

Disciplinary and Grievance Policies

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Status of Paper	Final
Action Required	Decision
Draft Resolution	69/1. The Council adopts the Disciplinary Policy. 69/2. The Council adopts the Grievance Policy.
Alternative Options	None

Summary of Content

Subject and Aims	To implement updated version of Disciplinary and Grievance Policies for Methodist Council employees.
Main Points	<ul style="list-style-type: none"> - Update existing policies which are outdated - Incorporate ACAS Code of Practice within policies
Background Context	None
Consultations	Staff Association, employment lawyers

Summary of Impact

Financial	None
Personnel	Implementation of new policy for all Methodist Council staff
Legal	Ensures compliance with existing legislative requirements

The Methodist Council Disciplinary and Grievance Policies have been revised to update the existing out of date policies, reflect organisational changes, and explicitly incorporate the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice requirements. The ACAS Code of Practice on Disciplinary and Grievance provides guidance to handle disciplinary and grievance situations in the workplace, the application of this code of practice is taken into account in employment tribunal cases.

***RESOLUTIONS

69/1. The Council adopts the Disciplinary Policy.

69/2. The Council adopts the Grievance Policy.

DISCIPLINARY POLICY

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1. Introduction

- 1.1 Our Development and Personnel Policy Framework is drawn up within the context of the Connexional Team Shared Values, these values inform and guide our approach. The Disciplinary Policy is written within the context of these Shared Values.
- 1.2 The Methodist Council requires good standards of conduct at work on the part of its employees. The purpose of the policy is to be supportive and corrective rather than punitive and it should be recognised that the existence of policies such as these is to help and encourage employees to achieve and maintain standards of conduct and to ensure consistent and fair treatment for all.
- 1.3 The Disciplinary Policy should only be used when advice and guidance has failed to bring necessary improvement or when the disciplinary matter is sufficiently serious. Advice and guidance in terms of good practice should be sought from Development and Personnel.
- 1.4 This policy has been written to reflect the non-binding principles set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 1.5 This policy applies to all lay employees who have successfully completed their probationary period. It does not apply to agency workers or self employed contractors.

- 1.6 It is the policy of the Methodist Council to ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to respond.
- 1.6.1 Where time limits are referred to in the course of this policy they may be varied by agreement between the employee and the organisation.
- 1.6.2 This policy is discretionary and does not form part of any employees' contract of employment or other agreements relating to their work for the Methodist Council, and it may be adapted to reflect individual situations and will be reviewed periodically if it is necessary to ensure compliance with changes in employment law.

For ministers serving within the Connexional Team

- 1.7 The Complaints and Discipline process as set out in Part 11 of Standing Orders applies to all ministers regardless of the station to which they have been appointed. For those appointed to serve in the Connexional Team the Secretary of the Conference acts as the Local Complaints Officer. As with all complaints it is to be hoped that the matter can be resolved informally and the process set out in Part 11 for informal resolution can be applied to the Connexional Team. Further advice on specific matters should be sought from the Officer for Legal and Constitutional Practice.

2 General Principles

- 2.1 Any steps under this policy should be taken promptly unless there is a good reason for delay. The time limits in this policy may be shortened, extended or adapted if it is reasonable to do so.
- 2.2 Informal action will be considered, where appropriate, to resolve problems
- 2.3 No disciplinary action will be taken against an employee until the case has been fully investigated.
- 2.4 If an employee has a difficulty at any stage of the disciplinary policy because of a disability, he/she should ask his / her line manager / Development and Personnel / Staff Association for assistance and guidance.
- 2.5 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.
- 2.6 Employees will be provided, where appropriate, with written copies of evidence and relevant witness statements in advance of a disciplinary meeting.
- 2.7 At all formal stages of the policy the employee will have the right to be accompanied by a work colleague or Staff Association representative.

