

Paper H2

URC Disciplinary Policy for Office Holders

Ministries Committee

Basic information

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| Contact name and email address | Paul Whittle moderator@urcscotland.org.uk |
| Action required | Decision. |
| Draft resolution(s) | Resolution 23 General Assembly adopts the Disciplinary policy for Office Holders as outlined in Appendix One on this paper. |

Summary of content

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| Subject and aim(s) | To adopt a disciplinary policy for office holders (not Ministers of Word and Sacraments, Church Related Community workers or paid employees). |
| Main points | Having a clear and established disciplinary process in place for unacceptable actions will prevent misunderstandings and seek to protect the office holder and the denomination. Whilst rooted in the local church, there is provision for the synod to start the process. |
| Previous relevant documents | Guidelines for the Conduct and Behaviour of Elders Guidelines for the Conduct and Behaviour of Lay Preachers GP5. |
| Consultation has taken place with... | Law and Polity Synod Moderators Synod Safeguarding Officers. |

Summary of impact

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| Financial | None. |
| External (e.g. ecumenical) | None. |

1. Introduction

- 1.1 Discipleship is about relationships. A disciple is simply a learner, someone who is learning to follow Jesus, growing in their relationship with him, with other people and the wider world. The words 'disciple' and 'discipline' have obvious common roots. From time to time, disciples go astray and require discipline to remind them

of the expected standards they have agreed to, to correct them and bring them into renewed commitment.

- 1.2 The Disciplinary Policy for Office Holders describes the process to be put into effect when office holders (not Ministers of Word and Sacraments, Church Related Community Workers or paid employees) are alleged to have committed a breach of discipline.
- 1.3 Whilst the process is rooted in the local church there is provision for the synod to start the process where the local church is unable or unwilling to do so.
- 1.4 The Disciplinary Policy for Office Holders recognises the need to be fair and impartial when dealing with disciplinary issues. The process must always be conducted with courtesy and sensitivity towards those involved, and that pastoral care must have within it a degree of firmness and fairness, as well as compassion. The Gospel requires repentance as well as forgiveness, modification of behaviour as well as personal support and care.

Appendix One

URC Disciplinary Policy for Office Holders

1. Introduction

- 1.1 The United Reformed Church requires its office holders to live as persons of prayer and integrity, for the health and welfare of themselves and all those whom they serve. Members promise, 'in dependence on God's grace, to be faithful in private and public worship, to live in the fellowship of the church and to share in its work', and to give and serve, as God enables them, 'for the advancement of his kingdom throughout the world'. They also promise 'by that same grace, to follow Christ and to seek to do and to bear his will' all the days of their life'.
- 1.2 No matter what the structures in the local pastorate or synod may be, there may be times when the performance or conduct of an office holder falls below what is expected. The normal route for concerns about performance to the expected standard for a particular role would be a capability process except in the case of Gross Misconduct.
- 1.3 However, having a clear and established disciplinary process in place for unacceptable actions will prevent misunderstandings and seek to protect all. This should be shared with all office holders of the local pastorate during their induction.

2. The purpose of the policy

- 2.1 The United Reformed Church is committed to creating an environment where all office holders are able to perform to their best ability.
- 2.2 The United Reformed Church recognises that there will be occasions when disciplinary and / or performance problems arise. The purpose of this policy is to

ensure that if such problems do arise, they are dealt with fairly and consistently across the denomination. This policy sets out the action that will be taken when problems occur.

- 2.3 For the avoidance of doubt, where an individual against whom an allegation of a disciplinary offence is made is a Minister of Word and Sacraments or Church Related Community Worker, Section O: the United Reformed Church ministerial disciplinary process for Ministers of Word and Sacraments or Church Related Community Workers shall apply.
- 2.4 For the avoidance of doubt, where an individual against whom an allegation of a disciplinary offence is made is an employee, the employer's disciplinary process shall apply.

3. Definitions

- 3.1 For the purposes of this process, an office holder shall be:
- A lay Synod Clerk (not an employed person)
 - An Elder of the United Reformed Church, either serving or non-serving
 - A Church Secretary or equivalent
 - A Church Treasurer or Assistant Treasurer
 - A Synod Local Church Leader
 - An Assembly Accredited Lay Preacher
 - A Locally Recognised Worship Leader
 - An Interim Moderator
 - A Church Safeguarding Co-ordinator or Deputy
 - A Children's and Youth Worker (not an employed person)
 - A Pastoral Worker (not an employed person)
 - A General Assembly appointed, or synod appointed, Committee Convenor
 - Or any other such role as General Assembly might determine as holding office within the United Reformed Church.

