

Paper R6

Appendix Y – confidentiality, dissemination of information, and retention of records

MIND Advisory Group

Basic information

Contact name and email address	andy.braunston@urc.org.uk
Action required	Adoption of resolution.
Draft resolution(s)	42. Assembly resolves to delete the current Appendix Y, substituting it with the text below.

Summary of content

Subject and aim(s)	To further clarify the balance between openness and transparency in the discipline process with appropriate confidentiality.
Main points	To show who needs to know details of a discipline case at its various stages throughout the process, to ensure complainants are treated as fairly as ministers, and to ensure that confidentiality is not used as a weapon to impede justice or future learning.
Previous relevant documents	Section O.
Consultation has taken place with...	

Summary of impact

Financial	None.
External (eg ecumenical)	

Appendix Y

Confidentiality, dissemination of information, and retention of records

Part one – principles

1. The Disciplinary Process balances both the need for appropriate confidentiality – as expressed within the policies adopted by General Assembly on confidentiality – and the need for transparency to ensure that justice is both done and seen to be done, held in creative tension with the fact that it may not be helpful to a minister's continuing ministry to publish generally the fact of a past error. This balance requires respecting the privacy of complainants, witnesses and the accused minister whilst, at the same time making it possible for complainants and witnesses to come forward to offer their perspectives.
2. Confidentiality is both important to all concerned in the process yet can, perversely, be a weapon used to escape further scrutiny or to tell only one side of a story.
3. In the interests of all concerned, accused ministers, complainants, witnesses and all who administer the process are expected to maintain appropriate confidentiality regarding the existence and progress of a disciplinary case whose details are not in the public domain.
4. The balance between confidentiality and transparency involves a number of factors:
 - a) the need to share information during the process with those who operate it, who exercise oversight of an accused minister, or who need to be aware of any suspension
 - b) allegations may have to be disclosed as required by law or in order to prevent harm to others
 - c) recommendations made by a Commission regarding a minister whose name has been deleted from the Roll must reach those to whom they are addressed
 - d) compliance with the terms of any agreed caution, or any directions accompanying a written warning or curtailment, must be appropriately monitored
 - e) any curtailment of a pastoral tie or appointment must be communicated to the appropriate officers of the pastorate or appointed role
 - f) if a minister's name is deleted from the Roll, public notice needs to be given that that person no longer acts, speaks, or ministers with the endorsement of the United Reformed Church by virtue of ordination, commissioning or call
 - g) those charged with the ongoing review of the operation of the process will be assisted in their work by full information regarding cases
 - h) if disciplinary allegations become public knowledge through causes outside the Church's control, it may be necessary to counter erroneous assertions or assumptions, and
 - i) the balance between confidentiality and transparency changes throughout the process.

5. If, at any point in the course of a particular case, the Executive Group of the Discipline Process, after consulting and taking advice as necessary, deem it proportionate, just, wise, and in accordance with the URC Confidentiality Policy, it may, having received safeguarding advice, allow the disclosure of information about the case.

Part two – disclosures required by law or to prevent harm

6. Information must be shared with a court or any public authority which is legally entitled to demand it, or to which there is a legal duty to report allegations. Even where there is no absolute legal duty, information may be shared with appropriate public authorities when this is required by the Church's safeguarding policy.

Part three – response to media interest

7. Enquiries by the media into any case pending under this process are to be referred to the Press Officer, who is to respond with tact and discretion, taking account issues of confidentiality, and after consulting and receiving authority from the General Secretary or a deputy whenever practicable, having regard to the interests of the Church, the minister, and all others involved in the case, and taking care in particular not to make any statement which appears to prejudge the outcome of a case still pending. The Press Officer is to seek the authority of the body with currently responsible for the stage of the case reached at that time before revealing specific information, the stage reached in the case or the identity of any complainant.
8. If the Press Officer, after consulting and authorised in accordance with paragraph 7 above, believes it will be necessary, under this provision, to release into the public domain information not previously given to the local churches served by an accused minister, they may communicate that information to the Church Secretaries, making them aware of issues of confidentiality, of those churches at the same time as (or, if possible, before) making the information public. Each notified Church Secretary is, under guidance from the Press Officer or from the Moderator of the Synod, to share the information with other members of the Elders' Meeting, who will together decide whether and when to inform the Church's wider membership.

