

# Ministerial Disciplinary Process and Incapacity Procedure

## The Clerk and General Secretary, for MIND (ministerial incapacity and discipline advisory group)

### Basic Information

<b>Contact name and email address</b>	Secretary of MIND: The Revd Chris Copley <a href="mailto:chrismvivan@gmail.com">chrismvivan@gmail.com</a>
<b>Action required</b>	<p>Decision by General Assembly in July 2020</p> <p>Synods to consider Basis &amp; Structure changes, and elect to Standing Panels for Discipline, in Autumn 2020</p> <p>Names to be proposed by Nominations Committee to Assembly Executive in November 2020</p> <p>MIND to offer training between November 2020 and July 2021, and to prepare Guidance Notes before the March 2021 meeting of the Assembly Executive</p> <p>Basis &amp; Structure changes to be considered for ratification by General Assembly in July 2021, and redrawn Process to come into effect at the close of that Assembly.</p>
<b>Draft resolution(s)</b>	<p><b>Resolution 4</b> General Assembly adopts the following amendments to the Basis of Union and Structure of the URC:</p> <p><b>Basis of Union of the United Reformed Church</b></p> <p><b>Schedule E, Paragraph 4</b> – delete the word ‘ministerial’ before ‘rights of membership’.</p> <p><b>The Structure of the United Reformed Church</b></p> <p><b>Paragraph 1(4)</b> – Add heading ‘Definitions’ and reword:</p> <p>1.(4) Unless otherwise expressly stated or clearly excluded by the context,</p> <p>(a) the expressions ‘Minister’, ‘Ministers’, ‘ministry’ and ‘Ministerial’ when used in the Structure shall refer to the ministry of Word and Sacrament;</p> <p>(b) the expression ‘the Disciplinary Process’ shall refer to the Process established by the General Assembly under paragraph 2(6)(xxi), but includes any process so established for similar purposes before the adoption of that provision;</p>

	<p>(c) the expression ‘the Incapacity Procedure’ shall refer to the Procedure established by the General Assembly under paragraph 2(6)(xxiii), but includes any process so established for similar purposes before the adoption of that provision.</p> <p><b>Paragraph 2(1)</b> – in function (ix), insert (subject to paragraph 2(7)(ii)) before ‘to suspend or remove names’.</p> <p><b>Paragraph 2(4)</b> – add to the duties of Moderators of Synods:</p> <p style="padding-left: 40px;">‘fulfil the responsibilities ascribed to the Moderator of Synod under the Disciplinary Process and the Incapacity Procedure’.</p> <p><b>In the Functions of Synod</b>, delete the initial ‘A’ and the words in brackets.</p> <p><b>Function (xvii)</b> – delete existing text and replace with the following:</p> <p style="padding-left: 40px;">‘To discharge the functions required under the Disciplinary Process to be exercised by the Synod, either directly, or indirectly through other officers or bodies, as the Process may provide’.</p> <p><b>Function (xviii)</b> – delete existing text and replace with the following:</p> <p style="padding-left: 40px;">‘To discharge the functions required under the Incapacity Procedure to be exercised by the Synod, either directly, or indirectly through other officers or bodies, as the Procedure may provide’.</p> <p><b>Function (xxi)</b> after ‘Disciplinary Process’ delete ‘contained in Section O’.</p> <p><b>Paragraph 2.(5)</b> – In sub-paragraph (A), after ‘the following functions’, delete the words in brackets.</p> <p><b>In the Functions of Ecumenical Area Meetings, Function (viii)</b>, delete ‘contained in Section O’ and the cross-reference in brackets.</p> <p><b>Functions (xxi) to (xxvii)</b> – delete existing text and replace with the following:</p> <ul style="list-style-type: none"> <li>(xxi) to establish, and from time to time to review, amend or replace a Process for dealing with cases of Discipline involving Ministers or Church-Related Community Workers;</li> <li>(xxii) to discharge the functions required under the Disciplinary Process to be exercised by the Assembly, either directly, or indirectly through</li> </ul>
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	<p>other officers or bodies, as the Process may provide;</p> <p>(xxiii) to establish, and from time to time to review, amend or replace a Procedure for dealing with cases of Incapacity involving Ministers or Church-Related Community Workers;</p> <p>(xxiv) to discharge the functions required under the Incapacity Procedure to be exercised by the Assembly, either directly, or indirectly through other officers or bodies, as the Procedure may provide.</p> <p><b>Renumber the last two functions (xxv) and (xxvi).</b></p> <p><b>Insert new paragraph 2(7) as follows:</b></p> <p><b>Restriction on exercise of conciliar functions</b></p> <p>2(7)</p> <p>(i) As soon as any Minister or Church-Related Community Worker becomes the subject of a case under the Disciplinary Process or the Incapacity Procedure, no council of the Church shall exercise any of its functions in respect of that person in such a manner as to affect, compromise or interfere with the conduct of that case, save as provided for by the Process or Procedure itself.</p> <p>(ii) The function of the Church Meeting to maintain standards of membership shall not be exercised in a disciplinary context in respect of any member of the local church who is at that time a Minister or Church-Related Community Worker; nor shall any such member be removed from the Roll of Members or the membership of that person be suspended by the Church Meeting for disciplinary reasons.</p> <p>(iii) The decision reached in any particular case (whether or not on appeal) under the Disciplinary Process or the Incapacity Procedure shall be made in the name of the General Assembly and shall be final and binding, and once so initiated that case shall be resolved only by the steps for which that Process or Procedure provides.</p> <p><b>Paragraph 5</b> – delete existing opening text and replace with the following:</p> <p>5. The procedure for dealing with references and appeals not concerned with the Incapacity Procedure or the Disciplinary Process is as follows:</p> <p><b>Paragraph 5.4</b> – delete final sentence and replace with the following:</p>
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No procedure governed by this paragraph shall be used to review or appeal against decisions reached under the Disciplinary Process or the Incapacity Procedure.