4. Expectations of office holders

- 4.1 It is expected that, during the process of candidating / nomination / recruitment / selection and / or election:
- office holders will not have misled the Church or those who, on its behalf, assessed their readiness to exercise a particular ministry
 - those who make the affirmations at ordination or commissioning do so honestly
 - that their conduct after taking up office will accord with the affirmations made at membership or, in the case of elders, at their ordination and/or induction, and any code of conduct applicable to their role
 - have completed any safer recruitment process, or equivalent, prior to taking up post.
- 4.2 It is also expected that if allegations are made of a safeguarding or criminal nature or they are to be interviewed by the police, 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 their Synod Safeguarding Officer, who will inform the Minister, or Interim Moderator in the case of a vacancy, and

Moderator of the Synod exercising oversight of them. See Good Practice 5 Section 11. Gross Misconduct.

- 4.2.1 If the disciplinary offence is one of criminal activity, the disciplinary process will be paused at this point until the criminal matter has been dealt with;
- 4.2.2 If the disciplinary offence is of a safeguarding nature, the process will be paused at this point until the safeguarding process has been concluded.

See Good Practice Section 12.

5. Principles

- 5.1 Whilst it is intended that this policy is rooted in the local, it is recognised that, on occasions, invoking the disciplinary policy will be too difficult because of the relationships of individuals involved in the process. In these cases, the local pastorate may delegate the responsibility to the Synod Pastoral Committee or equivalent to act in its stead.
- 5.2 Whilst it is intended that this policy is rooted in the local, it may be necessary for the Synod Moderator or their deputy to invoke the policy where a local pastorate is unable or unwilling to invoke the policy.
- 5.3 The normal route for concerns about performance to the expected standard for a particular role would be a capability process, except in the case of Gross Misconduct.
- 5.4 If the office holder is subject to disciplinary action, the following procedure is designed to establish the facts quickly, and to deal consistently with disciplinary issues.
- 5.5 At every stage the office holder will be advised of the nature of the complaint and given the opportunity to state their case in a meeting before any decision is taken on whether to impose a warning or other disciplinary sanction.
- 5.6 The office holder will be given the opportunity to be represented or accompanied at any disciplinary meeting by a friend or colleague.
- 5.7 In some cases, an investigation will be required before any final decision is taken on whether to impose a warning or other disciplinary sanction.
- 5.8 There is a right to appeal against any disciplinary action taken against an office holder.

6. Confidentiality

- 6.1 The Church's aim is to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All must treat as confidential any information communicated to them in connection with a matter which is subject to this disciplinary process as confidential and should not be discussed with anyone outside the process, except where information needs to be given to the trustees of the Church or synod in order that they can appropriately manage their legal responsibilities, including reporting to the Charity Commission.

6.2 The office holder, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this process.

6.3 The office holder will normally be told the names of any witnesses whose evidence is relevant to a disciplinary hearing if one is appropriate, unless the Elders Meeting believe that a witness's identity should remain confidential.

7. Informal meeting

7.1 Before any policy and procedure is invoked, the local pastorate¹ through those appointed by the Elders Meeting (namely two people) will conduct an informal meeting. Most problems can be resolved by informal discussions, and often this can avoid the need for formal disciplinary action. This may include mediation or additional training or support for the office holder. An informal meeting would not be recorded as disciplinary action and would be seen as a process of constructive dialogue.

7.2 If the problem cannot be resolved informally with your office holder, it might then be appropriate to invoke a disciplinary process upon guidance being sought from the synod moderator or their deputy.

8. Stage 1 – formal verbal warning

8.1 A formal verbal warning may be given to the office holder if, despite informal discussions or training, the conduct or performance still does not meet acceptable standards. This should follow a further meeting delivered by the person within your church/pastorate / synod who is most relevant – this may be the Minister, CRCW, Church Secretary or Line Manager.

8.2 The office holder will be told

- the reason for the warning
- what the office holder needs to do to improve the situation
- a time frame within which the conduct or performance needs to be improved
- any support or training the United Reformed Church might provide to support the volunteer
- that the verbal warning is the first stage of the disciplinary procedure.

8.3 A brief note of the warning should be kept but, subject to satisfactory conduct and / or performance, this would lapse after six months except in safeguarding related incidents where it will remain on file indefinitely.

9. Stage 2 – written warning

9.1 If there is no improvement in standards within the prescribed time, or if a further offence occurs, the office holder should receive a letter from the Minister (or the Convener of the Elders Meeting) inviting them to attend a further disciplinary meeting.

9.2 The letter will contain:

- details of what the office holder has alleged to have done wrong

¹ Where there is a Synod role, the Synod Pastoral Committee takes on the role of the local pastorate

- the reason why the current behaviour or performance is unacceptable
- an invitation to attend a disciplinary meeting with the Minister (or the Convenor of the Elders Meeting) at which the problems can be discussed
- information about the right to be accompanied at the disciplinary meeting
- copies of any documents that will be referred to at the disciplinary meeting
- a copy of the disciplinary process

9.3 The disciplinary meeting should take place as soon as is reasonably possible, but with sufficient time for the office holder to consider their response to the information contained in the letter, normally within two calendar weeks. The meeting should be an opportunity for both the office holder (with their friend or colleague) and the Minister (or the Convenor of the Elders Meeting) to talk about the issues or allegations being made, consider the information with a view to establishing whether to progress the disciplinary action.

