

● HOW TO BE A TRUSTEE IN A
vineyard
CHURCH

FIRST EDITION 2012

HOW TO BE A TRUSTEE IN A VINEYARD CHURCH

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HOW TO BE A TRUSTEE IN A VINEYARD CHURCH.

Preface

Many years ago as a young zoology student I had a brilliant if not rather eccentric lecturer who would teach you and as he did so make the subject come alive. At the end of each lecture he would then give you a potted summary of the subject, which he always referred to as 'the idiot's guide'. I found them invaluable. This booklet is our attempt at 'the idiot's guide' to being a trustee in a vineyard church. Let me say now that our trustees in no way deserve the title of idiot, indeed on the contrary, they are people of considerable ability who serve the Kingdom of God in an unseen and unrewarded way. Their contribution to the church is inestimable, as they keep our pastoral leaders in the black and out of prison.

The task of trustee is not an easy one, you are expected to be aware of things that for the most part you could not possibly know, and yet you are expected to guide the church through a legal landscape that is a minefield for the uninitiated. The purpose of this document is to give you some help as a guide to the basics. It does not answer every question and nor do we remotely claim that we can answer every question. Life is complex, the law is complex, and not all issues have a straightforward answer, but some of them may be in here.

This is a work in progress and I am sure has errors and mistakes; it is the first draft which we will develop and refine as time goes by. We hope we will remove the more glaring errors in the second draft, but I imagine it will always be a work in progress as thinking and legislation develops.

In compiling this numerous people have helped in both writing the material, checking the spelling, formatting the material, giving advice and making coffee. I owe a huge debt to them all. In particular but by no means exhaustively I would like to thank, Peter Sturrock, David Flowers, Diana Smith, Nick Gretton, Alex Griffin, Alex Cook, Dave Mitchell, Paul Masters and Elaine Cook. I hope it is of some use to you as trustees as you perform your duties, with diligence, integrity and honesty - all for the glory of God.

Jeremy Cook
January 2012

SECTION 1 - CHURCH GOVERNMENT IN THE VINEYARD

Key Facts Sheet

Key Legislation

- Charities Act 1993
- Charities Act 2006
- Charities Bill 2011 - the Bill, if passed, will bring the two Acts into one consolidated Act
- Charities and Trustee Investment (Scotland) Act 2005
- Companies Act 2006
- Safeguarding Vulnerable Groups Act 2006

Useful Websites

www.charity-commission.gov.uk The Charity Commission

www.oscr.org.uk The Office of the Scottish Charity Regulator (OSCR)

www.charitycommissionni.org.uk The Charity Commission for Northern Ireland

Useful Publications

CC3 - Trustees and Governance - Being a Trustee

CC 30 - Finding New Trustees - What Charities need to know

CC Good Governance Code

- First edition of Code in 2005

- Revised Code October 2010

- [Second version for small organisations out soon](#)

Useful Vineyard Resources

Establishing a Board of Trustees (To Serve a Vineyard Church) David Flowers 2009 [APPENDIX 1]

Trustees and Senior Pastors - how to make it work Nick Gretton 2009 [APPENDIX 2]

Useful Contacts

Peter Sturrock - peter@vineyardchurchesuk.com Secretary and General Counsel VCUK&I

David Flowers - david.flowers@wharfedale-vineyard.org Trustee VCUK&I

Nick Gretton - nick.gretton@trentvineyard.org Head of Business, Trent Vineyard

What does Government in the Vineyard look like?

- Each local church is independent (as well as inter-dependent) and has the right to make its own decisions (and mistakes)
- God gives to the leader (the senior pastor) the ultimate responsibility for the pastoral oversight of the church, for which he will be held accountable (Hebrews 13:17)
- The study of church growth indicates that when the church narrows the decision-making process to one or two people, the church grows more quickly than by adopting a decision making process that is "consensus unanimity" (PCC's, boards, etc)
- In a church planting situation, we feel it is much better for one person (the senior pastor) to make the key decisions:
- This has some practical implications for us:
 1. since responsibility and authority belong together, if you give someone the former, they can't do the job unless they wield the latter,
 2. since he or she is going to answer to God for the way his /her duties are discharged, leadership cannot be given up to anyone else. Pastors are God-appointed Ephesians 4:11 "It was he who gave some to be apostles, some to be prophets, some to be evangelists, and some to be pastors and teachers....."
 3. in other words, in the final analysis, he is responsible for decision-making.
- This process is not absolute autocracy. Now having asserted these practical considerations, we must also qualify them with a few caveats, namely:
 1. We believe this method of church government works best in a collegiate atmosphere, where:
 - a) the senior pastor listens both to the Lord and other leaders (including trustees)
 - b) he assesses all the available information
 - c) but, in the end, the buck stops with the pastor- teacher
 2. Why? Other leaders, committed as they are, do not buy in at the same level as the senior pastor, for they do not (indeed cannot) pay the same price as the pastor does.
 3. Therefore, no one else's "vote" or opinion can carry the same weight as that of the senior pastor.
 4. The leader of the church has certain unique aspects to his responsibilities hence,
 - a) by definition , these cannot be delegated
 - b) the consequences of which are non negotiable
 - c) examples would be
 - i. Setting the vision and philosophy of ministry of the church
 - ii. Overseeing services, teaching
 - iii. Setting the overall parameters of the budget
 - iv. Making major financial decisions.

Further thoughts and reflections

- Our leadership style is simultaneously both highly centralised and highly de-centralised,
 1. The major & strategic decisions which result in an overall plan are the responsibility of the leader
 2. The implementation of the overall plan is the responsibility of those who are doing the work
- The system of government in the Vineyard is "Episcopal" rather than "congregational" or "Presbyterian"
 1. Thus , the primary responsibility for leadership & oversight in the church is vested in the senior pastor, and not a committee or Board of Trustees
 2. It follows, therefore, that Trustees are not "deacons" or "elders" in the sense often used within some parts of the larger Body of Christ
- In the Vineyard, it is the task of the pastoral leadership of the church to decide upon the direction the church is to go
- The New Testament (NT) makes a clear distinction between different ministry functions/gifts (cf 1 Cor 12: 12-31), and there exists an intrinsic,
 1. equality of value and significance, and
 2. inequality of function and responsibility.

What is the Role of Vineyard Churches?

The Role of Vineyard Churches is to

1. Support
2. Resource
3. Protect and
4. Develop relationships

It is NOT to

1. Take over the running of a local church
2. Finance churches in a crisis

Further thoughts

- Local churches are autonomous but work in relationship with the family of churches known as Vineyard Churches
- Our understanding is that power and authority resides both in the spiritual/relational aspect of our ministry as well as the structural.
- Vineyard Churches is not a structure which has (or wants) legal jurisdiction in the local Vineyard*
- We have assumed that if we have spiritual authority borne out of relationship, we don't need legal authority.
- And if we don't have spiritual authority, we don't want legal authority!
- We want to work with those who want to work with us

- We don't want to work with those who don't want to work with us.
- The former are permitted to use the trademark name "VINEYARD" to describe their ministry/church.
- The latter are required by Vineyard Churches to discontinue their use of the trademark name "VINEYARD" to describe their ministry/church.

NOTE* However, the senior pastor's relationship with Vineyard Churches is dependent on having exhibited to us a current, suitable enhanced CRB disclosure, renewable every three years.

A brief summary

- Each local church is independent.
- God gives the Senior Pastor ultimate responsibility.
- Churches grow more quickly when decisions are made by one or two people.
- Church Government works best in a collegiate atmosphere.
- The leader has unique aspects to his responsibilities.
- Leadership style is centralised and de-centralised.
- Vineyard Government is more "episcopal" than "Congregational" or "Presbyterian".
- It's the task of the pastoral leadership to decide the churches direction.
- The NT makes a clear distinction between different ministry gifts/functions.
- Roles of pastoral leadership and Trustees must be clarified.

The Relationship Between Senior Pastors and Trustees

- In general, the senior pastor needs to be given the freedom, as executive leader, to spend (time, energy and money) based on the leading of the Lord.
- It is the task of the Trustees to give advice and counsel, based on their experience, particularly in matters of finance, property and other assets belonging to the Charity.
- Those entrusted with pastoral leadership would go to the Trustees and say, in effect:
 1. "This is what we are going to do..."
 2. Now you (ie. Trustees) tell us how we do it: What are the problems? What are the pitfalls? What are the options open to us?"
- It is essential that the Trustees of any local church do not hamper the Spirit-led or Spirit-endowed leadership of the local pastor by attempting to curb, before the fact, expenditures that could cause the ministry to suffer at its point of growth.
- However, without parameters, it is possible for a pastor to lead his church into financial difficulties in the exuberance of the moment, and so it is interaction with the Trustees that is intended to bring balance to this process.
- It's the trustees' job to keep the senior pastor and the church;
 1. out of the red (accountant),
 2. out of the courts (lawyer), and
 3. out of the media (management consultant) !

- “Pastors propose, trustees dispose!”

Trustees advise, senior pastor decides.

Trustees do not participate in the strategic or monitoring processes, but they need to keep abreast of significant developments on all fronts as they usually have some financial impact.

Trustees need to be informed by the senior pastor of what the vision is and what strategic decisions he is proposing to make. Trustees should be included in the communication of strategic matters relating to the development of the church ministry.

Trustees are there to say whether something can or cannot be afforded.

Trustees are there to ensure good budgetary and financial practices.

Trustees are there to help.

- If trustees think that they are being hampered from discharging their legal duties by the senior pastor, then they should tell him so and inform his overseer, and his area leader and a member of the trustees and directors of Vineyard Churches UK and Ireland (VCUKI).
- Most problems that arise between senior pastors and trustees can be mediated and resolved quite easily. VCUKI encourages collegiality amongst senior pastors and his fellow trustees and at times can assist in facilitating that.
- If things go badly wrong, trustees are free to resign and speak to VCUKI.

Recruiting Charity Trustees

A charity’s governing document (often referred to as its constitution) will explain how trustees can be appointed, as well as when they may be removed, or resign. Usually in our context, either the members or the trustees themselves are empowered to appoint new trustees.

When recruiting trustees, consideration should be given to the balance of skills on the trustee board. It is important that new trustees are aware of the responsibilities of charity trusteeship, and are given a proper induction.

There are some limits on who may or may not be a charity trustee. The charity’s constitution may impose restrictions. Some people are legally disqualified from acting as charity trustees, including people who have been convicted of an offence involving dishonesty or deception, and undischarged bankrupts.

Charities working with children or vulnerable adults should carry out checks on potential trustees with the Criminal Records Bureau: in some cases these checks are compulsory (such as where the charity policy requires checks to be carried out) and in others they are strongly recommended.

It is good practice to obtain a declaration from new trustees confirming that they are eligible to act.

In addition, we recommend that in the Vineyard we follow our specific criteria for trustees.

Specific Criteria.

- s/he is committed to the mission, purpose, values, priorities and practices of the Vineyard;
- s/he tithes regularly;
- s/he has expertise in business, and in particular an ability and familiarity in overseeing large sums of moneys/he is able to be discreet and to respect confidentiality;
- s/he is content to undertake work largely in private, and does not want or need position, prominence or respect as a result of being a trustee; and
- s/he is a person of sound Christian character with a proven track record within the church

Non-criteria

The following are not necessary criteria:

- spiritual maturity (although /he may be mature spiritually),
- leadership capability (although, again, s/he may be a very gifted leader).

Some Tensions That You Might Face

From time to time tensions arise amongst trustees, often between the senior pastor (who is usually a trustee) and other trustees.

For instance, new trustees who may be used to a different model of church government from previous church experience, may feel hampered or restricted in their remit. It needs to be explained to them clearly that responsibility for the development of the ministry of the church rests with the senior pastor and his staff team.

Occasionally trustees feel that they are not listened to by the senior pastor and begin to question whether they can add value to the church in this role. Experience tells us that sometimes such feelings are justified and senior pastors must learn to communicate their plans to the trustees and be secure and able to allow and to answer their questions about the strategy. Senior pastors also need to learn to let the trustees exercise their expertise in business matters and take their advice. Trustees are usually giving their time voluntarily, usually care deeply about the church and their job as trustees, and will easily get dispirited if they feel that they are not being listened to.

When the budget is being set for the coming year the trustees may decide that the senior pastor wants to spend too much money (more than they will have coming in) and so their job is to counter-propose a budget expenditure with which they are reasonably happy. This may involve reduced expenditure in specific areas of ministry. The senior pastor, for his part, may feel that he does not want to trim expenditure in those particular areas, and so disagreement and tension can arise about whose job is whose!

Our advice is that this process is normal, necessary and healthy. The key to resolving difficulties like this is communication and willingness to involve overseers, area leaders and take advice from VCUKI trustees if need be, because we are all here to help one another.

Ultimately, trustees must allow the senior pastor to decide what to do, and not to take offence if he decides against their preferred course of action. That said, the senior pastor must not be allowed to lead the church into insolvency and the trustees are always right to “flag up” situations in which they are being prevented from discharging their legal duties. Specifically they must never be expected to simply “rubber stamp” a budget that provides for excessive expenditure unless there is a clear, workable plan in place for recouping losses in a future period.

Trustees should also be aware that whereas they employ and pay senior pastors they do not appoint senior pastors as leaders of the church. They are appointed by VCUKI. This applies in all churches, whether a new church plant or a church that has been adopted into the Vineyard, although the position is usually clearer in the former. The trustees employ the chosen leader. They pay him but they do not control his appointment without involving VCUKI in discussions. So merely sacking a senior pastor does not remove him from his position of leadership unless it has been agreed first with VCUKI. He may no longer be paid, but he is still the leader until a successor has been chosen and agreed with VCUKI.

Don't Make The Senior Pastor Do Everything

It is good practice to delegate to trustees specific reporting responsibilities for given areas of expertise.

Trustees must be proactive in seeking to help the senior pastor. The senior pastor must be prepared to accept help from the trustees.

SECTION 2 - HOW TO RUN A TRUSTEES MEETING

Key Facts Sheet

Key Legislation:

The Trustees Act 2000

Useful Websites:

www.charity-commission.gov.uk

The Charity Commission

www.icsa.org.uk

Institute of Chartered Secretaries and Administrators

www.ncvo-vol.org.uk

National Council for Voluntary Organisations (NCVO)

Useful Publications:

CC48 Charities and Meetings

NCVO/ICSA Chair Job Descriptions

New Philanthropy Capital Ten questions to ask yourself and your board

Useful Vineyard Resources:

New Church Plants: Trustees Meetings Agenda samples for Year 1 (2012) Peter Sturrock [APPENDIX 3]

Vineyard Trustees' Agenda Planning (2010) Nick Gretton [APPENDIX 4]

A Gardening Calendar for Trustees (2011) David Flowers

Useful Contacts:

Peter Sturrock - peter@vineyardchurchesuk.com Secretary and General Counsel VCUK&I

David Flowers - david.flowers@wharfedale-vineyard.org Trustee VCUK&I

Nick Gretton - nick.gretton@trentvineyard.org Head of Business, Trent Vineyard

How to Run a Trustees Meeting

How often should trustees meet?

The church's constitution, also known as its governing document, meaning one of a deed of trust, charitable incorporated organisation (CIO) or articles of association of a limited company, may deal with this but otherwise there is no absolute legal requirement. Trustees should simply meet often enough to ensure that they are carrying out their responsibilities properly. The Charity Commission would expect the trustees of even the smallest charities to meet at least twice a year. We recommend that trustees meet no fewer than 3 times a year.

The church's constitution may specify how many trustees comprise a quorum at trustees meetings, and should give details for calling and running meetings. We recommend that 3 trustees or half of the total number of trustees, whichever is the greater number, be a quorum. As a general rule, a total of 3 trustees in all are sufficient but where any trustee is employed by the charity then an additional trustee who is not employed by the charity should be recruited.

The governing document should also contain procedures about how to deal with conflicts of interest at meetings; even if it doesn't, steps should be taken to avoid conflict of interest (more on this later).

Planning before a Trustees Meeting (making it fulfilling and fun)

1. Reduce stress - Plan the Agenda

Dates for trustees meetings should be in your diary a year in advance. If trustees plan to meet four times in a calendar year you might consider planning to do two shorter meetings to dispose of routine business and two longer ones to consider bigger issues and future developments.

Prepare an agenda for each meeting and distribute it with all relevant papers at least one week in advance of the meeting, making it clear at the same time which trustees are responsible to report on what items.

In the appendix to this section there is:

- a. A Vineyard Trustees' Agenda Planning Table which categorises items of business into;
 - Finance,
 - operations,
 - people,
 - compliance, and
 - trustee admin.
- b. A set of styles of trustees' meeting agendas for the first year of a new church plant.
- c. A Trustees' Gardening Calendar.

2. Give Confidence - Prepare the Meeting

Before the meeting, it is good practice for the senior pastor (who is usually the chairperson of trustees constitutionally) to meet with individual trustees to talk about their parts of the agenda. That way, you can avoid tedious and time-consuming "open" discussion during the meeting because trustees' views on given matters are known beforehand. This promotes openness at the meeting and helps make for better decisions.

You should avoid "dropping" discussion papers on the trustees at the meeting and giving them no notice of what you propose.

It is best that the senior pastor function as chairperson and convener of trustees.

3. Stay Popular - Control Time and Agenda

It is important to be clear with the trustees when the meeting will finish and stick to the agenda. The chairperson must ensure that the agenda is kept moving forward.