- 2.8 No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty is likely to be dismissal without notice or payment in lieu of notice.
- 2.9 The employee will have the right to appeal against any disciplinary action.
- 2.10 The Methodist Council recognises that a disciplinary process can be a difficult experience for the parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The organisation will not tolerate abusive or insulting behaviour from anyone taking part in or conducting the disciplinary process and will treat any such behaviour as misconduct under this policy.
- 2.11 The aim during an investigation or disciplinary proceedings is to deal with matters sensitively and with due respect for the privacy of any individuals involved, so far as this is reasonably possible. It is extremely important that all employees involved in the process must treat any information communicated to them in connection with an investigation or disciplinary matter with strict confidence.
- 2.12 Electronic recordings of any investigatory, disciplinary or appeal hearings are not normally permitted. A note taker (usually a representative from Development & Personnel) will be present at formal hearings in order to produce and distribute a summary of the meeting; however this will not be verbatim. Every effort will be made to circulate the notes within 7 days.
- 2.13 An employee will normally be told the names of any witnesses whose evidence is relevant to disciplinary proceedings, unless, it is considered that a witness's identity should remain confidential. This would only happen in exceptional cases where there is a risk that harm may be suffered by the witness and this risk is felt to outweigh any prejudice that may be suffered by the employee who is the subject of the disciplinary process in the event that they are not told of the witness's identity.
- 2.14 Witnesses must treat as confidential any information given to them in the course of an investigation or hearing, including the identity of any employees under investigation.
- 2.15 Any concerns that an employee has regarding disciplinary action being taken against him/her should be raised as part of their response to the disciplinary action and will normally be considered within this policy.
- 2.16 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. There are a number of situations where it might be appropriate to temporarily suspend a disciplinary procedure, for example, where the grievance relates to an alleged conflict of interest on the part of the manager holding the disciplinary meeting.

Where an employee raises a grievance during a disciplinary process which does not relate to the disciplinary itself, the grievance will normally be heard on completion of the disciplinary process.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

3 Informal Discussion

- 3.1 Line managers are responsible for addressing conduct and behaviour issues as early as reasonably practicable and for taking appropriate action. Minor conduct issues (e.g. recurrent lateness) can often be resolved informally between the member of staff and the line manager. These discussions should be held in private and without undue delay whenever there is cause for concern.
- 3.2 This discussion should enable the line manager to provide constructive feedback and the employee to share their views on the issue. It is important for both parties to understand that informal action is not formal disciplinary action and employees are not entitled to representation at this stage. Where the need for improvement is identified, the line manager should explain to the employee what needs to be done and how the conduct will be reviewed in a given period.
- 3.3 In some situations where the employee feels uncomfortable speaking to the line manager on an informal basis, they are encouraged to speak to Development and Personnel and / or the Staff Association.
- 3.4 In these cases an informal verbal warning may be given. Such a warning lies outside this formal policy, but a record will normally be kept of matters such as the date that it was issued, the areas of concern and required improvements. It is advisable to confirm the outcomes of any discussions in writing to the employee. The line manager should retain any note of these informal discussions or meetings.

4 Formal Stage

4.1 Initiating the formal disciplinary stage

- a. Formal steps will be taken under this policy if (refer to Appendix 1 – Types of Disciplinary Offences):
 - the issue has not been resolved informally and the problem persists
 - the required improvements in conduct are not achieved
 - further information becomes available during discussions which make the matter sufficiently serious to merit disciplinary steps
 - informal discussion is not appropriate for example, because of the seriousness of the concerns
- b. In relatively straightforward cases the information already available may be sufficient to enable the appropriate manager, in liaison with Development & Personnel to decide whether there is a case to answer which should be considered at the disciplinary hearing, i.e. an investigation will not be required as all the facts and documents are available.

- c. In more complex cases, the appropriate manager, in consultation with Development & Personnel, will appoint an appropriate person to investigate any disciplinary concerns (the 'Investigating Officer').

4.2 Investigation

- a. The purpose of an investigation is to establish:
 - the nature of allegations;
 - gather evidence to enable decision to be taken on whether there is a disciplinary case to be answered;
 - consider if the matter should proceed to a formal hearing.
- b. The investigation will depend upon the allegations and will vary from case to case. This may involve reviewing any relevant documents, interviewing the member of staff concerned and any witnesses, taking witness statements and any other action deemed appropriate to fully establish the facts of the matter.
- c. Investigatory 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.
- d. It is the responsibility of the Investigating Officer to ensure they gather factual evidence and make any recommendations to confirm whether their findings warrant disciplinary action.
- e. The Investigating Officer will normally be a member of the Development and Personnel Team or someone with the expertise delegated by Development and Personnel. This will not normally be the employee's line manager, the line manager of any person making a complaint that led to the disciplinary action or someone who works very closely with the individual concerned or the person making a complaint.
- f. Where the Investigating Officer requests an investigatory meeting with the employee concerned, the employee will be advised of the details of this meeting in writing which will emphasise that the investigatory meeting does not constitute a disciplinary hearing or a disciplinary sanction.
- g. Employees are expected to cooperate fully and promptly in any investigation and to provide the names of any witnesses, disclose any relevant documents to the Investigating Officer and attending any investigatory interviews.
- h. If after the investigation has been completed, it is decided not to proceed to a disciplinary hearing, the employee will be notified as soon as is reasonably practicable. If the employee has been suspended from work, the suspension will be lifted and all reference to the suspension removed from the employee's personal file.
- i. Where, upon completion of an investigation, there are reasonable grounds to believe that the employee may have committed an act of misconduct, the employee will be invited to attend a disciplinary hearing before an appropriate manager, at which he/she will be given the opportunity to respond and state his / her case.
- j. The employee will also be invited to make any written submissions or bring forward witnesses. Prior to the hearing, any documentation that will be referred to in the hearing will be made available to the employee including witness statements which will be used at the hearing, except where a witness's identity is to be kept confidential. In this case the employee will be provided with as much information as possible.

