**Disciplinary Policy**

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| This is a template policy developed for general use by Baptist Churches in NSW and ACT and may not necessarily be suitable for you and your church's situation.  The information provided in this document is accurate and up-to-date as of the time of writing. However, due to the possibility of changes in circumstances or changes in legislative requirements and best practise, we cannot guarantee the continued accuracy or relevance of the content.  It is recommended that you consider whether the information is appropriate to your needs, and where appropriate, seek professional advice.  This document should be used and read in conjunction with the *Guide to the Template Policies* document. |

**Purpose**

**ABC Baptist Church** is committed to a fair and consultative process to identify and positively resolve any areas of an employee’s performance or unacceptable behaviour.

**ABC Baptist Church’s** relationship with all pastors and employees is based upon mutual trust and respect. The relationship is always dependent on employees carrying out their duties safely, efficiently, and effectively and conducting themselves in a manner that is consistent with the values and Code of Conduct of **ABC Baptist Church**.

This policy is discretionary, and **ABC Baptist Church** may bypass and not apply one or more of the steps in this policy where an employee's conduct, or performance warrants such action or circumstances. Nothing in this policy prevents **ABC Baptist Church** from terminating summarily for serious misconduct.

Implementation of any disciplinary matter by **ABC Baptist Church** will be in a consistent, equitable, confidential, and timely manner and encourage prompt and fair resolution.

**ABC Baptist Church** will initiate disciplinary action in cases of unresolved and persistent poor performance, misconduct and serious misconduct.

**Scope**

This policy applies to all employees and volunteers of **ABC Baptist Church** and covers conduct both in the workplace and at work-related functions such as work lunches, dinners, conferences and church events.

This policy is not intended to be used where an employee has lodged a grievance relating to their employment, the workplace or against another employee. Such matters should be dealt with through the Grievance Policy. In such instances where an outcome from a grievance process results in a recommendation for disciplinary action, such action will be dealt with under this policy.

**Unresolved** **poor performance**

An employee’s performance will be considered poor or unsatisfactory if the employee is repeatedly not meeting the requirements of their role as set out in the employee’s position description, contract of employment, key performance indicators, **ABC Baptist Church’s** policies, or as communicated to the employee otherwise. Poor performance may be observed by the employee’s **[leadership/ management/ supervisors etc]** and may or may not be the result of a formal performance evaluation.

Where regular performance management processes have not been successful in improving an employee’s persistent poor work performance, then disciplinary action, up to and including termination of employment, may be taken. For regular performance management processes, refer to the Performance Management Policy.

**Misconduct**

Misconduct is behaviour that is inconsistent with employee obligations or duties, a breach of policy or procedure, or generally unacceptable or improper behaviour. This includes but is not limited to:

* Unauthorised absenteeism.
* Unacceptable behaviour towards leadership / pastors / supervisors / employees/ /congregation of **ABC Baptist Church**.
* Inappropriate or dishonest behaviour in the workplace.
* Any instances of harassment and/or bullying.
* Non-compliance **ABC Baptist Church** code of conduct, policies, procedures, or practices.
* Failure to follow lawful and reasonable direction from **ABC Baptist Church** or an authorised representative of **ABC Baptist Church**.

**Serious Misconduct**

Any of the matters defined as “Misconduct” may be viewed as serious misconduct, dependent on the circumstances. Each case must be evaluated as to the degree of seriousness, in accordance with the substantive and procedural fairness requirements.

Serious misconduct, which can result in termination without notice is defined in the Fair Work Act 2009 as:

* Wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment and
* Conduct that causes serious and imminent risk to:
  + The health or safety of a person (including fighting on **ABC Baptist Church’s** premises or threatening or engaging in any other form of physical violence); or
  + The reputation or viability of **ABC Baptist Church** or serious cases where the employee, in the course of the employee’s employment, engages in fraud, theft or assault; or
  + The employee is intoxicated at work; or
  + The employee refuses to carry out a lawful and reasonable instruction that is consistent with the employee’s contract of employment.

**Disciplinary Outcomes**

Where it has been established that an employee has engaged in misconduct or serious misconduct, the following forms of action may be deemed appropriate:

* Counselling – this may include arrangement for appropriate professional development
* Formal warnings
  + Written warning
  + Final written warning
* Dismissal and Dismissal without Notice

**Counselling**

Counselling is ordinarily the first step in addressing performance or conduct issues. It will normally take the form of an initial discussion between the employee and their **[leadership/ management/ supervisors etc]**.

During this discussion, the **[leadership/ management/ supervisors etc]** may identify the specific areas requiring improvement and ascertain whether the employee requires any guidance or additional assistance to meet **ABC Baptist Church’s** expectations.