**Delete paragraphs 6 and 7 in their entirety.**

**Resolution 5**

**General Assembly adopts the ‘Process for dealing with cases of discipline involving ministers and church related community workers’ (‘Disciplinary Process’) accompanying this Resolution in place of the existing Process.**

**Resolution 6**

**General Assembly makes the amendments accompanying this Resolution to the ‘Procedure for dealing with cases of incapacity involving ministers and church related community workers’ (‘Incapacity Procedure’).**

**Resolution 7**

**The provisions of the new Disciplinary Process concerning appointments to the Assembly and Synod Standing Panels for Discipline, the Disciplinary Investigation and Commission Panels, and the posts of Assembly Representative for Discipline and Secretary to Assembly Commissions are to come into force at the close of this session of the General Assembly. The Assembly instructs Synods to make their appointments to Standing Panels at the earliest opportunity, and instructs Nominations Committee to bring nominations for Assembly appointees under the new Process to the Assembly Executive in November 2020, so that all those appointed can receive initial training in the new procedures before the remainder of the Process comes into force. The new Process is to come fully into force at the close of the meeting of Assembly in 2021 and govern cases coming to the notice of Moderators of Synods or the Assembly Representative for Discipline on or after that date, provided that the amendments to the Basis and Structure mentioned in Resolution 4 have by then been ratified. Cases pending under the current Process at that date are to be dealt with as the transitional provisions of the new Process provide. The amendments to the Incapacity Procedure are to take effect at the close of the meeting of Assembly in 2021, provided that the amendments to the Basis and Structure mentioned in Resolution 4 have by then been ratified.**

**Resolution 8**

**The Ministerial Incapacity and Discipline Advisory Group to the Assembly Executive (MIND) is instructed to make arrangements to offer the training mentioned in**

	<b>Resolution 7, and also to prepare Notes for Guidance to assist those engaged or concerned in the new Process, the first edition of such Notes to be published online before the Assembly Executive’s meeting in March 2021.</b>
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### Summary of Content

<b>Subject and aim(s)</b>	Redrawing of the Ministerial Disciplinary Process
<b>Main points</b>	New definition of the basis for discipline, investigation by a team drawn from a denomination-wide panel. <i>Prima facie</i> case to be shown to a judicial Standing Panel representative of the Synod, option of a negotiated caution in less serious cases, reduction in size of Assembly and Appeal Commissions, new interface between the Process and the Incapacity Procedure
<b>Previous relevant documents</b>	Paper T1 for Mission Council November 2018, Paper T1 for Mission Council March 2019, Papers T1-T4 prepared for Mission Council March 2020
<b>Consultation has taken place with...</b>	Safeguarding Advisory Group; Legal Adviser; Standing Panel for the Incapacity Procedure. Also external assistance through Scrutiny Groups, as explained in text below.

### Summary of Impact

<b>Financial</b>	No net increase of cost anticipated in operating the Process, though costs of Mandated Groups now borne at Synod level will be replaced by costs of denominational Investigation Teams. Provision is made for certain expenses of parties to a case to be borne from denominational funds if approved by the responsible Commission.
<b>External (e.g. ecumenical)</b>	Please refer to Appendix B to the draft Process (Ministers under other denominational jurisdictions)

## Ministerial Disciplinary Process

1. In May 2019 Mission Council approved the preparation of a new Process for dealing with cases of discipline involving ministers and church related community workers. It directed MIND (the Ministerial Incapacity and Discipline Advisory Group) to proceed with redrafting and to report in March 2020.
2. MIND had already identified certain principles to underlie the redrafting, as proposed to Mission Council in November 2018. The first version of the Framework to form the backbone of the new Process had also been prepared. That version was included amongst the papers for Mission Council in May 2019: members were guided through it and had the opportunity to ask questions. It was indicated that the Framework would be complemented by Appendices, ranking equally with it and giving detail on specific aspects of the Process, whilst the Framework itself would present an overview of the main principles and stages.

3. During the summer of 2019 the draft Framework and all Appendices then drafted were divided among three Scrutiny Groups. Each Scrutiny Group comprised members of MIND and individuals with relevant experience from outside MIND. Mission Council approved this way of working last May, and agreed some of its own members might volunteer to join each Scrutiny Group. MIND is extremely grateful to members of Mission Council and others who gave up their time to support MIND's work in this way.
4. After the Scrutiny Groups had completed their work, the entire package of documents came back to a plenary meeting of MIND in September 2019. MIND then sought a meeting between representatives of itself and of the Safeguarding Advisory Group, to discuss overlapping concerns: this took place at the end of October 2019. Finally, there was a meeting at the end of November 2019 between the drafter of the new Process and the Church's Legal Adviser. The draft documents were amended further as a result of each meeting, and returned again to MIND in plenary session in January 2020, at which point they were commended to Mission Council for adoption. Since Mission Council was unable to meet in March 2020, the papers were circulated to its members at the same time as consultation continued: another meeting with representatives of Ministries Committee and of the Safeguarding Advisory Group, consideration of the material at a meeting of Synod Moderators, circulation of the Incapacity proposals among members of the Incapacity Procedure's Standing Panel and a final discussion with the Legal Adviser. The changes suggested as a result of the first two discussions noted above were also circulated to Mission Council members as an update paper (T4). The new Incapacity Procedure changes were made too late for that, and appear here for the first time.
5. The final version of our proposals accompanies this report. The changes formerly in paper T4 and those to the Incapacity Procedure have now been merged into the main papers. The Appendices are numbered from A to Z, save that there is no Appendix I, while Appendix Z (transitional provisions for cases pending under the current Process when the new Process comes into force) has not yet been completed.
6. No attempt is made here to summarise the content of the new Process Framework and Appendices. It is hoped their effect will be clear from a careful reading, although they contain a substantial volume of material. Those members of Assembly who were at Mission Council in May 2019 will already be familiar with the main principles and stages, but MIND representatives will be glad to offer further explanation as desired at the meeting of Assembly.