4.3 Suspension

- a. In cases where the employee's continued presence in the workplace would hinder an investigation, in accordance with advice from Development and Personnel, he/she may need to be suspended from work while an investigation or disciplinary policy is ongoing. The suspension will be for no longer than is reasonably necessary and will be kept under review.
- b. Such arrangements will be confirmed to the employee in writing. While suspended the member of staff remains employed and must continue to observe the obligations in their contract of employment (except in relation to the need to carry out work) but should not make any visits to Methodist Connexional offices or Methodist churches connected with the investigation, or contact any Methodist Church employees, unless he/she has been authorised to do so in writing.
- c. Suspension of this kind is not a disciplinary sanction, it is a neutral act, and does not imply that any decision has already been made about the case. Suspension in this circumstance will normally be on full pay and benefits.

4.4 Right to be accompanied

- a. During the formal levels of this policy, the employee who is the subject to this policy will have the right to be accompanied at the meeting by a Staff Association Representative or a fellow work colleague.
- b. The statutory right to be accompanied would not apply during the investigation stage as these interviews are purely investigatory in nature. The organisation will however consider any request from an employee who is under investigation to be accompanied at the investigatory interview. In situations where the employee feels uncomfortable relating to the investigatory discussions, they are encouraged to speak to Development and Personnel and / or the Staff Association.
- c. In some circumstances the choice of representative may not be allowed, for example, anyone who may have a conflict of interest, or whose presence may prejudice the meeting. The employee may also be asked to choose someone else if the meeting would have to be delayed for over 7 days because a representative is unavailable.
- d. It may be possible to allow an employee to bring a representative who is not a work colleague or Staff Association representative (for example, a family member) where this will help overcome a particular difficulty caused by a disability.
- e. The employee's companion has the right to address the hearing to put the employee's case, sum up the case and respond on the employee's behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing. However, there is no requirement for the organisation to permit the companion to answer questions on behalf of the employee, or to address the hearing where the employee indicates that he/she does not wish this.

Acting as a representative is voluntary and employees are under no obligation to do so. Employees will be allowed reasonable time off from duties without loss of pay to act as a representative.

4.5 Disciplinary Hearing

- a. The employee will normally be given ten days notice and invited to attend a disciplinary hearing. If the employee wishes to submit any written evidence to the hearing or call any witnesses, a copy of the written evidence and names of witnesses must be submitted to the designated Development and Personnel representative at least 2 days before the date of the hearing.
- b. The purpose of the disciplinary hearing is to enable the person chairing the hearing (the Chair) to consider the evidence and to enable the employee to respond to the allegations that have been made against him/her.
- c. The Chair will be an appropriate manager who is more senior to the employee and who has not been involved in the investigation. The Investigating Officer and a member of Development and Personnel will also be present. The role of the officer from Development and Personnel will be to advise the Chair about the process and policy.
- d. The employee may bring a representative with him/her to the disciplinary hearing. If the employee has a representative, he/she may make representations to the Chair and ask questions, but should not answer questions on the employee's behalf. The employee may request a short adjournment in order to confer privately with his/her representative at any time during the hearing. The principles set out in section 4.4 will apply to a disciplinary hearing.
- e. The employee may ask relevant witnesses to appear at the hearing provided that he or she gives the Chair of the disciplinary meeting sufficient advance notice to arrange their attendance.
- f. If the employee or their representative cannot attend at the time specified he/ she should inform Development & Personnel immediately and an alternative time may be agreed. If it is not possible to arrange a mutually convenient alternative time or it proves impossible to make contact with the employee despite making reasonable attempts to do so, the hearing may proceed in their absence.
- g. The hearing may also proceed in the employee's absence if it is considered that they have shown themselves to be persistently unwilling or unable to attend the hearing.
- h. Disciplinary hearings will normally be held at Methodist Church House.

