

**Minutes of the joint meeting of the Methodist Council and the  
United Reformed Church Mission Council meeting at The Hayes  
Conference Centre, Swanwick  
13 – 15<sup>th</sup> October 2010.**

**URC Session 1**

Moderator Mrs Val Morrison welcomed members to the Council Meeting.  
Opening worship was led by the chaplain Rev Rachel Poolman.

Apologies for Absence were received and sustained from: Mr George Grime, N Western Synod; Mr Arthur Swift, Mersey Synod; Mr Chris Read, Yorkshire Synod; Rev Dr Peter Cruchley-Jones, Synod of Wales; Rev John Sanderson, Synod of Scotland; Mr David Harvey, Moderator of FURY; Ms Kay Parris, Editor of Reform; Ms Francis Brienen, Secretary for Mission; Rev Andrew Prasad, Moderator, Thames North Synod; Mrs Suzanne Adofo, CRCW; Rev Peter Noble, Moderator Synod of Wales; Rev David Lawrence, Thames North Synod.

New members and representatives were welcomed: Rev Dr James Coleman, chaplain to Mrs Val Morrison; Rev Rachel Poolman, Chaplain to Rev Dr Kirsty Thorpe; Rev Ruth Whitehead, Ministries Convenor; Rev Geoffrey Clarke, Rep, NW Synod (also Synod Clerk); Rev Nicola Furley -Smith, Southern Synod; Rev Ann Jackson, Northern Synod; Ms Jo Merrygold, Northern Synod; Rev Gillian Poucher, E. Midlands Synod; Mrs Jenny Poulter, Yorkshire Synod; Rev Sally Thomas, N Western Synod; Miss Sarah Dodds, Secretary Nominations Committee; Rev Dr Roger Paul, Church of England; Mr Simon Loveitt, JPIT.

The Moderator introduced the Assembly staff responsible for the Mission Council.

**10/32 The minutes of the Mission Council** held March 9 – 11<sup>th</sup> 2010 were approved and signed, following the addition of the words “**recommends to the General Assembly that it**” in the preamble to the resolution. (10/12)

**10/33 The Role of Synod Moderator**

The General Secretary, the Rev Roberta Rominger, presented Paper A. Many changes have occurred since the last review in 1997. District councils are no more, compliance issues abound and new procedures all require understanding and expertise. The time is right for a new review.

The General Secretary proposed that

*A review of the role of the Synod Moderator be authorised under the terms of reference on Paper A.*

The General Secretary responded to comments received from the floor. She agreed that the group should consult widely as part of their deliberation. Further discussion ensued about the wording of the resolution, the composition of the review group and its terms of reference. It was agreed that a review should be commissioned but that further work was needed on the terms of reference. A facilitating group was set up to bring an amended version of the remit of the review group to a later session.

## **10/34 MIND**

The Clerk, the Rev. James Breslin, introduced papers B, B1, B2, and B3. He indicated a number of changes of wording as highlighted. He then proposed the adoption of the wording in papers B1 (Disciplinary Process) and B2 (Incapacity Procedure). Mr Andrew Middleton responded to a query. The moderator suggested that the decision be deferred until later in the council meeting.

The Clerk indicated that in the joint sessions with the Methodist Council, the Mission Council would act as a "Mission Council Working Party"; any resolutions would be brought to a later session of the Mission Council alone.

## **Session J1**

### **Exploring our history, context and characteristics within a framework of worship**

Moderator Mrs Val Morrison welcomed all present to the historic gathering of the two Councils. Papers BT 10/01 and BT 10/02 provided background information for the session.

Rev Dr Kirsty Thorpe explained some of the differences between the denominations.

She invited Rev Rachel Poolman to lead opening worship. She then gave a light-hearted overview of the history of the two denominations.

A panel comprising Rev Liz Smith, Rev Alison Tomlin, and Mr David Walton for the Methodist Church, and Mrs Val Morrison, Mr Peter Pay and Rev David Grosch-Miller for United Reformed Church gave their personal responses to the questions:

1. What do you most treasure from your denomination?
2. Which misconception about your tradition would you most want to change?
3. What can we learn from one another?

Those present added their views. Discussion was animated.

The session closed with worship, led by Rev. Mark Wakelin.

## **Session J2 Bible Study**

Mr David Walton introduced Mr Lawrence Moore, Moderator Elect (URC) and Director of the Windermere Centre, who engaged the Joint Council in Bible Study centred on Galatians 2. 11- 14, Acts chapters 9 & 10, and Philippians 3. 2 – 6. Mr Moore challenged members to emulate the example to Jesus and welcome all people whatever their status into the embrace of the church.

### **Session J3 Discussion Groups**

Members of the two Councils explored key challenges facing churches locally and denominationally.

### **Session J4 Fresh Expressions**

Moderator Rev Dr Kirsty Thorpe, introduced Bishop Graham Cray, the Bishop responsible for “Fresh Expressions”, and invited him to address the meeting.

Bishop Cray outlined the way Fresh Expressions has developed from its early beginnings emerging from the document ‘A Mission Shaped Church’ to an ecumenical enterprise across the country manifesting in many very different and imaginative ways to reach people who otherwise would have no contact with the church. He explained how parallel worshipping communities were formed alongside traditional churches.

The Moderator thanked Bishop Graham for his interesting and helpful presentation.

Closing prayers were led by Rev Alison Tomlin.

## **THURSDAY 14 OCTOBER**

### **Session J5 The General Secretaries present our two Churches’ current major themes**

Mr David Walton took the chair. He invited the Rev Rachel Poolman to lead opening worship.

The General Secretaries, Rev Roberta Rominger (URC) and Rev Dr Martyn Atkins (Methodist Church) gave the Councils an outline of the issues and initiatives currently live in each denomination. Common themes emerged as each church had seen the need to be more relevant in the 21<sup>st</sup> century: i.e., structural changes across the churches; reorganisation of church committees and staff members roles; re-engagement with the Bible; learning to share faith stories; awareness of distinctive identities; and a conviction that God still has work for us to do to engage with those who are not part of the church communities

### **Session J6 Ways ahead for Children and Youth Work** **Paper BT/10/03**

Mr. Doug Swanney and Rev Rob Weston supported by the staff members for Youth and Children's Work in each denomination presented current policies and programmes and shared case studies; i.e. the Consultative Group for Ministry with Children (CGMC) (M); The Child Friendly church Award (U); The Well (M); FURY (U); Youth Participation Strategy (M) and Pilots (U).

Members of Council were invited to reflect on three questions in the discussion groups after coffee.

1. What opportunities do children and young people present for a twenty first century church?
2. What are the challenges that face us?
3. How can they be overcome?

## **Session J7**

Moderator Mrs Val Morrison outlined a change in order of business.

Rev Pauline Barnes, URC Consensus advisor for the URC, gave a brief explanation of the consensus decision-making procedure. A small group presented a sketch to demonstrate how the procedures work so that the procedure might be used for the subsequent session.

## **Building Opportunities -- Report of the Church Buildings Think Tank** Paper BT/10/04

The Moderator invited James North and Clifford Patten to speak to their report. Inherited buildings, often with a legacy of high costs, have shaped the worshipping families into their present positions. There is often little flexibility for different styles of worship or for re-organising spaces more convenient for welcoming people. There is a need for more 'mission friendly' buildings, including rationalisation across denominations where appropriate. Denominational structures can inhibit this. The Think Tank recommended a re-examination of structures to encourage the development of buildings for mission. Listed buildings do not have to be kept if not fit for today's purpose. James responded to questions for clarification. Consideration of the resolution attached to the report was deferred.

## **Session J8**

Workshops were offered in response to requests from groups the previous evening.

## **Session 9 United Reformed Church separate session**

Moderator Rev Dr Kirsty Thorpe took the chair.

## **10/35 Treasurer**

Mr John Ellis, Hon. Treasurer, provided updates on issues from previous Mission Councils.

Windermere. The link building between Carver URC and its church hall has been completed within the budget, and the General Secretary preached at the opening service.

Westminster College building plans. The Finance Committee had scrutinised the Business plan, recommended some changes, which were supported by the General Assembly. One million pounds had been earmarked for the Westminster Appeal from the Sale of New College Fund.

Minister's Pension Fund. All the Synods had responded favourably to the request for additional contributions. The URC Trust has signed the appropriate legal Guarantee and papers have been sent to the Pension's Regulator. There may be the need to adjust the benefit package provided by the Fund, and proposals may be brought to the May Mission Council. The next valuation is due in January 2012.

### **Budget 2011**

He then presented the budget for 2011, Papers C and C1, which included a Stipend increase of 3.65% from £22,416 to £23,232. Mr Ellis explained that there would be no increase in Central costs (administration). A deficit budget of 3% is proposed. Mr Ellis responded to questions. Mr Ellis moved:

***Mission Council approves the budget for 2011.***

Resolved by agreement.

### **10/36 Human Sexuality Task Group**

The Deputy General Secretary, Rev Richard Mortimer presented Paper E on behalf of the Task group. He moved that:

*The remit of the Task Group be altered to read in its final bullet point: To report to Mission Council, and, through Mission Council to General Assembly regularly, so that interim progress reports are given, if appropriate, to each meeting of these bodies, and that clear statements of policy on the use of Church premises for the holding of civil partnerships and on the ordination of those in committed same-sex relationships be submitted for consideration to General Assembly 2012.*

The Legal Advisor gave his opinion on the outworking of the Equality Act. The Deputy General Secretary responded to questions.

