

Complaints and Disciplinary Procedure

The following procedure should be followed when a complaint has been made against an employee or where an employee is being disciplined. Subject to the nature of a complaint or disciplinary issue, this procedure provides that in normal cases an employee will be given a series of warnings before discipline or dismissal is contemplated, however, where the case involves gross misconduct, the employer may immediately invoke the dismissal procedure set out below.

The type of matters which will be dealt with under this Complaints and Disciplinary Procedure includes minor misconduct, certain behaviour inappropriate with the ethos statement and charitable purposes of the employer, sub-standard performance, harassment, victimisation, misuse of facilities (including computer facilities), poor timekeeping or unauthorised absences.

Step 1

Where appropriate any complaints against an employee should in the first instance be raised with a Senior Pastor of the employer and the Trustees should be informed immediately, except that where any complaint against an employee involves a Senior Pastor then the complaint shall in the first instance be raised with an unrelated Trustee. Most complaints, minor cases of misconduct and cases of poor performance can usually be dealt with by informal advice, discussion, coaching and counselling with the employee involved. An informal oral warning may be given, which does not count as part of the formal complaints and disciplinary procedure, but a record of the discussions may be kept depending on the nature of the complaint or disciplinary issue.

Step 2

If there is no improvement, or if following informal discussions with a Senior Pastor or a Trustee (or such other persons as the board of trustees may appoint for the purpose of such discussions), either the employer or the employee is not satisfied with the outcomes, then they may request in writing to the Human Resources Trustee a formal meeting with the board of trustees of the employer, and in the case where the employee involved is a Senior Pastor then a representative of Vineyard Churches UK and Ireland, such as the Senior Pastor's Overseer or Area Leader, will be invited to attend the said meeting. The employee will be allowed to bring a work colleague or friend or trade union representative to the meeting. The outcome of the meeting will be communicated to the employee. Following the meeting and as may be necessary there are the following possible outcomes:

Oral warning - In the case of minor infringements the employee may be given a formal oral warning. A note of the oral warning will be kept on file but may be disregarded for disciplinary purposes after a specified period. The employee will have the right to appeal against a formal oral warning.

Written warning - If the infringement is more serious or there is no improvement in conduct after a formal oral warning an employee may be given a formal written warning giving details of the complaint, the improvement or change in behaviour required, the timescale allowed for this, the right of appeal and the fact that a final written warning may be given if there is no sustained satisfactory improvement or change. A copy of the written warning will be kept on file but may be disregarded for disciplinary purposes after a specified period.

Final written warning - Where there is a failure to improve or change behaviour while a prior formal written warning is still in effect, or where the infringement is sufficiently serious, an employee may be given a final written warning. This will give details of the complaint, warn that failure to improve will lead to dismissal and refer to the right of appeal. The final written warning will be kept on file but may be disregarded for disciplinary purposes after a specified period.

Dismissal - If conduct or performance still fails to improve, or if the infringement is of sufficient severity, the final step will be to contemplate dismissal, or take action short of dismissal under the following procedure.

Dismissal Procedure

The following procedure should be followed when the employer is contemplating dismissing an employee, whether following exhaustion of the complaint and disciplinary procedure, following alleged gross misconduct, or otherwise.

The type of matters which will be dealt with as gross misconduct include theft, fraud and deliberate falsification of records, physical violence, serious bullying or harassment, deliberate damage to property, serious insubordination, misuse of the employer's property or name, bringing the employer into serious disrepute, contravening the charitable purposes of the employer, engagement in any form of sexual misconduct, serious incapability whilst on duty brought on by alcohol or illegal drugs, serious negligence which causes or might cause unacceptable loss, damage or injury, serious infringement of health and safety rules, serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998), or conviction of an employee for any criminal offence (other than an offence under road traffic legislation for which a fine or non-custodial sentence is imposed).