Part four – sharing of information within and following the process

9. It is assumed that those involved in the administration or review of the process – eg the Assembly Standing Panel on Discipline, the Consultant for Ministers, the Investigation Team, the Disciplinary Investigation Panel member assisting the minister, any pastoral carer appointed to care for the minister or complainants, the Legal Advisor, the members of the Ministerial Incapacity and Discipline Advisory Group, the secretaries of the Assembly Discipline Commission and the Disciplinary Appeal Commission and the Church's safeguarding staff are given details of any cases as needed.
10. If a notification is given verbally, it must be confirmed in writing. It must contain a warning regarding the sensitive nature of the information imparted, and the need to exercise care and discretion as to how it is used. If electronic software is available which enables information to be shared in a written form to which only those entitled under these rules will have access, that software is to be used. The Church's professional safeguarding staff, whether appointed in the name of a

synod or of the General Assembly, are considered entitled for this purpose. Unless otherwise stated, the specific allegations are not disclosed.

11. Notification of developments in the process is to be given, as follows.

Disclosure table		
	<i>What happens</i>	<i>Who is told</i>
A	<p>A minister under the oversight of a Synod is suspended, or that suspension is lifted.</p> <p>A statement, if possible agreed with the minister, is prepared outlining, in general terms, the allegation. The statement might indicate the minister disputes the allegations.</p> <p>The statement would be shared with the people/bodies outlined on the right by the Moderator of the Synod exercising oversight of the accused Minister.</p>	<p>The accused minister.</p> <p>The complainants.</p> <p>The Elders of any church the accused minister serves or the Elders of the home church of the accused minister if not serving in pastoral charge.</p> <p>The oversight bodies of any ecumenical charge the minister serves.</p> <p>The Moderator of the Synod if the suspension happens at Hearing or Appeal Stages.</p> <p>The appropriate committee or officer of any institution or community, other than a church, in which the accused minister exercises a ministry as such, or of any organisation outside the Church in which the accused minister has any involvement that could give the organisation a reasonable and proper expectation of being made aware of disciplinary steps.</p> <p>The General Secretary, the Secretary for Ministries, the Press Officers and Designated Safeguarding Lead.</p>
B	<p>A minister under direct oversight of the General Assembly is suspended, or that suspension is lifted.</p> <p>A statement, if possible agreed with the minister, is prepared. The allegation would be outlined in general terms. This statement might indicate the minister disputes the allegations. The statement would be shared with the people/bodies outlined on the right by the General Secretary.</p>	<p>The accused minister.</p> <p>The complainants.</p> <p>The Moderator of the Synod where the accused minister resides.</p> <p>The Synod Clerk – if the accused minister is the Moderator.</p> <p>The Eldership of the accused minister's home church.</p> <p>The appropriate committee or officer of any institution or community in which the accused minister exercises a ministry as such, or of</p>

		<p>any organisation outside the Church in which the accused minister has any involvement that could give the organisation a reasonable and proper expectation of being made aware of disciplinary steps.</p> <p>The Officers of the General Assembly.</p> <p>The Secretary for Ministries, the Press Officers and Designated Safeguarding Lead.</p>
C	<p>Allegations against a minister are struck out as patently frivolous, vexatious or unrelated to the expectations.</p> <p>The Moderator or General Secretary, as the case may be, draws up a statement, if possible agreed with the minister, reflecting the case has been struck out.</p>	<p>The accused minister.</p> <p>All those informed in sections A or B above.</p>
D	<p>Allegations against a minister under the oversight of a Synod are passed to the Investigation Stage without suspension.</p> <p>The Moderator or General Secretary serving on that Assembly Panel for Discipline, unless another member of the Panel agrees to give the notification informs those on the right.</p>	<p>The accused minister.</p> <p>The complainants.</p> <p>The General Secretary, the Secretary for Ministries, the Press Officers and Designated Safeguarding Lead.</p>
E	<p>Allegations against a minister under the oversight of the General Assembly are passed to the Investigation Stage without suspension.</p> <p>The Moderator or General Secretary serving on that Assembly Panel for Discipline, unless another member of the Panel agrees to give the notification informs those on the right.</p>	<p>The complainants.</p> <p>The Synod Clerk, if the accused minister is the Moderator.</p> <p>The Officers of the General Assembly.</p> <p>The Secretary for Ministries, the Press Officers and Designated Safeguarding Lead.</p>
F	<p>Allegations against a minister under the oversight of a Synod are passed to the Hearing Stage or enter the Appeal Stage.</p> <p>The Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission (as the case may be) informs those on the right.</p>	<p>The accused minister.</p> <p>The complainants.</p> <p>The General Secretary, the Secretary for Ministries, the Press Officers and Designated Safeguarding Lead.</p>
	<p>Allegations against a minister under the oversight of the General Assembly are passed to the Hearing Stage or enter the Appeal Stage.</p>	<p>The accused minister.</p> <p>The complainants.</p> <p>The Moderator of the Synod where the accused minister resides.</p>