After lengthy discussion the proposal was split into two sections.

***The remit of the Task Group be altered to read in its final bullet point: To report to Mission Council, and, through Mission Council to General Assembly regularly, so that interim progress reports are given, if***

***appropriate, to each meeting of these bodies, and that clear statements of policy on the use of Church premises for the holding of civil partnerships be submitted for consideration to General Assembly 2012.***

Resolved by agreement

The chaplain led in prayer.

***The remit of the Task Group be altered to read in its final bullet point: To report to Mission Council , and , through Mission Council to General Assembly regularly, so that interim progress reports are given, if appropriate, to each meeting of these bodies, and that clear statements of policy on the ordination and induction of those in committed same-sex relationships be submitted for consideration to General Assembly 2012.***

Mission Council did not reach agreement to pass the resolution.

### **10/37 Enabling Resolution, National Synod of Wales**

The Clerk proposed on behalf of the Synod of Wales.

***Subject to the agreement of the National Synod of Wales: Mission Council a) approves the continuation of the Commission of Covenanted Churches in Wales for a period of five years from 2011 to 2016 to pursue the agenda set out in the report entitled “The Commission of Covenanted Churches in Wales” and dated June 2010. And b) requests a review of the situation in 2016.***

Resolved by consensus.

### **10/37 Buildings Think Tank Follow on**

The Clerk proposed:

***Subject to the approval of the Joint Council and the Methodist Council, the Mission Council approves the setting up of a follow on group to facilitate the next stage of the work following the dissolution of the Church Buildings Think Tank.***

Resolved by consensus.

### **10/38 Nominations Committee**

The Convenor, Rev John Durrell, proposed, on behalf of the Nominating Group:

***Mission Council agrees to appoint the Rev Clare Downing as Moderator of Wessex Synod from January 1, 2011 to December 31, 2017.***

Passed by acclamation

### **10/39 Synod Reports on Vision 2020**

The General Secretary gave notice of a MCAG suggestion which would be brought to the next meeting of Mission Council asking each synod to report to a subsequent meeting on its progress in implementing Vision 2020.

### **10/40 Assembly Arrangements Committee**

The convenor Dr David Robinson addressed a concern about the accessibility of the Assembly Reports when presented in electronic form and said that the committee would reconsider. There were serious questions about the viability of Southport as a venue for 2012. He moved :

***Mission Council resolves to delegate to the Officers of Assembly, in consultation with the Assembly Arrangements Committee, authority to determine the venue and dates for General Assembly in July 2012.***

Resolved by consensus.

Mr Robinson suggested that the planning group in Mersey Synod be put on hold until a decision is made.

### **10/34 MIND Advisory Group Papers B1 and B2**

The Clerk returned to the changes in paragraphs A12, A13, A14 and AA. The Synod Moderators asked for time to make preparations for the implementation of Section AA and an amendment was added that this should take effect on 30 April 2011. Passed by unanimous vote. [See appendices 1 and 2.]

### **10/41 Commission Officer for Incapacity procedure (Section P) Paper B3**

The Clerk proposed:

***Mission Council resolves to appoint a Commission Officer to act as specified within the Incapacity Procedure (Section P of The Manual) and directs the Nominations Committee to appoint, on its behalf, a suitable person as soon as possible. In view of the need to comply with best practice it asks that decisions be made by Committee officers if necessary in order to avoid delay.***

Passed by unanimous vote.

### **Session 10 United Reformed Church Uncompleted Business**

Moderator Mrs Val Morrison took the chair.

## **10/42 Moderator Nominating Groups**

The General Secretary proposed:

***Mission Council, acting on behalf of General Assembly, authorises the Nominating Groups to act on its behalf in appointing the Moderators of Southern and EM Synods and report to Mission Council at its next meeting.***

Resolved by consensus

## **10/43 Olympics and Paralympics.**

Jill Nichol spoke on behalf of Communications and Editorial Committee. She challenged the church to become involved in the events surrounding the games because of common values shared with the Olympic Movement, a focus for ministry and mission, service opportunities for volunteers at the games and an opportunity for ecumenical working. Eleven synods had been represented at a recent gathering to discuss this work. A network of reps will be set up. More information is available on the URC website.

## **10/32 The Role of Synod Moderator.**

The facilitating group provided new Terms of Reference.

### ***Terms of Reference for the Review Group.***

- 1. *Develop a new role description for the synod moderator.***
- 2. *Draft resolutions to amend the Structure of the URC as appropriate.***
- 3. *Make recommendations regarding the role of the moderators' meeting.***
- 4. *In undertaking the review:***
  - a) *Consider the issues of responsibility, leadership, authority, authorisation, accountability and episcopacy;***
  - b) *Consider possibilities arising from collaborative working;***
  - c) *Consider and take note of ecumenical work on the issues in 4(a), including episcopate under the church of England/Methodist Covenant and the Welsh explorations into an ecumenical bishop, and assess their relevance for the URC;***
  - d) *Consider and take note of 'The role of the Synod Moderator' paper presented to Mission Council October 2010-10-14***
  - e) *Consult widely across the councils of the church and other appropriate groups.***
- 5. *Identify wider issues arising from the review in liaison with the Moderators' Think Tank so that these may be referred for further work as appropriate.***
- 6 *Report [progress] to Mission Council in November 2011.***

Following some discussion the terms were accepted by consensus

The Clerk further proposed:



***MCAG should be charged with giving further consideration to the composition of the review group, and then ask Nominations Committee to identify the people to serve.***

Resolved by consensus.

Evening Prayers were led by Rev Rachel Poolman.

**FRIDAY 15 OCTOBER**

### **Joint Session 11**

Mr David Walton took the chair.

Rev Kenneth Howcroft announced the order of business for the morning session. Rev Richard Mortimer announced that the 'Back up day' reserved in November for a Mission Council meeting in London would not be needed. He also announced that the 'God's Reign – our Unity' Report from the Church of England/ United Reformed Church working party, would be brought to the General Synod of the Church of England and the Mission Council in the Spring of 2011. A favourable outcome would mean that the URC would be fully recognised as a partner church by the Church of England.

### **Work with Children and Young People. BT/10/03**

Following positive responses to the document 'Which Way Now?' earlier in the meeting the following resolutions were put:

- 1. The Methodist Council and Mission Council commit themselves to the crucial work of re-engaging with children and young people in Britain through the widest variety of media and other means.***
  
- 2. The Methodist Council and Mission Council commit itself to do those things with the Mission Council and Methodist Council that they are able to do, and to seek continually new areas of co-operation.***

A number of questions and comments were received to which Doug Swanney and Rob Weston responded. They agreed that the wording was somewhat bland with no particular outcomes stated, but emphasised that work between the two denominations was well in progress and the resolution was a particular encouragement to continue what has been begun.

After discussion the second resolution was amended to read:

- 2. The Methodist Council and Mission Council commit their staff teams to work together to bring plans for joint working to future meetings of the Councils.***

The resolutions were carried by a single vote of the whole meeting.

## **Building Opportunities BT/10/04**

Clifford Patten and James North on behalf of the Church Buildings Think Tank proposed the resolution:

***The Councils call for the formation of a follow on group to facilitate the next stage of this work, following the dissolution of the Church Buildings Think Tank.***

Following discussion, in which a number of queries were raised, Rev Martyn Atkins reminded the Council members of the wealth of work already undertaken in this field and encouraged any follow on group to use that work as a starting point.

The resolution was carried by a single vote of the whole meeting with the understanding that:

***The matter be referred to the Strategic Oversight Group and the results of discussions be presented to future meetings of the two Councils.***

## **Poverty in Britain in 2010 Paper BT/10/06**

Paul Morrison on behalf of the Joint Public Issues Team proposed the resolution:

***The Methodist Council and the Mission Council meeting together resolve:***

- ***To promote just distribution of income by confirming our commitment to the Living Wage and by calling for benefit and wage policies that provide the opportunity for all to live and work in dignity.***
- ***Through the work of the Joint Public Issues Team and others, to challenge the causes of poverty and inequality inherent in our society.***
- ***To stand alongside those worst affected by the government spending review and to demand that the burdens of the current economic situation are not unfairly put on the poor and the vulnerable.***  
*Amended to read:*  
***To stand alongside the poorest and most vulnerable and to demand that the burdens of the current economic situation do not place a further burden upon them.***
- ***To challenge those who would stigmatise the poor and portray those in poverty as “lazy”, or “having made a bad lifestyle choice” or being “scroungers”.***
- ***To listen to and tell the real stories of those who struggle on low incomes.***

Many supportive comments were received; some would have preferred protest and more challenge to be included; individuals were encouraged to lobby their Members

of Parliament; all were reminded that inequality had negative effects on all sections of our society.

The resolution was carried by a joint vote of the whole meeting.

### **Review of the Methodist/United Reformed Church National Rural Officer Post Paper BT/10/05**

Rev Elizabeth Caswell, Convenor of the Review Group, presented the report. She spoke warmly of the good work already achieved and noted that much remains to be done in our isolated rural communities. She highlighted the recommendations made by the review group and proposed the resolution:

***The Councils accept the recommendations in the review report, but in addition agree to undertake an earlier review of the post where any developments give rise to significant changes in the current funding arrangements and model, or in the bilateral and /or ecumenical partnership arrangements.***

The Methodist Council and the Mission Council, voting separately, each approved the resolution.