## Ministerial Incapacity Procedure

7. The current Disciplinary Process provides for ministers facing disciplinary proceedings to be referred into the Incapacity Procedure instead, or *vice versa*, if the situation appears to justify this. The new Process therefore also needed to make some corresponding provision; but in the course of drafting this, it became clear some changes of substance might be called for, rather than merely carrying over the existing rules. MIND's current proposals are contained in Appendix W to the draft Process, and in a set of proposed changes to the rules of the Incapacity Procedure itself.

8. To give a brief summary of the main changes currently proposed as regards the interface:
- 8.1 A case may be transferred from the Disciplinary Process (DP) to the Incapacity Procedure (IP) if the disciplinary forum (Synod Standing Panel, Assembly Commission or Appeal Commission) currently responsible for the case believes that an incapacity factor
- a) may have contributed to, and may possibly excuse, the alleged misconduct; or
  - b) may render the minister incapable of exercising, or continuing to exercise, ministry even if the minister is innocent of culpable misconduct; or
  - c) may prevent the minister from answering disciplinary allegations. But it will be possible for the case to be returned to the DP if the Review Commission considering it under the IP concludes that none of these situations in fact exists.
- 8.2 A case which begins in the IP may only be transferred to the DP if the Review Commission suspects misconduct and is persuaded that none of the three situations just outlined exists or, having examined the possibility of mitigation due to an incapacity factor, still considers the minister may have a disciplinary case to answer.
- 8.3 Since a case will only enter the IP by the 'normal' route (i.e. with no disciplinary issues) after consideration by the Pastoral Reference and Welfare Commission (PRWC), which itself will have looked into the possibility of retirement on ill-health grounds recognised by the Church's pension scheme, corresponding provisions have been inserted into the Procedure for cases which reach the IP through the DP. However, since the circumstances of such cases could vary greatly, a measure of discretion has been built in, that discretion being conferred on the IP Review Commission, which can (but does not have to) make a reference to the PRWC and can (but does not have to) approve a final outcome in the form of ill-health retirement. As in the DP, there is a provision that the Procedure will not end merely because a minister purports to resign (unless that is a resignation or retirement approved on incapacity grounds).
- 8.4 The Special Appeals Body which, under the current IP, can reverse a Review Commission's decision to refer a case into the DP, will continue to exist. But there will be no corresponding Appeals Body empowered to reverse a DP judicial forum's decision to refer a case into the IP.

## Changes to the Basis of Union and Structure of the URC

9. At present the Structure of the URC contains a number of references to the Disciplinary Process (DP) and Incapacity Procedure (IP), but does not contain an express power for the General Assembly to make disciplinary and incapacity rules in the first place. MIND accepts there are various constitutional 'pegs' on which the current Process can be argued to 'hang', but suggests that a provision

devoted specifically to rule-making in this area is desirable, especially if the general powers of church councils are themselves going to be limited, and their functions expanded, by reference to the rules so made.

10. On the other hand, MIND suggests the overall length of the Structure can be reduced, and duplication avoided, if detailed provisions of the DP and IP are not repeated in Structure paragraphs. Such repetition brings the risk that later changes to DP or IP will also necessitate a Structure change, taking up further time of Assembly and Synods on something which may be quite minor and technical.
11. There are various places where, with the laudable aim of separating the Assembly's judicial functions exercised through Commissions from its (or a Synod's) executive and legislative roles, the Structure currently spells out that neither level of council should intermeddle in disciplinary or incapacity cases, save as the DP or IP provides. MIND suggests it will be adequate for this to be stated in one place only. On the other hand, the Structure does not at present (but, MIND suggests, it should) make clear that a Church Meeting's disciplinary authority (to remove an individual from the membership roll or to suspend membership, in the exercise of its concern for membership standards) is not to be exercised in respect of a member who is on the Roll of Ministers or of CRCWs. The rationale behind this is that, if a disciplinary issue arises concerning a minister or CRCW, it should be handled first with the additional safeguards of the DP.
12. MIND also proposes a minor change to the functions of an Ecumenical Area Meeting in the disciplinary context. Such a Meeting does not have any direct function in ministerial discipline, but may need to bring Assembly Commission recommendations regarding a former minister deleted from the Roll to the notice of appropriate people. The suggested changes are intended to make clear that, although an Ecumenical Area Meeting may share in this task of passing on recommendations, the primary responsibility for so doing will always lie with the Synod.
13. Finally, there is one proposed change to the Basis of Union Appendix E, which deals with suspension of ministers pending disciplinary investigation. It is currently stated that such a suspended minister 'may not exercise the *ministerial* rights of membership of any council of the Church' (emphasis added). MIND suggests removing the word 'ministerial', so that during suspension all rights of membership are suspended. The chief right of membership which a minister may have, but which is not 'ministerial', is the right to attend, speak and vote at the Church Meeting of which he/she is a member. It seems to MIND that it may be counter-productive, if a minister is suspended (for example) in order to prevent undue contact with witnesses in a case, for the Structure to give that minister the right to attend the Church Meeting. Basis of Union Appendix F – the corresponding provision for CRCWs – does not contain the word 'ministerial' at this point, and thus already prohibits a suspended CRCW from such attendance.