If appropriate, these discussions may also involve the **[leadership/ management/ supervisors etc]** developing a Performance Improvement plan (PIP) with the employee and gaining their commitment to the plan. Refer to Appendix A for the PIP Template.

A PIP will outline specific performance improvement goals that the employee is expected to meet by a certain date. It also outlines the support and training or coaching that will be given to the employee to assist them to achieve these goals. PIPs should be filed by the **[leadership/ management/ supervisors etc]** in the employees personnel file.

Counselling may be followed by disciplinary action where deemed appropriate by the **[leadership/ management/ supervisors etc]**. The outcome of the counselling session, including any guidelines for improvement, may be confirmed in writing.

**Formal warnings**

Disciplinary action through formal warnings may be taken by **ABC Baptist Church** where day to day support, coaching or counselling has been unsuccessful, or a breach of a standard is considered serious enough to warrant disciplinary action.

Before issuing a formal warning, the **[leadership/ management/ supervisors etc]** will confirm the standard of performance or conduct required by **ABC Baptist Church** and explain to the employee the way the employee’s conduct or performance is not meeting the required standard.

The employee will be given an opportunity to respond to **ABC Baptist Church’s** concerns and the opportunity to rectify their performance within a reasonable amount of time.

The disciplinary action taken will vary from case to case, depending on all the circumstances. In some circumstances, it may be appropriate to give an employee an initial, written and further written warning prior to proceeding to termination of employment.

However, as indicated above, **ABC Baptist Church** reserves its rights to bypass or not apply prior written warnings in circumstances where the nature of the employee's performance justifies this approach.

Refer to Appendix B for Warning Template.

**Warnings including verbal warnings**

When a warning is issued, the person issuing the warning may outline:

* + The nature of the employee's unsatisfactory conduct or performance
  + The improvement in the standard of performance or conduct required and, if applicable, the date the improvement must be achieved by, and:
  + The consequences of not achieving the expectations of **ABC Baptist Church**

If an employee is issued with a verbal warning, a file note of the verbal warning, including a record of the issues discussed, attendees and outcomes should be completed by **ABC Baptist Church** and placed on the employee’s personnel file.

**Written Warning**

If **ABC Baptist Church** has serious concerns about an employee’s performance or conduct, a written warning may be issued to the employee. This may (but will not necessarily) occur following continued or repeated behaviour raised in earlier informal counselling or in a verbal warning. There may be instances where a written warning may be issued in the first instance, based on the seriousness of the poor performance or conduct.

A written warning will inform the employee:

* Of the employees' performance or conduct issues that have been found to be an issue.
* Why **ABC Baptist Church** did not find the employee’s response to such issues in the disciplinary meeting to be acceptable.
* Of a reasonable timeframe within which the employee must remedy their poor performance and/or conduct.
* The consequences of not achieving the expectations of **ABC Baptist Church**

That if the employee continues to under-perform or engage in misconduct, other disciplinary action may be taken, up to and including termination of employment.

If an employee is issued with a written warning, the employee will be provided with a copy and a copy will be placed on the employee's personnel file.

**Final Warning**

If there is a failure to improve conduct or performance after one or more written warning/s have been issued, or if the issue is sufficiently serious to warrant only one written warning (a first and final warning), a final written warning may be given to the employee. Final warnings are issued when **ABC Baptist Church** wants to convey that further poor performance/misconduct will not be tolerated and that a repeat may lead to termination of the employment.

Whilst there is no specific requirement to have a number of written warnings preceding a final warning, the principles of substantive and procedural fairness apply. Subject to these principles, it would be expected that an employee being managed for a performance issue, and would have received sufficient prior warning to reasonably address the issue in question prior to receiving a final warning.

An employee who, after receiving a final warning, repeats the inappropriate behaviour may not immediately be dismissed. The **[leadership/ management/ supervisors etc]** must take into account any mitigating factors resulting from the employee's response to the issue(s).

**Dismissal and Dismissal without Notice**

Dismissal is a broad term covering the termination of an employee's contract of employment by **ABC Baptist Church**. The reasons for dismissal of an employee can be numerous.

Where a staff member’s employment is terminated, the notice period stipulated in the Fair Work Act 2009, or other Agreement or the person’s contract (where relevant) will be paid, except in instances of “serious misconduct” as defined in the Act. The occurrence of conduct that falls within the definition of "serious misconduct" does not in itself guarantee the right to dismiss an employee without notice. Any factors (both internal and external) that may mitigate the decision to dismiss the employee must be taken into consideration.