### **Reflections on the Joint Meeting.**

- A welcome occasion, inspiring especially the small group discussions.
- Disappointment that more meaningful discussions had not been possible
- Much helpful work had been done by the Methodist/ URC liaison group in the background
- We have been helped to understand the complex dynamics of our denominations
- We need enabling structures to allow initiatives to happen
- How will the URC advertising campaign affect URC elements within LEP's
- Can we now move to a more visible unity though our working, "Better Together"?
- Much work is ongoing
- We should not underestimate the value of being together and discussing together

### **Thanks.**

Mr John Ellis, speaking on behalf of the Methodist Connexion, thanked all those who had made the meeting possible and particularly thanked Irene Wren who had agreed to minute the joint sessions. He presented her with a John Wesley Tercentenary Medal in appreciation. Mr David Walton also offered thanks to the staff members of both churches who had spent much time in preparation. Moderator Mrs Val Morrison thanked the URC members of Mission Council who were completing their terms of service and wished them well.

### **Final Worship.**

Members of both councils gathered to celebrate Holy Communion. The worship was led by Rev Dr Kirsty Thorpe, and Rev Eunice Attwood, assisted by Rev Alison Tomlin and Mrs Val Morrison who preached the sermon.

The next meeting of the URC Mission Council will be 17 – 19 May, at High Leigh Conference Centre, Hoddesdon.

## Appendix 1

### Changes to Part II of the Ministerial Disciplinary Process (Section O)

*[Note: Most of the changes shown here arise out of the proposed introduction of a Caution Stage, which are contained in a new Section AA, but some other important changes are being brought forward as well.]*

**A.3** After the word “**Paragraphs**” add “**AA.8.1,**”.

**A.5** In the opening sentence of this paragraph insert the words “**including Section AA**” after “**Sections A to J**”

Insert the following additional definitions, placing them in the correct alphabetical sequence and making the necessary consequential amendments to the sub-numbering of the other definitions in this Paragraph:

“**Capability Procedure**” shall mean the Procedure adopted by the General Assembly of the Church in July 2008 (or any subsequent modification thereof) for maintaining and improving the performance of ministers and known as the Capability Procedure.

“**Caution**” shall mean a sanction in the form of a written Caution imposed on a Minister in accordance with the procedures set out in the Caution Stage under Section AA (not to be confused with the Written Warning defined later in this Paragraph A.5).

“**Caution Stage**” shall mean the first stage in all disciplinary cases not involving Gross Misconduct, the rules applicable thereto being set out in Section AA.

“**Final Caution**” shall mean a Final Caution imposed under Paragraph AA.7.

“**Gross Misconduct**” shall mean misconduct which is considered by the Synod Moderator to be so serious as to justify bypassing the Caution Stage and calling in the Mandated Group under Section B immediately to conduct its Initial Enquiry.

“**Guidelines of Conduct and Behaviour**” shall mean the Guidelines of Conduct and Behaviour for Ministers of Word and Sacrament and the Guidelines of Conduct and Behaviour for CRCWs adopted by the General Assembly of the Church in July 2010 (or any subsequent modification thereof).

“**Independent Safeguarding Authority**” shall mean the Independent Safeguarding Authority established by Section 1 of the Safeguarding Vulnerable Groups Act 2006.

“**Initial Caution**” shall mean an Initial Caution imposed under Paragraph AA.6.

**“Synod Appointees”** shall mean the persons appointed to examine a disciplinary case within the Caution Stage and, if considered appropriate, to impose Cautions upon the Minister.

**“Written Warning”** shall mean a written warning issued to a Minister by the Assembly Commission or the Appeals Commission and appended to and forming part of its decision under Sections E or G as the case may be (not to be confused with a Caution imposed on a Minister under the Caution Stage).

**A.5.33** Replace the words **“from which persons shall be appointed to be members of the Mandated Group”** with **“which shall serve the purposes set out in that Paragraph”**.

**A.12** Add a new Paragraph A.12 as follows:

In the event of the Minister having already been the subject of the Capability Procedure, the record of any decisions (including decisions on appeal) taken under that procedure, together with such papers, records, and statements and other data as formed the body of information relevant in that procedure (save only such as may be protected on the grounds of confidentiality) shall be made available to all those persons responsible at various stages and in various capacities for the conduct of the Section O Process.

**A.13** Add a new Paragraph A.13 as follows:

Whilst the Guidelines for Conduct and Behaviour are not intended to be rigorously applied in the same manner as precise rules they nevertheless have an important part to play in the process of considering whether, in any given case, the Minister might be in breach of his/her ordination promises under Part I, Paragraph 4.1 and consequently it would be appropriate for reference to be made to these Guidelines as appropriate within the Section O Process.

**A.14** Add a new Paragraph A.14 as follows:

In any case where it is necessary or appropriate to make a referral to the Independent Safeguarding Authority in accordance with the Referral Guidance from time to time issued by that Authority, whether as a mandatory or a voluntary referral as described in the said Guidance, any such referral made pursuant to such Guidance shall be deemed to be made in furtherance of a public responsibility and not as part of any decision made in accordance with these Rules of Procedure.

**B.2.1** To become B.2.1.1 and open the Paragraph with the words "Subject to Paragraph B.2.1.2, every Synod....".

After the words "from that Synod" add the following words: "(see also Paragraph B.2.1.2)"

Add the following sentences at the end of this Paragraph:

“The purposes of the Synod Panel are to enable the following appointments to be made from that Panel when a disciplinary case arises, that is to say (i) the appointment of two persons in accordance with Paragraph B.3 to act as members of the Mandated Group in that case and (ii) the appointment of two persons in accordance with Paragraph AA.1.5 to act as the Synod Appointees during the Caution Stage if initiated. The same persons shall not act as Synod Appointees and members of a Mandated Group in the same case.”

B.2.1.2 Add a new paragraph as follows:

“A Synod may appoint to its Synod Panel persons from any other Synod so long as the number of such persons does not exceed 25% of the total membership of the Synod Panel.”

**B.3.1** After the words "**Synod Panel for that Synod**" insert the following "**(or in an emergency one person from the Synod Panel of that Synod and one person from the Synod Panel of another Synod)**".

B.6.3 Add the following words at the beginning of this Paragraph:

**“If the Synod Moderator has proceeded directly to the calling in of the Mandated Group without first initiating the Caution Stage,”**

B.6.4 Add the following words at the end of the first sentence:

**“, together with all reports, papers and other documents relevant to the case, including, if relevant, a copy of the Synod Appointees’ report to the Synod Moderator at the conclusion of the Caution Stage and all supporting papers, copies of any Cautions issued and of the record of any appeals decisions made in respect of such Cautions.”**

In the final sentence replace the words "**that statement**" with "**the written statement mentioned above**".

**B.8.2** The existing Paragraph B.8.2 to become B.8.2.1.

**B.8.3** The existing Paragraph B.8.3 to become B.8.2.2.

**B.8.4** The existing Paragraph B.8.4 to become B.8.3.

**E.5.1.3** After the words "**written statement(s)**" insert "**signed by both parties**".

**E.8.6** Add a new Paragraph E.8.6 as follows:

**“The terms of any Caution imposed on the Minister at the Caution Stage and the Minister’s reaction thereto, particularly in terms of his/her performance and the level of his/her response to the Caution during the period whilst the Caution was in place.”**

**F.2.3** At the end of the paragraph, delete the full-stop and add the following: **“as a consequence of which it cannot form the subject matter of any appeal.”**

**F.3.2** At the end of the paragraph, add the following: **“....and shall specify the Council(s) of the Church whom it charges with the responsibility of monitoring the minister's future conduct in the light of such warning, provided; (i) that the monitoring process may be dealt with by the pastoral committee of that Council or in any other manner considered appropriate by that Council and; (ii) that, should the minister subsequently move from the oversight of one Council to another, the first Council shall advise the second Council of the existence of the warning and supply such information as is necessary for the second Council to take over the monitoring process.”**

**F.4** Remove the words: **“,except as to its responsibilities under Paragraph J.3,”**.

**G.16.1** Remove the words: **“,except as to its responsibilities under Paragraph J.3,”**.

**J.1** After the words **“Paragraph E.5.3”** insert **“or decisions of the Synod Appointees or the appeals body as to the impositions of Cautions during the Caution Stage”**.