## The Resolutions and the timing of their implementation

14. MIND hopes it will be possible to work towards the redrafted Process superseding the current Process with effect from the close of the General Assembly's 2021 session. The goal is for any allegations of misconduct which reach Moderators after that date to be dealt with completely under the new Process by judicial bodies, Investigation Teams and officers appointed under it. This means that the members of Synod Standing Panels, the Assembly Standing Panel, the Disciplinary Investigation Panel and the Commission Panel will need to be named and receive initial training between the Assembly sessions of 2020 and 2021. This, in turn, calls for the Assembly of 2020 to give as much certainty as possible to the content of the Process, and to instruct Synods and the Nominations Committee to make the necessary appointments on time for this to happen.
15. The changes to the Basis and Structure, however, cannot be finalised in 2020, since they will have to be referred to Synods under paragraph 3 of the Structure and reconsidered for ratification at Assembly 2021. MIND hopes this is the last time that alterations in the Disciplinary Process will call for changes at the level of the Church's constitutional texts.
16. Accordingly MIND is grateful for the willingness of the Clerk and General Secretary to propose five resolutions to the 2020 General Assembly. The first will represent the first stage in making the desired changes to the Basis and Structure; the second will adopt the new Disciplinary Process; and the third will make the Incapacity Procedure changes.
17. All changes made by the resolutions 5 and 6 will, however, be deferred until the close of the meeting of Assembly in 2021 and will then be conditional on the Basis and Structure changes having been ratified. This is set out in the resolution 7. An exception is made for the provisions of the Process under which appointments take place: those provisions, it is proposed, should come into effect on 14 July 2020, so that Autumn meetings of Synods can make Standing Panel appointments, and names for other roles can be brought by Nominations Committee to the Assembly Executive (formerly Mission Council) in November 2020.
18. The individuals so appointed can then be offered training in the new Process before their duties commence at the close of Assembly 2021. Resolution 8 calls on MIND to offer such training, and also to prepare Guidance Notes. As these Notes will not be authoritative, they will not need conciliar approval; but the suggested timing is for them to appear online before the Assembly Executive meets in March 2021. This will enable any member of the Executive wishing to raise matters arising from the Notes to do so.
19. The timetable set out here and in the Resolutions is that envisaged at the January meeting of MIND. It is of course subject to change in the light of any deferment of meetings necessitated by the coronavirus pandemic, which was not then anticipated. But it continues to be set out in its original form until more is known about the need for such deferments.

# Ministerial Disciplinary Process

## Table of Appendices

(These are available online at address [bit.ly/GA-Papers](https://bit.ly/GA-Papers))

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*There is no Appendix I*

	<b>The Framework</b>	
1.	<p><b>The expectations of ministers</b></p> <p>At their ordination or commissioning, Ministers of Word and Sacraments and Church-Related Community Workers make affirmations about their Christian belief, about the motives leading them to enter their ministry, and about their future conduct.</p> <p>It is expected</p> <ul style="list-style-type: none"> <li>◆ that, during the process of candidature for the ministry in question, they will not have misled the Church or those who, on its behalf, assessed their readiness for that ministry;</li> <li>◆ that they will make the affirmations at ordination or commissioning honestly;</li> <li>◆ that they will serve in the ministry of the URC only so long as they can still with integrity teach and claim to hold the understanding of the Christian faith expressed in the Basis of Union; and</li> <li>◆ that their conduct after ordination or commissioning will accord with the affirmations then made.</li> </ul> <p>It is also expected that if they are arrested on a criminal charge, convicted of any criminal offence by a court or accept a police caution in respect of such an offence, they will report that fact to the Moderator of the Synod exercising oversight of them.</p>	<p>The affirmations are set out at Appendix A.</p> <p>Throughout this statement of the Process, Ministers of Word and Sacraments and Church-Related Community Workers are both referred to as ‘ministers’. The expressions ‘ministry’ and ‘Roll of Ministers’ should be construed accordingly.</p> <p>Appendix B relates to ministers under other denominational jurisdictions.</p> <p>Arrest, conviction or formal police caution has the same consequences whether within or outside the United Kingdom.</p> <p>The Synod with oversight is defined in Appendix C. As indicated in Paragraph 3, the Assembly Representative for Discipline may in certain cases take the place of a Synod Moderator.</p>
2.	<p><b>The place of the Disciplinary Process</b></p> <p>Even if these expectations are not met, in many cases a pastoral approach can be taken and a matter resolved by informal advice or an apology. But there are other cases in which a breach of expectations</p>	<p>A separate procedure exists for cases of possible ministerial Incapacity.</p>

	<p>undermines the credibility of a person’s ministry or the Church’s witness. Allegations of such a breach (here called ‘misconduct’) call for a formal process of investigation, following the requirements of natural justice, and possibly for sanctions. It is with allegations of misconduct that this Disciplinary Process is concerned.</p>	<p>A Moderator’s recorded warning (see Appendix D) may be given as part of the pastoral approach to apparent minor breaches of the expectations.</p> <p>Church meetings possess a disciplinary competence over their members, but this will not be exercised over a church member whose name remains on the Roll of Ministers.</p>
<p><b>3.</b></p>	<p><b>Allegations</b></p> <p><b>(1) Convening the Synod Standing Panel for Discipline</b></p> <p>Any allegation suggesting a failure to meet the expectations in paragraph 1 amounting to misconduct within the meaning of paragraph 2 must be referred to the Moderator of the Synod exercising oversight of the minister concerned. Concerns coming to the notice of the Moderator without a report from any complainant may be treated as allegations of misconduct. A report of a criminal conviction, arrest or police caution is to be treated as though it were an allegation of misconduct.</p> <p>On identifying any allegation as one of misconduct, the Moderator must call together the Synod Standing Panel for Discipline (‘SSPD’) and seek safeguarding advice, which must be passed on forthwith to the remaining members of the SSPD.</p> <p><b>(2) The Assembly Representative for Discipline and Assembly Standing Panel for Discipline</b></p> <p>Allegations respecting a minister treated under this Process as falling under the direct oversight of the General Assembly are to be referred to the Assembly Representative for Discipline (‘ARD’) who (if they are identified as allegations of misconduct) is to call together the Assembly Standing Panel for Discipline (‘ASPD’).</p>	<p>The Synod which exercises oversight of a minister is to be identified in accordance with Appendix C.</p> <p>Rules on double jeopardy appear at Appendix E.</p> <p>The composition of the SSPD is set out at Appendix F. ‘Calling together’ does not necessarily imply a physical meeting.</p> <p>The interplay of the Process with the Church’s Safeguarding Policy, the participation of safeguarding professionals in the work of the SSPD, and the circumstances in which early steps in the Process may be</p>