5. Disciplinary Sanctions

There are three levels in the formal disciplinary policy with various sanctions dependent upon the gravity of the case and/or the on-going nature of the misconduct.

5.1 Level One - Written warning

A first written warning will usually be given for:

- first acts of serious misconduct or instances of poor performance, where there are no other active warnings on the employee's disciplinary record; or
- further misconduct or poor performance where a verbal warning has been given

The warning will set out the nature of the misconduct or poor performance (i.e. the findings of the disciplinary hearing), the change in behaviour required and over what period, and the likely consequences of further misconduct or poor performance.

The warning will be placed on the employee's personnel file and will remain active for a specified period from the date it is given, after which time it will be removed and as such disregarded in deciding the outcome of any future disciplinary proceedings. The employee's conduct may be reviewed at the end of this period and if it has not improved sufficiently another hearing may be convened under this policy.

5.2 Level Two - Final written warning

A final written warning will usually be given for:

- misconduct or poor performance where there is already an active warning on the record; or
- cases where there is no active written warning on file but the Chair of the Disciplinary Hearing considers that the misconduct or poor performance is sufficiently serious to warrant a final written warning.

The warning will set out the nature of the misconduct or poor performance, the change in behaviour required and over what period, and the likely consequences of further misconduct.

The warning will be placed on the employee's personnel file and will remain active for a specified period (max up to 24 months). The employee's conduct may be reviewed at the end of this period and if it has not improved sufficiently a further hearing may be required at which the employee's future employment will be considered. After the active period it will be disregarded in deciding the result of future disciplinary proceedings.

5.3 Level Three – Dismissal or other sanction

The Chair of a disciplinary hearing may decide to move to level three if an employee does not meet the required standard of conduct set out in the final written warning given under level two of this policy, or commits any other act of misconduct during the timescale of an existing warning, or if an act of misconduct is sufficiently serious to justify dismissal on notice (or with a payment in lieu of notice) but does not amount to gross misconduct.

The letter requiring attendance at the formal disciplinary hearing shall include a statement of the alleged misconduct and warn the employee that one consequence of the hearing may be the termination of his/her employment with or without notice.

The decision to dismiss will only be taken by the Senior Leadership Group.

6. Right of Appeal

Please refer to the [Methodist Council Appeals Policy](#).

7. Records

Full records of the disciplinary investigation will be held confidentially by the Development and Personnel Office for the duration of any disciplinary proceedings.

If the disciplinary proceedings result in a formal warning, the records of both the investigation and the disciplinary proceedings will be held for the same duration as the warning, which will be outlined in the disciplinary outcome letter.

If the disciplinary proceedings result in dismissal, the records will be held for a period of 12 months after termination of the employee's employment (unless there is a specific reason to retain the records for a longer period of time).

However, if it is decided at the conclusion of the disciplinary investigation (or on completion of disciplinary proceedings) that there is no case to answer, the records will be destroyed.

The records of the disciplinary investigation will be handled in accordance with the Data Protection Act 1998 at all times.

Appendix 1 – Types of Disciplinary Offences

Disciplinary offences which may be found to be minor, depending on the circumstances, include but are not limited to poor job performance involving sub-standard work¹, unsatisfactory time-keeping, absenteeism or some breaches of the Methodist Council's regulations. These offences may be regarded as serious offences if repeated.

Disciplinary offences which may be found to be serious, depending on the circumstances, include but are not limited to: negligence resulting in minor loss damage or injury, failure to comply with a specific instruction, activities or impropriety in relation to the employee's tasks for the Methodist Council whether or not within working hours which the Methodist Council reasonably considers to be detrimental to or conflicting with the interests of the Methodist Council or likely to affect the employee's standard of work, failure to disclose any personal interest of the employee which conflicts with any interest of the Methodist Council or any breach of confidence relating to the Methodist Council or other organisations involved with the Methodist Council.