4. Reduce the Pain - Appoint a Secretary

A person (not necessarily a trustee) should be appointed to act as secretary to take minutes of the meeting and provide relevant information to the meeting from the records of previous meetings.

The minutes should record decisions reached with reasons but should not record discussions, and should be distributed promptly after the meeting to the trustees with action points noted.

5. Feel Fulfilled - Decisions not Discussions

Trustees are by definition busy people for whom time is limited and yet they are often passionately interested in being able to add value to the work of the church and they want their contribution to count even if it is carried out largely behind the scenes. It is important therefore that the senior pastor endeavour to make the trustees meetings fulfilling otherwise it will be difficult to recruit and retain trustees if they feel the job is a drudge and mis-managed.

But when they feel fulfilled because good decisions have been made on well prepared topics where open views have been expressed in a positive atmosphere, meetings are fun and people want to be there. This is what the senior pastor must learn to do and set the tone for such meetings to take place. It takes hard work and application but it has to be done - and it starts with the senior pastor/chairperson.

6. Share the Load - Delegate Responsibility

While charity trustees have ultimate responsibility for the charity, they may well wish to delegate to others. The extent to which they delegate will depend on the nature and size of the church. Smaller churches have no staff apart from the senior pastor, so work at all levels is done by the trustees. Larger churches that employ staff have greater capacity usually to allow the trustees to delegate day-to-day management to them and to sub-committees or task groups composed of trustees and others.

There are no restrictions on delegating the implementation of decisions, nor on seeking recommendations from others in areas where the trustees make the ultimate decisions. However, where the trustees wish to delegate decision-making powers, they must have the power to do so.

The constitution may contain a power to delegate: a properly drafted constitution will contain certain powers to delegate to staff, committees, agents and investment managers. In some cases, power to delegate is conferred by law (for instance, the Trustee Act 2000 allows trustees of charitable trustees and unincorporated associations to delegate investment decisions to investment managers). If there are still gaps in the power to delegate, trustees may wish to consider seeking to change the constitution.

Where trustees delegate, they should set out the terms of the delegation in writing, perhaps in the minutes of a trustees' meeting, or in a policy document or job description.

This should cover:

- What powers are being delegated?
- To whom is power delegated? The trustees should be satisfied that the person or group concerned is capable of bearing the responsibility and fulfilling the remit. How will committees be constituted?
- Details about the timing and nature of reporting back to the trustees. All minutes of committee meetings and details of decisions made under delegated authority should be passed to the trustees.
- Particular attention should be paid to financial issues: the budget to be followed, whether specific approval is needed for expenditure over a certain amount, and so on.
- The trustees must keep the delegation under regular review.

Trustee Checklist

1. Remember as a trustee you have been put in a place of trust to apply the funds of the charity to the objects of the charity. That is your primary duty. In the execution of that duty you are required to comply with a complex legal landscape. The principal hats you wear are:
 - a. **Reporter** - Transparent and timely public reporting of the charity both in terms of finances, achievements and future plans.
 - b. **An employer** - you are in effect the employer of the charity's staff.
 - c. **Watchdog** - of the assets, reputation, and purposes of the charity in the context of the law and good stewardship.

You are not there because:

- a. you are a best friend of the pastor.
- b. you are looking for status and profile.
- c. you are a "yes man/woman".
- d. you want to control the day to day running of the charity.

2. In the table below is a general check-list that as a trustee you may find helpful to look through as an aide-memoir. It is not exhaustive but may be helpful.

CATEGORY	ACTION
REGISTRATION:	
Legal Status of the Trustees.	Are you registered as a trustee/director?
Is the Charity registered?	With Charity Commission/Companies House.
Data Protection.	May require registration under the Data Protection Act. You will need a working policy. (See page 25)
Registered Office.	Is the address up to date?
FINANCE:	
Annual Budget.	Prepared in advance/approved by trustees
Monthly Accounts.	Are they timely and accurate?
Finance policy.	A detailed document detailing the financial policies of the charity.
Bank Accounts.	Are reconciled monthly/do you have proper signatories?
Weekly Offering.	Is it counted properly?
Annual Return.	Has it been filed in time?
Annual Accounts.	Have they been done/inspected/filed?
Giving.	5% to VCUK&I.
Expenses.	Are the Senior Pastor's expenses signed off by a trustee?
VULNERABLE PERSONS:	
Do you have a Policy?	Many good prepared ones exist.
CRB Checks.	It is a requirement that the Senior Pastors obtains an enhanced CRB check. To be renewed every 3 years.
RISKS:	
Are the major risks identified?	We live in a litigious age, keep your eyes open. You must always take reasonable care to guard against these risks.
Risk Register.	Do you have one, is it reviewed as least once per year?

EMPLOYMENT:	
Staff Contracts.	Do they all have an up to date one.
Staff Appraisals and Reviews.	Do you have a system and records in place.
Disciplinary Procedure.	Is this in place and communicated?
Staff Handbook.	Do you have an up to date one and is it accessible to all staff?
Ethos Statement.	Do you have one and are the staff aware of it?
Recruitment Procedures.	A minefield - see section 3 on page 22.
Discrimination.	2010 Act forbids discrimination on the grounds of Age/ Gender Reassignment/ Marriage/Civil Partnership/ Maternity/Race/Sex/Sexual Orientation.
Termination /Redundancy.	At some stage one off these usually happens, be prepared.
INSURANCE:	
Insurance Cover.	Is your cover up to date and adequate for the type of assets you own and the events you do? May need additional cover for particular events.
HEALTH AND SAFETY:	
Policy and Compliance.	Need a policy that is implemented.
INTELLECTUAL PROPERTY:	
CCLI.	Does your CCLI License cover you for projecting lyrics, copying of songs, playing music, playing videos?
Website.	Do you have permissions for the pictures, music and videos you use?
DUTIES OF TRUSTEES:	
General.	Do you know your liability? (Limited if the trust is incorporated, unlimited if not). You should note that you may be liable for the acts of your fellow trustees. Do you have a copy of the governing document? Do you have a copy of the VCUK&I By Laws? Have you considered any potential conflicts of interest?

SECTION 3 - THE LEGAL LANDSCAPE

Key Facts Sheet

Key Legislation

- Charities Act 2006
- Companies Act 2006
- The Equality Act 2010. Part 2 of the Act governs recruitment and sets out schedules of key points and how to address them
- Data Protection Act 1998
- The Bribery Act 2010
- The Immigration, Asylum and Nationality Act 2006

Useful websites:

www.charity-commission.gov.uk	The Charity Commission
www.companieshouse.gov.uk	Companies House
www.legislation.gov.uk	Acts of Parliament Available
www.equalities.gov.uk	Government Equalities Office
www.adviceguide.org.uk	Citizens Advice Bureau
www.acas.org.uk	Advisory, Conciliation and Arbitration Service
www.ico.gov.uk	Information Commissioners Office

Useful Publications

ACAS Booklets "Recruitment and Induction", "Delivering equality and diversity" are well worth reading because they include policy examples.

<http://www.acas.org.uk/index.aspx?articleid=3017> – Training courses in interviewing and recruiting

Equality Act 2010 "What do I Need to Know? A Summary Guide to my Rights" GEO

Your Church and the Law by David Parrott published by Canterbury Press
Second Edition revised and updated Chapters 1&2, and Chapters 18-22

ICSA Model Code of Conduct for Charity Trustees (England & Wales)
<http://icsa.org.uk/assets/files/pdfs/guidance/070605.pdf>

Useful Vineyard Resources

See Appendix of Files

Useful Contacts

Peter Sturrock peter@vineyardchurchesuk.com 01224 483403 Secretary VCUK&I

Jeremy Cook - 01482 343333 - Chairman VCUK&I

Acas (Advisory, Conciliation and Arbitration Service) a government service which is there to help resolve employment problems and disputes and to train and advise. A very good first step to get help with employment and discrimination issues. Telephone 08457 474747

BWB Employment@bwbllp.com 0207 551 7777 Solicitors specialising in employment law and charity law

HRAdvantage www.hradvantage.co.uk 01494 451681 HR Professionals

The Awaiting Vipers

Charity Law and Company Law

The Role and Responsibilities of Charity Trustees

Trustees have responsibilities to

1. The Charity Commission
2. Companies House
3. The Inland Revenue
4. Customs and Excise
5. Church Members

Charity Commission:

Comply with charitable law, especially the Charities Act 2006 and the provisions of the charity's governing document and rules laid down from time to time by the charity commissioners.

Companies House:

Comply with the Companies Act 2006, articles of association. File accounts on time and don't allow insolvency to occur in the charity and hold regular meetings of directors/trustees.

Inland Revenue:

PAYE/NIC contributions to be paid timeously.

Customs and Excise:

VAT: If you are not trading (conferences, books, media) then not an issue.

Church members:

Steward the money well, be open about income and expenditure whatever the health of it, meet aims of the charity.

The trustees are responsible for the running of the charity and that's called Governance.

1. Governance is:

The systems and processes concerned with the -

- overall direction,
- effectiveness,
- supervision, and
- accountability

of an organisation.

- It is not necessarily about doing,
- It is about making sure that things are done.

2. Charity Trustees - definition

- Charity trustees are the people who have general control and management of the charity.
- May be known as the Board, Management Committee, Task Force, Council.
- In a charitable company the directors are both trustees and company directors. That is they are responsible to the Charity Commission and Companies House.

3. Trustee Recruitment and Appointment

- Charity trustees may be,
 - a. appointed by fellow trustees,
 - b. elected by members, or
 - c. co-opted by board.
- In all cases responsibilities will remain the same.
- Recruitment and diversity are good practices.
- Induction - trustees need to know what their job is.
- Code of Conduct - available from the ICSA (See Key Facts page 16.)

4. Trustees Ten Main Responsibilities

1. Maintain proper financial oversight,
2. Ensure compliance with the law,
3. Ensure compliance with the governing document,
4. Risk Management,
5. Employ staff,
6. Ensure Accountability,
7. Establish and monitor policies,
8. Support the senior pastor,
9. Maintain effective board performance, and
10. Promote the organisation.

5. Trustees Further Responsibilities

- Proper administration of the charity.
- Must accept legal responsibility (if not personal liability) for everything the charity does.
- Act reasonably and wisely.
- Duty of care and skill linked to special knowledge and experience of individual trustee.
- Take external advice where appropriate.
- Act solely in the best interests of the charity.
- Must exercise independent judgement - must not fetter discretion.
- Safeguard assets, including reputation of charity.
- Use assets only for charity's purposes.
- Ensure that charity carries out activities which further purposes for public benefit under Charities Act 2006 Trustees must have regard to Charity Commission guidance on public benefit.
- Act collectively. Responsibility for decision making rests with the board as a whole.
- Avoid or manage conflicts of interest.

- To adhere to special rules applying to the sale, letting or mortgaging of land and property owned by the charity

6. Decision making by trustees

- Charity trustees must ensure:
 - a. decisions are within the board's powers,
 - b. the board is acting in good faith,
 - c. the board has adequate information to make decisions,
 - d. the board is not swayed by irrelevant factors and third party interests, and
 - e. the decisions are within the range of reasonable options open to the board.

7. Company directors' duties

- Act within powers.
- Exercise independent judgement.
- Exercise reasonable care, skill and diligence.
- Avoid conflicts of interest.
- Not accept benefits from third parties.
- Declare interest in proposed transactions with company.
- Act in ways most likely to achieve purposes.

8. Types of liability

- All trustees potentially liable for breach of trust or breach of duty. See appendix "Liabilities of Trustees".
- Very rare for trustee to be held guilty of breach of trust where they acted in good faith.
- Trustees of unincorporated charities (trusts or clubs) have potential liability under contract.

9. Relief from liability for breach of trust

- Act reasonably.
- Act honestly, and
- you ought to be fairly excused.

10. Company directors' liabilities

Directors have limited liability however may be liable for:

- Wrongful and fraudulent trading,
- personal guarantees,
- criminal sanctions, and
- breach of trust

11. Minimising Risk

- Good management.
- Risk assessment.
- Indemnities.
- Insurance.
- Contractual limitation.
- Trustees, Directors and Officers Indemnity Insurance.
- Awareness of wrongful trading.
- Don't give personal guarantees.

12. Delegation

- Staff.
- Task groups.
- Individual directors/trustee/officers.
- Investment managers.
- Others.
- Contrast with advisory groups.
- Charity trustees retain responsibility.

13. Delegation Ground Rules

- Power to delegate.
- Delegated authority should be in writing.
- Powers given - clarity as to extent of delegation including budget and term.
- Reporting requirements.
- Subject to regular review.

14. Benefits to trustees

- Trustees cannot receive direct or indirect benefit from charity unless authorised by governing document or statute or Charity Commission.
- Charities Act 2006 gives power by default to charity to pay trustees for services.
- Does not extend to payment as trustees or employees
- Must not be express prohibition in governing document

15. Conflicts of interest

- Under charity law trustees must act in interest of the charity only.
- Companies Act 2006 - duty to avoid conflict of interest but may be authorised or managed through compliance with conflict provisions
- Covers financial interests such as trustees benefits and conflict of loyalties.

16. Managing Conflicts of Interest

- Provision in Articles of Association.
- Declaration form on appointment.
- Register of interests. Annual review.
- Declaration at meeting.
- Absent trustee from quorum, discussion and voting.
- Remaining and speaking when required.

17. Principles

An effective board will provide good governance and leadership by:

- understanding their role,
- helping the mission be achieved,
- working well together and as individuals,
- exercising effective controls,
- behaving with integrity, and
- being open and accountable.

18. Challenges for Boards

- Understanding their role in the Vineyard setting.
- Accepting that the senior pastor is responsible for setting and maintaining vision, mission, strategy and values.
- Developing a working relationship which allows both the senior pastor to do his job and the trustees to do their job.
- Trustees can fairly expect to be consulted and informed on vision and strategy.
- Trustees and senior pastor to learn to work together to reach common mind on vision, mission and strategy, in a communicative, loving environment.
- Senior pastor to be secure in his role and not to deny trustees information about vision and strategy through fear of disagreement or disapproval.
- Trustees need to know the big picture - it gives them context and ownership and helps them do their job.
- Trustees to make time to have non-decision-making discussions, where they do "blue sky thinking" and have "big picture discussions" - for example on the subjects of acquiring a building or the succession of the senior pastor.
- Working effectively,
 - review performance of the board and the individual board members.
- Exercising control.
 - recognising the value of diversity as a means of identifying and managing risk.

Employment Law Issues for Vineyard Church Trustees

1. Recruitment

- 1.1 Employers (the trustees) have to ensure that those involved in the recruitment process are sufficiently trained and that the process is well documented to avoid certain legal pitfalls that can arise from the recruitment process.
- 1.2 Job applicants can bring a claim for:
 - discrimination in the arrangements made for recruitment;
 - discrimination in the terms offered;
 - discrimination arising from a refusal or deliberate failure to offer employment;
 - harassment.
- 1.3 Thought and care has to be taken in forming the application form, short listing candidates, deciding the questions to be asked at interviews and the overall interview process.
- 1.4 There are also new rules in force now limiting pre-employment health questions and checks.
- 1.5 There is no duty on church trustees to advertise posts but is advisable in most cases.

2. Contract of employment

- 2.1 The employment status of an individual is important because different rights attach to the individual depending on their status. Individuals can be:
 - employees,
 - independent contractors, or
 - workers.
- 2.2 Employers are required to give certain particulars of employment terms to their employees, including but not limited to:
 - dates of employment,
 - pay details,
 - holiday entitlements,
 - pension details, and
 - notice periods.
- 2.3 Generally, employers and employees have freedom to contract on terms that they agree to. However, when certain duties of the employer and employee have not been expressed they can be implied in the contract, for example the duty of an employee not to disclose confidential information.
- 2.4 There should be a specific clause in the contract requiring the senior pastor to be in good standing with Vineyard Churches and entitled to use the name Vineyard to describe the church.
- 2.5 My advice is to offer fixed term contracts to employees of 12 months with a right to early termination on 3 months notice.

3. Discrimination

- 3.1 Employers must ensure that they do not discriminate against their employees. This includes direct discrimination, indirect discrimination, harassment, victimisation and instructing, causing, inducing or aiding unlawful acts.

- 3.2 The Equality Act 2010 consolidates much of the law in this area but also makes it unlawful to discriminate against certain characteristics of individuals which were not previously protected.
- 3.3 The main grounds on which employers must not discriminate against are:
- age,
 - disability,
 - gender re-assignment,
 - marriage and civil partnership,
 - pregnancy and maternity,
 - race,
 - religion or belief,
 - sex; and
 - sexual orientation.
- 3.4 There are certain exceptions that allow an employer to discriminate against an employee. For example, where it is necessary to comply with religious doctrines, the employer may require that an employee is of a certain sex or the employee is not a transsexual or married or in a civil partnership. However, advice should be taken before seeking to rely upon these exceptions; since they may not always apply.
- 3.5 The law on discrimination is complex and needs to be treated with care. If an employee brings a successful claim against an employer for unlawful discrimination the compensation awarded to the employee is not capped.
- 3.6 Always have an Ethos Statement for your church and show it to prospective employees and refer to it in the contract written terms.