	<p><b>(3) Striking out</b></p> <p>The SSPD may strike out allegations that are, in its view, patently frivolous, malicious, vexatious or unrelated to the expectations, stating why it considers that to be the case. Otherwise it must pass the allegations and any supporting evidence on for further consideration in the Investigation Stage.</p> <p><b>(4) Decisions on suspension</b></p> <p>As soon as it is aware of the allegations the SSPD may suspend the minister, with the consequences set out in the Basis of Union. The Moderator may suspend, acting alone, on first receiving the allegations if there is delay in calling together the SSPD and the Moderator considers immediate suspension necessary. However, neither the Moderator nor the SSPD should proceed to suspension without considering whether an alternative course of action is available. If the SSPD believes such an alternative could be considered but an interview with the accused minister would assist the decision, the minister must be offered the opportunity to meet with at least one member of the SSPD before the suspension decision is taken. Decisions to suspend or not to suspend must be accompanied by reasons, and reviewed by the SSPD on first convening and regularly thereafter: they may be revised at any time.</p>	<p>deferred during external investigation are explained at Appendix G.</p> <p>The identity of the ARD and the composition of the ASPD are set out at Appendix H. References to a Synod Moderator and to the SSPD apply equally to the ARD and ASPD.</p> <p>Rules concerning suspension and extracts from Schedules E and F to the Basis of Union, listing its consequences, are set out at Appendix J.</p>
4.	<p><b>Pastoral care</b></p> <p><b>(1) of the accused minister</b></p> <p>When a minister is suspended (or, if there is no suspension, when allegations of misconduct are passed on to the Investigation Stage) the Moderator must arrange as soon as possible for another experienced minister to offer ongoing pastoral care to the accused minister. The role of the pastor so appointed is only to offer pastoral care and support. He/she is to operate independently of the Moderator, to have no involvement in any aspect of the Process and to observe the Church's normal practice regarding the confidentiality of pastoral conversations. The Moderator's own pastoral responsibility for the minister is suspended so long as the case remains under the authority of the SSPD. The Moderator must also inform the accused minister of the contact details of the person appointed to give guidance under paragraph 8.6.</p>	

	<p><b>(2) of others</b></p> <p>The Moderator must also consider what pastoral care is available to the accused minister’s dependants, the complainant(s) and others directly affected by the case, including the members of local churches within the accused minister’s pastorate, and must seek safeguarding advice if it appears possible that children or adults at risk may be involved.</p>	
<p><b>5.</b></p>	<p><b>The Investigation Stage and its outcomes</b></p>	
<p><b>5.1</b></p>	<p><b>(1) Investigation and report</b></p> <p>The purpose of the Investigation Stage is for the original allegations (and any further allegations of misconduct which this stage may bring to light) to be fairly and expeditiously investigated by an Investigation Team, whose findings are to be reported to the SSPD. At this stage the Team is concerned with three issues: (i) the facts of the case, and in particular whether there is a <i>prima facie</i> case for full investigation; (ii) the seriousness of the allegations if proven, and (iii) whether the case can be appropriately disposed of by a caution. It may also, at any time, recommend the suspension of the accused minister or the lifting of a current suspension.</p> <p><b>(2) Decisions by the SSPD</b></p> <p>Based on the Team’s report and the accused minister’s response, the SSPD (acting in the name of the Synod) decides, giving reasons, whether to end the Process, initiate proposals for an agreed caution, or send the case to the Hearing Stage.</p> <p>The role of the SSPD during this stage is judicial. As such it takes no part in the investigation but weighs impartially the facts and arguments presented by the Investigation Team and by the accused minister.</p>	<p>The composition of an Investigation Team, and of the Disciplinary Investigation Panel from which it is drawn, are set out at Appendix K.</p> <p>The work of the Investigation Team is explained at Appendix L.</p>
<p><b>5.2</b></p>	<p>If the Investigation Team concludes that the allegations against a minister do not amount to a <i>prima facie</i> case, or that even if proven they would not merit formal disciplinary sanctions, the Team will report accordingly to the SSPD. On receiving such a report the SSPD must take safeguarding advice, and must then declare the Process and any suspension terminated from that point, save that it may refer the report back to the Team on one occasion for reconsideration.</p>	