## **INCAPACITY PROCEDURE**

### **Changes to Part II**

*[Note: The changes fall into the five categories shown below and the paragraphs containing the proposed changes are allocated to the relevant category:*

#### **A. The introduction of a Commission Officer.**

*A.1.1 (definition of “Commission Officer” and “Enquiry Stage”), B.3.3, C.4.1/2/3, D.3.4, the whole of the new Sections F and G, J.1, J.2.1, J.2.3, J.3, L.8, L.9.8.*

#### **B. The need to remove the power to make recommendations.**

*A.1.1 (definition of “Outside Organisation”), A.3, J.10, K.5.2, K.5.3, K.6, K.7, L.11.2, L.11.3, L.12.1, L.12.2.*



**C. The requirement that the case has passed through PRWC and that PRWC can do no more.**

*A.1.1 (definition of “Certificate of Entry”), B.1.1, B.2.2, B.2.3, B.3.1, B.3.2, D.3.2, D.3.3, D.3.4 and F.8.*

**D. The removal of adversarial-type language.**

*J.2.3, J.3, J.4.1/2, J.5, J.6, J.8, L.9.6, M.4*

**E. Miscellaneous.**

*B.6, E.8, J.2.2. ]*

**A.1.1 “Certificate of entry”** Add the following definition:-

**“Certificate of entry” means the Certificate duly completed and signed by the Convener of the PRWC in the format set out in the Appendix to this Part II.**

**“Commission Officer”** Add the following definition:-

**“Commission Officer” means the person appointed to act under the instructions of the Review Commission in carrying out an investigation and assembling the relevant information and documentation for the assistance of the Review Commission and whose role and functions are set out in Section G.**

**“Enquiry” – Change the definition to “Enquiry Stage” and continue “means the pre hearing stage during which the Review Commission conducts its enquiry in accordance with Section F assisted by the Commission Officer.”**

**“Outside Organisation” - Replace the words “recommendation(s) or guidance being issued under the relevant paragraph of these Rules of Procedure” with “guidance being issued under the relevant paragraph of the Incapacity Procedure”.**

**A.3** Delete the words **“recommendations or”**.

**B.1.1** After the words **“Paragraph 1 of Part I”** replace the remainder of the Paragraph with the following:

**“...s/he shall enquire from the Convener of the PRWC (i) whether the PRWC has been involved with the Minister and, if so, (ii) whether it has now reached the point where it believes it can do no more for him/her. If, and only if, the answer to both questions is in the affirmative, s/he shall, wherever possible, consult the other of them (i.e. the Moderator of**

**the Synod or the Deputy General Secretary as the case may be) and s/he shall also consult the Convener of the PRWC and those persons (“the Consultation Group”) shall decide whether the Incapacity Procedure should be initiated. For the avoidance of doubt, unless and until the questions posed at (i) and (ii) above can both be answered in the affirmative, the Incapacity Procedure cannot be initiated.”**

**B.2** Replace the existing wording with:

**"As part of the consultation referred to in Paragraph B.1.1, the Consultation Group must satisfy itself as to the following matters:-"**

**B.2.1** Replace the word “made” with “attempted”.

**B.2.2** Insert the word "Church's" immediately before the word "procedures".

**B.2.3** Replace the existing wording with:

**“....that the PRWC has been involved with the Minister but has now stated that it believes it can do no more for him/her; and....”.**

**B.3** Replace the existing Paragraph B.3 with the following:-

**B.3.1** If, having so consulted, the Consultation Group is satisfied unanimously that all the conditions contained in Paragraphs B.1.1 and B.2 have been complied with, the Group shall send or deliver to the Moderator of the Synod or the Deputy General Secretary as the case may be a Certificate of Entry\* completed in strict accordance with the format set out in the Appendix to this Part II, this being an essential pre-condition to a case entering the Incapacity Procedure. When this step has been completed, the Incapacity Procedure shall apply and the procedures set out in Paragraphs B.3.2 and B.3.3 shall come into operation.

**B.3.2** The Moderator of the Synod or the Deputy General Secretary shall forthwith send or deliver to the Secretary of the Review Commission\* the Certificate of Entry and a Commencement Notice\* (together with such accompanying papers as are germane to the case) in order to activate the Incapacity Procedure, setting out the reasons for the issue of such Notice and s/he shall at the same time inform the Minister that this step has been taken. As to the procedures to be followed regarding suspension, see Section E.

**B.3.3** The Secretary of the Review Commission shall thereupon notify the following persons in writing of the issue of the Commencement Notice, namely the General Secretary, the Synod Moderator (if s/he did not issue the Commencement Notice), the Synod Clerk, the Press Officer, the

**Secretary for Ministries, the Convener of the PRWC and the responsible officer of any relevant Outside Organisation. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used. If appropriate, the Notice may be combined with a Notice given under Paragraph E.4 regarding suspension.**

**B.3.4 On receipt of the Commencement Notice, the Secretary of the Review Commission shall forthwith activate the procedure for the calling in of the Commission Officer to carry out his/her functions as described in Section G when instructed to do so by the Review Commission.**

**B.6 In the expression “Paragraph B.1 and B.2” add an “s” to the word “Paragraph”.**

After the words "to the contrary" remove the comma and insert the words "and so long as the Consultation Group is satisfied that the conditions contained in Paragraphs B.1.1 and B.2 have been complied with,"

**C.4.1 Add a new paragraph as follows:**

**Mission Council shall, on behalf of General Assembly, appoint a person with some legal, tribunal or professional experience or other similar background to act as the Commission Officer in cases coming within the Incapacity Procedure and a second person with similar credentials to act as a reserve Commission Officer should the person firstly appointed be unable for any reason to participate in a particular case.**

**C.4.2 Add a new paragraph as follows:**

**In the event that neither of the persons referred to in Paragraph C.4.1 is able to act as Commission Officer in any particular case, the Secretary shall invite the Officers of General Assembly to appoint another person to act as Commission Officer in that case, making every effort to appoint someone with similar credentials.**

**C.4.3 Add a new paragraph as follows:-**

**The principle enunciated in Paragraph D.1 must be taken into account in considering whether a person is eligible to act as Commission Officer in any given case.**

**D.3.2 After the words “copies of” add “the Certificate of Entry,”.**

**D.3.3 Replace the words “a copy of” with “copies of the Certificate of Entry,”.**

**D.3.4 Add a new paragraph as follows:**

**The Secretary shall send to the Commission Officer copies of the Certificate of Entry, the Commencement Notice and any supporting documentation, together with a notice requesting confirmation that the addressee is unaware of any circumstances which in the present case might prevent him/her from serving as Commission Officer and, in the event that that person is unable to serve as the Commission Officer, the Secretary shall repeat the procedure with the second person referred to above.**

**E.8** Insert a new E.8 as follows:

**Suspension does not imply any view about the correctness or otherwise of the reasons for the entry of the case into the Incapacity Procedure nor of any statements made or information given concerning the Minister, nor does it affect the Minister's stipend or the CWCW's salary or the Minister's or the CRCW's pension arrangements made under the relevant United Reformed Church Pension Scheme.**

**Sections F and G** Replace the existing Sections F and G with the following:

**F. Role and responsibilities of the Review Commission at the Enquiry Stage**

**F.1. The Review Commission shall have control of all procedural matters at the Enquiry Stage, including the gathering of information and any issues relating to the Minister's suspension. The Review Commission shall also have discretion as regards the extent to which written statements, reports, videos, recorded interviews and other recordings and transcripts may be taken into account. This discretion will be particularly apposite when considering any report, information and documentation submitted by the Commission Officer under Paragraph G.4**

**F.2 Where cases come into the Procedure following a recommendation from the Disciplinary Process, information may already have been considered within that Process. However, the Review Commission must always carry out its own enquiry and cannot rely upon such information simply because it was presented and considered within the Disciplinary Process.**

**F.3 The members of the Review Commission shall consult together as soon as possible to consider the information laid before them and to agree upon the course which their enquiry should take.**

**F.4 At the outset the Review Commission will need to address the following questions:**

- F.4.1** Have all the steps outlined at Paragraphs B.1 and B.2 been taken?
- F.4.2** Are there any issues regarding suspension which need to be resolved by the Review Commission (see Section E)?
- F.4.3** How has the Minister responded, if at all, to the issues raised in the Commencement Notice, particularly those relating to his/her conduct and/or behaviour or to any other concerns and/or problems expressed about his/her ministry and will it be necessary to meet with other persons with knowledge of any relevant events or circumstances to test the accuracy and weight of these matters and their importance to the enquiry?
- F.4.4** Is specialist advice and guidance relevant as to the question of whether, based on the criteria set out in Part I, Paragraphs 1 and 5, the Minister is or is not capable of exercising, or of continuing to exercise, ministry? If so, what steps should be taken to ensure that such advice and guidance are available for consideration by the Review Commission? Has any such advice or guidance already been taken and, if so, can this be made available to the Review Commission?
- F.5** The Review Commission shall be entitled to call for and consider all minutes of meetings, correspondence, notes, reports and documents which it considers appropriate to its enquiry. This provision shall not apply where those from whom such documentation is requested can demonstrate that it is protected by confidentiality.
- F.6** Should the Review Commission consider that at any time the Minister might, whether or not deliberately, be in danger of infringing any of Paragraphs K.1.5/8, it shall, wherever practicable, draw this to the attention of the Minister or his/her representative.
- F.7** Having carried out its initial review, the Review Commission will consider the information so far available and consider the implications of this information in the light of the criteria set out in Paragraphs 1 and 5 of Part I and will then issue instructions to the Commission Officer to enable him/her to carry out his/her responsibilities under Section G. In doing so, the Review Commission should draw the particular attention of the Commission Officer to Paragraphs A.2, H.1 and K.1.
- F.8** The Review Commission shall at the same time supply the Commission Officer with copies of the Certificate of Entry, the Commencement Notice, any supporting documentation and all necessary information for the better performance of his/her responsibilities. Information relating to any specific advice or guidance as mentioned in Paragraph F.4.4 is

particularly pertinent in this respect. Furthermore the Review Commission must make clear to the Commission Officer the issues identified by the Review Commission to which it wishes the Commission Officer to direct his/her enquiries so that there is consistency and the avoidance of duplication in the gathering of information.