4. Pay and Benefits

- 4.1 The national minimum wage is applicable to all employers, by which they must pay a minimum hourly rate to all employees.
- 4.2 The national minimum wage per hour from 1 October 2011 is:
- employees aged 21 and over: £6.08;
 - employees aged 18-21: £4.98;
 - employees aged 16/17: £3.68;
- 4.3 The rates of pay that an employer pays to its male and female employees must not be discriminatory on the grounds of sex. This is not limited to the overall wage that an employee is entitled to, but extends to holiday entitlements, sick pay, bonuses, pensions, etc.
- 4.4 Employees are entitled to a minimum paid holiday. For full time employees this is 28 days in a year, if the employee works 5 days a week; and part time employees 22.4 days if the employee works 4 days a week.
- 4.5 Employers are also obliged to provide a stakeholder pension scheme if it employs more than 5 employees. Although, there are no obligations for the employer to contribute to the scheme.

5. Termination

5.1 Employment can be terminated by:

- mutual agreement,
- notice,
- end of fixed term, or
- dismissal.

5.2 Wrongful dismissal and unfair dismissal

- An employee has the right to bring a claim for wrongful dismissal or unfair dismissal
- A wrongful dismissal claim may be brought where the employer terminates the employee's contract in breach of the terms, for example, not giving the required notice. The employee may also resign and claim constructive dismissal, if for example the employer changes the employee's job without his or her consent.
- Where an employee has been in continuous employment for one year he or she has the right not to be unfairly dismissed. If the employee has been in employment for less than one year, he or she can only bring a claim on certain grounds, for example, dismissal on the grounds of trade union membership or whistle-blowing.

5.3 Redundancy

- a. Employees can be made redundant where the business in which he or she works has or will cease to exist the business has or will cease in the place where the employee works; or the requirements of the business in the area which the employee works has or will diminish.
- b. An employee who has been in continuous employment for 2 years has the right to statutory redundancy pay.
- c. Redundancy dismissals require a fair procedure to be followed. Failure to do so entitles an employee to bring an unfair dismissal claim against the employer.
- d. Fair procedure involves:
 - consultation with the at risk employees before the final decision;
 - fair selection of employees to be made redundant;
 - consideration of alternatives to dismissal; and
 - consideration of alternate jobs within the organisation and offering those positions to the selected employees.

A few other vipers

Data Protection

You keep notes of pastoral meetings. You compile rotas of serving teams you keep details of baptisms, weddings and funerals for future reference and contact lists of people, all on a computer.

The Data Protection Act 1998 (DPA 1998) states that anyone who processes personal information must make sure that personal information is:

- Fairly and lawfully processed,
- processed for limited purposes,
- adequate, relevant and not excessive,
- accurate and up to date,
- not kept for longer than is necessary,
- processed in line with your rights,
- secure, and
- not transferred to other countries without adequate protection.

This short checklist will help you comply with the Act

- Do I really need this information about an individual and do I know what I am going to use it for?
- Do the people whose information I hold know that I have got it? Do they know why?
- Do I have permission to pass on this information and to whom?
- Am I holding this information securely?
- Is the information accurate and up to date?
- Do I delete or destroy information when I no longer have use of it?
- Are my staff trained in using data?
- Do I need to notify the Information Commissioner and if so is my notification up to date?

If the answer to these questions is mostly "yes" then you are heading in the right direction and are probably compliant with the DPA 1998.

We advise churches to notify (register with) the Information Commissioner's office.

A sample Data Protection policy is in the appendix.

Contact details www.ico.gov.uk Phone 01625 545740.

The Immigration Asylum and Nationality Act 2006

Is all about the prevention of illegal workers.

Our advice to you is that all employers should obtain passports of all prospective employees before they start work, check the documents, save them and keep a register. Do it for everybody to avoid discrimination.

If employers do this, then it will be an automatic defence to the civil penalty for employing illegal workers. The penalty is fixed at £2500 for each offence.

The Bribery Act 2010

Now in force, it creates the following criminal offences; bribing another person, being bribed, failing to prevent a bribe and bribing a foreign public official.

The advice is for churches to have a policy on bribes - this gives automatic protection from prosecution for failing to prevent a bribe.

The policy should state:

"All benefits received and given over £50 are recorded in a central register kept at main office (address). Staff are required to report receipt of benefit to their line manager"

SECTION 4 - DEALING WITH FINANCES

Key Facts Sheet

Key Legislation:

The Statement of Recommended Practice, Accounting and Reporting by Charities, (the Charities SORP 2005)

The Charities Act 1993

The amendments to it contained in the Charities Act 2006

Part 1 of the Charities Act 2006 (which concerns the definition of 'charity')

The Charities Bill 2011 - The Bill will, if it becomes law, bring the two Acts into one document and consolidate some minor provisions from other Acts such as the Recreational Charities Act 1958.

Useful Websites:

www.charity-commission.gov.uk	The Charity Commission
www.stewardship.org.uk	Stewardship UK
www.trusteenet.org.uk	The Trustee Network
www.dsc.org.uk	Directory of Social Change

Useful Publications:

The Essential Trustee: What you need to know (February 2008)

The Hallmarks of an Effective Charity (July 2008)

Internal Financial Controls for Charities (August 2011)

A guide to conflicts of interest for charity trustees (February 2011)

Charity Reporting and Accounting: The essentials (April 2009)

Managing Charity assets and resources: an overview for Trustees (March 2011)

Useful Contacts:

Jeremy Cook - 01482 343333 - Chairman VCUK&I

David Flowers - 0113 2459111- Trustee VCUK&I

Financial matters

Dealing with money is something in which all Christians should exemplify the greatest of integrity and this is especially true in the context of being a trustee for a charity. It is essential that we comply with the complex legal landscape of both charity and company law as it applies to us as trustees of a charity, however there is also a clear sense that we have to give an account to God for all that we do. Hence, we must, at all times be scrupulously transparent with all our financial dealings. There are some tried and tested practices that we would be wise to adopt. They represent the best of long experience and prudence.

For example, as trustees we have the role and responsibility of applying the funds of the charity to the objects of the charity and so that must be upper most in our minds at all times. We must also remember that we are not in the business of any form of speculation with investments, but are to take a safe and sound approach.

Here are some simple practices to establish:

Account for all monies in a timely, accurate and appropriate manner;

Set up appropriate budgets and plans and report against them.

Ensure that regular accounts (management and legal) and their associated reconciliations are produced and circulated;

Ensure that the funds are applied exclusively to the objects of the charity;

Ensure that the charity has sufficient incoming funds and reserves to execute its future plans;

All expenditure is properly authorised and subject to financial controls;

Obtain value for money.

Don't get scared by the numbers

Trustees do not have to be financial experts but they do need to be able to read a financial statement and make sense of it. They should be able to understand the basic behaviour of income and costs. In a similar way they should not be scared of dealing with money and in some cases rather large amounts of money. It is a good principle to choose trustees who in their everyday life may well be used to dealing with big numbers and complex systems within organisations; that way they are less likely to be fazed. In other words, if you can choose trustees who won't be intimidated by the numbers and unable to see through them to the issues that need to be dealt with.

Keep it simple (demystify the figures)

There is often a great temptation to make financial statements over complex and so make it difficult to read from them what needs to be known. It is often said that most chief executives can run their organisations on as little as six certain pieces of information as long as they are timely and accurate. Simplicity often lies at the other side of complexity but it is a great temptation to set up financial statements so that everyone thinks that they can get everything they want from them. Such statements are usually indecipherable and of little value. The financial statements should give you a clear view of the big picture, which may then beg questions that require further detail and investigation. In very basic terms they should tell you the totals for the main sources of income types against budget and past year. Similarly the costs should be reported in a similar way. Costs often required to be reported by application rather their actual nature. So in big picture terms the energy bills for the church facility would more likely be categorised under facility or worship services than in a stand alone category of energy costs.

Perhaps a better way of putting it might be that your financial statement should reflect the income and costs for those small numbers of activities which you carry out to reflect the objects of your charity.

A Financial Policy

Every charity should have a financial policy which explains the protocol, by which the financial affairs of the charity are conducted day to day. It is there for the protection and guidance of all involved. Although it will not completely stop mistakes or fraud it will significantly reduce their likelihood. A simple financial policy for the 'Anytown Vineyard' might look something like this.

1. Cheque signing

On the bank mandate – most trustees and treasurer whose authority to sign is as follows:

- Amounts up to £249.99 require one signature,
- Amounts from £250.00 to £9999.99 require two signatures, and
- Amounts over £10,000.00 require three signatures.
- In the case of Internet transfers observe the same protocol with the transaction being witnessed rather than signed.

2. Payroll and amendments

- Should be signed off by a trustee after having been approved by the Trustees.

3. Budget approval

- Compiled by ministry heads and the senior leadership of the church and approved by the Trustees.

4. Capital expenditure

- Approved by the Senior Pastor up to say £500-£1,000 (dependent on size of the church), thereafter by the Trustees.

5. Revenue expenditure within budget

- Approved by ministry head responsible for the budget.
- Budget overspend up to 10% to be approved by senior manager; above 10% signed off by two trustees.

6. Signing contracts

- For contracts over 12 months or £1,000 a trustee should sign them.

7. Reimbursable expenses and credit cards

- Staff expenses approved by line manager providing they are within budget. Receipts should be present to substantiate all expenses.
- Senior Pastor's expenses approved by a trustee.

8. Out of budget expenditure

- Senior Pastors up to £3,000, sums over £3,000 require approval by the trustees.

9. Reserves (see section on reserves)

- The Trustees after due consideration consider that reserves of 3-6 months expenses should be ideally available. Such reserves would be general reserves however there may be in addition to these, allocated funds set aside by the trustees for a specific future project or ministry plan.

- This sum has been arrived at after taking in to account the following elements and contingencies.
 - i. Fluctuations of income verses expenses – unforeseen expenses and nature and timing of capital expenditure;
 - ii. A period of decline or delay in income;
 - iii. Restructuring of the Charity in the event of consistent reduced income flows;
 - iv. To fund new income generating initiatives, where such need or opportunities exist;
 - v. To remove the risk of insolvency;
 - vi. Long term planning and opportunity taking;
 - vii. The efficient running of the Charity with medium and long term downturns i.e. avoiding the need for short term decisions.
- Trustees should consider it imprudent to liquidate fixed assets to generate reserves.

10. Management accounts and procedures

- The treasurer provides all trustees with an income statement and balance sheet and ministry heads with the necessary expense report against budget on a monthly basis.

11. Account reconciliation

- Bank statements are reconciled to the Quickbooks/accounts, as soon as they are received; any differences are investigated and explained.
- As the size and complexity of the church grows it may be necessary to expand and elaborate the policy, however the principles will not change.

Budgeting and Planning

It is often said that “a failure to plan is a plan to fail”. Doing annual budgets and indeed a further two year outline plan or budget is a good way to look at the charity. It gives you a clear picture of what you want to happen and to match your resources against that. Budgeting planning is not only about allocating limited resources but it often throws up problems which you can avoid or solve before you encounter them.

Here are some simple guidelines for doing a budget.

1. Start with your income line, what is reasonably going to come in, based on current giving, the growth or decline of current giving, any fund raising completed or near completed. It is not wise to plug the income gap in a budget with some theoretical fund raising exercise, only include such funding that is certain or near certain.
2. From a cost point of view: get your senior pastor or ministry heads (in larger churches) to express their plans in realistic justifiable expenditure.
 - a. Usually salaries will be the biggest single chunk of expenditure, so make sure this figure is solid and all associated benefits and employment costs are included.
 - b. Where possible it is sometimes worth getting quotations for some expenditure, perhaps in the case of facilities the costs will be enshrined in a contract.
 - c. Spend some time looking at different options, as planning at this stage can often save money.

3. Then look at the first draft and review it in terms of:
 - a. Does it give you surpluses for the year;
 - b. Does it require the use of reserves (loss making);
 - c. In the case of the latter you must then project forward a couple of years further to show the use of reserves is only a temporary requirement, for say one year, until you return to surplus / breakeven position;
 - d. If you don't like the look of it, go back and review the spending items;
 - e. If you were to project a higher income, what could you realistically do to make that happen?
 - f. (Please note that to run a charity at a consistent loss in planning terms could well cause you to have your liability limited by guarantee removed and as a trustee you become personally liable).
4. When you have got to a place of a working budget then the trustees need to formally sign it off. A key principle here is that the ministry heads compile the budget but the trustees formally agree it. Their criteria is that of sound financial management, complying with charitable law, and appropriate application of funds to the objectives of the charity and public benefit.
5. Having agreed the budget then that is it for the year. You may reassess the year as you go on but not to form a new budget. It will be a review of the existing budget with your latest forecast.

There is no doubt that to do a three year plan; that is the first year as a budget and the next two years in outline is very helpful exercise to see a clearer view of resources and their application.

Reserves – They help you sleep more easily

The Charity Commission require every charity to have a reserves policy, and therefore by implication to have some kind of reserves. Reserves are defined as "Income funds that could be spent, but are instead held back from expenditure, known as reserves, play a significant role in balancing the needs of future and current beneficiaries of a charity". Most charities will try to build up a reserve, but amounts and specific practices vary considerably.

Trustees are legally required to publish their charity's reserves policy in their annual report. Many charities have thought very carefully about what level of reserves they need to continue to operate effectively, and have in place good quality, clear reserves policies, which will commonly contain some or all of the following elements.

- Reserves to absorb setbacks – emergencies and unforeseen circumstances do come and so there needs to be a cushion so they do not disrupt the every day running of the charity.
- Reserves for regular, short-term fluctuations – often a charity will have a mismatch between income and expenditure in any given period, which the reserves will even out.
- Reserves to help plan for growth – this allows for grasping opportunities when they come along, or allowing decisions to be made without having to make short term funding restrictions.
- Reserves for specific future projects – reserves may be held for a specific project in the future and often these reserves are termed designated reserves.

If the reserves consist of restricted funds, i.e. money that has been given for a specific purpose, then they need to be clearly labelled that way.

As to what level of reserves you carry, that is a matter for the trustees to decide. My own personal view is that six to twelve months of expenses as a reserve is a reasonable level. If they are too low then you are endangering the function of the charity by potential cash shortages. Conversely if they are too high, it may be seen as 'dead money' and may cause people not to give, as they believe sufficient funds are already available. The charity commission prefer charities not to have excessive reserves – unless they are accruing for a specific future purpose (e.g. purchasing a building).

A Simple example

The objects of your charity may typically list such as the following:

- The furtherance of religious or secular public education:
- The advancement of the Christian faith including missionary activities in the United Kingdom and overseas, and also including but not limited to the planting of new churches and organisations or congregations.
- The relief of the poor and needy;
- The relief of the sick and elderly;
- Such other charitable objects and for the benefit of such other charitable bodies and institutions as the trustees shall in their absolute discretion see fit.

A typical income statement for such a charity might look something like this

	<u>This Period</u>	<u>Budget</u>	<u>Last Year</u>
	£000s	£000s	£000s
INCOME			
Gift Aid Income:			
Regular			
Irregular			
TOTAL GIFT AID INCOME			
Non-Gift Aid Income			
Regular			
Irregular			
TOTAL NON-GIFT AID INCOME			
Restricted Income			
Gift Aid			
Non-Gift Aid			
TOTAL RESTRICTED INCOME			
Tax Refunded			
Other income			
TOTAL INCOME			
COSTS			
Salaries and Staff Costs			
Office Costs			
Giving			
Worship Services			
Outreach and Evangelism			
Poor Ministry			
Kids and Youth			
Training			
Pastoral Ministries			
Other costs			
Governance Costs			
TOTAL COSTS			
Surplus /(deficit) for the period			

A simple financial statement like this gives a very clear view of the sources of income and the application of that income to those activities, which express the objects of the charity. The figures are set in the context of the budget for the period and the similar position for last year. Should people require more detail then it can be drilled down into as required. However for most trustees this is sufficient information. It should be accompanied by a simple, clear, balance sheet, in which all main categories of assets and liabilities are clear.

'Gift Aid' is where the giving is eligible for a tax refund (i.e. it has been given by a certified tax payer who has authorised it to be 'Gift Aid' income).

Restricted funds are funds that have been given for a restricted purpose. It is a legal requirement that they are declared as such in the accounts.

Annual Reports

All charities are required to prepare annual accounts and a trustees report, and most are required to have either an inspection or audit of their accounts. As of Dec 2011 the levels for audit and inspection were as follows:

Annual Income of the Charity	Action Required
Under£10k	Short trustee report only and Simple income statement
£10-25K	Trustee Report and Accounts, file Annual Return with Charity Commission
£25-500K	Inspection of accounts required. Trustee Report and Accounts produced. File Annual Return and Accounts with Charity Commission (and Companies' House if relevant)
OVER £500K	Audit required. Trustee Report and Accounts produced. File Annual Return and Accounts with Charity Commission (and Companies' House if relevant)

An inspection is a much simpler and more straightforward as it is not seeking to establish whether the accounts represent a true and fair view. For information on preparing annual reports and accounts there are some very good resources on the Charity Commission website (www.charity-commission.gov.uk/Publications).

Annual Report Outline

- Reference and administrative details of the charity, its trustees and advisers
i.e Bankers, solicitors, main officers, trustees.
- Structure, governance and management
The Annual Report should provide the reader with an understanding of how the charity is constituted, its organisational structure and how its trustees are appointed and trained and assist the reader to understand how the charity's decision-making processes work. The level of detail provided may well depend on the size and complexity of the charity and be proportionate to the needs of the report's readers
- A financial review containing:
Reserves policy
Designated funds
- Funds held as custodian trustee on behalf of others
Where the trustees are acting as custodians of other funds
- Public benefit statement
A statement confirming whether the charity trustees have complied with their duty to have due regard to the guidance on public benefit published by the Commission in exercising their powers or duties.