<p><b>5.3</b></p>	<p>If the Investigation Team believes its investigation into allegations against a minister reveals a <i>prima facie</i> case, on the basis of which, if the allegations were proven, it would seek the imposition of a disciplinary sanction, the Team will report accordingly to the SSPD. The accused minister is to receive a copy of the Team's report and to be advised of the time allowed for a written answer.</p> <p>On considering the report and any answer the SSPD must do one of the following: (i) refer the report back to the Team on one occasion for reconsideration and further investigation, (ii) declare the Process and any suspension terminated from that point, if (after receiving safeguarding advice) it does not agree that the report supports the Team's conclusions, (iii) (after receiving safeguarding advice) propose an agreed caution in accordance with paragraph 5.4, or (iv) pass the report, any answer and all supporting evidence on for consideration at the Hearing Stage.</p>	<p>The time allowed for the minister's answer is to be 14 days unless another period is set by the SSPD when the Team's report is delivered</p>
<p><b>5.4</b></p>	<p>An agreed caution may be an appropriate outcome in disciplinary cases where ministers accept the allegations against them (other than any allegations which the Investigation Team would not pursue for the reasons in paragraph 5.2), display convincing remorse and are willing to undertake appropriate precautions against recurrence. A caution may be considered at the close of the Investigation Stage if the Investigation Team recommends this in its report, or if the SSPD, on receiving that report and the minister's answer, proposes a caution on its own initiative. Safeguarding advice must be taken on the terms of a caution as finally negotiated.</p> <p>A caution is not appropriate where a minister denies allegations being pursued by the Investigation Team; nor, normally, in the case of allegations similar to allegations found proved under this Process on an earlier occasion.</p> <p>If a caution is agreed by the minister, the Investigation Team and the SSPD, delivered formally by the SSPD and acknowledged by the minister, the Process and any suspension are terminated from that point.</p> <p>If a caution is recommended by the Investigation Team or proposed on the SSPD's own initiative, but the SSPD is satisfied it will not be possible to reach agreement on a caution in appropriate terms and within a reasonable time, then the SSPD must pass the Team's report, any answer and all supporting</p>	<p>Appendix M sets out how a caution is to be drafted, negotiated and finalised.</p>

	evidence on for consideration at the Hearing Stage. Correspondence entered into (subsequent to the Team’s report) in connection with the proposal and attempted negotiation of a caution is not to be passed on, and will not be admissible at the Hearing Stage.	
<b>6.</b>	<b>The Hearing Stage</b>	
<b>6.1</b>	As soon as the SSPD passes a case on to the Hearing Stage, an Assembly Commission for Discipline (‘ACD’) is constituted to oversee and hear the case. Once a Commission is in being for a particular case, authority over that case passes from the Synod to the General Assembly, in whose name the Commission acts. Any procedural directions, or decisions regarding suspension of the accused minister, are thereafter to be given by the Commission (after receiving safeguarding advice in respect of any lifting of suspension).	The composition of an ACD, and of the Commission Panel from which it is drawn, are set out at Appendix N.
<b>6.2</b>	Having satisfied the SSPD of a <i>prima facie</i> case against the accused minister at the close of the Investigation Stage, the task of the Investigation Team in the Hearing Stage will be to present the evidence in such a way as to assist the ACD in determining the truth of the allegations on a balance of probabilities, and to make submissions regarding the seriousness of the case and an appropriate sanction. Unless the Team abandons the allegations, its investigation will continue for this purpose until the date for submitting case material.	Rules for the timetable of the Hearing Stage (including a date for submission of the Investigation Team’s case material) are set out at Appendix O.  Abandonment of allegations during the Hearing Stage is governed by Appendix P.
<b>6.3</b>	If, at any time after the appointment of an ACD, the accused minister notifies the Secretary of Assembly Commissions for Discipline (‘SACD’) of a desire to admit some or all of the allegations under investigation and to submit to the imposition of a sanction, the Commission may accede to the request after considering a response from the Investigation Team.	Rules for the admission of allegations are set out at Appendix Q.
<b>6.4</b>	The ACD is to hear the case presented by a single member of the Investigation Team or by another person appointed by the Team for that purpose. The accused minister has the right to be present and to reply. Witnesses may be called on behalf of the Team and by the minister, and cross-examined by them or by any member of the Commission. The Commission may call witnesses on its own initiative on theological questions, issues of discrimination, disability or cultural sensitivity, safeguarding issues or other matters on	Rules concerning procedure at hearings, reception of evidence given other than verbally, representation, persons permitted to accompany the accused minister or witnesses and the



	which it considers impartial specialist testimony to be essential.	role of Commission witnesses are set out in Appendix R.
<b>6.5</b>	At the conclusion of the hearing the ACD is to determine, on the balance of probabilities, whether any or all of the allegations made against the minister have been proved. In respect of any proven allegation, it must decide either to impose no sanction, or that the accused minister should receive a written warning, or that his or her name should be deleted from the Roll of Ministers. If the accused minister is the subject of an earlier written warning which remains current, the ACD must take that into account. A written warning may be accompanied by directions regarding the minister's future ministry, conduct or remedial steps to be taken.	Rules for written warnings and directions, and concerning deletion from the Roll are set out in Appendix S.
<b>6.6</b>	If the ACD determines that none of the allegations made against the minister has been proved on the balance of probabilities, it must so declare. If there is no appeal, the Process and any suspension imposed as a consequence of those allegations will terminate from the end of the last day for lodging an appeal under paragraph 7.1.	
<b>6.7</b>	The ACD is to prepare a written statement of reasons for reaching its decision. The decision and reasons are to be circulated. In this statement it may make recommendations concerning the future activity of any accused person whose name is deleted from the Roll, or (if allegations are not proved) for precautions which might reduce the risk of future allegations of a similar nature. Such recommendations are of an advisory nature and not subject to appeal.	Appendix T also sets out rules for the circulation of written reasons.
<b>7.</b>	<b>The Appeal Stage</b>	
<b>7.1</b>	Notice of any appeal must be lodged, with a summary of the appeal grounds, within twenty-four days of posting of the ACD's written statement of reasons.	If the accused minister lives abroad the Commission may (but only when the statement of reasons is sent) direct an extension of the time for appealing to allow for postal delays.
<b>7.2</b>	Either the accused minister or the Investigation Team or both may appeal, but only on the ground of (i) a material failure to comply with rules of the Disciplinary Process, (ii) a breach of the rules of natural justice, (iii) a serious misunderstanding by the ACD of the facts before it, or (iv) new evidence which could not	Rules concerning the timetable for, and procedure and evidence at appeal hearings, are set out in Appendix U.