G	<p>The Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission (as the case may be) informs those on the right.</p>	<p>The Synod Clerk if the accused minister is the Moderator.</p> <p>The Officers of the General Assembly.</p> <p>The Secretary for Ministries, the Press Officers and Designated Safeguarding Lead.</p>
H	<p>A minister under the oversight of a Synod receives an agreed caution (see also lifting of suspension).</p> <p>The Moderator or General Secretary serving on that Assembly Panel for Discipline, unless another member of the Panel agrees to give the notification informs those on the right.</p>	<p>The Complainants are given the details of the agreed caution.</p> <p>All those notified in either A or D above where an outline of the breach of vows and the warning about that breach are shared in general terms.</p> <p>The General Secretary, the Secretary for Ministries, the Press Officers and Designated Safeguarding Lead where the specifics of the case are shared.</p> <p>The terms of an agreed caution are notified to councils, committees or Officers at any level within the Church, or of any organisation outside the Church, which the Panel imposing the caution directs to be so notified on the ground that they are in a position to monitor compliance with those terms or directions.</p>
I	<p>A minister under the oversight of the General Assembly receives an agreed caution (see also lifting of suspension).</p> <p>The Moderator or General Secretary serving on that Assembly Panel for Discipline, unless another member of the Panel agrees to give the notification informs those on the right.</p>	<p>The Complainants are given the details of the agreed caution.</p> <p>All those notified in either B or E above where an outline of the breach of vows and the warning about that breach are shared in general terms.</p> <p>The Moderator of the Synod where the minister resides, or the Synod Clerk, if the minister is the Moderator, the Officers of Assembly, the Secretary for Ministries, the Press Officers and Designated Safeguarding Lead where the specifics of the case are shared.</p> <p>The terms of an agreed caution are notified to councils, committees or Officers at any level within the Church, or of any organisation outside the Church, which the Panel imposing the caution directs to be so notified on the ground that they are in a position to monitor compliance with those terms or directions.</p>

<p>J</p>	<p>A minister under the oversight of a Synod receives a written warning (see also lifting of suspension).</p> <p>The Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission (as the case may be) informs those on the right.</p>	<p>The accused minister, all those notified in A or D above with the fact that a warning has been issued.</p> <p>The complainants are given details of the warning and any conditions.</p> <p>The directions accompanying a written warning, are notified to Councils, Committees or Officers at any level within the Church, or of any organisation outside the Church, which the Commission imposing the warning directs to be so notified on the ground that they are in a position to monitor compliance with those terms or directions.</p> <p>The next meeting of the General Assembly is informed that a disciplinary case against a minister has completed the Hearing Stage or the Appeal Stage, as the case may be. If a decision remains subject to appeal the report shall so state. If a decision is not so subject, it shall state what sanction, if any, was imposed, but shall not name the minister.</p> <p>The General Secretary, the Secretary for Ministries, the Press Officers and Designated Safeguarding Lead where the specifics of the case are shared.</p>
<p>K</p>	<p>A minister under the oversight of the General Assembly receives a written warning (see also lifting of suspension).</p> <p>The Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission (as the case may be) informs those on the right.</p>	<p>The minister, all those notified in A or D above with the fact that a warning has been issued.</p> <p>The complainants are given details of the warning and any conditions.</p> <p>The Moderator of the Synod in which the minister resides (or the clerk if the minister is the Moderator).</p> <p>The next meeting of the General Assembly is informed that a disciplinary case against a minister has completed the Hearing Stage or the Appeal Stage, as the case may be. If a decision remains subject to appeal the report shall so state. If a decision is not so subject, it shall state what sanction, if any, was imposed, but shall not name the minister.</p> <p>The directions accompanying a written warning, are notified to Councils, Committees or Officers at any level within the</p>