- Objectives and activities
Charities that are not subject to a statutory audit requirement may limit their disclosures within this section to a summary description of the purposes of the charity (its objects) and the main activities undertaken by the charity to further its charitable purposes for the public benefit.
- Achievements and performance
Charities that are not subject to a statutory audit requirement may limit their disclosures within this section to a brief summary of the achievements of the charity during the year in relation to its objects.

Larger charities that require a statutory audit must provide additional information, in most sections and also plans for the future.

Generally speaking the simpler and clearer your Trustee Report the better. It is helpful to use phrases that are not especially religious and speak of your working in transforming society. Currently “worship” is a charitable purpose for public benefit but may not be the case for ever so it is often wise to emphasise the other significant public benefits that the charity does. This report is a public and legal document so it is worth the trouble to do it well and wisely. If the press come sniffing around this is often a document that they might look at as well as your website.

Some good questions to ask in a trustees meeting

1. Can I as a trustee spend half an hour in the office with the bookkeeper and go through all the procedures? As a trustee you have the right and indeed obligation to know what is going on. No one is talking about you being a continual pest but by the same token, you don’t just have to take things for granted.
2. Are all the bank reconciliations up to date?
3. Who currently signs most of the cheques?
4. Are all expenses properly processed?
5. Is our 5% giving to VCUK&I up to-date?
6. Are we being generous in our other giving?
7. To the bookkeeper- Is there any transaction or part of your job recently you were uncomfortable with?
8. How quickly do we pay invoices?
9. Were the legal/audited accounts different from the management accounts, if so what was the difference and how did it occur?
10. Are all our filing and returns up to date?

SECTION 5 - DEALING WITH HUMAN RESOURCES

Key facts Sheet

Key Legislation:

See "Section 3: Key Legislation - Employment Law Issues for Vineyard Trustees".

Useful Websites:

www.acas.org.uk
www.hradvantage.co.uk

Useful Contacts:

Jeremy Cook - 01482 343333 - Chairman VCUK&I
Peter Sturrock - 01224635722 - Trustee VCUK&I and Legal Counsel.
David Flowers - 0113 245 9111- Trustee VCUK&I

Introduction

It is not usually too far into the life of a church plant before at least one person is employed, typically it is the planting pastor but may sometimes be someone else such as an administrative assistant. There are a few basics that need to be observed. Firstly the employment needs to be approved by the Trustees with a formal job description, an offer letter and a contract of employment. Often when someone is employed it represents a significant cost and indeed a significant liability and therefore is required to be done properly.

Setting Salaries

VCUK&I does not set salaries nor does it publish salary scales. Here are some useful parameters in setting salaries, none of these are foolproof methods but they should help you to set a salary. It is very important to set salaries within the context of the local church so that all concerned and responsible feel it is appropriate for their local context. Often geography may have significant impact on salary level.

1. There is a legal requirement or minimum:

There are minimum hourly rates by law and you are required to pay (as at Jan 2012):

- £6.08 - the main rate for workers aged 21 and over.
- £4.98 - the 18-20 rate.
- £3.68 - the 16-17 rate for workers above school leaving age but under 18.
- £2.60 - the apprentice rate, for apprentices under 19 or 19 or over and in the first year of their apprenticeship

2. Age experience and qualification.

Here it is important to take into account the relevant age, experience and education of the person as it relates to the job. So when taking on someone as an admin assistant they may have a PhD in Astro-Physics but that is not relevant to the job, that they have administrative skills or qualifications is important. For example, it is relevant they can type, file, use a number of useful pieces of publishing software, and are familiar with updating websites. Now there is often a tension between what the market value of a position is versus the age and experience of the candidate. There are no hard and fast rules but age and experience (perhaps seniority) may influence what you pay someone, however as a rule age in and of itself does not justify higher pay.

3. What does the local market pay?

Have a look around; see if you can get some kind of idea in the local job market or perhaps other local churches. This is not always possible but often with pastoral staff you can take equivalents such as the teaching profession. Again when doing this take an appropriate level of teacher, for example a new church planter may be equivalent to a newly qualified teacher, whereas the Senior Pastor of a big church would be more akin to a deputy head or even head teacher.

4. Responsibility.

What level of responsibility does the job carry? Do they have staff reporting to them, do they have significant budgets to control? If they mess up how much damage would it cause the organisation? How significant is their contribution to the organisation? How complex are the duties they perform? Motivating and leading a significant voluntary work force can be complex. Dealing with complex levels of pastoring can also be very demanding. Do they oversee other churches? With Senior Pastors often the key elements in determining pay are size of the church, budget, workforce, as well as responsibilities in the wider movement. VCUK&I does not pay pastors for their contribution to the wider movement as Overseers, Taskforce Leaders, Area Leaders or Leadership Group Members, this is seen as additional giving of the church to the movement. However that being said it is appropriate to recognise that in some measure of compensation.

5. Affordability.

You cannot pay what you can't afford. The proportion of the churches' expenditure taken up by employment costs should not usually exceed around 50%. This is not a hard and fast rule but over the medium term it should be a sound guide, though fluctuations for short periods are acceptable as long as they have a legitimate reason.

6. Other Factors

These are difficult to define and their degree of influence may be on scale of significant to non-existent. These are:

- Appropriateness - for example the senior pastors salary in a mature church should typically be in the third quartile of salaries taken across the church. That is they should be above the average but not among the highest paid.
- The ratio between the highest and lowest paid on a full time equivalent basis – many people feel that lately the secular ratios have become extreme where the highest paid may earn a few hundred times the lowest paid. In Christian organisations there has been some thought and consideration about this and a ratio of 6-7 is more suitable.

Job Descriptions

These do not need to be complex. Usually the more senior the individual, the less complex the less complex the job description is as senior job descriptions usually encompass statements which embrace a wide range of responsibilities which are too numerous to define in detail. However a job description should include key tasks, reporting relationships and the key responsibilities of the position. It should be dated and must constitute part of any job offer and staff contract. It should not be changed without informing the employee.

Staff Contracts.

Every employee should have an up to date employment contract (see Appendix 8 for a sample contract for a Senior Pastor). They do not need to be complicated but will define the job (i.e. job description), the place of work, and the major terms of employment. Such a contract should reference the Staff Handbook and the Ethos Statement, and should be signed by Employer and Employee.

Staff Ethos Statement.

A sample copy of such a statement is included in the Appendix 9. This statement is so important to Christian organisations as it defines the moral climate and work ethos we expect; and therefore constitutes part of the contract of employment. Typically ethos statements do not change, however most of the evolving detail of the rules and guidelines surrounding the employment will be contained in the Staff Handbook.

The Staff Handbook.

This is in essence a collection of policies, which constitute the day-to-day elements of employment. They contain information on holiday entitlement, grievance procedures, the entitlement to reimbursable expenses, health and safety at work and the like. They are required to be updated on a fairly regular basis reflecting changing legislation and the evolving employment conditions and protocol of the organisation. There are a number of organisations which (for a small fee) will provide you with a generic staff handbook that covers all the legal elements you need to have. Each employee must be given or have access to the Staff Handbook.

Legal Landscape for Employment

See “Section 3 Key Legislation - Employment Law Issues for Vineyard Trustees”. This section outlines the key areas of employment legislation that you need to be aware of. Please be aware that some of the largest costs of any charity and potentially the greatest liabilities lay in the area of employment. It is essential to comply with the law at all levels and to do so you must be aware of at least its key elements. It is also very important that good HR employment records are kept.

Record Keeping.

Keeping good HR records is a legal requirement but also it makes uncommonly good sense. The records do not need to be complex but should typically contain the following information.

- Employment contract and offer letters.
- Correspondence on between Employee and Employer.
- Details of any variations on employment terms (promotions)
- Payroll information.
- Holiday records.

- Staff reviews
- Details of warnings (both written and verbal)
- Details and findings of any grievance procedures.

It is naïve to think as a church you will not have HR issues and some may even result in lawyers being involved. The quality of your records along with your policies and adherence to them will be your primary protection.

Staff Reviews

It is very important that you review your staff periodically, twice per year is a good measure. The purpose of the review is to measure performance and identify needs for training and remedial action. Typically you should try and come out of the review with some specific objectives, which are incorporated into the next review. Attached as an appendix 10 is a simple self-assessment form for the Employee to complete and discuss their Reviewer. The Reviewer will have filled out a similar form reflecting their perspectives on the individual's performance. A separate section is given below to help with measuring performance.

Measuring Performance

Introduction

- Our environment is different from that of sales, production or fee based income that has easily measurable achievements
- We deal in qualities of a softer nature but they must be measurable somehow.
- The question we are asking is "how can I tell if you have done your job well?"
- Perhaps the first question we might ask is how are they performing against their job description. What is their role and what do we expect of them.
- We know that underlying of all poor performance are usually two things
 1. A lack of clear communication of expectations
 2. A lack of honesty in feedback.
- It may be that we don't address issues or we may tolerate poor behaviour and performance to avoid confrontation or the Employee feeling criticised.

A look at the job

We need to think of a job by way of a continuum. At one end we have the simple, stable and repetitive types of tasks and at the other we have the complex unique and constantly changing tasks.

Types of appraisals

Competency Based

- Competencies are usually defined and the employee scored against them.
- Covers technical skills but also may cover such things as customer care, appearance, punctuality, management skills, communication skills,
- They may identify training needs.
- Can be complex and time consuming

Performance Based

- This looks at performance as regards job description.
- The objectives agreed should be SMART (specific, agreed measurable, realistic and time-bound).
- Should identify training needs and personal development plans.
- This system has the great advantage of being motivational in that it links their objectives to the organisations and stimulates training and development.
- It is s key to self-discipline and management.
- Employees have clarity know what is required of them.

SECTION 6 - CHILD PROTECTION AND VULNERABLE PEOPLE

Key Facts Sheet

Key Legislation:

The Child Protection Act 1999
The Children Act 2004

Useful Websites:

Churches Child Protection Advisory Service - www.ccpas.co.uk
Criminal Records Bureau (CRB) - www.crb.gov.uk
National Council of Voluntary Child Care Organisations (NCVCCO) - www.ncvcco.org

Useful Publications:

Charity Commission - Safeguarding Children
NSPC - Keeping Children Safe (Standards for Child Protection)

Useful Contacts:

Jeremy Cook - 01482 343333 - Chairman VCUK&I
Peter Sturrock - 01224 635722 - Trustee VCUK&I and Legal Counsel.
David Flowers - 0113 2459111 - Trustee VCUK&I

Introduction

By definition as a church we will be dealing with both children and vulnerable people and so we must have clear and well-documented policies and procedures for dealing with such people. It is especially so in the area of children as not only do we have a duty of care but we need to be aware of the horrendous publicity parts of the wider church have attracted by their behaviour in the past. As a church you must have a number of things in place.

- A clear child protection policy
- Properly recruited and trained workers
- Vetting systems
- Training systems
- Reporting procedures for incidents
- A senior person responsible

The child protection policy

Here I quote from the Charity Commission:

"This is a statement of intent that demonstrates a commitment to safeguard children involved with a charity from harm. The essential inclusions for a child protection policy are outlined below:

- *the welfare of the child is paramount;*
- *all children without exception have the right to protection from abuse regardless of gender, ethnicity, disability, sexuality or beliefs;*
- *the policy is approved and endorsed by the board of trustees;*
- *who the policy applies to (i.e. all trustees, staff and volunteers);*
- *children and parents are informed of the policy and procedures as appropriate;*
- *all concerns, and allegations of abuse will be taken seriously by trustees, staff and volunteers and responded to appropriately - this may require a referral to children's services and in emergencies, the Police;*
- *a commitment to safe recruitment, selection and vetting;*
- *reference to principles, legislation and guidance that underpin the policy;*
- *arrangements for policy and procedures review;*
- *reference to all associated policies and procedures which promote children's safety and welfare e.g. with regards to: health and safety, anti-bullying, protection of children online, and photography. "*

Procedures

Having established a policy and each church should have its own bespoke policy which is applicable to what they do. Then out of that policy they need to establish well documented procedures, that are clearly communicated. In determining those procedures I once again quote from the charity commission.

"The procedures and systems should include:

- *A named person (and deputy) with a clearly defined role and responsibilities in relation to child protection, appropriate to the level at which s/he operates.*
- *A description of what child abuse is, and the procedures for how to respond to it where there are concerns about a child's safety or welfare or concerns about the actions of a trustee, staff member or volunteer. Relevant contact details for children's services, police, health and NSPCC helplines should be available.*
- *A process for recording incidents, concerns and referrals and storing these securely in compliance with relevant legislation and kept for a time specified by your insurance company.*
- *Guidance on confidentiality and information sharing, legislation compliant, and which clearly states that the protection of the child is the most important consideration.*
- *A code of behaviour for trustees, staff and volunteers. The consequences of breaching the code are clear and linked to disciplinary and grievance procedures.*
- *Safe recruitment, selection and vetting procedures that include checks into the eligibility and the suitability of all trustees, staff and volunteers who have direct or indirect (e.g. helpline, email) contact with children. In the case of trustees, because of their position within the charity, we take the view that whenever there is a legal entitlement to obtain a CRB check in respect of such a trustee, a check should be carried out. This goes beyond circumstances where the trustee comes into contact with children.*
- *A complaints procedure which is an open and well publicised way in which adults and children can voice concerns about unacceptable and/or abusive behaviour towards children.*

- *Systems to ensure that all staff and volunteers working with children are monitored and supervised and that they have opportunities to learn about child protection in accordance with their roles and responsibilities.*
- *Requirements for trustees, staff and volunteers to learn about child protection in accordance with and as appropriate to their roles and responsibilities.*

It is important that each charity's safeguarding policy and procedures are tailored to the type of contact that the charity has with children and it also needs to take into account any particular vulnerabilities of the children with whom the charity has contact; for example disabled children who are at increased risk of abuse; babies and toddlers who are vulnerable due to their age and dependence on adults; "

The Role of the Senior Pastor

It is imperative that the Senior Pastors are completely involved in this process even though they may have delegated major portions of to other staff. The reasons may be summarized as follows:

1. It is important for that they should be a recruiter even if in practice they don't get involved in the day-to-day activities. The reason for this is that, should an incident occur then they have a legitimate reason to be involved, whereby if that were not the case they could be legally excluded.
2. This is such a critical area where the potential damage to both individuals and church are concerned could be enormous if not fatal, that it would be irresponsible for them not to be involved.
3. It models to others in the church just how important this area is.

Some Practical Advice

Join CCPAS (The Churches' Child Protection Advisory Service)! They are an excellent institution who are set up specifically to guide churches through this minefield. They help you with policies, training, recruitment, CRB checking, and advice. For what they charge it is extremely good value for money and unless there is a cogent reason not to join, as a trustee I would recommend that you insist as a church you join.

SECTION 7 - HEALTH AND SAFETY AND RISK ASSESSMENT

Health and Safety information is widely available in many forms, this page will provide you with the means to get started and if necessary seek out further advice and support as required.

Useful Websites

<http://www.hse.gov.uk/index.htm>
<http://www.hse.gov.uk/simple-health-safety/index.htm>
<http://www.churchsafety.org.uk/>
<http://www.communities.gov.uk/fire/firesafety/firesafetylaw/>
<http://www.stewardship.org.uk/support-services/consultancy:-employers>

Books and Publications

The Health and Safety Executive publish many useful leaflets and books about Health and Safety. Much of the information is available free of charge, but note that it is typically written for business.

An introduction to health and safety.

This book introduces the most important parts of Health and Safety in circumstances where people are employed. Published by: HSE (Free publication code INDG 259).

Your Church & The Law by David Parrott

Targeted at Anglican churches but nevertheless containing very helpful commentary on all these issues. ISBN 978-1-84825-102-1

Example/ Sample Documents (attached as appendices)

- Policy Statement
- Road Safety Policy
- Safe Guarding
- Event Risk Assessments

Contacts

General enquiries about Health and Safety and food hygiene please contact the Environmental Health Department of your local Council (Borough, District or Unitary Authority).

For advice about Fire Safety, please contact your local Fire Brigade (using the non-emergency number found in the telephone directory).

Advice can be sought from Professional consultants and Health and Safety Practitioners, such as Practical Safety Consultants Ltd, who would be more than happy to discuss your safety needs.

Larger established Vineyard Churches will have experience that they can offer.

Summary

Vineyard Churches strive to be a community of faith where individuals feel both welcomed and safe. We recognise that we have both a moral and legal responsibility to provide a safe and healthy environment so far as is reasonably practicable for all who come into contact with our service, whether they are employees, volunteers, contractors, regular members, or visitors.

Health and Safety is increasingly an important part of everyday life in work, at home, in our leisure time and in Churches and Places of Worship. There are a number of reasons why Health and Safety is essential however, the main aim is simply: to prevent people from being harmed.

Health and Safety Legislation affects all Places of Worship from the smallest chapel or meeting hall to the largest cathedral no matter what the circumstances. The following pages have been developed in order to assist with meeting legislative duties and promote moral obligations for good management of Health and Safety.

The reasons for good safety fall into three broad categories:

1. Moral and Ethical - there is a moral obligation to take care of other people
2. Legal - poor safety provision can lead to both criminal proceedings and civil action
3. Financial - poor safety costs individuals, organisations and society as a whole

With this in mind Managing for health and safety is about:

- Looking after your people
- Looking after your organisation
- Looking after your reputation

The people you manage and pastor will expect to meet the standards you set for health and safety. You need to own and understand the key issues and take action accordingly. Managing for Health and Safety needs to be lead by the most senior person; it is the approach taken to prevent ill health and accidents, it is about prioritising health and safety as a no 1 value and considering it to be part of the way in which you normally operate within your church, "the way things are done around here". Managing Health and Safety can be:

- a simple plan, do, check and act/learn approach or;
- a separate more formal management system such OHSAS 18001/18002.