- F.9** The Review Commission will at all times be able to issue guidance and instructions to the Commission Officer as s/he carries out his/her role under Section G.
- F.10** The Review Commission may, if it considers it appropriate so to do, adjourn the Enquiry and direct the Commission Officer to put his/her investigation on hold pending further instructions. Bearing in mind the need to move the Procedure along in a timely manner, this power should only be used sparingly when warranted by the special circumstances of the case and any such adjournment should last only so long as is strictly necessary.
- F.11** On receipt of the dossier and accompanying papers from the Commission Officer referred to in Paragraph G.7, the Secretary of the Review Commission shall forthwith supply copies of all such papers to each member of the Review Commission who may seek clarification and/or further information from the Commission Officer on any of the matters referred to therein.
- F.12** The members of the Review Commission, in considering the material presented to them, should always have in mind the desirability of reaching agreement with the Minister or the Minister's representative as to any information and advice which is accepted as common ground with a view to simplifying the Hearing and making it appear less confrontational.
- F.13.1** When the Review Commission has satisfied itself as to the matters referred to in Paragraph F.11, the Secretary of the Review Commission shall thereupon, acting on the instructions of the Review Commission, send to the Minister or the Minister's representative a copy of the Commission Officer's statement and copies of all the statements, reports and other documents contained in the accompanying dossier (save only that, if the Commission Officer shall have already provided the Minister with copies of the documents in the agreed bundle in accordance with Paragraph G.6, the Secretary is not required to send to him/her further copies of those particular documents at this stage).
- F.13.2** At the same time s/he shall notify the Minister or his/her representative by letter that, should s/he wish to make any observations or

representations on any of the matters contained in the said statement and dossier or should s/he wish to submit any further statements, reports, or other papers, these should all be lodged with the Secretary within 21 days of receipt of the said letter. The Secretary shall forthwith on receipt supply each member of the Assembly Commission with a copy of any such observations, representations or documents.

**F.14** After the expiration of the said period of 21 days or, if a request for an extension of time is received, within such further period of time, if any, as the members of the Review Commission consider reasonable, the Review Commission will instruct the Secretary to put in hand arrangements for a hearing to take place in accordance with Section J.

**G** Role and Responsibilities of Commission Officer

**G.1** The role and responsibilities of the Commission Officer shall be:-

**G.1.1** To study the Commencement Notice and any supporting papers and any representations made by the Minister and/or others and

**G.1.2** To note the instructions of the Review Commission and any supporting information supplied with them (see Paragraphs F.7 and F.8) and

**G.1.3** In pursuance of those instructions, to obtain such reports, carry out such interviews and consultations and take such other steps as are deemed appropriate within the scope of those instructions including the assembling of all the relevant information in a dossier for presentation to the Review Commission and

**G.1.4** To attend the Hearing in order to respond to any questions which may be put to him/her by the Review Commission and/or the Minister or the Minister's Representative.

**G.2** The Commission Officer shall have regard to the following:-

**G.2.1** S/he must act within the scope of the instructions issued by the Review Commission under Paragraph F.7.

**G.2.2** Should the Commission Officer, in the course of his/her investigation, be drawn into a new line of enquiry, s/he must refer back to the Review Commission for further instructions.

**G.2.3** The Commission Officer must not commission reports or incur costs without specific authorisation from the Review Commission.

**G.3** Subject always to the terms of the Review Commission's instructions, the following questions (which are not necessarily exhaustive) should

be addressed by the Commission Officer in the course of carrying out his/her responsibilities in accordance with Paragraph G.1:-

- G.3.1** How has the Minister responded, if at all, to the issues raised in the Commencement Notice, particularly those relating to his/her conduct and/or behaviour or to any other concerns and/or problems expressed about his/her ministry and will it be necessary to meet with other persons with knowledge of any relevant events or circumstances to test the accuracy and weight of these matters and their importance to the investigation?
- G.3.2** Is specialist advice and guidance relevant as to the question of whether, based on the criteria set out in Part I, Paragraphs 1 and 5, the Minister is or is not capable of exercising, or of continuing to exercise, ministry? If so, what steps should be taken to ensure that such advice and guidance are available for consideration by the Review Commission?
- G.3.3** Are there any special factors in the particular case which should be taken into account at this stage? This is particularly relevant in cases coming into the Incapacity Procedure following a recommendation from the Disciplinary Process.
- G.4** So long as such actions fall within the scope of the Review Commission's instructions and are within the constraints set out in Paragraph G.2, the Commission Officer may seek the written permission of the Minister or his/her representative (but only so far as the latter has the authority in law to grant such permission on behalf of the Minister) to apply for copies of all the Minister's medical notes, records and reports from his/her General Practitioner and copies of the reports from any specialist who may have examined or been consulted by the Minister. If the Commission Officer is unable to obtain copies of any such notes, records and reports s/he shall report this to the Review Commission and the Procedure shall continue with the best information available.
- G.5.1** The Commission Officer should seek to obtain from each person from whom s/he obtains information a written statement setting out such information and summarising the discussion at the meeting. This statement should, wherever possible, be agreed and signed by the Commission Officer and the person concerned immediately after the meeting and whilst they are still together. The Commission Officer should inform that person that s/he may be called later to attend the Hearing and answer questions which may be put to him/her by the Review Commission and/or the Minister or the Minister's representative.



- G.5.2** If any such person refuses or expresses an unwillingness to attend any Hearing in person or if the Commission Officer has any other reason to believe that that person will not in fact do so, the Commission Officer shall report this to the Review Commission, which may if it thinks fit invoke its discretionary powers as set out in Paragraph F.1. In such situations, it is essential that the Commission Officer should use every endeavour to obtain an agreed written statement from the person concerned as described in Paragraph G.5.1.
- G.6.** The Commission Officer shall consult, or endeavour to consult, with the Minister or his/her representative for the purpose of securing an agreed bundle of documents. A list of the documents in the agreed bundle should be prepared by the Commission Officer and signed by him/her and by the Minister or his/her representative. The Minister may request copies of the documents in the agreed bundle there and then. Otherwise they will be sent to him/her by the Secretary of the Review Commission (see Paragraph F.13.1). Should the Commission Officer be unable to secure an agreed bundle of documents for whatever reason, s/he shall prepare a report which shall explain why it has not proved possible to do so.
- G.7** When the Commission Officer has completed his/her investigation, s/he shall lodge with the Secretary of the Review Commission a dossier containing (i) a written statement setting out the result of his/her investigation, summarising the information contained in the dossier and adding any comments which s/he deems appropriate and (ii) either of the following:-
- G.7.1** If it has proved possible to secure an agreed bundle of documents in accordance with Paragraph G.6, the originals (or copies if the originals are not held by the Commission Officer) of the documents forming the agreed bundle, the signed copy of the agreed list of documents and the originals or copies of any further documents which are not included in the agreed bundle but which, in the opinion of the Commission Officer, should nonetheless be passed on to the Review Commission or
- G.7.2** If it has not proved possible to secure an agreed bundle of documents in accordance with Paragraph G.6, the originals (or copies if the originals are not held by the Commission Officer) of all statements, reports and other documents considered by him/her to be relevant to the case, including the report referred to in Paragraph G.6 as to why it has not been possible to secure an agreed bundle of documents.
- J.1** After the words "the Minister" add "the Commission Officer".

**J.2.1** The existing J.2 shall become J.2.1 and the following shall be inserted as the fifth bullet point:

- **The Commission Officer**

**J.2.2** The existing J.3 shall become new Paragraph J.2.2. Also replace the word “**should**” with “**shall**”.

**J.2.3** Add a new J.2.3 as follows:

**The Convener shall open the proceedings by introducing him/herself and the other members of the Commission and such other persons as may be present. S/he shall also explain their respective roles and the manner in which the Hearing will be conducted. The Review Commission shall have complete discretion as to the manner of conducting the Hearing and may, if considered appropriate, invite the Commission Officer at the outset to present his/her report to the Hearing.**

**J.3** Insert the following as new J.3:

**J.3 If invited to do so by the Review Commission, the Commission Officer will present the information set out in the written dossier and its supporting papers and, if any of the persons referred to in the dossier are present, the Review Commission may invite him or her to provide their information orally. Any such persons will be subject to questioning by the Convener (and by other members of the Commission with the Convener’s permission) and by the Minister or the Minister’s representative.**

**J.4.1** Replace the words “**All witnesses called by the Review Commission to give evidence shall be subject to questioning...**” with “**All persons attending the Hearing in person to provide information may be questioned...**” Also at the end, replace the word “**witnesses**” with “**persons**”.

**J.4.2** Remove the words “**When the process described in Paragraph J.4.1 has been completed,**” and replace the words “**witnesses called by him/her to give evidence**” with “**persons attending at his/her request to provide information**”.

**J.5** After the words “**directs otherwise,**” replace the existing words with “**persons attending to provide information and/or answer questions shall only be present whilst they are doing so**”.

**J.6** Replace the existing paragraph with the following:

**"When the procedures outlined in Paragraphs J.3 and J.4 have been completed, the Minister or the Minister's representative may if s/he wishes address the Review Commission".**

**J.8** Delete the words **"evidence and"**.

**J.10** Insert a space between "Commission" and "will wish"

Delete the words **"and/or recommendation(s)"**.

Change the paragraph reference in the text from B.1 to **B.3**.