9.4 A record of the disciplinary meeting (either written/recorded) shall be kept securely according to Data Privacy Policy of the local church / synod and will lapse after 12 months, except in safeguarding related incidents where it will remain on file indefinitely.

9.5 Following the disciplinary meeting, if it is decided that no further action is warranted, the office holder should be informed in writing. Where the office holder is found to be performing unsatisfactorily or their behaviour is deemed unsatisfactory, they will be given a written warning. A copy of the written warning should be kept on file, but the warning will lapse after 12 months subject to satisfactory conduct and / or performance except in safeguarding related incidents, where it will remain on file indefinitely. Where a written warning is given, the Minister (or Convenor of the Elders meeting) should be advised and kept up to date with any progress.

9.6 The written warning will set out:

- the performance and / or behaviour problem
- the improvement that is required
- the timescale and date for achieving the improvement
- any support that the United Reformed Church will provide to assist the office holder
- a statement that failure to improve could lead to a final written warning and ultimately dismissal
- a review date
- a copy of the disciplinary process
- the URC appeal procedure.

10. Stage 3 – final written warning

10.1 If the conduct or performance still remains unsatisfactory by the stipulated date, or if the misconduct is sufficiently serious to warrant only one written warning, a further disciplinary meeting (where they will be present) should be called with the office holder and their representative. The disciplinary meeting will be an opportunity for the office holder to answer the issues raised. Where this meeting establishes that there has been a failure to improve or change behaviour, then a final written warning should be given to the office holder.

- 10.2 The final warning will:
- give details of and the grounds for the complaint
 - set out the improvement that is required and a time frame
 - make it clear that any recurrence of the offence, lack of improvement or other serious misconduct within the stipulated period of time will result in dismissal
 - refer to the office holder's right of appeal.
- 10.3 A copy of the final written warning will be kept on file, but the warning will lapse after 12 months subject to satisfactory conduct and / or performance except in safeguarding related incidents where it will remain on file indefinitely.

11. Final stage – removal from office

- 11.1 If the office holder's conduct or performance still fails to improve or if further serious misconduct occurs, the final stage in the disciplinary process may be instituted, and the office holder dismissed.
- 11.2 If the office holder is removed from roll for a safeguarding incident, a referral to the DBS barring scheme and the Charity Commission will be made.
- 11.3 If the office holder is a trustee, notification to the Charity Commission will be made.
- 11.4 The decision to dismiss will be taken by the Minister / or Convenor of the Elders meeting following an appropriate hearing and the office being given the opportunity to state their case and put forward any mitigating circumstances. Following the hearing the office holder will be informed as soon as possible as to the outcome and if relevant the reason for removal from the role, the date on which their role will terminate and the right of appeal.

12. Gross misconduct

- 12.1 Where an office holder is found guilty of gross misconduct, they would normally be subject to summary dismissal (instant dismissal without notice) and the above procedures regarding progression of warnings will not apply.
- 12.2 The following are matters that are normally regarded as gross misconduct:
- 12.2.1 Fraud, forgery, theft or other dishonesty, including fabrication of expense claims;
 - 12.2.2 Actual or threatened violence, or behaviour which provokes violence;
 - 12.2.3 Deliberate damage to Church buildings, fittings, property or equipment, or the property of a colleague, contractor, customer or member of the public;
 - 12.2.4 Serious misuse of our property or name;
 - 12.2.5 Serious safeguarding incident or concern;
 - 12.2.6 Repeated or serious failure to obey instructions, or any other serious act of insubordination;
 - 12.2.7 Unlawful discrimination or harassment;
 - 12.2.8 Bringing the Church into serious disrepute;
 - 12.2.9 Being under the influence of alcohol, illegal drugs or other substances during working hours;
 - 12.2.10 Causing loss, damage or injury through serious negligence;

- 12.2.11 Unauthorised use or disclosure of confidential information or failure to ensure that confidential information in your possession is kept secure;
- 12.2.12 Acceptance of bribes or other secret payments;
- 12.2.13 Conviction for a criminal offence that in our opinion may affect your suitability to continue to work for the Church;
- 12.2.14 Harassment of, or discrimination against, employees, contractors, or members of the public, related to gender, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, disability, religion or belief or age.

This list is intended as a guide and is not exhaustive.

13. Appeals

If an office holder wishes to appeal against any disciplinary decision, this should be made in writing within 14 working days of the decision being communicated to them, to the Synod Moderator².

² And for Synod Office Holders to the General Assembly Appeals process.