# Appendix 2

## Performance Management Process

Throughout the performance management process, details of the issue will only be shared with the relevant people in the Church. This will include the person to whom the employee reports and may also include a limited number of Trustees. At no time will details be shared more widely within the Church. A number of Trustees will need to remain independent in case the employee wishes to raise a complaint at a later stage.

Throughout the process, the employee will be given reasonable notice of any meetings and clear information about what is to be discussed and will be able to put over their point of view. Minutes of each meeting shall be taken and agreed by both parties.

At the start of each step, the Church Secretary should review the situation and confirm that the employee has been dealt with properly and fairly so far.

### Informal Reviews

It is hoped that perceived problems will be picked up during regular support and supervision meetings with employees. These meetings will be undertaken by the person to whom the employee reports. Many ‘problems’ are simply due to a lack of skills or knowledge, or a lack of support, inappropriate roles etc., and will be relatively easy to put right. Consideration will be given to any special requirements the employee may have and reasonable adjustments made.

A written record of any supervision and support meetings will be kept. Action agreed by both parties will be followed up within an agreed and appropriate timescale.

Sometimes, an employee may be unaware that they are doing something wrong. The Church will advise the employee of what is expected of them and be given feedback on their progress.

Informal methods of resolution may include coaching, shadowing or training, other forms of learning, one-to-one support, or even a change of role. The Church will consider other suitable roles for its employees where appropriate.

### Formal Reviews

Where informal measures do not resolve the problem, the employee will be invited to a formal meeting with the person to whom they report and the Church Secretary. The aim of the meeting is to agree an action plan to remedy the problem and improve performance or behaviour, with appropriate timescales. The employee will be reminded what the problem is and what standards they need to achieve. The employee will be able to present their point of view and explain the situation from their perspective.

If the issue is not resolved within the agreed timescale, another meeting involving the employee, the person to whom the employee reports and the Church Secretary will be called at reasonable notice (not less than one week). This meeting may result in an employee having their contract of employment terminated or a volunteer being asked to leave.

## Discplinary Procedure

### Establishing the facts

The Church will investigate, without delay, any allegation or indication of poor performance or misconduct. In some cases, this will require an investigatory meeting, held by a senior church representative, to establish the true facts in the matter.

The Church may consider it necessary to suspend the employee on full pay pending investigation.

### Suspension

The Church may at any time suspend the employee for a reasonable period of time, during any period in which the Church is carrying out a disciplinary investigation into any alleged acts or defaults of the employee. During any period of suspension, the employee shall continue to receive their salary and contractual benefit. This is not disciplinary action, but a neutral act pending the outcome of the investigation.

### Informing the employee

If, following the investigation, either misconduct or unsatisfactory performance is confirmed and it is felt that there is a disciplinary case to answer, the employee will be asked to attend a formal meeting and the employee will be notified in writing that disciplinary action may follow. This notification will contain sufficient information about the alleged misconduct or poor performance to allow the employee to prepare a response for any disciplinary hearing. It will also include any evidence gathered during the investigation, which supports the decision to take disciplinary action.

The employee will also be informed of the time, date and venue of the disciplinary hearing, and advised of the employee’s right to be accompanied by a colleague or trade union representative.

### Disabilities

Consideration should always be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee’s working arrangements, including changing his/her duties or providing additional equipment or training. The Church may also consider making adjustments to this procedure in appropriate cases.

If the employee wishes to discuss this or inform the Church of any medical condition which they consider relevant, they should contact their supervisor or the Church Secretary.

### Confidentiality

The Church’s aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter, which is subject to this disciplinary procedure.

The employee and anyone who accompanies them (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure.

The employee will normally be told the names of any witnesses whose evidence is relevant to their disciplinary hearing, unless the Church believes that a witness’s identity should remain confidential.

