthew 5 v23-26 to bear in mind. It must surely be the hope and prayer that issues between Christians can be resolved this way, including the use of disciplinary proceedings, leading to the restoration of good relationships.

Second, because the UEC is a charitable company, it is subject to the laws of the land – and is accountable to the Charity Commission (being a charity) and Companies House (being an incorporated company). Therefore, it is necessary to have not only a Disciplinary Procedure, but also a Grievance Procedure (page 8.12 in your Handbook) and other procedures as required.

The Disciplinary Procedure set out below applies to employees using the definition of "employee" as it appears in employment law (that is, a PAYE-employee contract). The term can also be used to refer to unpaid volunteers and those who are self-employed in their work for the Church (including Ministers). Where there is no PAYE-employee-employer contractual relationship, then Churches should act in accordance with Scripture, and if this is unsuccessful to then follow the Disciplinary Procedure.

Yours sincerely in His service,

Howard R Gardner

Howard R Gardner
UEC Company Secretary

DISCIPLINARY PROCEDURE FOR THE UEC

1 Introduction

This disciplinary procedure, for the use by all UEC Churches and UEC Ltd, is based on the procedure published by ACAS – the Government’s own Advisory, Conciliation & Arbitration Service.

2 Purpose and scope

2.1 This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. The employer’s expectations with regard to beliefs, practices and conduct are set out in the Memorandum, Articles and Agreement for Common Purposes.

2.2 This procedure applies to all employees and aims to ensure consistent and fair treatment for all in the organisation.

3 Principles

3.1 Informal action will be considered, where appropriate, to resolve problems.

3.2 No disciplinary action will be taken against an employee until the case has been fully investigated.

3.3 For formal action, the employee will be advised of the nature of the complaint against him or her, and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting. Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.

3.4 At all stages of the procedure the employee will have the right to be accompanied by a trade union representative or friend.

3.5 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.

3.6 An employee will have the right to appeal against any disciplinary action.

3.7 The procedure may be implemented at any stage if the employee’s alleged misconduct warrants this.

4 The procedure

The following procedure will be used in the event of no alternatives – including the use of Scripture – being successful.

5 First stage of formal procedure

5.1 This is a “prior warning” and will normally be **either**:

5.2 an improvement note for unsatisfactory performance if performance does not meet acceptable standards. This will set out in writing the performance problem, the improvement that is required, the timescale, any help that may be given and the right of appeal. The individual will be advised that it constitutes the first stage of the formal procedure. A record of the improvement note will be kept for 12 months, but will then be considered spent – subject to achieving and sustaining satisfactory performance **or**

a first warning for misconduct if conduct does not meet acceptable standards. This will be in writing and set out the nature of the misconduct and the change in behaviour required and the right of appeal. The warning will also inform the employee that a final written warning may be considered if there is no sustained satisfactory improvement or change. A record of the warning will be kept, but it will be disregarded for disciplinary purposes after twelve months subject to achieving and sustaining satisfactory conduct or performance.

6 Final written warning

6.1 If the offence is sufficiently serious, or if there is further misconduct or a failure to improve performance during the period of a prior warning, a final written warning may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will also warn that failure to improve may lead to dismissal and will refer to the right of appeal. A record of the final written warning will be kept, but it will be disregarded for disciplinary purposes after 24 months subject to achieving and sustaining satisfactory conduct or performance.

7 Dismissal

7.1 If there is still further misconduct or failure to improve performance, the final step in the procedure may be dismissal. Dismissal decisions will be taken by the appropriate person or panel independent of any earlier action. The employee will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

8 Gross misconduct

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

- dishonesty, theft or fraud
- physical violence or bullying
- deliberate and serious damage to property
- serious misuse of the UEC's property or name
- deliberately accessing internet sites or social media sites containing pornographic, offensive or obscene material or other sexual misconduct
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- serious incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through serious negligence
- a serious breach of health and safety rules
- a serious breach of confidence.

8.2 If an employee is accused of an act of gross misconduct, he or she may be suspended from work on full pay, for as short a time as possible, while the alleged offence is investigated. If, on completion of the investigation and the full disciplinary procedure, the organisation is satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

9 Appeals

9.1 An employee who wishes to appeal against a disciplinary decision must do so within five working days of receiving the written confirmation. The appeal will be heard by a person or panel independent of the original action. At the appeal any disciplinary penalty imposed will be reviewed by the Ministerial Committee.

9.2 The appeal decision is final.