	<p>reasonably have been presented to the ACD and could credibly be expected to affect the outcome.</p> <p>In addition, where some or all of the allegations against a minister are found proven, an appeal may be lodged against the decision on sanction. In such an appeal the Investigation Team may present the case for a sanction or for additional or varied directions to accompany a written warning; the accused minister may present the case against a sanction or for variation or cancellation of directions accompanying a written warning.</p> <p>No appeal may be lodged in respect of allegations abandoned by the Investigation Team under paragraph 6.2 or admitted by the accused minister under paragraph 6.3.</p>	
<b>7.3</b>	<p>As soon as an appeal is lodged, a Disciplinary Appeal Commission ('DAppC') is constituted to oversee and hear the case. Once a Commission is in being for a particular case, authority over that case remains with the General Assembly, but the DAppC now acts in the Assembly's name and gives any procedural directions, or decisions regarding suspension of the accused minister.</p>	<p>The composition of a DAppC is set out at Appendix V.</p>
<b>7.4</b>	<p>An appeal is normally heard in the presence of both parties, the cases for the appellant and respondent being heard in that order. There is to be no rehearing of the case as a whole. Fresh evidence may not be received unless the DAppC is satisfied (i) that there is new evidence which could not reasonably have been presented to the ACD and could credibly be expected to affect the outcome, and (ii) that it can hear such evidence fairly, and that this would be more convenient than for a fresh ACD to hear it.</p>	
<b>7.5</b>	<p>At the conclusion of the appeal hearing, the DAppC may dismiss the appeal, may substitute its own decision for any decision which the ACD could have made (including varying directions or recommendations), or may quash the previous decision and remit the case for full re-hearing by a fresh ACD. Unless it remits a case for re-hearing, the decision of the DAppC is final, the Process and any suspension terminating when it is announced.</p>	<p>The rules in Appendix O set out the procedure if a case is remitted for rehearing; in which case the rules in Appendices R-T also apply.</p>
<b>8</b>	<p><b>Miscellaneous provisions</b></p>	
<b>8.1</b>	<p>The Process may be halted by a reference into the Ministerial Incapacity Procedure, and rules governing that Procedure may provide for a case commenced under it to be referred into this Process. A notice of reference into this Process from the Incapacity</p>	<p>Appendix W provides in detail for the transfer of cases from this Process to the Incapacity Procedure</p>

	Procedure will have the status of an allegation of misconduct and be acted upon as provided in Paragraph 3.	
<b>8.2</b>	The Disciplinary Process continues notwithstanding the fact that an accused minister declines to co-operate, fails to appear at a Hearing or declares (or implies by conduct) his or her resignation from the ministry or from the United Reformed Church, and also notwithstanding the non-appearance of any potential witness.	Appendix X sets out the consequences of non-co-operation and similar conduct, and of a potential witness declining to appear.
<b>8.3</b>	<p>Where this Process requires any document or written notification to be delivered to the accused minister, it must be delivered by hand or sent by First Class post or an equivalent method addressed to the minister's last known address. A postal address for any officer or group to which the accused minister may need to deliver material is to be supplied to the accused minister either at the outset of the Process, or before the time at which the need for such delivery may arise, and the minister must deliver such material by hand or send it by First Class post or an equivalent method addressed to that address. No method should be used which requires a recipient's signature before delivery.</p> <p>Directions under paragraph 8.4 may vary these requirements, and must set a period for deemed delivery if an accused minister lives outside Europe. All documents required to be served shall be placed in a sealed envelope addressed to the addressee and marked 'Private and Confidential'.</p>	Documents and notifications are deemed to arrive three days after posting (First Class) or seven days after posting (Republic of Ireland or Continental Europe)
<b>8.4</b>	Directions may be given by the Panel or Commission under whose authority a case currently falls, either on application or of its own motion, covering matters of evidence, timing or procedure not otherwise provided for, if it considers this conducive to the fair, effective and expeditious operation of the Process. But the time allowed for lodging an appeal may only be extended if an extension is sought before the current time limit expires.	
<b>8.5</b>	Information about a case heard or investigated under the Disciplinary Process is confidential, save as the Process itself provides.	Appendix Y sets out rules regarding sharing of information and retention of records.
<b>8.6</b>	A consultant unconnected with the case against an accused minister is to be appointed to offer him/her	So long as it exists, the Ministerial

	<p>guidance through the steps of the Disciplinary Process. It is no part of the consultant's duty to carry out investigative work or advocacy, nor to offer legal advice, nor to attend a Hearing.</p>	<p>Incapacity and Discipline Advisory Group (or, in cases of urgency, its Convenor) is to appoint the consultant.</p>
<p><b>8.7</b></p>	<p>The costs incurred in the work of a SSPD shall be charged against funds of the United Reformed Church under the control of the Synod. The costs incurred by an ASPD or by any Commission or Secretary of Commissions in operating the Process and the reasonable expenses of any witness attending a Hearing shall be charged against funds of the Church under the control of the General Assembly.</p> <p>After a case is referred into the Hearing Stage and an ACD appointed, the accused minister and the Investigation Team may each apply to the Commission for the approval of costs to be incurred in connection with that Stage, and any costs so approved may also be charged against funds of the Church under the control of the General Assembly. If this includes the fees of one or more experts, the parties are required to consult with a view to calling (if possible) a single expert by agreement.</p>	<p>Necessary travel and meeting expenses of the Investigation Team will normally be allowable; but neither party shall be entitled to claim the cost of professional advice in formulating their position at any stage of the Process, nor costs of preparing the case for Hearing or professional representation at that Hearing</p>
<p><b>8.8</b></p>	<p>Both columns of the text of the Framework, and the Appendices to which the Framework refers, are integral parts of the Disciplinary Process and carry equal weight.</p>	<p>Guidance Notes and diagrams published from time to time to assist those engaged in or affected by the Process are not to be considered part of the authoritative text, and in any conflict with the Framework or Appendices, the Framework and Appendices are to prevail.</p>
<p><b>8.9</b></p>	<p>Cases still pending under the previous Disciplinary Process at the date determined by the General Assembly for this Process to come into force are to be dealt with in accordance with transitional provisions.</p>	<p>The transitional provisions appear at Appendix Z</p>