### Notification of a hearing

If the Church considers that there are grounds for taking formal action over alleged poor performance, the employee will be required to attend a capability hearing. The Church will notify the employee in writing of its concerns over the individual’s performance, the reasons for those concerns, and the likely outcome if it decides after the hearing that the employee’s performance has been unsatisfactory. The Church will also include the following where appropriate:

* a summary of relevant information gathered as part of any investigation;
* a copy of any relevant documents which will be used at the capability hearing;
* a copy of any relevant witness statements, except where a witness’s identity is to be kept confidential, in which case the Church will give the employee as much information as possible while maintaining confidentiality.

The Church will give the employee written notice of the date, time and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time, to prepare their case based on the information which the Church gives them.

### Right to be accompanied at hearings

The employee may take a companion to any capability hearing or appeal hearing under this procedure. The companion may be either a trade union official or a fellow employee. The employee must tell the manager conducting the hearing who their chosen companion is, in good time before the hearing.

Employees are allowed reasonable time off from duties without loss of pay to act as a companion. There is no duty on employees to act as a companion if they do not wish to do so.

If the chosen companion will not be available at the time proposed for the hearing the employee may request that the hearing be postponed to a day not more than five working days after the day proposed by the Church. If the time proposed is reasonable, and the employee representative is able to attend, the hearing will be postponed until that time.

Whilst the companion may address the hearing and confer with the individual during the hearing, they do not have the right to answer questions on the part of the individual.

If the employee’s choice of companion is unreasonable the Church may require them to choose someone else, examples include:

* if, in the Church’s opinion, the employee’s companion may have a conflict of interest which may prejudice the hearing;
* if the employee’s companion works at another site and someone reasonably suitable is available at the site at which they work;
* if the employee’s companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

The Church may, at its discretion, allow the employee to take a companion who is not an employee or union official (for example, a member of their family) where this will help overcome a particular difficulty caused by a disability, or where the employee has difficulty understanding English.

## Procedures for Making a Whistleblowing Disclosure

On receipt of a complaint of malpractice, the Employee who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

* Complaints of malpractice will be investigated by the Church Secretary unless the complaint is against the Church Secretary or is in any way related to the actions of the Church Secretary. In such cases, the complaint should be passed to another Trustee for referral.
* In the case of a complaint, which is any way connected with but not against the Church Secretary the Trustee will nominate ask a member of the Regional Association to act as the alternative investigating officer.
* Complaints against the Minister should be passed to the Regional Minister who will investigate.
* The complainant has the right to bypass the line management structure and take their complaint direct to the Regional Minister. The Regional Minister has the right to refer the complaint back to the Trustees if he/she feels that the Tustees without any conflict of interest can more appropriately investigate the complaint.

If there is evidence of criminal activity then the investigating officer should inform the police. The Church will ensure that any internal investigation does not hinder a formal police investigation.

Due to the varied nature of these sorts of complaints, which may involve internal / external investigators and / or the police, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All responses to the complainant should be in writing and sent to their home address marked “confidential”.

### Investigating Procedure

The investigating officer should follow these steps:

* Full details and clarifications of the complaint should be obtained.
* The investigating officer should inform the Worker against whom the complaint is made as soon as is practically possible. The Worker will be informed of their right to be accompanied by a colleague at any future interview or hearing held under the provision of these procedures. At the discretion of the investigating officer and dependant on the circumstances of the complaint an alternative representative may be allowed e.g. the individual’s legal representative.
* The investigating officer should consider the involvement of the Church auditors and the Police at this stage and should consult with the Trustees if appropriate.
* The allegations should be fully investigated by the investigating officer with the assistance where appropriate, of other individuals / bodies.
* A judgement concerning the complaint and validity of the complaint will be made by the investigating officer. This judgement will be detailed in a written report containing the findings of the investigations and reasons for the judgement. The report will be passed to the Trustees if appropriate.
* The Trustees will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Church procedures.
* The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.
* If appropriate, a copy of the outcomes will be used to enable a review of Church procedures.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Trustees, or a Regional Minister.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, ABC recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons or body (e.g. the Health and Safety Executive). A full list of prescribed people and bodies can be found on the Government Website ([www.gov.uk](http://www.gov.uk)).