Whichever way, effective health and safety performance comes from the top, and will require the support of the people within your church to ensure its success.

Key Elements

Risk assessment is central to Health and Safety management and is also a legal requirement. This should be used in every stage of the process in one form or another to provide a framework, or structure, on which to build your management system and provide a safe place to work and worship.

- Firstly: identify your risks
- Secondly: take stock of the people and culture within your church
- Thirdly: assess the risks
- Fourthly: draw up a plan using this approach or appropriate management system
 1. Plan: say what you want to happen
 2. Do: ensure systems are in place to provide the tools and equipment to do the job
 3. Check: Make sure the work is being done safely
 4. Act and Learn: listen to problems and successes and make improvements

Every church/ place of worship is different, so too are the needs of the congregation. For this reason, Risk Assessments will look different to one another, and it is also why you need to spend time in order to get it right. The resource page will provide suggestions on how to get started; however here are a few example areas that may require consideration when planning for Health and Safety.

Property

Fire Assessments
Asbestos
Lead
Security

Operational

Office

- DSE (display screen equipment)
- Occupational Mental Health
- Electrical Safety
- Welfare

Worship

- Emergency Procedures
- Safe Guarding (Children, Young People & Vulnerable Adults)
- Disability Discrimination Act

Out Reach

- Safe Guarding (Children, Young People & Vulnerable Adults)
- Lone Working
- Road Safety/Driving at Work

Other areas may include Manual Handling, Working at Height, First Aid, Noise, Slip, Trips & Falls, Vibration and the Management of Contractors. Many of these may cross operational functions, but will have to be assessed according to the situation in which they arise.

Please see HSE " Five Steps To Risk Assessment" included in Appendix 7

SECTION 8 - INTELLECTUAL PROPERTY (IP)

What is IP?

Intellectual Property is intangible property; property that you cannot touch which has been generated as a result of intellectual or creative effort. Examples of IP rights include Copyright, Patents and Trademarks. One often forgotten IP right is Goodwill. This is essentially the brand reputation that a company or organisation has built up. A judge once called this “the attractive force that brings in custom”. In the context of our churches, this is the reputation that Vineyard has on a national level and the reputation that individual Vineyard Churches have within their sphere of influence. The retention and growth of this Goodwill is absolutely vital to the continued flourishing of our churches locally and nationally.

Rules governing IP, particularly Copyright have been subject to a good deal of criticism of late by those who believe the protection they offer excessively benefits creators of works. Regardless of the moral, political and economic arguments there has been no change in the law, the rules still stand and we must remain within them.

These rules vary in source, but many of them can be found in the Copyright, Designs and Patents Act 1988.

The aim of the IP regime is to protect ideas and creativity, to prevent unscrupulous people profiting from other people’s ideas. Accordingly, the fundamental rule is that you may not use any piece of IP unless you own it or have permission to use it. This means that if you wish to use a piece of intellectual property that you do not own then you need to ask for permission from the owner as you would for any tangible property.

Where might you see IP in a church context?

Taking the Sunday service as a starting point, below is a non-exhaustive list of where IP rights might crop up in a church context and which particular IP right may be relevant.

Sunday Morning:

Occurrence of IP	Type of right	Owner	Licensor
VCUK&I logo on PPT screen	Trademark	VCUK&I	VCUK&I
	Goodwill	VCUK&I	VCUK&I
Words of worship song on screen	Copyright	Publisher	CCLI
Sound of music in worship	Copyright	Publisher/Record company	CCLI
Sound of CD played through PA	Copyright	Record Company	CCLI
Video clip used in sermon	Copyright	Film production company	CCLI
Bible read or projected	Copyright	Publisher	Publisher*

* A licence is generally granted to use up to 500 verses of the Bible without specific permission of the publisher. If you are interested, check the first few pages of your Bible for the text of the licence.

Church website

Occurrence of IP	Type of right	Owner	Licensor
Images on web pages	Copyright	Photographer/Artist	Owner
VCUK&I Logo	Trademark	VCUK&I	VCUK&I
	Goodwill	VCUK&I	VCUK&I
Church logo	Trademark [^]	Church	N/A
	Goodwill	Church	N/A
Text of pages	Copyright	Church	N/A
Text of any articles	Copyright	Publisher	Publisher

[^] The church logo will only be a trademark if it has been registered as such.

How can you use IP?

If you own the right in question then you are free to use it as you wish. For example a songwriter may use her own song without asking for permission. Similarly you will not need permission when projecting your own church logo or using it on flyers.

However, whenever you use IP that you do not own then you must ask for permission in one way or another. When the owner of that right gives you permission, that permission is known as a licence. The holder of such a licence is "licensed" to use the IP pursuant to the terms of that licence.

Have a look at the front of your Bible to see an example of an IP licence. You will see that this licence contains a number of terms and restrictions. For example you may quote up to 500 verses, so long as that does not constitute a whole book of the Bible and does not form more than 25% of the work in which it is quoted. If you quote the bible in anyway outside of these terms then your use will not be covered by that licence and so you will need to seek separate permission to do this legally.

A very useful organisation for obtaining IP licences for churches is CCLI. They aim to be a one-stop shop for licensing churches. Generally they are very helpful and can provide you with most licences you will need. Typically they provide their CCL licence, which allows churches to project words during worship, but they also do a variety of other licenses that you are likely to need as a church. They supply video/film licences, allowing you to show certain video in a sermon, they sell a licence that allows you to play music from CDs in church and they supply a license allowing the copying of sheet music. If you need a licence, or more information it's well worth giving them a call to see if they can help. (Contact details below).

It is vitally important to make sure that you have all of the correct IP licences in place, partly because you may get sued if you don't, but primarily it is a matter of integrity. Without the correct licences, use of an IP right is unlawful.

As UK Vineyard senior pastors, you will be licensed to use the VCUKI trademark by VCUKI. That license is personal to you rather than to the church. In relation to this it is vital that you read and understand Appendix 13 and 14 entitled Branding Matters. This deals with how you may use the VCUKI trade marks and contains important safeguards to ensure the Vineyard movement continues to enjoy the benefit of these trade marks.

Checklist

Below is a list of points that you should consider as a basic minimum in this area.

General

- Do we use VCUKI logo? - Is this properly licensed?

Worship

- Do we project words? – Do we have CCLI licence including PRS?
- Do we play music from CDs at any point? – Is this covered in our CCLI licence?
- Does your band copy CDs to learn songs? – Do they have permission to do this?

Sermon

- Do we use any multimedia/video clips? Where are these from? Do we have permission?

Publicity/Website

- Do we have permission to use the photos on the website?
- Do we have permission to use any imagery/design on flyers?

If you are in any doubt as to whether you need permission, then ask for it.

Useful resources

CCLI – www.ccli.co.uk

Intellectual Property office (Gov Dept) – www.ipo.gov.uk

Vineyard Churches UK & I – office@vineyardchurchesuk.com

APPENDIX 1

ESTABLISHING A BOARD OF TRUSTEES (TO SERVE A VINEYARD CHURCH)

Introduction

This is not easy and needs prayer, thought and hard work. Good trustees don't grow on trees. Today the responsibilities of a trustee are not to be taken lightly. It is most likely that you, as founding pastor (if you are) will be a trustee and a permanent one at that.

What you don't need in your trustee:

1. Leadership position in the church. Very often they are leaders but that is not the reason to appoint them as a trustee;
2. Friends, people who agree with you all the time (note Obama's appointment of people with different opinions who could disagree with him and bring good ideas to the table).

What you do need in a trustee

This is what you are looking for – bear in mind this is the ideal wish list and isn't often achieved. But still do the best you can:

1. Professional skills:
 - a. Lawyers (employment or property preferably);
 - b. Accountants (ones who deal with sets of accounts, book-keeping etc);
 - c. Bankers (ones who deal with small businesses);
 - d. Property developers/landlords/estate agents;
 - e. Businessmen who have exposure to financial decision making, risk assessment or personnel issues;
 - f. Project managers;
 - g. HR professionals;
 - h. Health & safety/risk management professionals;
 - i. Experience in trustee work or church leadership.
2. Abilities/characteristics (which usually mean they are a little older):
 - a. Able to understand financial information and are used to handling larger sums of money;
 - b. Earn enough in their own right to be able to manage fair salaries for the staff;
 - c. Able to assess risk and make decisions;
 - d. Can balance prudence and risk taking;
 - e. Reasonably well known to the people in the church;
 - f. Have sufficient time for meetings, conversations with you and to read papers and bulletins;
 - g. Although different from you, sufficient personality balance to avoid clashes;
 - h. Are secure enough to challenge you without losing relationship.
3. Spiritual:
 - a. Identify fully with the vision, values and direction of the church;
 - b. Are in a housegroup and giving regularly;
 - c. Are able to discern the Spirit's guiding through the decision making process;
 - d. Are able to make decisions requiring a step of faith;
 - e. Are highly supportive of you and your family.

Starting Out

In the early days it is difficult to find trustees from the people joining the church. You need a pool of people from which to choose and time to get to know them. It is quite likely that your first few trustees will have minimal expertise and experience – but get the best you can!

It is OK to start the board with external trustees. For example:

1. Pastor of sending church;
2. Trustee from sending church;
3. Other Christian leaders in the community in which you are planted;
4. Friends who can provide some of the skills needed.

As soon as you start gathering, whilst on the lookout for worship leaders, housegroup leaders, kids' workers etc; equally, be on the lookout for potential trustees.

Established

Once established as a church you should have a pool in which to fish. The demographic of your community may dictate that you keep external trustees for quite a while (maybe permanently). However, as the church grows, financial, legal and risk making decisions increase in number and significance so it becomes more important to have at least some trustees who are geographically nearby and who are involved in the life of the church.

At this stage you should also be starting to hand significant responsibility and decision making to the trustees so that you are free to be the pastor (sermon prep and leadership development are two things only you can do whereas negotiating a computer deal and software support contract other people can probably do better than you).

Look to delegate agenda preparation and minute taking. Decisions taken by the trustees increasingly need to be action points picked up by them (and suitably delegated) rather than all by you.

Larger

When the church grows to the point that it is employing several staff, owns property or has significant trading activity (coffee shop, book stall, food bank etc) you definitely need to have trustees who have the professional skills to manage a small business.

You may consider handing the chair to another trustee and/or allocating portfolios of responsibility. For example:

1. Risk Management.
2. Finance.
3. Human Resources.
4. Operations/asset management.
5. Web site/communications.
6. Property management.

Between the portfolios you should try and cover everything that comes up in the course of board activity and as you grow you should release budgetary responsibility too.

Seconding

There are some issues which need continual oversight by trustees – they mainly fall into: finance, legal, risk management and human resources.

Occasionally, you will work on something for a while that needs specialist expertise. At that point it is wise to second someone on to the board for a period. They are not a trustee but an “expert witness” to the board. The trustees will make any decisions but they will take guidance from relevant advisers. They can be invited to come to board meetings whilst needed and then stop. For example:

1. Property purchase or leasing – try and get someone who knows property, a lawyer, a developer or an agent;
2. Investment – if you have significant funds you should retain the services of a regulated investment adviser to guide you on how to invest;
3. Major projects – such as establishing a charitable service which involves partnership in the local community such as a food bank or drug rehabilitation centre.

Process

Finding and appointing trustees is like raising finance for the church – it is your responsibility. Others can help but it falls to you to choose and ask.

1. Pray. Ask the Lord to bring really good people to you. Construct a board in your mind and then pray them in.
2. Write down what you need on a piece of paper, in a notebook or in your Blackberry and carry it around with you in case you bump into someone who might fit the bill.
3. When you have someone in mind watch them for a while and pray. Are they heading toward the centre of the church, do they value the church, do they look as though they will be around for some time to come? Are they in a housegroup and giving regularly?

4. Ask someone else what they think of this person (you need to talk it through with your existing trustees first anyway).
5. Have some documents ready; last set of submitted accounts, recent financial reports/bank statements etc, memorandum and articles of association, vision statement, business plan. Anything that can help them get an idea of what is going on.
6. Spend an hour or so with them explaining how corporate governance works in the Vineyard, what you will expect from them, what they can (and can't) expect from you. Keep a minute of this meeting on file to demonstrate due process.
(Note that any out of pocket expenses for trustees should be fully reimbursed. Mileage to meetings, baby-sitters, training courses, director's insurance).
7. Get the agreement of the other trustees.
8. Invite them to a trustee meeting as an observer.
9. If the existing trustees agree, offer them a position as a trustee for approximately 3 years (you don't have to keep to this but it sets up a suitable expectation). They will need to sign a Companies House form and there will need to be a suitable minute recording the decision to make the appointment at the next meeting.

Note: it is good practice to make a note of thanks in the minutes for trustees who are resigning. They also need to sign the appropriate form.

10. Allow 6-12 months to become accustomed to the way the board works. If you have portfolios, this is an opportunity for a retiring trustee to undertake a handover.
11. Allow 6-12 months handing over to a new trustee.
12. Allow 12-24 months carrying full trustee role (and a portfolio).
13. Seek out opportunities to train trustees – subscriptions to Charity Commission newsletters, experts to come in and talk, sharing expertise amongst the trustees, go on training days as a board.
14. I recommend that you are looking for new trustees all the time and have a continual practice of rotating them on and off (and if you wish back on again in due course).
15. As soon as one is on their way onto the board, get looking for another one with a 12-24 month time frame in mind. If you know you are going to be buying a building in the future, start looking for property and legal professionals. If you are thinking of taking on staff, start looking for HR professionals. If you are embarking on a major project, start looking for people who can manage projects.

This continual process of recruiting trustees and releasing them spreads understanding wider through the church, keeps things fresh and allows you to recruit trustees appropriate to the stage the church is going through.

Annual Report & Accounts

I recommend that you insert in your annual report some information describing this process. A sample from our last set of accounts is available for you to peruse.

APPENDIX 2

Trustees and Senior Pastors – how to make it work

WHAT TRUSTEES SHOULD EXPECT FROM AN SENIOR PASTOR (SP)

Clarity

Clear communication of SP's vision, values and goals.
Clarity upon trustee roles and what is & isn't a trustee matter.
Notification of & occasional access to the SP's Overseer.

Routine Stuff

Agenda, accounts & other documents in advance of meetings.
Regular summary information on church's performance: Financial Data, Statistical Data and Narrative.
Annual Budget linked to vision/objectives.
Conflict of interests to be handled properly.

Interaction

Formal & informal interaction with SP.
Open discussion in meetings.
Honesty – in order to support a SP, trustees need some knowledge of SP's health, family, staff problems, successes & failures.

Prior consultation

On key decisions and on key church communications, whenever they are have a financial or legal significance. e.g

- Annual vision-casting /review to the church ("State of the Nation").
- Key appointments.
- Change of strategy.
- Giving campaign.
- Firing staff.

Trustees do not like being given a "fait accompli" or asked to "rubber stamp" a decision that's already made.

Implementation of Decisions

Short prompt minutes after meetings.
Need to know that agreements made at a meeting are then followed through, e.g. if a Child Protection procedure is agreed but then not implemented in the church, trust breaks down.

TRUSTEES SHOULD NOT EXPECT

Ultimate ownership of the vision or the strategy.
Involvement in day-to-day church decisions.
Involvement in spiritual direction or Sunday meetings.
Ad hoc access to church staff (except with SP's agreement...).
High profile within the local church (trustees should be identified to the church, but no more).
Priority in personal tastes or spiritual advice ("you should preach more from the Old Testament").
Security of tenure!

SP CAN EXPECT TO RECEIVE FROM TRUSTEES

Peace of mind.

Wise advice.

Time when needed.

Hard but constructive questions eg how does this idea fit with the vision?

Commitment to final decisions when reached (avoid the word unanimous in decisions).

Integrity & Discretion.

Support as needed with reporting to the church members or funders.

Structures & Policies.

- Salary Scales
- Expense Policies
- Employment Contracts
- Child Protection Policy
- Reserves Policy

(Whether trustees simply approve these or actually generate them depends on your staffing)

DELEGATION TO TRUSTEES

Must delegate:

Matters re SP's appointment, remuneration, or anything else where there may be a conflict.

Consider delegating:

Chairing ie agenda-planning, management of meetings.

Co Secretaryship (compliance with Co House, Charities Commission, Filings).

Meeting minutes.

Certain functions.

...But watch out for death by subcommittee

Never delegate:

Ownership of the vision

SUMMARY

Clarity of Roles: crucial

Agenda Planning: very useful

SP needs to lead Trustees but not go too far without them.

If SP is not in front of trustees, he is not the leader.

If SP is too far in front of trustees, he may lose them.

APPENDIX 3

SAMPLE AGENDAS FOR TRUSTEES MEETINGS IN VINEYARD CHURCH PLANTS YEAR ONE

Agenda of First Meeting of the Trustees of Anytown Vineyard to be held at place on date and time

Item 1 Registration

Anytown Vineyard

Approve and receive the governing document (Articles of Association, CIO,Deed of Trust)

Nominate and appoint trustees:

- for two or three years initially.
- obtain signed declaration of eligibility from each trustee.
(available from Charity Commission website)

Nominate address of registered office.

Appoint secretary and treasurer.