# Ministerial Disciplinary Process

## Table of acronyms and defined terms

*For guidance only; not forming part of the Process*

Term	Acronym	Brief description	First Framework reference (para.)	Main Appendix references
abandonment		an Investigation Team's request, after a case has entered the Hearing Stage, to be discharged from proceeding with it	6.2	P
admission of allegations		an accused minister's voluntary admission of allegations and submission to a sanction	6.3	Q
admission notification		an accused minister's notification to the SACD of a desire to admit allegations	---	Q
affirmations		affirmations made at ordination or commissioning	1	A
Appeal Stage		from the lodging of an appeal until its final disposal by the DAppC	7.1	U
Assembly Commission for Discipline	ACD	a three-person Commission representing the judicial authority of the General Assembly, controlling the Hearing Stage of the Process and adjudicating allegations on the balance of probabilities	6.1	N-T
Assembly Representative for Discipline	ARD	officer responsible for initial steps in regard to a minister under direct Assembly oversight	1	H  (applying references to the Moderator)
Assembly Standing Panel for Discipline	ASPD	a three-person panel representing the judicial authority of the General Assembly, controlling the	3	H, J, L, M  (applying references

		first steps in the Process and determining the existence of a <i>prima facie</i> case relating to a minister under direct Assembly oversight		to the SSPD)
caution (sometimes called 'agreed' or 'negotiated')		a text, agreed in writing between an accused minister and the Investigation Team but approved and finally read aloud by the SSPD, in which an accused minister admits allegations, shows remorse and agrees steps to prevent recurrence	5.3	M
Commission Panel		a 30-person pool from which members of an ACD are drawn	6.1	N
Commission witnesses		expert witnesses called by an ACD of its own motion	6.4	R
deletion		deletion from the Roll of Ministers, imposed as a sanction by an ACD in respect of proven allegations	6.5	S
directions (in the context of a written warning)		ACD directions regarding the future ministry or conduct of a minister given a written warning, or remedial steps to be taken by and in respect of that minister	6.5	S
Disciplinary Appeal Commission	DAppC	a three-person Commission representing the judicial authority of the General Assembly, determining appeals from decisions of an ACD	7.3	U-V
Disciplinary Investigation Panel		a 15-person pool from which members of Investigation Teams are drawn	5.1	K

expectations		the expectations set out in Framework paragraph 1	2	---
Hearing Stage		from the SACD receiving the papers in a case until the case is dismissed by the ACD, or a sanction is imposed and reasons given	6	O, R
Initial Stage		from a Moderator identifying an allegation as one of misconduct to the case being struck out or an Investigation Team appointed	3	G
Investigation Stage		from the appointment of an Investigation Team until the case is dismissed by the SSPD, an agreed caution administered or the SSPD passing the papers to the SACD	5	F-G
Investigation Team		A three-person team appointed from the Disciplinary Investigation Panel to investigate, and if appropriate to present, the case against a minister	5.1	K, L, O, R
minister (and cognate expressions)		minister of Word and Sacraments (but includes CRCWs where context allows)	1	---
misconduct		a breach of expectations which would, if proven, undermine the credibility of a person's ministry or the Church's witness	2	---
Moderator		includes a person acting in place of a Moderator of Synod under the Process. Where the context allows, references to a Moderator apply also to the ARD.	1	F, H
Moderator's recorded warning		a warning given by a Moderator to a minister, outside the Disciplinary Process, regarding conduct	2	D

		which might if repeated warrant disciplinary steps		
oversight		defined for purposes of the Process in Appendix C	1	C
recommendations		ACD recommendations as to restrictions to be placed on activities involving a person deleted from the Roll of Ministers	6.7	S
responsible forum		generic term for the judicial forum (SSP, ASP, ACD or DAppC) currently responsible for a disciplinary case	---	W
safeguarding advice		explained further in Appendix G	3	G
safeguarding professional		safeguarding officer appointed by a Synod ('SSO') or by the General Assembly; explained further in Appendix G para 3	---	G
Secretary of Assembly Commissions for Discipline	SACD	officer appointed by the General Assembly to service ACDs and collate Disciplinary Process records	6.3	N, O, R, U
Secretary of Disciplinary Appeal Commissions	SDAppC	officer appointed by the General Assembly to service DAppCs	---	U, V
striking-out		determination by a SSPD that allegations are patently frivolous, malicious, vexatious or unrelated to the expectations	3	---
suspension		a direction by a judicial forum with the effect set out in Schedules E and F to the Basis of Union	3	J
Synod Safeguarding Officer	SSO	officer appointed by a Synod to advise and keep records on safeguarding	---	G



		matters arising within the province or nation		
Synod Standing Panel for Discipline	SSPD	a three-person panel representing the judicial authority of the Synod, controlling the first steps in the Process and determining the existence of a <i>prima facie</i> case	3	F, J, L, M
written warning		formal warning imposed as a sanction by an ACD in respect of proven allegations	6.5	S