Disciplinary offences which may amount to gross misconduct include but are not limited to serious carelessness or negligence resulting in serious loss damage or injury, fighting with or physical assault or attempted assault upon employees, volunteers or members of the public, theft, malicious damage to property, wilful disregard of duties or of instructions relating to employment, serious breach of the Equal Opportunities Policy, acts of bullying or harassment, deliberate serious breach of confidence relating to the Methodist Council or its affairs, the use for personal ends of confidential information obtained by the employee in the course of his/her work, misuse of the Methodist Council's IT systems, fax/telephone facilities, downloading of offensive material such as pornographic or racist material from the internet, e-mailing such material to staff, falsification of records, conduct violating common decency or conviction on a criminal charge relevant to the employee's work, conduct which demonstrably brings the Methodist Church into disrepute, being under the influence of alcohol or drugs during working hours.

The above are non-exhaustive examples of the types of offences which if committed will lead to disciplinary action.

Criminal offences

Where an employee's conduct is subject to criminal investigation, charge or conviction (outside of employment) this will not normally in itself be considered a reason for disciplinary action. Facts will be investigated before deciding whether to formal disciplinary action should be taken and consideration given to the relevance and effect the charge or conviction has on the employee's suitability to do their job and their relationship with the Methodist Council, work colleagues and the wider Church.

Criminal offences outside the organisation will not automatically be treated as a reason for dismissal or disciplinary action.

Among many considerations may be; whether the offence brings into question the employee's suitability for their work and the damage to the Church's reputation.

Employees should not be subject to disciplinary action solely because a charge against them is pending or because they are absent through having been remanded in custody; in such cases it may be necessary for Management to consider suspending the employee or grant authorisation to unpaid leave. This does not prevent the organisation from carrying out its own investigation and coming to its own conclusion under this policy even though criminal charges or proceedings are ongoing. Guidance should always be sought from Development and Personnel to determine the appropriate course of action.

GRIEVANCE POLICY

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1. Introduction

- 1.1 Our Development and Personnel Policy Framework is drawn up within the context of the Connexional Team Shared Values, these values inform and guide our approach. The Grievance Policy is written within the context of these Shared Values.
- 1.2 Occasionally employees experience problems or concerns with their work, working environment or working relationships that they wish to raise and try to resolve. The purpose of this grievance policy is to ensure that all employees have access to a procedure to help resolve any grievances quickly, consistently and fairly.
- 1.3 This policy applies to any grievance of an employee relating to their employment / appointment apart from issues concerning:
- 1.3.1 the basis of pay or salary grading of their post/working arrangements;
 - 1.3.2 any matters that the Methodist Council considers are covered by other policies and procedures (for example, the Job Grade Evaluation procedure or as referred to in paragraph 2.6, 2.7, 2.15 and 2.16 below); and
 - 1.3.3 matters outside the Methodist Council's control (for example income tax, statutory sick pay).
- 1.4 This policy applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 1.5 This policy has been written to reflect the non-binding principles set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 1.6 This policy is discretionary and does not form part of employees' contract of employment or other agreements relating to their work for the Methodist Council,

and it may be adapted to reflect individual situations and will be reviewed periodically if it is necessary to ensure compliance with changes in employment law.

2. General Principles

- 2.1 Any steps under this policy should be taken promptly unless there is a good reason for delay. The time limits in this policy may be shortened, extended or adapted if it is reasonable to do so.
- 2.2 The HR and Development Manager may vary this procedure as appropriate to a particular case. In these circumstances agreement will normally be sought, but is not required, from the person raising the grievance. The policy may also be discontinued if it becomes impossible or impracticable for either party to continue with it, in such cases the aggrieved parties will be advised of the outcome of their grievance in writing.
- 2.3 Where an employee does not attend a meeting convened under the policy, the meeting will be adjourned to establish contact with the employee to ascertain the reasons for his/her absence. However, where an employee persistently fails to attend a meeting/hearing without good cause, the appropriate manager will make a decision based on the evidence available and without the attendance of the individual concerned.
- 2.4 If an employee has a difficulty at any stage of this grievance policy because of a disability, s/he should ask his/her line manager for assistance. Alternatively or in addition, advice may be sought from Development and Personnel and / or the Staff Association.
- 2.5 Every reasonable effort will be made to keep all information relating to the grievance process transparent to both parties with due regard to confidentiality and the nature of the issues raised. Information and proceedings relating to grievances will remain confidential as far as this is reasonably practicable. However, it will not always be possible to maintain confidentiality when dealing with issues, where this is the case this will be explained to the person raising or participating in the grievance.
- 2.6 This grievance policy should not be used to delay the application of the Methodist Council's disciplinary policy.
- 2.7 This grievance policy should not be used to complain about disciplinary action that the Church has taken or is intending to take against an employee. If an individual is dissatisfied with any disciplinary action taken against them, they must submit an appeal under the Disciplinary Policy and Procedure.
- 2.8 An employee cannot pursue the same grievance more than once. However, if a grievance is resolved and the action which caused it occurs again, the employee may raise a fresh grievance.
- 2.9 If a manager has prior involvement in a grievance, the matter should normally be referred to another manager.
- 2.10 If a grievance is shared by more than one employee, the grievance may be presented by one or more representatives of that group. These collective grievances will be