Item 2 Affiliation to VCUK&I

Senior Pastor to explain the interdependent relationship to trustees.

Agreement with terms of Trade Mark licence to use the name VINEYARD for signature.

Agreement with By laws currently in force for signature.

Item 3 Induction and Orientation

Senior pastor to explain the role of trustees in Anytown Vineyard and set out his vision and five year plan and two year programme for the church plant start-up.

Item 4 Finance

Approval of initial budget.

Bank Account, Mandate and Minutes to open bank account.

Income and Expenditure.

Cheque Book and receipts.

Approve financial policy.

Approve expenses policy.

Accounting reference date.

Church planter's salary (if possible at this stage).

Item 5 Compliance

Approval of policies.

Child Protection and Vulnerable Adults.

Conflict of interest.

Data Protection.

Disciplinary process of church planter.

Risk identification and management.

Agenda of Second Meeting of the Trustees of Anytown Vineyard to be held at place on date and time

Item 1 Minutes

Minutes of previous meeting for approval and matters arising from those minutes

Item 2 Finances

Income and Expenditure year to date

Item 3 Risks

Have all key risks been identified?

Decide what policies are needed and delegate

Item 4 Employment

Recruit who?

Salary terms?

Legal contract?

Item 5 Trustees Admin

Any other business.

Agendas of Third and Fourth Meeting of the Trustees of Anytown Vineyard to be held at place on date and time

Item 1 Minutes

Item 2 Finances

Year to date.
Annual reports.
Budget.

Item 3 Operations

Risk management.
Website.
New ministries.
Training.

Item 4 People/Staff

HR policies.
Appraisals.
Training.

Item 5 Compliance

Reports on child protection, health and safety.
Companies House and Charity Commission.
Intellectual Property:
Trade Mark use.
CCLI.
Permissions.

Item 6 Trustee Admin

Job descriptions

APPENDIX 4

Vineyard Trustees Agenda Planning

5	↑ Importance ↓
4	
3	
2	
1	

Category	Agenda Item	Notes	Importance to Trustees	Frequency per annum	Staff Lead	Trustee Lead
FINANCE	Annual Budget	Once to plan the process, second to give finally approve	5	2		
FINANCE	Annual Audit	Look at performance & cost of auditors	5	1		
FINANCE	Monthly Accounts	Probably every meeting	5	6		
FINANCE	Cash Forecasts	Fcst for Bank, for capital decisions	4	3		
FINANCE	External Fundraising	If done	4	3		
FINANCE	Financial Reserves	Reserves - occasional review of policy & regular of levels	4	3		
FINANCE	Mortgages & Loans	Int rates, monthly cost, gearing, asset cover, o/s term, b/cov'ts	4	2		
FINANCE	Accounting Policies	Gift recog'n, accruals, capitalising, dep'n, pass-through	4	1		
FINANCE	Financial Controls	eg invc sigs, chq sigs, p/wds, c/card limits, rec't appr, bank recs	4	1		
FINANCE	Giving Income & Gift Aid	Income mix, frequency of GA claims etc	4	1		
FINANCE	Giving Out	May a report every few months, plus annual review of policy	3	4		
FINANCE	Purchasing Policies	Ssign-off levels, POs, multiple quotes, mob phones, PCs, food shopping	3	1		
FINANCE	Reporting Format	Review at start of year, esp non-Financial	3	1		
FINANCE	Taxes	PAYE/NI, Gift Aid, VAT, poss Corpn Tax	3	1		
FINANCE	Bankers & Mandate	Need to review our bankers every year or two	3	0.5		
FINANCE	Reporting to members	eg Review of the year by the SP to the church	2	1		
OPERATIONS	Related Companies	If there are any subsidiaries or related organisations	4	2		
OPERATIONS	Trading Activities	eg Conferences, books, pricing	4	2		
OPERATIONS	Insurance & Risk Management	Public Liab, Keyman, Travel	4	1		
OPERATIONS	Building / Rented Facilities	Depends on staff	3	1		
OPERATIONS	Disaster Recovery	eg Loss of SP, Loss of Building	3	1		
OPERATIONS	PR / Press	How is a call from an aggressive journalist handled?	3	1		
OPERATIONS	Strategy & Business Planning	Depends on style of SP	3	1		
OPERATIONS	Environmental	All green issues	3	0.5		
OPERATIONS	ICT	systems, capex, laptops, intranet, bandwidth, telecom, security, back-up	2	1		
OPERATIONS	Poor Ministries	aka Compassion ministries	2	1		
OPERATIONS	International Work	eg mission trips	2	0.5		
OPERATIONS	Website	Especially any legal section	2	0.5		
OPERATIONS	Relationship with VCUK	Legal relationship though trademark	2	0.5		
OPERATIONS	Relationship with local churches		2	0.5		
OPERATIONS	Sunday Services		1	0		
PEOPLE	SP Annual Review	Include well-being, workload, performance	5	1		
PEOPLE	Goals, Appraisals & Reviews	Hopefully done by senior staff.	4	1		
PEOPLE	Senior Staff Review	If no scales, then may need more work here	4	1		
PEOPLE	Staff Salary Scales	If no scales, then need more work on each employee review	4	1		
PEOPLE	Staff Contracts	Different standard contracts for pastoral and admin staff	4	1		
PEOPLE	HR Policies	Maybe a staff handbook	3	1		
PEOPLE	Expenses & Benefits	Pensions, life assurance, travel, mileage	3	1		
PEOPLE	Recruitment Process	Job descr, l/view process, referencing, legal checks, Induction	3	1		
PEOPLE	Staff Training		2	0.5		
PEOPLE	Members Training		1	0		
PEOPLE	Pastoral Structure / Small Groups		1	0		
PEOPLE	Spiritual Direction & Growth		1	0		

Vineyard Trustees Agenda Planning

5	↑ Importance ↓
4	
3	
2	
1	

Category	Agenda Item	Notes	Importance to Trustees	Frequency per annum	Staff Lead	Trustee Lead
COMPLIANCE	Charities Commission	Filing, employment, investigations	5	1		
COMPLIANCE	Child Protection	Frequency depends on whether well-delegated	4	1		
COMPLIANCE	Conflicts of Interest / Duty	eg Employing spouses, members/suppliers' gifts	4	1		
COMPLIANCE	Health & Safety (incl Fire)	Frequency depends on how whether well-delegated	4	1		
COMPLIANCE	Others' Intellectual Property	Eg Use of Music, Lyrics, Film Clips	3	1		
COMPLIANCE	Our Intellectual Property	Works authored by staff	3	1		
COMPLIANCE	Data Protection	Registration etc	3	0.5		
COMPLIANCE	Equal Opportunities	Sensitive	3	0.5		
COMPLIANCE	Lawyers	Performance & cost	3	0.5		
TRUSTEE ADMIN	Company Secretarial	Companies House Filing, may disappear in future if CIO	4	1		
TRUSTEE ADMIN	New Trustees	Planning for new trustees, induction etc	4	1		
TRUSTEE ADMIN	Corporate Structure	Incorporation, type of entity	4	0.5		
TRUSTEE ADMIN	Trustee Review	Annual performance review for each trustee	3	1		
TRUSTEE ADMIN	Trustees Job Description	Need one	3	1		
TRUSTEE ADMIN	Mem & Arts	Changes re trading, AGM etc	3	0.5		
	[spare]		3	1		
	[spare]		3	1		
	[spare]		3	1		

APPENDIX 5 CONFLICTS OF INTEREST & BENEFITS TO TRUSTEES

Useful Publications

Charity Commission publications in the publications and guidance section of CC web site:

- A Guide to Conflicts of Interest for Charity Trustees.
- CC11 Trustee expenses and payments.
- CC24 Users on Board.

One of the fundamental principles of charity law is that, in the absence of express legal authority, trustees cannot receive any benefit from the charity. This includes, for example, payment for acting as a trustee, payment for any services the trustee or his firm performs for the charity and rent on property the trustees let to the charity.

There are three possible sources of legal authority for trustee benefits:

- a recently introduced statutory power,
- the charity's constitution,
- specific agreement from the Charity Commission,

New charities now generally include in their constitution specific powers to confer certain benefits on trustees, such as power to rent or borrow from trustees, provided certain safeguards are observed, and power to pay professional trustees for services.

If existing charities wish to include such powers in their constitution they will usually need to apply to the Charity Commission for consent.

Trustees can be reimbursed for reasonable out-of-pocket expenses.

Note that the Charity Commission considers that if a trustee wishes to take up a paid position within the charity, the conflict of interest cannot generally be overcome by that person resigning from their trusteeship in order to take up the paid post.

Where there is any potential conflict of interest, it will generally be appropriate for the trustee concerned to declare it. He or she should not vote or form part of the quorum voting on the matter.

Most charities need to disclose trustee benefits in the accounts.

For more details on conflict of interest, and the importance of having a conflicts of interest policy, read the publications referred to above.

APPENDIX 6 LIABILITIES OF TRUSTEES

I am often asked about trustee liability. The potential liabilities of trustees to third parties depend to a large extent on the legal form of the charity. At the moment there are three main legal forms used by charities, with a fourth recent addition.

Company

Many charities are set up as companies limited by guarantee. The charity trustees will be the directors of the company, in the eyes of company law.

As a company, the charity will have its own separate legal personality, which means it can enter into contracts and other legal relationships in its own name.

It is the company/charity, rather than the members or the directors/trustees, which is liable for the company's debts, except in certain circumstances.

Trust

A trust has no separate legal personality and is therefore totally different from a company.

A trust operates by the trustees acting in their own name, but using charity funds. For instance, if a charitable trust buys a building, the building will be held in the names of the individual trustees (or by a nominee acting on their behalf). But the property does not belong to the individual trustees (and would not be available to the creditors of any trustee who became bankrupt).

Equally, if a charitable trust enters into a contract, it is the trustees who remain responsible for performing the terms of the contract, even though they may have recourse to the charity's resources.

This is important: unless the contract expressly restricts the trustees' liability, they will remain responsible under it even if the charity runs out of funds, and may thus be liable to make payments out of their own pocket. They have - potentially - unlimited liability.

Unincorporated Association

Essentially they run much like a trust in that it has no legal personality. The trustees do everything in their name using charity funds and their liability is, potentially, unlimited

CIO

The Charities Act 2006 includes provision for a new legal form for charities - the Charitable Incorporated Organisation (CIO). This will be like a company, in that liability for third-party claims will be limited, but it will only need to be registered with the Charity Commission and not with Companies House.

Personal Liability

Trustees are naturally concerned about the liabilities they assume on becoming a charity trustee. There are two types of personal liability:

Liability to third parties that occur in the course of running the charity. The extent to which the trustees are personally liable in these circumstances will depend on the legal form of the charity.

All charity trustees are, in principle, vulnerable to claims instigated by the Charity Commission in the case of breach of trust. These claims are not affected by the legal form of the charity.

It must be stressed that, in practice, it is extremely rare for charity trustees to be held personally liable for breach of trust when they have acted in good faith.

Insurance

Trustee Indemnity Insurance

Protects trustees in the event of a claim against them personally. It generally covers breach of trust claims and wrongful trading with associated legal costs. It does not cover liability to third parties. The policy will almost certainly be restricted to cases where the trustees have acted in good faith.

Given that trustees are less at risk from a breach of trust claim if they have acted in good faith, consideration needs to be given as to whether the insurance policy represents good value for money.

APPENDIX 7 DATA PROTECTION POLICY ANYTOWN VINEYARD ('THE ORGANISATION')

Quick Facts about Data Protection:

- The law regarding data protection is now contained in the Data Protection Act 1998 (the "Act").
- The Act governs the "Processing" of "Personal Data" by a "Data Controller".
- "Processing" is the collection, use, disclosure and handling of personal data.
- "Personal data" is data relating in any way to a living individual which identifies or can identify an individual.
- The Act applies to "Data Controllers". This is defined as "a person or body that determines the purpose for which and the manner in which personal data are processed". The Organisation is the data controller in respect of much of the personal data handled by the Organisation. In relation to such data, the Organisation is legally responsible for complying with the Act. Liability may extend to persons, including staff, processing the data under certain circumstances.
- The Act covers records held on computer. It also covers manual records that are filed by direct or indirect reference to individuals, provided information about the individual is "readily accessible" from the file. For now the Organisation treats all manual files as being covered.
- Breaches of the Act may have serious consequences. "Staff" (including employees, volunteers, agents, temporary and casual workers) are required to read the following information, and to ensure that all handling of personal data is carried out in accordance with the Act and this Policy.
- The Information Commissioner is the government officer responsible for monitoring compliance with the Act. The Information Commissioner provides a Helpline service on 01625 545745 and has also issued Codes of Practice and Legal Policy in relation to the Act. These can be viewed online at www.dataprotection.gov.uk. The Organisation's obligation is to comply with the Act, not the Codes of Practice or other Policy.
- The Data Protection Officer for the Organisation is William Robertson. If you have any queries about this Policy or the Data Protection Act, please address them to him in the first instance.

About this Policy

This Policy applies to processing of all personal data by the Organisation. This includes data relating to members of staff or third party individuals such as members of the Organisation. The Policy therefore generally refers to "individuals".

What Does the Act Say?

There are four main aspects of the Act:

1. Notification.
2. Grounds for Processing.
3. Principles.
4. Individuals' Rights.

1. Notification

The Organisation has notified the Office of the Information Commissioner of the types of personal data that the Organisation processes, and the uses made of those data.

It is a criminal offence for the Organisation to process any personal data that is not covered by its notification.

If you are a member of staff in charge of any particular section of records you are required to assist the Organisation by checking the existing Notification of the Organisation from time to time to ensure that the Notification covers the records held by your section, and the uses to which your section's records are put.

You can check the Organisation's Notification at www.informationcommissioner.gov.uk Please advise any required updates or amendments to the Data Protection Officer.

2. Grounds for Processing

The Organisation may not process any personal data for any particular purpose unless one of the grounds in the Act applies to that processing for that purpose.

In terms of Schedule 2 to the Act, the Organisation may process personal data (other than sensitive personal data - in respect of which, see further below) where any of the following grounds applies to that processing of that personal data:

- a) The individual has given his consent to the processing (consent can be assumed where the use is 'obvious' and the individual has provided the information).
- b) The processing is necessary for the performance of a contract to which the individual is a party.
- c) The processing is necessary for the taking of steps at the request of the individual with a view to entering into a contract.
- d) The processing is necessary for compliance with any legal obligation (other than an obligation under a contract) to which the Organisation is subject, e.g., meeting the Organisation's legal responsibilities under health and safety laws or equal opportunities legislation.
- e) The processing is necessary in order to protect the vital interests of the individual.
- f) The processing is necessary for the administration of justice or for the exercising of any functions conferred on any person by or under any enactment or for the exercise of functions of the Crown or any government department, or for the exercise of any other functions of a public nature exercised in the public interest by any person (not likely to apply to the Organisation).
- g) Processing is necessary for the purposes of the legitimate interests of the Organisation or a third party to whom the data is disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the individual. Prejudice to rights and freedoms is interpreted by the Information Commissioner as meaning "cause unwarranted harm to the individual".

In terms of Schedule 3 to the Act, where the personal data are "sensitive" i.e. relating to the following matters:

- racial or ethnic origin of the individual,
- his political opinions,
- his religious beliefs or other beliefs of a similar nature,
- his physical or mental health or condition,
- his sexual life,
- the commission or alleged commission by him of any offence,
- any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or sentence of any court in such proceedings,

the Organisation cannot process that sensitive personal data unless one of the following grounds also applies:

- a) The individual has given his explicit consent (i.e. written consent to specific processing).
- b) The processing is necessary for the purpose of exercising or performing any right or obligation conferred on the Organisation in connection with employment.
- c) The processing is necessary to protect the vital interests of the individual or another person in a case where the individual cannot consent or the Organisation cannot reasonably be expected to obtain the consent of the individual, or to protect the vital interests of another person where consent by or on behalf of the individual has been unreasonably withheld.
- d) The processing is carried out in the course of legitimate interest by any body or association which is not established or conducted for profit where certain additional conditions are met.

- e) The processing is necessary for the purpose or in connection with any legal proceedings including prospective legal proceedings. This could cover general risk management activities, e.g., using or disclosing information about an individual's disabilities in order to meet the Organisation's obligations under the Disability Discrimination Act. However, please note that all use and disclosure of such information must be handled sensitively and where possible with the individual's express permission.
- f) The processing is necessary for the purpose of obtaining legal advice or is otherwise necessary for the purpose of establishing, exercising or defending legal rights.
- g) The processing is for medical purposes and is undertaken by a health professional or a person who has an equivalent duty of confidentiality to the individual—medical purposes includes the provision of care and treatment and may cover processing sensitive personal data for the purposes of giving pastoral care by Organisation staff who are under obligations of confidentiality.
- h) The processing is of information relating to racial or ethnic origin, is necessary for the purpose of identifying or keeping under review the existence or absence of equality of opportunity and is carried out with appropriate safeguards for the rights and freedoms of individuals. Generally, the Office of the Information Commissioner would expect to see such information held in statistical (anonymous) form only.

3. The Data Protection Principles

The Organisation must process personal data in accordance with the Eight Data Protection Principles, as follows:

The First Principle

Personal data must be processed FAIRLY and LAWFULLY and no processing (use) of data must take place unless one of the grounds for processing in the Act applies (see Section 2 above).

The general obligation on the Organisation to ensure that any processing of personal data is carried out "fairly and lawfully" is referred to as the "Fair Processing Code".