**K.5.2** Delete this paragraph.

**K.5.3** The existing K.5.3 to become **K.5.2**.

**K.6** Delete the words **"recommendations or"**.

**K.7** Delete the words **"...and any recommendations appended to the Decision (as regards any Outside Organisation, only those recommendations which it expressly states to be its wish that such be passed on to that Outside Organisation) and sent to the Minister in accordance with Paragraph K.6..."**.

**L.8** After the words **"shall take"** replace the remainder of the first sentence with **"having in mind but not being bound to follow the procedures laid down for the Review Commission in Section F"**.

Delete the words **"In addition"** at the beginning of the second sentence.

**L.9.6** Replace the words **“, evidence and interpretation”** with **“and any legal issues which may arise relating to the interpretation of the information provided at the Hearing”**.

**L.9.8** This paragraph to become L.9.8.2 (see below):

**L.9.8.1** Add a new L.9.8.1 as follows: **“If requested to do so by the Appeals Review Commission, the General Secretary shall invite the Commission Officer to attend the Hearing of the Appeal and at some point during the Hearing the Convener may invite the Commission Officer and the Minister or his/her representative to address the Appeals Review Commission on the subject matter of the Appeal.**

**L.9.8.2** The existing Paragraph **L.9.8** shall become **L.9.8.2**

**L.11.2** Delete this paragraph.

**L.11.3** The existing L.11.3 to become **L.11.2**.

**L.12.1** Delete the words “**recommendations or**”.

**L.12.2** Delete the words “**recommendations or**” both times they appear.

**M.4** Replace the word “**served**” with “**sent or delivered**”.

## **ADDENDUM TO THE INCAPACITY PROCEDURE**

**PRIVATE AND CONFIDENTIAL**

**Form [...]**

### **THE UNITED REFORMED CHURCH MINISTERIAL INCAPACITY PROCEDURE (as set out in Section P of the MANUAL)**

#### **CERTIFICATE OF SUITABILITY FOR ENTRY INTO THE PROCEDURE**

**(defined in the Procedure as “the Certificate of Entry”)**

**re: .....**

This Certificate of Entry has been completed by the Convener of the Pastoral Reference and Welfare Committee (PRWC) to fulfil the requirements of Paragraphs B.1.1 and B.2 of Part II of the Procedure.

As Convener of the PRWC I hereby certify as follows:

1. Pursuant to Paragraph B.1.1, the Consultation Group (as defined in Paragraph A.1 1 of the Procedure) has carried out its responsibility to consider the question of whether the Incapacity Procedure should be initiated in respect of the above named Minister/Church Related Community Worker (CRCW) and has reached the conclusion that it should be so initiated and

2. The PRWC, after having given full consideration to the concerns relating to the above named Minister/CRCW as required by Paragraph B.2, has reached the following conclusions:

(i) That all reasonable steps to rehabilitate the Minister/CRCW have been attempted (B.2.1); and

(ii) That the Church's procedures for ill health retirement do not apply and that there is no reasonable prospect of their implementation or of the resignation of the Minister (B.2.2): and

(iii) That the PRWC has been involved with the Minister/CRCW but has now stated that it believes it can do no more for him/her (B.2.3): and

either

(iv) That no case against the Minister/CRCW is already in progress under the Ministerial disciplinary Process:

or

(iv) That the Minister/CRCW is already involved in a Ministerial Disciplinary case, but the provisions of Paragraph B.6 of Part II apply.

*[delete whichever does not apply]*

Dated.....20...

Signed.....Convener of PRWC

**APPENDIX 2 MINISTERIAL DISCIPLINARY PROCESS (Section O) –  
CAUTION STAGE to take effect on 30 April, 2011**

**Section AA to be inserted after Section A of Part II of the Disciplinary Process  
(Section O)**

AA.1.1 This Section AA sets out a Caution Stage which provides the mechanism whereby an enquiry can be set up to examine matters of concern involving ministers which fall short of Gross Misconduct, leading, if appropriate, to an Initial Caution and a Final Caution being issued to the Minister in the form of written notices.

AA.1.2 Any such matters of concern shall only fall within the Section O Process if demonstrating a degree of blameworthiness attributable to deliberate intent or to a blatant lack of care and concern, the effect of which, if substantiated, would indicate a breach of the criteria laid down in Part I, Paragraph 4.1. In the absence of these elements, no case for discipline arises under this Section AA.

AA.1.3 If at any time during the Caution Stage the Synod Moderator becomes aware of any information suggesting the possibility of Gross Misconduct on the part of the Minister, s/he shall have the power to bring the Caution Stage to an immediate conclusion and call in a Mandated group to commence its Initial Enquiry in accordance with Section B of these Rules. Any relevant information already gathered within the Caution Stage shall be passed on to the Mandated Group and the Synod Moderator shall discharge the Synod Appointees from any further responsibility.

AA.1.4 References in this Section AA to the Synod Moderator can also be taken as a reference to the Deputy General Secretary, except where precluded by the context.

AA.1.5.1 Each Synod is required to appoint from its Synod Panel two persons to conduct the enquiry under the Caution Stage and to take such other actions as are required under this Section AA and two persons to act as reserves for such purposes should the principal appointees be unable for whatever reason to act in that capacity in a particular case.

AA.1.5.2 The Synod may make these appointments in any of the following ways: (i) it may appoint persons from its own Synod Panel or (ii) it may appoint persons from the Synod Panel(s) of one or more other Synods, with the consent of the Moderator of that Synod or those Synods, or (iii) it may appoint persons who, although not members of any Synod Panel, have legal, tribunal or other appropriate professional experience. The appointments do not need to be made from one and the same group.

AA.1.5.3 These appointments should, wherever possible, be standing ones and made in advance, not made ad hoc when the situation arises. If, however, there shall not be any Synod Appointees in place at the time when the Synod Moderator wishes to initiate the Caution Stage, s/he may call upon the Synod to make the necessary appointments at that time.

AA.1.5.4 The persons appointed to act in any given case under this Paragraph shall be referred to as “the Synod Appointees”.

AA.2.1 Should the Synod Moderator wish to initiate the Caution Stage in relation to a particular minister, s/he shall call in the Synod Appointees, by written

notice to each of them, to carry out the enquiry in accordance with the procedure set out in this Section AA.

AA.2.2 Should the Deputy General Secretary wish to initiate the Caution Stage in relation to any particular minister, s/he shall follow the procedure set out in Paragraph AA.1.5 to appoint two persons to act as the Synod Appointees in that case.

AA.2.3 Should either or both the principal and the reserve appointee(s) of the Synod be unable to act in a particular case, the Moderator of the Synod shall, with the consent of the Moderator(s) of another Synod or other Synods, call in the principal or reserve Synod Panel Member(s) for that/those Synod(s) to carry out the functions of the Synod Appointees in that case. The two so appointed need not be members of the same Synod Panel.

AA.2.4 In calling in the Synod Appointees as above, the Moderator of the Synod shall inform the Minister that this step has been taken and supply both the Synod Appointees and the Minister with a written statement setting out the matters of concern which have led to the calling in of the Synod Appointees, the names of possible informants and other sources of information at that time available and any observations as to ways in which the Moderator considers that the Minister's perceived shortcomings might be addressed. The statement supplied to the Synod Appointees shall be accompanied by any reports, statements and other documents which the Synod Moderator considers might be helpful to the Synod Appointees, including, if applicable, all papers relative to a recommendation that the Section O Process should be commenced, made in accordance with Section H of Part II of the Incapacity Procedure.

AA.2.5 The principle enunciated in Paragraph B.4 regarding membership of a Mandated Group shall be equally applicable when considering the eligibility of persons to act as Synod Appointees in any given case.

AA.2.6 For purposes of confidentiality and the chain of continuity of the Process, the Disciplinary Case against a particular minister shall, if the Caution Stage is invoked, be deemed to have commenced on the calling in of the Synod Appointees in accordance with this Paragraph AA.2. It should be noted that the initiation of the Caution Stage will not involve the suspension of the Minister.

AA.2.7 At all meetings with the Synod Appointees, the Minister and any other persons interviewed by the Synod Appointees may, if they wish, be accompanied by a friend.

AA.3 The purpose of the enquiry is to establish whether, in the opinion of the Synod Appointees, the matters of concern referred to in Paragraph AA.2.4, whilst they may fall short of Gross Misconduct, do nonetheless amount to a failure on the part of the

Minister to live up to the promises which s/he made at ordination (see Part I, Paragraph 4.1) and whether if the Synod Appointees do come to that conclusion it would be appropriate for them to issue a Caution in the form of a written notice to the Minister and, if so, in what terms or, if they consider the case more serious, whether to recommend to the Synod Moderator that s/he should take the case into the main part of the Disciplinary Process by calling in a Mandated Group under Section B of these Rules.

AA.4.1 The Synod Appointees will have discretion as to the manner in which they conduct their enquiry in the light of the circumstances of the case. However, as a general rule the following steps should be taken:

AA.4.1.1 The Synod Appointees should at the earliest possible stage in their enquiry seek a meeting with the Minister.

AA.4.1.2 At the outset of that meeting the Synod Appointees should explain that the purpose of the meeting is to raise with the Minister the concerns set out in the statement referred to in Paragraph AA.2.4 and to make clear that the outcome might be the issue of a Caution or Cautions or even (if the Synod Appointees viewed the matter as sufficiently serious) a recommendation to the Synod Moderator to call in a Mandated Group and thus to take the matter directly into the main part of the Disciplinary Process.