dealt with in a manner appropriate to the facts of the case and will not necessarily follow the process outlined in this policy. Any such changes to the process outlined in this policy will be subject to the decision of the HR & Development Manager.

- 2.11 An employee should not delay in formally making a grievance. In any event, a grievance must be normally raised within one calendar month of when an employee became aware of the issue. In situations where this timescale may not be possible due to informal discussions taking place between the employee and the manager, an extension of 2 weeks (14 days) may be agreed by the HR & Development Manager.
- 2.12 Some cases will need extra time for either party to seek advice or for the person hearing the grievance to undertake an objective analysis of all the facts, so the parties may, by mutual agreement, modify the time limits set out in this policy.
- 2.13 An employee may withdraw a grievance at any stage in this procedure by informing the HR & Development Manager in writing.
- 2.14 The Methodist Council recognises that a formal grievance procedure can be a difficult experience for the parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The organisation will not tolerate abusive or insulting behaviour from anyone taking part in or conducting the grievance and will treat any such behaviour as misconduct under the disciplinary procedure.
- 2.15 This grievance policy should not be used to address issues which should appropriately be considered under another policy or procedure. This policy cannot therefore be used to challenge formal outcomes in other policies or procedures, namely;
 - Disciplinary Policy
 - Procedure for dismissal on the ground of ill health
 - Redundancy Policy
 - Procedure for dismissal for some other substantial reason
 - Probation procedure
 - Decisions under any procedure which states that employees have no right of appeal or further right of appeal.
- 2.16 A separate Whistleblowing Policy is in operation to enable employees to report illegal activities, wrongdoing or malpractice. However, where an employee is directly affected by the matter, or where the employee feels that they have been victimised for an act of Whistleblowing, they may raise the matter under this grievance procedure.
- 2.17 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. There are a number of situations where it might be appropriate to temporarily suspend a disciplinary procedure, for example, where the grievance relates to an alleged conflict of interest on the part of the manager holding the disciplinary meeting. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

3. Informal Discussion

- 3.1 Grievances can often be resolved quickly and informally through discussion with managers and there is the expectation that every effort will be made to resolve the matter informally.
- 3.2 Where an employee has a grievance, he/she should initially raise their concern or issue informally with their line manager. However, if the employee feels unable to speak to their manager or that it would be inappropriate, for example, because the complaint concerns him/her, then the employee should speak informally to a more senior manager.
- 3.3 The manager will discuss the employee's concerns in confidence, make discreet investigations, as appropriate, and make every effort to resolve the problem fairly and promptly. In some cases consideration should be given to inviting a third party as a mediator or pastoral advisor.
- 3.4 It is the manager's responsibility to aim to resolve the grievance informally and notify the employee of the outcome.
- 3.5 It is expected that the employee will seek to resolve their grievance informally in the first instance and will only progress to a formal grievance if the issue cannot be resolved by informal means. Where the grievance cannot be settled informally, or circumstances makes this inappropriate, the employee should raise the matter formally through this grievance policy.

4. Mediation

- 4.1 Reasonable and practical efforts will be made to resolve the issue(s) which form any grievance informally as early as possible. However, it is recognised that it is not always possible to resolve grievances at an informal stage.
- 4.2 If the grievance is not resolved at the informal stage, or if either party feels that the informal stage is inappropriate, either party may request mediation. Parties to the grievances may request that the matter be referred for mediation at any stage in the procedure.
- 4.3 Mediation will only take place if both parties agree that they wish to enter into mediation. If mediation takes place, the timescale for initiating action under this policy will be suspended while the mediator tries to resolve the matter.
- 4.4 Where both parties have signalled a wish to engage in mediation, an independent person will be appointed (the "Mediator"). The Mediator will be provided by Development and Personnel and may be a member of that team. He or she will have no connection with any of the parties involved in the grievance, or have a conflict of interest which damages his or her impartiality.