In practical terms the Fair Processing Code means that individuals identified in Organisation records should be aware that the Organisation holds information about them, that the Organisation is responsible for that information, and the uses made of that information.

Where an individual provides information himself for an obvious purpose there should be no difficulty. Where the purpose is not necessarily so obvious the Organisation must provide additional information to the individual about those uses. In addition the Organisation will require to consider whether there are grounds for using that information for that purpose (see Section 2 above). Please consider this at all times when recording information about individuals.

Where the individual has not himself provided the information the Organisation must provide information to the individual confirming the source of that information as soon as possible after receipt.

The Second Principle

Personal data shall be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes.

This is similar to the Fair Processing Code.

The Organisation must be clear when it records information on an application form or otherwise that the information is required for a legitimate purpose and what it will be used for. Please refer all new forms to the Data Protection Officer for review.

The purpose must be specified in the Organisation's Notification and the advice set out above in relation to checking the Notification regularly applies.

The Third Principle

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are to be processed.

The Organisation needs to be able to show a reason for the collection and retention of any item of personal data.

All forms that require to be completed by individuals must be checked by the Data Protection Officer, who will ensure that the questions will result in adequate information being provided for the purpose and to ensure that no irrelevant information is collected.

The Fourth Principle

Personal data shall be accurate and where necessary kept up to date.

The Organisation asks individuals to ensure that their records are kept up to date by advising the Organisation of any relevant changes—it is the individual's responsibility to ensure that any updated information is passed to the record holder.

The Fifth Principle

Personal data must not be kept for longer than is necessary for the purpose or purposes for which they are being processed.

Records managers must have procedures in place for regularly reviewing files and deleting records. Records must only be deleted in accordance with the Organisation's Document Retention Policy.

The Sixth Principle

Personal data must be processed in accordance with the rights of individuals under the Act.

See Section 4 below for information regarding the specific rights that individuals have under the Act.

The Seventh Principle

Appropriate technical and organisational measures must be taken against any unauthorised or unlawful processing of personal data and against accidental loss, destruction or damage to personal data.

The Act does not specify security measures such as locked filing cabinets, locked offices, firewalls, passwords etc. However, staff should be aware that access to personal data will be suitably restricted by the Organisation and each member of staff has responsibility for security of personal data taken off site; computer held records must be held on a back up.

Where any third party collects or handles personal data on behalf of the Organisation, the Organisation requires that third party to sign a Data Processing Contract. The Data Protection Officer holds the appropriate form of contract for this.

For more information and advice, please contact the Data Protection Officer.

The Eighth Principle

Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of protection for the rights and freedoms of individuals in relation to the processing of personal data.

Where personal data are transferred overseas the individual must consent to this transfer. Where the data is sensitive personal data written consent of the individual is required. If it is impracticable to obtain the consent of the individual in a given case please seek further advice from the Data Protection Officer. The Data Protection Officer may require to take legal advice.

4. Individuals' Rights

A. Subject Access Rights

If any member of staff receives a request from an individual who asks what information is held about him, the source of such information, to whom such information may be disclosed, or which asks for copies of information held about him, this is a "subject access request" under the Act. Such requests will not always be labelled as such.

Where an individual makes a subject access request there is a legal obligation on the Organisation to respond to the request as soon as possible and in any event within 40 days of receipt by the Organisation of the request (provided the request is made in writing and that the individual has paid the statutory maximum fee of £10). The Organisation may not charge more than £10 for providing copies of information.

If a member of staff receives a subject access request they must advise the Data Protection Officer immediately. The Data protection Officer may take legal advice.

In responding to subject access requests the Organisation must not disclose personal data relating to a third party (anyone other than the individual making the request), unless it is "reasonable in all the circumstances" to do so. Please ask the Data Protection Officer for a decision. The Data Protection Officer will consider whether it is "reasonable in all circumstances" to disclose third party information and may require to take legal advice.

There are also various other exceptions to the rights of access as follows:

The Organisation is not required to provide copies of all information held where this would involve a "disproportionate effort". A disproportionate effort is not defined in the Act. The question would be resolved by weighing the potential advantage to the individual in obtaining copies of the information held against the cost in reallocating staff and photocopying costs to the Organisation. The Data Protection Officer will decide this and may require to take legal advice.

Other exemptions involve ongoing negotiations with the individual, management forecasting, corporate finance. There are general exceptions which allow the Organisation to withhold information relating to these matters. Again, the Data Protection Officer will decide and may require to take legal advice.

B. Other Rights of Individuals

Individuals will have the right to sue the Organisation for compensation for any damage or distress caused to them as a result of any breach by the Organisation of the Act.

Individuals also have the right to request that the Organisation cease any processing which is likely to cause him damage or distress.

Individuals also have the right to ask for any information held about them to be corrected or erased if inaccurate.

The Organisation respects the rights of individuals under the Act. Staff are expected to be aware of them and to co-operate to enable the Organisation to meet its legal obligations.

APPENDIX 8 STYLE OF CONTRACT OF EMPLOYMENT FOR SENIOR PASTOR

Dear Senior Pastor

This statement sets out particulars of your employment with the Anytown Vineyard, a company limited by guarantee incorporated in England and Wales, registration number xxxxxxxx, charity registration number xxxxxxxx in England and Wales, having its registered office at (insert address of registered office) at (insert commencement date of employment) which are required to be given to you under the Employment Rights Act 1996 and also represent a written agreement between you and the employer under section 36 of the Charities Act 2006.

1. Commencement of Employment

Your employment with the employer began or shall begin on (ENTER DATE) and your continuous period of employment with the employer began on that date.

2. Job Description.

Your employment shall be as a Senior Pastor, which role shall involve the duties and responsibilities set out in the Job Description attached hereto. You may also be required to undertake other duties from time to time by the employer.

3. Pay.

Your rate of pay from the date of this letter will be £(ENTER SALARY PER ANNUM) (to be uplifted annually by the percentage change over 12 months in the Consumer Price Index figure as calculated using the index figures for January in each year) and to be paid monthly in arrears on the last banking day of the month under deduction of PAYE, income tax and/or National Insurance Contributions and other statutory or agreed deductions (if any).

Overtime is not paid by the employer except and unless the same has been prearranged and agreed between you and the employer.

You will be paid or reimbursed for out-of-pocket expenses incurred by you in or about the reasonable performance of your duties in line with the expenses policy of the employer from time to time.

4. Job Location.

You will be required to work at the employers address or any other office or building used from time to time by the employer and any other appropriate place necessary for you to carry out your employment. You may occasionally be required to work abroad but that for no more than any continuous period of 1 month. You shall reside within reasonable travelling distance of your normal working location.

You are required to provide and insure your own vehicle for use where appropriate in your employment. Where you use your car in pursuance of your duties you will be reimbursed mileage at the rates set from time to time by HMRC, subject to any cap and limitations on mileage set out in the expenses policy of the employer from time to time.

5. Hours.

You are employed to work (part or full time) and your normal working hours will be (35) hours per week and while holding the employment you shall not accept other paid work except with the prior approval of the employer.

You are required to be flexible in respect of the times at which you work (including evening and weekends) and will be required by the employer to work those hours necessary in connection with the operation of church services by the employer and for any other meetings, conferences or pastoral visits.

You are also required to be flexible in respect of the number of hours worked per week and may need to work such additional hours as are reasonably required to enable the essential duties of your position to be fulfilled. By your signature hereto, you agree where necessary to work hours that exceed the maximum average weekly working time limit of 48 hours. You may withdraw your agreement to this on giving the employer 3 months prior written notice.

6. Holidays.

You shall be entitled to 30 days paid holiday per year (which includes public holidays) but you shall not take holiday days on more than 2 consecutive Sundays and shall not take holiday days on more than 6 Sundays during any year without the prior permission of the employer. Holiday days should be agreed in advance with the employer.

You will occasionally be required to work public holidays. The holiday year will begin on 1st January and any unused entitlement may not be carried forward from one holiday year to the next.

7. Sabbatical.

You will be entitled to take 3 months paid sabbatical leave following each 7 year period of continuous service. The exact dates during which sabbatical leave is to be taken should be agreed in advance with the employer.

8. Sickness/Absence.

Absence must be notified before 10 a.m. on the first day of any absence to the Chairman of the Trustees of the employer. For continuing absences, you must keep the employer regularly informed of the nature of your sickness or injury and, when possible, your expected date of return to work.

A medical certificate is required for any period of absence due to illness or injury. For periods up to and including seven days you may complete a self-certificate which may be obtained from the Chairman of the Trustees or your doctor. For periods over seven days you must obtain a medical certificate from your doctor on a weekly basis.

Provided that valid and reasonable medical certificates are provided at the proper times you are entitled to contractual sick pay at your normal rate of pay for a maximum of 20 days for any one period of incapacity and for a maximum of 30 days in any one year. Thereafter, you may be entitled to statutory sick pay.

9. Pensions.

There is no employer pension scheme and therefore there is no contracting-out certificate in force for this employment.

10. Trade Unions.

There are no collective agreements with trade unions or other employee groups affecting this employment.

11. Notice Periods.

This employment is permanent subject to each party's right to terminate in accordance with the terms of this statement. If you want to leave this employment, you must give the employer 3 months notice. If the employer wants to end this employment they must give you 3 months notice (or as provided for in terms of the dismissal procedure).

The statutory notice period is one week if your period of continuous employment is longer than 1 month but shorter than 2 years, and for periods of continuous employment over 2 years is 1 week for each year of continuous employment up to a maximum of 12 weeks.

12. 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 include 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 Chairman of 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 the Chairman of the Trustees. 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 the Chairman of Trustees (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 Chairman of the Trustees 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.

13. 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 (including adultery, sexual relations outside of wedlock, use of pornographic materials or websites and other forms of inappropriate sexual behaviour), 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 which carries a potential tariff of at least five years imprisonment (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 Chairman of Trustees 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. However, in a few cases of gross misconduct the employer may be justified in dismissing immediately without conducting an investigation as per the steps set out above. In these cases the employer will give the employee a written statement setting out the conduct that has resulted in the immediate dismissal and informing the employee of the right to appeal against the decision to dismiss. 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.

14. 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 with the other employee 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 Chairman of the Trustees, 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 Chairman of the Trustees 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 try 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.

15. Anytown Vineyard Ethos Statement.

You must comply with the Anytown Vineyard Ethos Statement.

16. The Vineyard Statement of Faith.

Your continued employment is dependent on your adherence to the statement of faith of Vineyard Churches UK and Ireland and your life being led in accordance with a good Christian testimony which is in harmony with the charitable purposes of the employer.

Signatures on behalf of the employer.

I ACKNOWLEDGE receipt of the statement of particulars of employment, of which this is a copy. I accept the terms contained therein as the basis of my employment.

Signature of the employee

Job Description – Senior Pastor

This is the Job Description referred to in the foregoing statement of particulars of employment from Anytown Vineyard to Senior Pastor dated day/month/year

Your typical duties and responsibilities (working in conjunction with other Senior Pastors of the church) shall be to:

1. Provide pastoral leadership and vision for the church operated by the employer, setting the direction of the church, monitoring progress and achievement of the vision;
2. Identify, recruit, develop and train lay leaders for the church;
3. Undertake primary responsibility for Sunday preaching and for the teaching schedule in the church;
4. Implement change and pioneer new areas of ministry within the church, showing creativity in the performance of your duties and responsibilities;
5. Anticipate problems within the charity and find solutions to such problems in consultation with other leaders; and
6. Undertake such other duties and responsibilities as shall be agreed from time to time between you and the employer.

APPENDIX 9 - STAFF VALUES AND ETHOS STATEMENT

The aim of this statement is to show the linkage between the ethos of Anytown Vineyard and its day to day working practices.

The core values of the company are the Presence of God, the Mercy of God, the Kingdom of God, the Word of God and Equipping the Saints for the work of ministry.

- We desire to worship God with our whole being. We want Jesus at the centre as our Lord. We hunger for the fullness of the Holy Spirit... His glory resting on us!
- We desire Holy Spirit-enabled worship in a style that is intimate, dynamic, culture current, and life changing.
- We want to hear the Word of God taught in a practical, inspiring way, in conjunction with His current prophetic word.
- We aim to hear and obey God's Word to us... to be "doers of the Word" who are being transformed into the likeness of Christ.
- We are the family of God, one Body in Jesus Christ, joined together as brothers and sisters forever.
- We seek to develop real, intimate, enabling friendships together, built on covenant love, mutual responsibility and faithfulness.
- We believe that all Christians are called to serve Christ in the power of His Holy Spirit, in ways that build up the local church.
- We are called to do the ministry of Christ in the world today, for example, to...
 - o Preach the Gospel of the Kingdom.
 - o Persuade people to repent and believe in Jesus.
 - o Heal the sick.
 - o Care for the poor and those in need.
 - o Counsel those in need of God's wisdom.
 - o Teach believers to follow Christ.
 - o Give our resources to the work of Christ.
 - o Train Christians to serve the Lord.

According to the gifts given to each by God.

- We believe that all Christians should be trained to "do the works of Christ."
- We are committed to the "show and tell" model of "on the job" training, in which trainees are introduced to doing ministry functions with trainers and then are taught during and after the training experience.
- We aim to provide training for all aspects of responsible Christian life and ministry.

Given that Anytown Vineyard is an equal opportunity employer, failure to act in accordance with the above will not result in automatic termination or exclusion, unless it can be shown that such behaviour has a direct negative impact on the company, which may then result in disciplinary action or dismissal.

For pastoral or leadership employment roles where the individual is required to know and promote the Christian values of the organisation, it is justified that such roles carry a "genuine occupational requirement" and therefore the individual's continued employment is dependent upon their adherence to the Statement of Faith of Vineyard Churches, their life being led in accordance with a good Christian testimony and remaining in harmony with the ministry of Anytown Vineyard including the values, practices and priorities set out above.

Further it follows that the following are inconsistent with the ethos of Anytown Vineyard:

- o Assault, threatening and /or inflammatory behaviour.
- o Sexual misconduct including pornography, "surfing" pornographic web sites, and inappropriate sexual behaviour.
- o Dishonesty, theft and/or fraud.
- o Taking bribes.
- o Conviction of a serious offence.
- o Knowingly breaking a legal requirement in connection with employment.

Employees of Anytown Vineyard are required to act in good faith in regard to this values and ethos statement.

Chairman of Trustees - Date 2012

APPENDIX 10 - SELF-ASSESSMENT REVIEW FORM

Name:

Role:

Date of Commencement
of Employment:

Date of Appraisal:

Review Period:

Numbers 1 - 5 are to be answered in conjunction with your Work Objectives

1. What are the areas where you feel you have made most progress in the last review period?

2. What are the areas where you have experienced most difficulty in the last review period?

3. Are there any changes which have taken place, personal or otherwise, which have affected your performance or your ability to complete the tasks allotted to you in your last review?

4. Do you have any experience or skills that you feel are not currently being used? If so, please list.

5. Are there any actions you need to take or training you require to help you fulfil your work objectives?

Numbers 6 - 10 are to be answered in conjunction With your personal objectives

6. What do you consider to be your strengths?

7. What do you consider to be your weaknesses?

8. What aspect of your job gives you the most satisfaction?

9. What aspect of your job do you find least fulfilling and/or most frustrating?

10. Are there any actions you need to take or training you require to help you fulfil your personal development objectives?

11. Are you happy with your working relationships with your supervisor? Do you feel supported? Are there any issues which you would like to raise?

Signed

Dated

APPENDIX 11

Five steps to risk assessment



This is a web-friendly version of leaflet INDG163(rev3), revised 06/11

This leaflet aims to help you assess health and safety risks in the workplace

A risk assessment is an important step in protecting your workers and your business, as well as complying with the law. It helps you focus on the risks that really matter in your workplace – the ones with the potential to cause real harm. In many instances, straightforward measures can readily control risks, for example ensuring spillages are cleaned up promptly so people do not slip, or cupboard drawers are kept closed to ensure people do not trip. For most, that means simple, cheap and effective measures to ensure your most valuable asset – your workforce – is protected.

The law does not expect you to eliminate all risk, but you are required to protect people as far as 'reasonably practicable'. This guide tells you how to achieve that with a minimum of fuss.

This is not the only way to do a risk assessment, there are other methods that work well, particularly for more complex risks and circumstances. However, we believe this method is the most straightforward for most organisations.






What is risk assessment?

A risk assessment is simply a careful examination of what, in your work, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm. Workers and others have a right to be protected from harm caused by a failure to take reasonable control measures.

Accidents and ill health can ruin lives and affect your business too if output is lost, machinery is damaged, insurance costs increase or you have to go to court. You are legally required to assess the risks in your workplace so that you put in place a plan to control the risks.

How to assess the risks in your workplace

Follow the five steps in this leaflet:

-  **Step 1**
Identify the hazards
-  **Step 2**
Decide who might be harmed and how
-  **Step 3**
Evaluate the risks and decide on precautions
-  **Step 4**
Record your findings and implement them
-  **Step 5**
Review your assessment and update if necessary

Don't overcomplicate the process. In many organisations, the risks are well known and the necessary control measures are easy to apply. You probably already know whether, for example, you have employees who move heavy loads and so could harm their backs, or where people are most likely to slip or trip. If so, check that you have taken reasonable precautions to avoid injury.

If you run a small organisation and you are confident you understand what's involved, you can do the assessment yourself. You don't have to be a health and safety expert.