If the decision is made to terminate the employee’s contract of employment, the **[leadership/ management/ supervisors etc]**  will need to arrange for the following to be prepared and provided to the employee:

* Written notice of the day of the termination of his/her employment or payment in lieu of notice, except where the termination is due to serious misconduct
* Payment of all accrued entitlements
* Payment of any outstanding entitlements
* A Separation Certificate (upon the employee’s request) and
* A Statement of Service (upon the employee’s request).

**Support Person**

An employee may request that an appropriate support person be present during counselling or disciplinary meetings. **ABC Baptist Church** will not unnecessarily refuse such a request.

The role of a support person during these meetings is to assist and support an employee, such as taking notes, suggesting breaks, or assisting an employee with an explanation. It does not include acting as an advocate for the employee by speaking on their behalf.

**Responsibilities**

The employee’s **[leadership/ management/ supervisors etc]** is responsible for:

* Ensuring that the employee has been given every reasonable opportunity to improve performance or conduct before beginning disciplinary action, where relevant
* Clearly articulating the areas of concern and stating the improvements required
* Ensuring that all cases of dismissal follow procedural fairness, including a full and detailed investigation, providing the employee with every opportunity to present their explanation and ensuring that decisions made are based on all relevant facts
* Ensuring that all of **ABC Church’s** property is accounted for at the time of dismissal
* Ensuring all documentation recorded throughout the disciplinary process is placed on the employee’s personnel file

**Investigation**  
In certain circumstances, it may be appropriate for **ABC Baptist Church** to investigate allegations of unsatisfactory performance and misconduct.

Where this is necessary **ABC Baptist Church** will endeavour to investigate all allegations of unsatisfactory performance and misconduct including unprofessional misconduct and serious misconduct by an employee fairly and promptly.

During the investigation process, it is possible that in some circumstances an employee may be suspended with pay. If an employee is suspended, or he or she is required to be available to assist **ABC Baptist Church** with its investigation and comply with **ABC Baptist Church** reasonable directions.

In such circumstances, the employee should be informed in writing of the conditions of the suspension at the time of the suspension. The time period for which the employee is suspended should not be for an unreasonable duration.

## **Document Control Information**

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| **Disciplinary Policy** | |
| Owner |  |
| Master Copy |  |
| Date created |  |
| Date last reviewed |  |
| Approved by **[Management Team]** |  |
| Approved by **[Governance Group]** |  |
| Date next Review |  |

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| --- | --- | --- | --- |
| Date | Version | Revision Description | Reviewed / Updated by |
|  |  |  |  |
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**Appendix A – Performance Improvement Plan (PIP)**

|  |  |
| --- | --- |
| **Employee Name** |  |
| **Position** |  |
| **Prepared by**  *(usually Supervisor or Leadership)* |  |
| **Date** |  |
| **Date of plan commencement** |  |
| **Period of plan** |  |
| **Final review date** |  |
| □ **Formal Warning** □ **First and Final Warning** □ **Final Warning** | |
| **Performance improvement objective:** *e.g. Accurate processing of role related tasks.* | |
| **Required outcomes** |  |
| **Strategies** |  |
| **Support** |  |
| **Responsibilities** |  |
| **Consequences** |  |

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| --- | --- |
| **Employee:**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date | **Supervisor:**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Name  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date |

**Appendix B – Warning Template**

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| --- | --- |
| **Employee Name** |  |
| **Position** |  |
| **Prepared by** |  |
| **Date** |  |
| **Date of incident** |  |
| **Date of discussion meeting** |  |
| **Next review date** |  |
| **Attendees** |  |
| □ **Formal Warning** □ **First and Final Warning** □ **Final Warning** | |

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| **Reason for warning** |
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| **Employees comments during the meeting** |
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| **Expected employees behaviours/ action points** |
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| **What happens next? (including consequences of failing to improve and next review date)** |
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| **Employees Comments about the warning** |
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**Employees acknowledgement of warning**

I acknowledge that the above warning has been issued and that if future instances of inappropriate workplace behaviour arise that contravene **ABC Baptist Church’s** policies, procedures, Mission or Values these may lead to further disciplinary action up to and including termination of employment. I understand that this matter is confidential and a copy of this document will be placed on my personnel file.

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| --- | --- | --- | --- |
| **Position** | **Name** | **Signature** | **Date** |
| **Supervisor** |  |  |  |
| Employee |  |  |  |
| Support person |  |  |  |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Checklist**   |  |  | | --- | --- | | □ | Employee has been offered the opportunity to bring a support person | | □ | Employee has been informed that a copy of counselling will go on their personnel file | | □ | Discussion of plans to correct performance deficits | | □ | Next review date arranged | |