- 4.5 The Mediator will not make any decisions or seek to impose any solution. The Mediator's role will be to work with both parties to try to resolve the matters informally.
- 4.6 The mediation, including any preliminary steps, shall be conducted in a manner that the Mediator considers appropriate. This may include:
- The exchange and provision to the Mediator of brief written outlines of the matters in dispute and supporting bundles of documents; and
 - preliminary discussions by one or both parties with the Mediator before the mediation.
- 4.7 Provided that this is agreed by all parties prior to the mediation, the employee may bring a work colleague or Staff Association representative to support the employee at the mediation, but may not answer questions on behalf of the employee. Otherwise the mediation process will be governed by the Mediator.
- 4.8 All information shared during the mediation will be on a confidential and without prejudice basis.

5. Formal Stage

- 5.1. Initiating the formal grievance
- a. If the grievance cannot be resolved informally, the employee should raise the matter formally in writing to their line manager at the earliest opportunity.
 - b. If the grievance involves the line manager, then the employee should submit the formal grievance to the line manager's manager.
 - c. A copy **must** concurrently be sent to the HR & Development Manager.
 - d. The written grievance letter should clearly be headed 'Formal grievance'. This written statement will form the basis of the subsequent meeting and any investigations, so it is important that the employee sets out clearly the nature of their grievance and indicate the outcome that they are seeking. If the grievance is unclear, the employee may be asked to clarify their complaint before any meeting takes place. The written grievance letter should contain as far as possible, the following information:
 - When and where events took place
 - Who was involved
 - Who may have witnessed events
 - How the events affected the complainant
 - What the complainant would like to see happen to satisfactorily conclude matters

- Any other relevant information and documentation.

A copy of the grievance letter must concurrently be sent to the HR and Development Manager.

- e. Further attempts (including further meetings) may be made to resolve the matter informally, depending on the nature of the complaint. However, if the employee is not satisfied with the outcome, they may insist on the matter proceeding to a full grievance hearing.
- f. Should the employee require support in compiling the grievance statement, they may wish to seek support from a work colleague or Staff Association Representative.
- g. The line manager/ Development and Personnel representative will write to the individual within 7 days of receipt of the grievance letter to acknowledge its receipt and refer them to this policy.

5.2. Investigations

- a. In some cases, it may be deemed appropriate to initiate an investigation before holding a grievance meeting or hearing. In other cases a grievance meeting may be held before deciding what investigation (if any) to carry out. In those cases a further grievance meeting will be held with the employee after the investigation has taken place and before a decision has been reached. The amount of any investigation required will depend upon the nature of the allegations and will vary from case to case.
- b. Where the grievance relates to other employees, the individuals involved will be informed of the nature of the complaint in writing, advising them of the process being followed and they will be given an opportunity to submit a response.
- c. The investigation may involve interviewing the employee raising the grievance, and taking statements from any witnesses, and/or reviewing relevant documents. The scope, nature and depth of the investigation will be dependent upon the concerns raised and the practical implications of carrying out the investigation within an employment context. It is expected that employees will co-operate fully and promptly in any investigation.
- d. During the course of an investigation, if any illegal or criminal activities are uncovered, the organisation may be obliged to report these matters to the police or relevant body.
- e. On conclusion of the investigation the investigating officer will write up a report of the main findings. This findings report will also be made available to the employee raising the grievance and any employee(s) named in the grievance. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to the employee and an appropriate summary of the evidence gathered will be given to them. Following the investigation the line manager may find it appropriate to hold a further meeting with

the employee raising the grievance. The purpose of the meeting will be to seek clarification on any further issues that might have arisen and to allow the employee to comment on the findings of the investigation.

5.3. The Right to be Accompanied

- a. The employee may bring a representative to any meetings held under this procedure. The representative may be either a Staff Association representative or a work colleague. The employee must tell the person hearing the grievance meeting who their chosen representative is no less than 3 days before the meeting. Employees are allowed reasonable time off from duties without loss of pay to act as a representative.
- b. This policy is internal to the organisation and representatives should be drawn from within the organisation.
- c. In some circumstances the choice of representative may not be allowed, for example, anyone who may have a conflict of interest, or whose presence may prejudice the meeting. The employee may also be asked to choose someone else if the meeting would have to be delayed for over 7 days because a representative is unavailable.
- d. It may be possible to allow an employee to bring a representative who is not a work colleague or Staff Association representative (for example, a family member) where this will help overcome a particular difficulty caused by a disability.
- e. The representative will be allowed to address the meeting, respond on the employee's behalf to any view expressed in the meeting, and sum up the case on the employee's behalf. However the meeting is essentially a meeting between the organisation and the employee, so any questions put directly to the employee should be dealt with by them and not their representative.

