



Dalserf Parish Church
Church of Scotland Congregation
Charity No. SC016156
Disciplinary Policy

Version – 1.0	Name	Date
Written By (Elder)	Tom Anderson	4/12/2025
Reviewed By (Session Clerk)	Janet Callander	6/12/2025
Reviewed By (Treasurer)	Bruce Archibald	6/12/2025
Adopted by Session	Rev Morag Garrett Interim Moderator	28/1/2026

Log of Updates

Version Number	Date	Summary of changes

DISCIPLINARY PROCEDURE

The Employee shall be responsible on a day-to-day basis to, the Session Clerk, who may, if the Employee's work or conduct is considered unsatisfactory, arrange an informal meeting with the Employee to explain any shortcomings and suggest ways of correcting them in the future. This is not part of the formal procedure set out below. If the Employee's work performance is considered sufficiently serious, then a formal procedure shall be implemented as set out below.

Formal Procedure

1. The formal procedure will be implemented by the Employer if the informal stage fails to result in the desired improvement or in the case of any matter that is considered sufficiently serious. The Employer will arrange to establish the facts of the case to decide whether disciplinary action may be required. In some instances, this will involve the holding of an investigatory meeting with the Employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the Employer for use at any disciplinary hearing. Where this is practicable, such investigation will be carried out by someone other than the person who conducts any subsequent disciplinary hearing. Following such investigation, if it is decided that a disciplinary hearing is appropriate, the Session Clerk will send to the Employee a written statement setting out the nature of the alleged misconduct or poor performance and its possible consequences in good time for the Employee to consider the contents prior to the meeting referred to below.

2. Following the production of the statement referred to in paragraph 1 above, an appointed member of the Session will, as soon as reasonably practicable, arrange a disciplinary meeting with the Employee and with such other persons as the Employee or the Employer may consider necessary. The Employee is entitled to be accompanied by a fellow employee or another person of the Employee's choosing who has had no involvement in the matter. If the date or time arranged for the meeting is unsuitable, the Employee may suggest another date or time within 5 working days from the hearing date that has been proposed. The Employee may be entitled to call witnesses at such a

meeting but must first give the appointed member of the Session reasonable notice of the witnesses that the Employee intends to call.

3. The disciplinary meeting shall be conducted by an appointed member of the Session to consider the complaint. After taking submissions and evidence from the Employee, any witnesses that the Employee may have called, and from any other appropriate source, the appointed member of the Session shall decide what action should be taken and may: -

- (a) decide that the Employee is not in breach of the Contract of Employment;**
- (b) consider that there has been a breach which warrants the issuing of an oral warning that such a breach must not recur;**
- (c) in more serious cases, issue a formal written warning that any repetition of the breach will result in the Employment being terminated;**
- (d) terminate the Employment with notice either where there have been previous warnings or the conduct has been sufficiently serious to warrant such dismissal;**
- (e) terminate the Employment without notice where the breach of contract is considered sufficiently serious to warrant summary dismissal.**

4. (a) The decision of the appointed member of the Session will be communicated to the Employee and confirmed in writing, together with notification of the Employee's right to appeal the decision. Any warning will indicate the breach of the Contract of Employment and what steps the Employee must take to prevent a repetition of such breach. The Employee will also be informed that if their performance remains unsatisfactory after written notice of breach and of the improvements required after the expiry of the period of time within which it is expected that the improvements should be achieved, or if further breaches occur, the Employee will be dismissed. Any such written notice shall state the period for which it shall remain in force.

(b) If the decision is that the Employee shall be dismissed, then the written Notice of Dismissal shall state the misconduct which had led to the dismissal, why the Employee is guilty of that misconduct and shall notify the Employee of their right of appeal.

5. If the Employee is dissatisfied with that decision, then they may appeal against it in writing to the Treasurer. Such appeal must be made in writing to the Treasurer within 5 working days of receiving written confirmation of that decision and must set out the reasons or other submissions the Employee wishes to make. The Employer may require such submissions to be supplemented orally or in writing as considered appropriate.

6. On receipt of the Employee's notification of the desire to appeal, an Appeal Committee lead by the Treasurer shall be set up by the Employer which shall be entitled to seek such other submissions, orally or in writing, from the Employee or such other persons as the Appeal Committee may think fit. After the appeal meeting, the Treasurer shall inform the Employee in writing and without unreasonable delay of the Employer's final decision.