Step 1

The employer will set out in writing the alleged conduct, characteristics or other circumstances which led the employer to contemplate dismissing the employee. The employer will also set out the basis on which the employer has made the allegations against the employee and if possible, the employer will provide the employee with copies of any relevant evidence against the employee. The employer will invite the employee to a hearing with the board of trustees of the employer to discuss the matter, and in the case of the contemplated dismissal involving a Senior Pastor then Vineyard Churches UK and Ireland shall be invited to appoint up to two representatives to attend the said meeting, such as the Senior Pastor's Overseer and Area Leader.

Step 2

The meeting will be held without undue delay but only when the employee has had a reasonable opportunity to consider his response to the employer's written statement and any further verbal explanation the employer may give. The employee must take all reasonable steps to attend the meeting. After the meeting, the employer will inform the employee of their decision and notify the employee of his right to appeal if he is not satisfied with it.

Step 3

The employee can appeal against the disciplinary decision if necessary. If the employee wishes to appeal, they must inform the Human Resources Trustee in writing within a reasonable time. If the employee does this, the employer will invite the employee to attend a further meeting with the board of trustees of the employer and in the case of the contemplated dismissal involving a Senior Pastor then Vineyard Churches UK and Ireland shall be invited to appoint up to three representatives to attend the said meeting such as the Senior Pastor's Overseer and Area Leader. The employee must take all reasonable steps to attend the meeting. The appeal hearing may take place before or after dismissal or disciplinary action has taken effect. After the appeal hearing the employer will inform you of their final decision and confirm it in writing as soon as practicable.

For the avoidance of doubt, where dismissal is contemplated, or gross misconduct is being investigated an employee may be suspended during which time they will be paid but in most cases any decision to dismiss will be taken only after the employer has fully investigated the matter. If the employee wishes to appeal, they can do so in accordance with step 3 above.

The following principles apply to the dismissal procedure set out above:

1. You have the right to be accompanied to any meeting by a trade union representative or co-worker or a friend.
2. Each step in the procedure will be taken without unreasonable delay and hearings will be held at reasonable times and locations.
3. Meetings will be conducted in a manner that enables both the employer and the employee to explain their cases.
4. The employer will keep records detailing the nature of any breach of disciplinary rules or unsatisfactory performance, the employees defence or mitigation, the action taken and the reasons for it, whether any appeals were lodged, their outcome and any subsequent developments.

Grievance Procedure

It is the employer's policy to ensure that any employee with a grievance has access to a procedure, which can lead to a speedy resolution of the grievance in a fair manner. Where the grievance cannot be resolved informally it will be dealt with under the following procedure.

Step 1

The employee must put their grievance in a written statement and send a copy to a Senior Pastor and the Human Resources Trustee, except that where the grievance is against either or both individuals, the matter should be raised with 2 other members of the board of trustees.

Step 2

The employer will then invite the employee to attend a formal meeting with the board of trustees of the employer to discuss the grievance. The meeting will only take place once the employee has informed the employer of the basis for the grievance they have set out in their written statement, and the employer has had a reasonable opportunity to consider what response to make. The employee must take all reasonable steps to attend the meeting. As soon as possible after the meeting the employer will inform the employee of the decision taken in response to the grievance and notify the employee of their right to appeal if they are not satisfied with it.

Step 3

If the employee then wishes to appeal, they must inform a Senior Pastor and the Human Resources Trustee in writing (or as the case may be the 2 other members of the board of trustees with whom the grievance was initially raised) and they will invite the employee to an appeal hearing. The employee must take all reasonable steps to attend. Where any grievance has been raised by a Senior Pastor and if reasonably practicable, a representative(s) from Vineyard Churches UK and Ireland such as the Overseer of the Church or the Area Leader will oversee the appeal. As soon as possible after the hearing, the employer will inform the employee of their decision, which will be final.

The following principles apply to the grievance procedure set out above:

1. The employer will carry out each step in the procedure without unreasonable delay and arrange meetings at reasonable times and locations.
2. Meetings will be conducted in a way that allows both parties to explain their case.
3. Records should be kept detailing the nature of the grievance raised, the employer's response, any action taken and the reasons for it.
4. The employee has the right to be accompanied to the hearing by a trade union representative or a co-worker/friend.

This policy has been reviewed by the Trustees on 4th May 2022.

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