5.4. Grievance Meeting

- a. The grievance meeting will take place as soon is reasonably practicable, subject to any need to carry out prior investigations.
- b. The line manager or a Development and Personnel representative will (normally within 14 days of the line manager receiving the investigation findings) inform the individual, in writing of the arrangements for the grievance meeting, advising that they have the right to be accompanied by a Staff Association representative or a work colleague. If the representative cannot attend on the date given, a further date may be set within 7 days of the original grievance meeting date.
- c. For any meeting convened under this policy, a date will be offered taking into account as far as is reasonably practicable the availability of people concerned. If the individual raising the grievance cannot attend on this first date for any reason, one

further date will be offered. If the person raising the grievance cannot attend this further date, normally no further meetings will be offered and the grievance will be considered to have been withdrawn by the employee.

- d. The grievance meeting will be held at a reasonable time and place and be chaired by the line manager (or the relevant manager dealing with the grievance). A member of the HR & Development Team will normally be in attendance to take notes and advise on procedures.
- e. The employee and their representative must make every effort to attend any meetings. If the employee or their representative cannot attend at the time specified for the meeting, they should inform the person hearing the grievance meeting immediately and s/he will make reasonable efforts to agree an alternative time.
- f. Where reasonable efforts have been made to make progress under this policy, and delays have occurred, for example because of absence on sick leave by one or more parties, the HR & Development Manager is empowered under this policy and procedure to take appropriate and reasonable action to expedite matters under this policy.
- g. Where an employee fails to attend the meeting without explanation, or if it appears that the employee has not taken sufficient attempts to attend, the meeting may take place in the employee's absence.
- h. Grievance meetings will normally take place at Methodist Church House.
- i. The purpose of the grievance meeting is to enable the employee to explain their grievance, the findings of the investigation will be discussed and the person hearing the grievance may ask questions of the individual for clarification. If the employee has a representative, they may make representations to the person hearing the grievance and ask questions, but should not answer questions on the employee's behalf. The employee may confer privately with their representative during the meeting. The individual should raise any further relevant information at this stage.
- j. While the employee will be given every opportunity to explain their case fully, they should confine their explanation to matters that are directly relevant to the complaint. Focusing on irrelevant issues is not helpful and can hinder the effective handling of the complaint. The manager hearing the meeting will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.
- k. The person hearing the grievance may decide that further investigation is required or that advice needs to be taken. In this case the meeting may be adjourned. In this respect, the employee will be informed of the action that the person hearing the grievance intends to take, and if appropriate the employee's suggestions will be sought on this, but do not have to be agreed by the manager. Many issues may be resolved speedily after one meeting, whilst more complex cases may require more extensive investigation. Those present will be advised on the date and time for the reconvened meeting which may be on the same day or another day, but at the earliest opportunity.

- I. Following the grievance meeting, the person hearing the grievance will determine and inform the employee in writing of this grievance outcome. The employee will also be informed of their right of appeal, as per the Methodist Council Appeal Policy.

5.5. The Grievance Outcome

- a. The outcome of the grievance may take various forms. It may state:-
 - That on the basis of the findings, the grievance is not well founded
 - That on the basis of the findings, the grievance is not upheld
 - That the grievance is upheld in part and provide an appropriate solution
 - That the grievance is upheld in full and provide an appropriate solution
 - Any other relevant decision
- b. Where the finding of a grievance hearing is that an employee has acted in a way that is contrary to the provisions of the disciplinary policy, that policy may be invoked if this is considered appropriate. The manager hearing the grievance may make such recommendations if s/he wishes.
- c. In the rare event that an employee should raise or continue to raise matters which are continually found to be unsubstantiated, these may be considered frivolous or vexatious and the individual may face disciplinary action which may include dismissal.

6. Appeals

Please refer to the [Methodist Council Appeals Policy](#).

7. Grievances after employment has ended

If an employee wishes to raise a grievance after employment has ended, it should be submitted in writing as normal as set out at section 5 above but the grievance should be addressed to the HR and Development Manager. In order to be considered, the grievance must arrive within 10 days of the termination of employment.