AA.4.1.3 The Synod Appointees should then discuss, or endeavour to discuss, the said concerns with the Minister, listen to the Minister's explanations and consider any reports, written statements and papers which the Minister produces which are germane to the case and, if possible, should attempt to reach agreement with the Minister as to the areas of concern and as to how the problems should be resolved. If the Minister is co-operative and agrees to the accuracy and validity of the concerns expressed by the Synod Moderator, the Synod Appointees may well feel able to omit the steps suggested at Paragraphs AA.4.2, AA.4.3 and AA.4.4 and proceed straight to the steps set out at Paragraph AA.5.

AA.4.2 The Synod Appointees may wish to meet with some or all of those who, according to the information provided in the Synod Moderator's statement, have had involvement with the Minister and who may have relevant knowledge of the causes of those concerns.

AA.4.3 The Synod Appointees may wish to refer back to the Synod Moderator for discussion upon any matters which arise during the course of their enquiry, including the appropriateness of the terms of any Caution which they are minded to impose.

AA.4.4 If, following the meeting with the Minister referred to at Paragraph AA.4.1.1, the Synod Appointees have held meetings or discussions in accordance with Paragraph AA.4.2 or Paragraph AA.4.3, the Synod Appointees should once more



meet with the Minister for a further discussion and, if possible, should attempt to reach agreement with the Minister as to the areas of concern and as to how the problems should be resolved.

AA.4.5 At the conclusion of every interview taking place under this Paragraph AA.4, including any meetings with the Minister, the Synod Appointees should prepare a detailed minute thereof and seek the interviewee's agreement to the wording thereof, whereupon the Synod Appointees should sign two copies, requesting the interviewee to do the same, whereupon they should retain one copy and hand the other copy to the interviewee. If the interviewee should decline to sign the minute, an endorsement to this effect should be made explaining the reasons for this.

AA.5 Having satisfied themselves that they have taken all the steps necessary under Paragraph AA.4, the Synod Appointees will conclude their enquiry in one of three ways:

AA.5.1 The Synod Appointees may conclude that no further action needs to be taken, in which case they may give written notice to this effect to the Synod Moderator and the Minister as soon as they reach this conclusion, or

AA.5.2 They may invoke the procedure relating to the issue of Cautions set out in the succeeding Paragraphs of this Section AA or

AA.5.3.1 They may, if in their view the concerns are sufficiently serious to justify such a course, serve a written notice on the Synod Moderator consisting of a recommendation that s/he should call in a Mandated Group and thus take the matter out of the Caution Stage and directly into Section B of these Rules of Procedure (this course, involving as it does a recommendation only, cannot be the subject of an appeal by the Minister). The notice shall set out the reasons for making such a recommendation. At the same time, they shall serve on the Minister a written notice informing him/her that this step has been taken.

AA.5.3.2 Should the Synod Moderator be unwilling to accept this recommendation, s/he may by written notice to each of the Synod Appointees, request them to continue with their enquiry and, if they accede to this request, they will proceed with the remainder of the Caution Stage in accordance with this Section AA.

AA.5.3.3 Should the Synod Appointees be unwilling to continue with their enquiry, they may, by giving written notice to the Synod Moderator within one month of the receipt of the notice from him/her, decide to reject his/her request (see also Paragraph AA.10.2).

AA.6.1 If, in accordance with Paragraph AA.5.2, the Synod Appointees invoke the procedure relating to the imposition of Cautions, they shall first of all issue to the Minister a written notice consisting of an Initial Caution setting out the following:

AA.6.1.1 the matters of concerns which they have identified as amounting to a breach of discipline at the light of Part I, Paragraph 4.1 and

AA.6.1.2 the steps which they require the Minister to take to resolve those concerns in order to bring his/her ministry back to a level compatible with his/her ordination promises and

AA.6.1.3 the period of time, not exceeding twelve months, within which those steps must be taken and

AA.6.1.4 the consequences which would follow from a failure on the part of the minister to comply with the terms of the Initial Caution, which would be the issue of a Final Caution in accordance with Paragraph AA.7, unless in the opinion of the Synod Appointees the Minister's failure to comply with the terms of the Initial Caution was sufficiently serious as to justify the bypassing of a Final Caution and the issuing of a recommendation to the Synod Moderator in the terms of Paragraph AA.5.3.1, and

AA.6.1.5 a statement informing the Minister of his/her right to appeal against the imposition of the Caution, drawing attention to the period of time within which the notice of appeal must be lodged and the fact that time is of the essence in the lodging of the appeal notice (for further information as to the lodging of an appeal and in particular the time allowed for this, see Paragraph AA.8.1).

AA.6.2.1 The written notice of an Initial Caution issued under Paragraph AA.6.1 may either be handed to the Minister at the conclusion of the Synod Appointees' final interview with the Minister at the Initial Caution Stage or it may be sent to the Minister within ten days of that interview, either method constituting service for the purposes of Paragraph H.2.

AA.6.2.2 The Minister has the right to appeal against the imposition of an Initial Caution issued under Paragraph AA.6.1 and the appeal provisions are contained in Paragraph AA.8.

AA.6.3.1 During the period whilst the Initial Caution is in place, the Synod Appointees shall keep the situation under review and, if they become aware of conduct or behaviour on the part of the Minister which indicates that s/he is not adhering to the terms of the Caution, they have the authority to call the minister to account at any time and, if the circumstances should so require, to issue a Final Caution under Paragraph AA.7 or bypass the Final Caution Stage and to proceed directly to a recommendation to the Synod Moderator in the terms of Paragraph AA.5.3.1 without waiting for the period of the Caution to expire.

AA.6.3.2 The provisions of Paragraph AA.4 as to the conduct of meetings with the Minister and other interviewees shall also apply during and at the expiration of the period of the Initial Caution.

AA.6.4 At the expiration of the period of the Initial Caution (or sooner if warranted under Paragraph AA.6.3.1), the Synod Appointees shall carry out a further review, which will involve a meeting with the Minister and possible meetings or discussions with others who might have information to assist the Synod Appointees in their review. Arising out of this review, the Synod Appointees must take one of the following steps:

AA.6.4.1 They may conclude that the Caution should be removed and that no further disciplinary action is necessary in the light of the improvements and the positive response made by the Minister following the imposition of the Initial Caution, in which case they may give written notice to this effect to the Synod Moderator and the Minister as soon as they reach this conclusion, or

AA.6.4.2 They may proceed to the Final Caution Stage in accordance with Paragraph AA.7 or

AA.6.4.3.1 If they form the view that the Minister has failed to comply with the terms of the Caution and if their concerns are sufficiently serious to justify such a course, they may serve a written notice on the Synod Moderator consisting of a recommendation that s/he should call in a Mandated Group and thus take the case out of the Caution Stage and directly into Section B of these Rules of Procedure (this course, involving as it does a recommendation only, cannot be the subject of an appeal by the Minister). The notice shall set out the reasons for making such a recommendation. At the same time, they shall serve on the Minister a written notice informing him/her that this step has been taken.

AA.6.4.3.2 Should the Synod Moderator be unwilling to accept this recommendation, s/he may by written notice to each of the Synod Appointees, request them to continue with their enquiry and, if they accede to this request, they will proceed with the remainder of the Caution Stage in accordance with this Section AA.

AA.6.4.3.3 Should the Synod Appointees be unwilling to continue with their enquiry, they may, by giving written notice to the Synod Moderator within one month of the receipt of the notice from him/her, decide to reject his/her request (see also Paragraph AA.10.2).

AA.7.1 If, having followed the procedure outlined at Paragraph AA.6 and in accordance with Paragraph AA.6.2, the Synod Appointees continue with the next step in the procedure relating to the imposition of Cautions, they shall issue to the Minister a written notice consisting of a Final Caution setting out the following:

AA.7.1.1 the matters of concerns which they have identified as amounting to a breach of discipline at the light of Part I, Paragraph 4.1, which shall include a

statement as to why, in considering the Minister's response to the Initial Caution, they have deemed it necessary to issue a Final Caution, and

AA.7.1.2 the steps which they require the Minister to take to resolve those concerns in order to bring his/her ministry back to a level compatible with his/her ordination promises and

AA.7.1.3 the period of time, not exceeding twelve months, within which those steps should be taken and

AA.7.1.4 the consequences which would follow from a failure on the part of the minister to comply with the terms of the Final Caution, which would be the issuing of a recommendation to the Synod Moderator in the terms of Paragraph AA.5.3.1, the Synod Appointees having no authority to issue any further cautions, and

AA.7.1.5 a statement informing the Minister of his/her right to appeal against the imposition of the Caution, drawing attention to the period of time within which the notice of appeal must be lodged and the fact that time is of the essence in the lodging of the appeal notice (for further information as to the lodging of an appeal and in particular the time allowed for this, see Paragraph AA.8.1).

AA.7.2.1 The written notice of a Final Caution issued under Paragraph AA.7.1 may either be handed to the Minister at the conclusion of the Synod Appointees' final interview with the Minister at the Final Caution Stage or it may be sent to the Minister within ten days of that interview, either method constituting service for the purposes of Paragraph H.2.

AA.7.2.2 The Minister has the right to appeal against the imposition of a Final Caution under Paragraph AA.7.1 and the appeal provisions are contained in Paragraph AA.8.

