

COMPLAINTS, GRIEVANCE AND DISCIPLINARY POLICY AND PROCEDURE

If you are an independent church, this document is to assist you.

What is a complaint or grievance?

These terms are used interchangeably but mean the same for the purposes of this document. A complaint or grievance is a written or verbal expression of dissatisfaction about an action including a statement or a lack of action by any person including volunteers, leaders or office holders within the church setting. The complaint or grievance may also be that a person has behaved in an upsetting or unacceptable way.

What does discipline mean in this document?

If the allegation is very serious and contravenes an employed person's contract of employment, the procedure may lead to discipline procedures being initiated to look in detail at the situation and may result in dismissal or further supervision for the person. The discipline measures may begin at the end of the complaints procedure or may start straight away depending on the circumstances. This procedure may be implemented regarding a person's conduct outside the church but where there is concern about the impact upon their employment or may bring the church into disrepute.

Beginning the process for complaints and grievances

Stage One

The aim is to resolve the situation by reconciliation of those involved and therefore needs to be instigated as soon as possible within 3-5 days. The resolution may take place by discussion, negotiation or mediation.

It is likely that this may resolve the situation without minimising or ignoring the concerns expressed. It may be that there has been a misunderstanding which can be quickly resolved.

NB. It is important to say that if the complaint or concern or allegation is related to potential harm or risk of harm to a child under 18 or adult at risk, this policy/procedure is not appropriate. Please follow the policy and procedure regarding potential abuse of vulnerable groups.

Stage two

If the complaint or grievance is not resolved at the informal stage, the complainant needs to put their concern into writing and send/give to the line manager of the person concerned. The written document needs to not be abusive or inflammatory. The line manager may be a church leader. If the concern is regarding the line manager, the document needs to be given to another person of equivalent responsibility within the

church. A meeting needs to take place within 14 days to which the complainant may bring a supporter on the basis that the person needs to understand their role of passive support and that the situation is confidential.

The manager/leader then sends the decision, conclusions and findings in writing to the complainant within 7 days.

Stage three

If this does not resolve the situation, the complainant can put their concern in writing within 7 days to the Trustee responsible for complaints for the church or a more senior church leader. That person(s) needs to consider all the notes/documentation, meet the complainant and their supporter and make a decision within one month. The decision at that stage will be final.

All the notes taken throughout the process need to be stored in a secure place.

Discipline Policy and procedure

The aim of any church or faith organisation is to encourage improvement and confidence in individual conduct or performance. This procedure sets out the action which will be taken when disciplinary rules are breached or where performance is unsatisfactory. Therefore, each employee needs to have a job description and contract which sets out clearly, any expectations about their conduct and behaviour within the organization.

- A. The procedure is designed to establish the facts quickly and to deal consistently with disciplinary and performance issues. No action will be taken until the matter has been fully investigated.
- B. At every stage employee's will be informed in writing of what is alleged and have the opportunity to state their case at a disciplinary meeting. The employee has a right to be accompanied, if they wish, by a trade union representative or a work colleague. The representative has the right to explain and sum up the employee's case and to respond to any views expressed at any hearing or investigatory meeting. He or she may not answer questions on the employee's behalf.
- C. The employee is expected to make every effort to attend a disciplinary hearing or investigatory meeting. Failure to do so without good reason may result in the hearing being held without the employee being present.
- D. An employee has the right to appeal against any disciplinary penalty.

This policy does not apply in such a formal way in respect of volunteers although we recommend that a volunteer should also be clear about the expectations of the agreement they are committing to and what they can expect in return. If these expectations are breached, a meeting needs to take place to discuss the situation and a decision made about whether the volunteer can continue or whether the situation is so serious that the volunteer cannot continue in their role.

NB. If the contract or agreement for an employee is brought to an end, and where the role has required a DBS/PVG relevant criminal records check, the Disclosure and Barring Service/relevant authority need to be informed about the

dismissal/ending of the agreement but only if the issue is one of safeguarding. In these circumstances, DBS/relevant authority need to be informed as soon as the situation arises and even if the person has resigned.

The Procedure

Stage 1 – First warning

If conduct or performance is unsatisfactory, the employee will be given a written warning or performance note. Such warnings will be recorded but disregarded after 6 months of satisfactory service. The employee will also be informed that a final written warning may be considered if there is no sustained improvement or satisfactory change in conduct or performance. Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the Church, it may be justifiable to move directly to a final written warning.

Stage 2 – Final written warning

If the offence is serious, or there is no improvement in standards or performance or a similar offence occurs, a final written warning will be given which will include the reason for the warning and that the situation will be monitored for six months.

Stage 3 – Dismissal or other actions

If the conduct of the employee does not improve or of there is a reoccurrence of the original event, the employee may be dismissed. Alternatively, there may be a demotion or transfer to another role where the contract will be changed/amended.

Gross Misconduct – what does this mean?

If at any stage during the investigation, it transpires that an employee has been found to have committed gross misconduct, the employee may need to be dismissed immediately without notice or payment in lieu of notice. Although not an exhaustive list, examples of this might be.

- Theft, damage, fraud within or outside of work
- Being under the influence of alcohol or drugs
- Bullying, harassment, discrimination or intimidation
- Bringing the church into disrepute
- Unauthorised absence from work
- Serious breach of confidentiality

Suspension

While the alleged gross misconduct is being investigated, the employee may be suspended at any stage during the procedure. While suspended the employee will be paid their normal pay and will be required to be available to attend meetings during normal working hours. A decision to suspend may be made by the Senior Minister/designated Church Leader or other appointed deputy. While suspended an employee may not normally visit Church premises or discuss the process with anyone within the church. The Church will arrange for appropriate pastoral support for employees during any period of suspension. The Church may request that an

employee does not attend services at Church until matters are resolved. Suspension is not a penalty but a precautionary measure and will not prejudice any disciplinary meeting. The Church may appoint a member of the Leadership Team to undertake the investigation or an independent investigator or external advisor to assist them. The Church will use its best endeavours to minimise the length of suspension period. Any decision to dismiss will be taken by the employer only after full investigation has taken place and the employee has had the opportunity to state their case. Where the employee falls sick during suspension or the disciplinary process the sickness procedure will apply.

Appeals

An employee who wishes to appeal against any disciplinary decision must do so in writing to the Senior Minister/designated Church Leader within five working days. Appeals will, so far as is reasonably practicable, be held within 10 working days of receiving the appeal notification. Given the size and resources available to the Church it may be necessary for the same people to hear an appeal as were involved in the original disciplinary decision. The Church will hear the appeal and decide the case as impartially as possible.