If you work in a larger organisation, you could ask a health and safety advisor to help you. If you are not confident, get help from someone who is competent. In all cases, you should make sure that you involve your staff or their representatives in the process. They will have useful information about how the work is done that will make your assessment of the risk more thorough and effective. But remember, you are responsible for seeing that the assessment is carried out properly.

When thinking about your risk assessment, remember:

- a **hazard** is anything that may cause harm, such as chemicals, electricity, working from ladders, an open drawer etc;
- the **risk** is the chance, high or low, that somebody could be harmed by these and other hazards, together with an indication of how serious the harm could be.

Step 1 Identify the hazards

First you need to work out how people could be harmed. When you work in a place every day it is easy to overlook some hazards, so here are some tips to help you identify the ones that matter:

- **Walk around** your workplace and look at what could reasonably be expected to cause harm.
- **Ask your employees** or their representatives what they think. They may have noticed things that are not immediately obvious to you.
- **Visit the HSE website** (www.hse.gov.uk). HSE publishes practical guidance on where hazards occur and how to control them. There is much information here on the hazards that might affect your business.
- If you are a member of a **trade association**, contact them. Many produce very helpful guidance.
- **Check manufacturers' instructions** or data sheets for chemicals and equipment as they can be very helpful in spelling out the hazards and putting them in their true perspective.
- Have a look back at your **accident and ill-health records** – these often help to identify the less obvious hazards.
- **Remember to think about long-term hazards to health** (eg high levels of noise or exposure to harmful substances) as well as safety hazards.

Step 2 Decide who might be harmed and how

For each hazard you need to be clear about who might be harmed; it will help you identify the best way of managing the risk. That doesn't mean listing everyone by name, but rather identifying groups of people (eg 'people working in the storeroom' or 'passers-by').

In each case, identify how they might be harmed, ie what type of injury or ill health might occur. For example, 'shelf stackers may suffer back injury from repeated lifting of boxes'.

Remember:

- some workers have particular requirements, eg new and young workers, new or expectant mothers and people with disabilities may be at particular risk. Extra thought will be needed for some hazards;
- cleaners, visitors, contractors, maintenance workers etc, who may not be in the workplace all the time;
- members of the public, if they could be hurt by your activities;
- if you share your workplace, you will need to think about how your work affects others present, as well as how their work affects your staff – talk to them; and
- ask your staff if they can think of anyone you may have missed.

Step 3 **Evaluate the risks and decide on precautions**

Having spotted the hazards, you then have to decide what to do about them. The law requires you to do everything 'reasonably practicable' to protect people from harm. You can work this out for yourself, but the easiest way is to compare what you are doing with good practice.

There are many sources of good practice, for example **HSE's website** (www.hse.gov.uk).

So first, look at what you're already doing, think about what controls you have in place and how the work is organised. Then compare this with the good practice and see if there's more you should be doing to bring yourself up to standard. In asking yourself this, consider:

- Can I get rid of the hazard altogether?
- If not, how can I control the risks so that harm is unlikely?

When controlling risks, apply the principles below, if possible in the following order:

- try a less risky option (eg switch to using a less hazardous chemical);
- prevent access to the hazard (eg by guarding);
- organise work to reduce exposure to the hazard (eg put barriers between pedestrians and traffic);
- issue personal protective equipment (eg clothing, footwear, goggles etc); and
- provide welfare facilities (eg first aid and washing facilities for removal of contamination).

Improving health and safety need not cost a lot. For instance, placing a mirror on a dangerous blind corner to help prevent vehicle accidents is a low-cost precaution considering the risks. Failure to take simple precautions can cost you a lot more if an accident does happen.

Involve staff, so that you can be sure that what you propose to do will work in practice and won't introduce any new hazards.

Step 4 **Record your findings and implement them**

Putting the results of your risk assessment into practice will make a difference when looking after people and your business.

Writing down the results of your risk assessment, and sharing them with your staff, encourages you to do this. If you have fewer than five employees you do not have to write anything down, though it is useful so that you can review it at a later date if, for example, something changes.

When writing down your results, keep it simple, for example 'Tripping over rubbish: bins provided, staff instructed, weekly housekeeping checks', or 'Fume from welding: local exhaust ventilation used and regularly checked'.

We do not expect a risk assessment to be perfect, but it must be suitable and sufficient. You need to be able to show that:

- a proper check was made;
- you asked who might be affected;
- you dealt with all the significant hazards, taking into account the number of people who could be involved;
- the precautions are reasonable, and the remaining risk is low; and
- you involved your staff or their representatives in the process.

There is a template at the end of this leaflet that you can print off and use.

If, like many businesses, you find that there are quite a lot of improvements that you could make, big and small, don't try to do everything at once. Make a plan of action to deal with the most important things first. Health and safety inspectors acknowledge the efforts of businesses that are clearly trying to make improvements.

A good plan of action often includes a mixture of different things such as:

- a few cheap or easy improvements that can be done quickly, perhaps as a temporary solution until more reliable controls are in place;
- long-term solutions to those risks most likely to cause accidents or ill health;
- long-term solutions to those risks with the worst potential consequences;
- arrangements for training employees on the main risks that remain and how they are to be controlled;
- regular checks to make sure that the control measures stay in place; and
- clear responsibilities – who will lead on what action, and by when.

Remember, prioritise and tackle the most important things first. As you complete each action, tick it off your plan.

Step 5 Review your risk assessment and update if necessary

Few workplaces stay the same. Sooner or later, you will bring in new equipment, substances and procedures that could lead to new hazards. It makes sense, therefore, to review what you are doing on an ongoing basis. Every year or so formally review where you are, to make sure you are still improving, or at least not sliding back.

Look at your risk assessment again. Have there been any changes? Are there improvements you still need to make? Have your workers spotted a problem? Have you learnt anything from accidents or near misses? Make sure your risk assessment stays up to date.

When you are running a business it's all too easy to forget about reviewing your risk assessment – until something has gone wrong and it's too late. Why not set a review date for this risk assessment now? Write it down and note it in your diary as an annual event.

During the year, if there is a significant change, don't wait. Check your risk assessment and, where necessary, amend it. If possible, it is best to think about the risk assessment when you're planning your change – that way you leave yourself more flexibility.

Some frequently asked questions

What if the work I do tends to vary a lot, or I (or my employees) move from one site to another?

Identify the hazards you can reasonably expect and assess the risks from them. This general assessment should stand you in good stead for the majority of your work. Where you do take on work or a new site that is different, cover any new or different hazards with a specific assessment. You do not have to start from scratch each time.

What if I share a workplace?

Tell the other employers and self-employed people there about any risks your work could cause them, and what precautions you are taking. Also, think about the risks to your own workforce from those who share your workplace.

Do my employees have responsibilities?

Yes. Employees have legal responsibilities to co-operate with their employer's efforts to improve health and safety (eg they must wear protective equipment when it is provided), and to look out for each other.

What if one of my employee's circumstances change?

You'll need to look again at the risk assessment. You are required to carry out a specific risk assessment for new or expectant mothers, as some tasks (heavy lifting or work with chemicals for example) may not be appropriate. If an employee develops a disability then you are required to make reasonable adjustments. People returning to work following major surgery may also have particular requirements. If you put your mind to it, you can almost always find a way forward that works for you and your employees.

What if I have already assessed some of the risks?

If, for example, you use hazardous chemicals and you have already assessed the risks to health and the precautions you need to take under the Control of Substances Hazardous to Health Regulations (COSHH), you can consider them 'checked' and move on.

Getting help

If you get stuck, don't give up. There is a wealth of information available to help you. More information about legal requirements and standards can be found on our website at: www.hse.gov.uk, and in particular in our publications (available from HSE Books):

Essentials of health and safety at work (Fourth edition) HSE Books 2006
ISBN 978 0 7176 6179 4

Health and safety made simple HSE 2011
www.hse.gov.uk/simple-health-safety/index.htm

Company name: _____

Date of risk assessment: _____

**Step 1
What are the hazards?**

Spot hazards by:

- walking around your workplace;
- asking your employees what they think;
- visiting the *Your industry* areas of the HSE website;
- checking manufacturers' instructions;
- contacting your trade association.

Don't forget long-term health hazards.

**Step 2
Who might be harmed and how?**

Identify groups of people. Remember:

- some workers have particular needs;
- people who may not be in the workplace all the time;
- members of the public;
- if you share your workplace think about how your work affects others present.

Say how the hazard could cause harm.

**Step 3
What are you already doing?**

List what is already in place to reduce the likelihood of harm or make any harm less serious.

What further action is necessary?

You need to make sure that you have reduced risks 'so far as is reasonably practicable'. An easy way of doing this is to compare what you are already doing with good practice. If there is a difference, list what needs to be done.

**Step 4
How will you put the assessment into action?**

Remember to prioritise. Deal with those hazards that are high-risk and have serious consequences first.

Action by whom Action by when Done

_____	_____	_____
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Step 5 Review date:

- Review your assessment to make sure you are still improving, or at least not sliding back.
- If there is a significant change in your workplace, remember to check your risk assessment and where necessary, amend it.

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

This leaflet is available in priced packs of 10 from HSE Books, ISBN 978 0 7176 6440 5. A web version can be found at: www.hse.gov.uk/pubns/indg163.pdf.

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APPENDIX 12

The next 2 pages contain pro-forma risk assessment and health and safety forms.

Risk assessment

All employers must conduct a risk assessment. Employers with five or more employees have to record the significant findings of their risk assessment.

We have started off the risk assessment for you by including a sample entry for a common hazard to illustrate what is expected (the sample entry is taken from an office-based business). Look at how this might apply to your business, continue by identifying the hazards that are the real priorities in your case and complete the table to suit. You can print and save this template so you can easily review and update the information as and when required. You may find our example risk assessments a useful guide (www.hse.gov.uk/risk/casestudies). Simply choose the example closest to your business.

Organisation name:

What are the hazards?	Who might be harmed and how?	What are you already doing?	Do you need to do anything else to manage this risk?	Action by whom?	Action by when?	Done
Slips and trips	Staff and visitors may be injured if they trip over objects or slip on spillages	We carry out general good housekeeping. All areas are well lit including stairs. There are no trailing leads or cables. Staff keep work areas clear, eg no boxes left in walkways, deliveries stored immediately, offices cleaned each evening	Better housekeeping is needed in staff kitchen, eg on spills	All staff, supervisor to monitor	01/10/2010	01/10/2010

Employers with five or more employees must have a written health and safety policy and risk assessment.

It is important you discuss your assessment and proposed actions with staff or their representatives.

You should review your risk assessment if you think it might no longer be valid, eg following an accident in the workplace, or if there are any significant changes to the hazards in your workplace, such as new equipment or work activities.

For further information and to view our example risk assessments go to <http://www.hse.gov.uk/risk/casestudies/>

Combined risk assessment and policy template published by the Health and Safety Executive 11/11

Health and safety policy

This is the statement of general policy and arrangements for:

Overall and final responsibility for health and safety is that of:

Day-to-day responsibility for ensuring this policy is put into practice is delegated to:

Name of organisation
Name of employer

Statement of general policy	Responsibility of (Name / Title)	Action / Arrangements (Customise to meet your own situation)
To prevent accidents and cases of work-related ill health and provide adequate control of health and safety risks arising from work activities		
To provide adequate training to ensure employees are competent to do their work		
To engage and consult with employees on day-to-day health and safety conditions and provide advice and supervision on occupational health		
To implement emergency procedures - evacuation in case of fire or other significant incident. You can find help with your fire risk assessment at: (See note 1 below)		
To maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage / use of substances		

Health and safety law poster is displayed:	
First-aid box and accident book are located: Accidents and ill health at work reported under RIDDOR: (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) (see note 2 below)	
Signed: (Employer)	Date:
Subject to review, monitoring and revision by:	Every: months or sooner if work activity changes

APPENDIX 13 - BRANDING MATTERS

IMPORTANT LEGAL INFORMATION FOR SENIOR PASTORS

The use of the name "vineyard" and associated trade marks.

Why does VCUKI have trade marks?

The strategic value of the trademarks owned by VCUKI is to give legal support to:

1. The episcopal leadership structure of the movement and churches, and
2. the operational purposes of licensing and de-licensing suitably trained church planters and senior pastors in the movement.

Church planters and senior pastors are licensed to use the name "vineyard" by VCUKI and we expect all vineyard churches to use the name "vineyard" and also use the "affiliation mark" (which is "Mark 2." referred to below).

We do need to have minimal standards of uniformity across the movement in the use of the name "vineyard"/trade marks. So here they are:

How do they work?

Churches will be licensed by VCUKI to use the following trade marks, which I will refer to as Numbers 1, 2 and 3:

Mark 1.

EU Community Mark Registration Number 004771143

To be used on all church publicity material including (but not restricted to) church websites, letterheads, compliments slips, event flyers, signs, etc.

"VINEYARD" - this mark consists of the word only and can be used in any letter case, colour, font or size. Just don't split the word up please!

Here are some examples: (See Appendix 14 for examples of permitted/not permitted use of Mark 1)

Mark 2.

Trade Mark Registration No. 2247004 registered in UK and Ireland

To be used on church websites, letterheads and compliments slips.

The requirement is to use this trade mark as an endorsement line identifying the church as being a part of the Vineyard movement, as follows:

Affiliated to  vineyard churches[®]

It may be used as follows:

The words "affiliated to" in any letter case, colour, font or size.

The grapes device may be filled in, but only in blue. The correct blue is RGB(0,142,214) corresponding to Pantone 2925.

When it is filled in blue, it can only be outlined in black. If it is not filled in, the outline may be any colour. The shape of the grapes design must not be changed in any way.

"vineyard churches" must be used in "vineyard logo" font but may be used in any colour.

(See Appendix 14 for examples of permitted/not permitted use of Mark 2)

Mark 3.

Trade Mark Registration No. 2246969 registered in UK and Ireland

If this mark (or alternative graphics) are used then it is to be used on church websites, letterheads and compliment slips.

It must be used as follows:

In any colour and on any background, as long as if the grapes are filled, then they are outlined in black with blue infill, but if the grapes are merely outlined and NOT infilled, then they may be in any colour.

"vineyard" to be "vineyard logo" font.

(See Appendix 14 for examples of permitted/not permitted use of Mark 3)

SUMMARY

1. Churches may use the word "vineyard" in black, white or any colour, whether in "vineyard font" or any other font, and this applies to all 3 trade marks mentioned above, whether using the Community Trade Mark (CTM) or either of the other two devices.
2. The grapes device may be used in black, white or any colour UNLESS using the filled in grapes device, in which case they must be in prescribed blue filling and black outline.
3. The word "vineyard" may be used with or without either grapes device, but if the grapes device IS used, the device must be used as set out, namely immediately before the word "vineyard" and without alteration to the design, and in that case the word "vineyard" must be used in vineyard font.
4. The symbol ® must be used with the word 'vineyard' ONCE per document or webpage.
5. The wording "VINEYARD, VINEYARD CHURCHES Logo and VINEYARD logo are all registered trade marks of Vineyard Churches UK & Ireland and are used here under licence" should be used on webpages (anywhere) and on documents (as a footer) to show that any rights flowing from the churches' use of the mark will accrue to us as the registered owners.

What happens if trade marks are not used properly?

We have a responsibility to defend our name from all unauthorised use hence regulations for the proper use of the name by VCUKI, vineyard church planters and senior pastors are essential.

If we don't use them properly then it amounts to "non-use" of the marks and we run the risk of losing the right to have them at all, and seeing them either be returned to the public domain, or worse still, to a third party user. The trade marks give us the right to exclusive use of the name in relation to religious services and that's important to us. Occasionally we need to defend those rights and when that happens it helps if we can show that we ourselves are using them properly.

What are we asking church planters and senior pastors to do?

1. Print and sign the letter opposite and send it as directed.

Trade Mark Licence Letter

From : church planter/senior pastor

To: VCUKI

We acknowledge that we are licensed by Vineyard Churches UK & Ireland, the registered owners of the trade marks referred to below on the following conditions:

We will refer to the Trade Marks with the following wording on our publicity material and documents

“VINEYARD, VINEYARD CHURCHES and VINEYARD Logo are all registered trade marks of Vineyard Churches UK & Ireland and are used under licence.”

Signed & dated
Senior Pastor/Church planter

Please sign one copy of this letter and directive and return it to us at Vineyard Churches, The Credo,
14/20 John Street, Aberdeen AB251BT.

APPENDIX 14 - BRANDING MATTERS 2

Mark 1

EU Community Mark Registration Number 004771143

Permissible

Not Permissible

vineyard

vine-yard

vineyard

vineyard

VINEYARD

Mark 2

Trade Mark Registration Number 2247004

Permissible

Affiliated to  **vineyard** churches®

Affiliated to  **vineyard** churches®

Affiliated to  **vineyard** churches®

Affiliated to  **vineyard** churches®

Not Permissible

Affiliated to  **vineyard** churches

Affiliated to  **vineyard** churches®

Affiliated to  **vineyard** churches®

Affiliated to  **vineyard** churches®



Affiliated to  **vineyard** churches®

Affiliated to  **vineyard** churches®

Affiliated to  **vineyard** churches®

Affiliated to  **vineyard** churches®

Mark 3

Trade Mark Registration Number 2246969

Permissible

any name  **vineyard**

any name  **vineyard**

any name  **vineyard**

any name  **vineyard**

any name  **vineyard**

any name  **vineyard**

any name  **vineyard**

any name  **vineyard**

any name **vineyard**

any name vineyard

Not Permissible

any name  V I N E Y A R D

any name  **vineyard**

any name  **vineyard**

 any name **vineyard**

any name vine-yard