AA.7.3.1 During the period whilst the Final Caution is in place, the Synod Appointees shall keep the situation under review and, if they become aware of conduct or behaviour on the part of the Minister which indicates that s/he is not adhering to the terms of the Caution, they have the authority to call the minister to account at any time and, if the circumstances should so require, to issue a recommendation to the Synod Moderator in the terms of Paragraph AA.5.3.1 without waiting for the period of the Caution to expire.

AA.7.3.2 The provisions of Paragraph AA.4 as to the conduct of meetings with the Minister and other interviewees shall also apply during and at the expiration of the period of the Final Caution.

AA.7.4 At the expiration of the period of the Final Caution (or sooner if warranted under Paragraph AA.7.3.1), the Synod Appointees shall carry out a further review, which will involve a meeting with the Minister and possible meetings or discussions

with others who might have information to assist the Synod Appointees in their review. The outcome of this further review will be one of the following:

AA.7.4.1 They may conclude that the Caution should be removed and that no further disciplinary action is necessary in the light of the improvements and the positive response made by the Minister following the imposition of the Final Caution, in which case they must give written notice to this effect to the Synod Moderator and the Minister as soon as they reach this conclusion, or

AA.7.4.2 If they form the view that the Minister has failed to comply with the terms of the Caution and if their concerns are sufficiently serious to justify such a course, they may serve a written notice on the Synod Moderator consisting of a recommendation that s/he should call in a Mandated Group and thus move the case into Section B of Part II of these Rules of Procedure (this course, involving as it does a recommendation only, cannot be the subject of an appeal by the Minister) (see also Paragraph AA.10.2). The notice shall set out the reasons for making such a recommendation. At the same time, they shall serve on the Minister a written notice informing him/her that this step has been taken.

AA.8.1 Should the Minister wish to appeal against a Caution, whether an Initial Caution imposed under Paragraph AA.6 or a Final Caution imposed under Paragraph AA.7, s/he must serve on the Synod Moderator as the person authorised to accept service a notice of such appeal no later than 21 days from the service upon him/her of the Notice of the Caution, time being of the essence for the purpose of the lodging of the appeal. The Notice shall state the grounds of the appeal (which may be in detail or in summary form as the minister chooses) and the Minister may lodge with the Notice any statements or documents in support of the appeal if s/he so wishes.

AA.8.2 The body to hear the appeal shall consist of three persons and shall be constituted as follows:

AA.8.2.1 The Synod Moderator shall request the Moderator of another Synod to constitute the appeals body and to make the appointments in accordance with the criteria laid down for the appointment of Synod Appointees under Paragraph AA.1.5.

AA.8.2.2 Should a Minister who has previously appealed against the imposition of an Initial Caution ("the Initial Caution Appeal") lodge an appeal against the imposition of a Final Caution ("the Final Caution Appeal") in the same case, the Synod Moderator shall request the Moderator of a Synod other than his/her own or that of the Moderator who constituted the body which heard the Initial Caution Appeal to constitute the body to hear the Final Caution Appeal and to make the appointments in accordance with the criteria laid down for the appointment of Synod Appointees under Paragraph AA.1.5.

AA.8.2.3 In a situation arising under Paragraph AA.8.2.2, the Synod Moderator making the appointments must not appoint any person who served on the body which heard the Initial Caution Appeal.

AA.8.2.4 The principle enunciated in Paragraph B.4 regarding membership of a Mandated Group shall be equally applicable when considering the eligibility of persons to act as the appeals body and as the secretary thereof.

AA.8.2.5 Having made the appointments required under Paragraph AA.8.2.1 or Paragraph AA.8.2.2/3 as the case may be, the Moderator(s) of the other Synod(s) shall have no further part to play and all references to the Synod Moderator, apart from specific references to any other such Synod Moderator, shall denote the Synod Moderator who appointed the Synod Appointees.

AA.8.2.6 The Synod Moderator shall be responsible for appointing a suitable person to act as the secretary to the newly constituted appeals body. The person so appointed shall not be a member of the appeals body.

AA.8.3 Immediately following the appointment of the appeals body, the Synod Moderator shall provide each member thereof with copies of the written notice containing the Caution, all statements and other documents accompanying the report and the Minister's notice of appeal and any accompanying statements and documents. In the case of an appeal against a Final Caution, if the Minister had appealed against the imposition of an Initial Caution, the record of the decision of the appeals body hearing that appeal shall also be included.

AA.8.4 As the appeal must be strictly limited to the terms of the Caution, it would be inappropriate for the Synod Moderator to supply any other information, statements or documents. Nor should the Synod Moderator make any personal reflections or offer any opinions on the issues before the appeals body.

AA.8.5 The members of the appeals body shall not be required to carry out any enquiry or investigation of their own but, having considered the material provided by the Synod Moderator, they shall meet with the Minister and provide him/her with the opportunity of addressing them on the ground of the appeal.

AA.8.6 Thereafter the members of the appeals body shall retire to make their decision in private.

AA.8.7 Within ten days of the reaching of the decision, the secretary of the appeals body shall serve on the Minister, the Synod Appointees and the Synod Moderator notice of the decision together with a statement setting out the reasons for the decision.

AA.8.8 If the appeal is successful the notice of the decision shall also declare that the Caution is discharged with immediate effect, that the Disciplinary case against

the Minister is at an end and that the Synod Appointees are discharged from any further responsibility. The Synod Appointees shall thereupon present their report to the Synod Moderator in accordance with Paragraph AA.9.

AA.8.9 If the appeal is unsuccessful the Caution will remain in place.

AA.8.10 No appeal is possible from the decision of the appeals body.

AA.8.11 The service of the notice of the appeals decision under Paragraph AA.8.7 shall have the effect of discharging the members of the appeals body from any further involvement in that disciplinary case.

AA.9.1 The Synod Appointees shall, at the conclusion of the Caution Stage, present their report to the Synod Moderator, which shall summarise the steps which they took and state the manner in which they conducted their review, stating which of the courses they took under Paragraph AA.5 and, if they proceeded to the issue of Cautions under Paragraphs AA.6 and AA.7, the steps they took and the nature of the Minister's response. If they have resolved to issue a recommendation that the Synod Moderator should call in a Mandated Group and thus move the case into Section B of these Rules of Procedure, they shall set out such recommendation clearly in their report, giving their detailed reasons for such recommendation.

AA.9.2 They shall attach to their report copies of all statements and other documents which were germane to their enquiry, including copies of any written Cautions (both Initial and Final) issued to the Minister.

AA.9.3 Except in cases where the Synod Appointees have made a recommendation that the Synod Moderator should call in Mandated Group under Section B of these Rules of Procedure (see Paragraph AA.10.3 below), the Caution Stage shall be concluded immediately upon the issue of the Synod Appointees' report to the Synod Moderator and their responsibilities will terminate at same time.

AA.10.1 Should the Synod Appointees conclude, whether under Paragraph AA.5, Paragraph AA.6 or Paragraph AA.7, that no further action should be taken, the Caution Stage and indeed the Disciplinary Process itself shall end with the lodging of their report with the Synod Moderator in accordance with Paragraph AA.9.1 and the involvement of the Synod Appointees shall cease at the same time.

AA.10.2.1 Should the Synod Appointees, whether under Paragraph AA.5.3.1, Paragraph AA.6.4.3.1 or Paragraph AA.7.4.2, recommend to the Synod Moderator that s/he should call in a Mandated Group under Section B, the disciplinary case shall remain in abeyance pending the calling in of the Mandated Group by the Synod Moderator.

AA.10.2.2 In cases where the recommendation is made under either Paragraph AA.5.3.1 or Paragraph AA.6.4.3.1, the involvement of the Synod Appointees shall,

subject to Paragraph AA.10.3.2, cease when the Mandated Group has been so called in. The Synod Moderator shall notify them in writing as soon as this has happened.

AA.10.2.3 In a case where the recommendation is made under Paragraph AA.7.4.2 following the imposition of a Final Caution, the involvement of the Synod Appointees will cease as soon as they present their report to the Synod Moderator in accordance with the procedure set out in Paragraph AA.9.1.

AA.10.2.4 If, following a recommendation such as is referred to in Paragraph AA.10.2.1, the Synod Moderator has not, within a period of six months from the date of receipt of the notice of such recommendation from the Synod Appointees, called in a Mandated Group, then unless Paragraphs AA.5.3.3 or Paragraph AA.6.4.3.3 applies (as to which see Paragraph AA.10.2.5) the Disciplinary Process shall come to an end immediately upon the expiration of such period. In such a case, the involvement of the Synod Appointees shall, where either Paragraph AA.5.3.1 or Paragraph AA.6.4.3.1 applies, cease at that time. The Synod Moderator shall notify the Synod Appointees at the expiration of that period that no Mandated Group has been called in, whereupon they should present their report to the Synod Moderator, following the procedure set out in Paragraph AA.9.1.

AA.10.2.5 If either Paragraph AA.5.3.3 or Paragraph AA.6.4.3.3 applies, the Disciplinary Process shall come to an end when the Synod Appointees give written notice to the Synod Moderator of their rejection of his/her request to proceed with the Caution Stage, at which time their involvement shall cease at that time and they should then present their report to the Synod Moderator in accordance with the procedure set out in Paragraph AA.9.1. The Synod Moderator shall have the remainder of the six months period to decide whether or not to call in a Mandated Group under Section B and if s/he shall have failed to do so at the expiration of that period the Disciplinary case shall come to an end.