		<p>Church, or of any organisation outside the Church, which the Commission imposing the warning directs to be so notified on the ground that they are in a position to monitor compliance with those terms or directions.</p> <p>The Officers of the General Assembly.</p> <p>The Secretary for Ministries, the Press Officers and Designated Safeguarding Lead are given details of the case.</p>
L	<p>A minister under the oversight of a Synod receives a curtailment of pastoral tie or appointment (see also lifting of suspension).</p> <p>The Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission (as the case may be) informs those on the right.</p>	<p>The minister.</p> <p>The complainants are given details of the curtailment and any directions.</p> <p>The Moderator of the Synod in which the minister resides (or the clerk if the minister is the Moderator.)</p> <p>The next meeting of the General Assembly is informed that a disciplinary case against a minister has completed the Hearing Stage or the Appeal Stage, as the case may be. If a decision remains subject to appeal the report shall so state. If a decision is not so subject, it shall state what sanction, if any, was imposed, but shall not name the minister.</p> <p>The terms of the curtailment, and any directions, are notified to councils, committees or Officers at any level within the Church, or of any organisation outside the Church, the Commission imposing the curtailment directs to be so notified on the ground that they are in a position to monitor compliance with those terms or directions.</p> <p>The Officers of the General Assembly.</p> <p>The Secretary for Ministries, the Press Officers and Designated Safeguarding Lead are given details of the case.</p>
M	<p>A minister under the oversight of the General Assembly receives a curtailment of pastoral tie or appointment (see also lifting of suspension).</p> <p>The Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission (as</p>	<p>The minister.</p> <p>The complainants are given details of the curtailment and any directions.</p> <p>The Moderator of the Synod in which the minister resides (or the clerk if the minister is the Moderator.)</p>

	<p>the case may be) informs those on the right.</p>	<p>The next meeting of the General Assembly is informed that a disciplinary case against a minister has completed the Hearing Stage or the Appeal Stage, as the case may be. If a decision remains subject to appeal the report shall so state. If a decision is not so subject, it shall state what sanction, if any, was imposed, but shall not name the minister.</p> <p>The terms of the curtailment, and any directions, are notified to councils, committees or Officers at any level within the Church, or of any organisation outside the Church, the Commission imposing the curtailment directs to be so notified on the ground that they are in a position to monitor compliance with those terms or directions.</p> <p>The Officers of the General Assembly.</p> <p>The Secretary for Ministries, the Press Officers and Designated Safeguarding Lead are given details of the case.</p>
<p>N</p>	<p>A minister under either the oversight of a Synod or General Assembly is deleted from the Roll.</p> <p>The Secretary of the Assembly Commission for Discipline/Secretary of the Disciplinary Appeal Commission (as the case may be), the Moderator of the Synod concerned or the General Secretary decide which of them informs those on the right.</p>	<p>All those notified in A, B, D or E above.</p> <p>The complainants.</p> <p>The Elderships of either the churches where the minister served or their home church, with any advice given on how the former minister might be involved in the life of the church in the future with such details of the case as are needed to understand that advice.</p> <p>The Moderator of the Synod where the minister served or resided.</p> <p>The Press Officer publishes the name of a former minister with the date of the deletion a) on the denominational website for six months, and b) if so instructed by the General Secretary, also in a statement to the media.</p> <p>If the minister was under the oversight of a synod whose Moderator so decides, similar publication may also take place by the synod.</p>

		<p>The next meeting of either General Assembly is informed the former minister's name has been deleted from the Roll.</p> <p>The Officers of the General Assembly, the Secretary for Ministries, the Press Officers and Designated Safeguarding Lead are given details of the case.</p>
O	<p>The Process against a minister under the oversight of a Synod is terminated without sanctions being imposed (see also lifting of suspension).</p> <p>The Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission as the case may be informs those on the right.</p>	<p>All those named in A or D above.</p> <p>The complainants with details as to why this decision was reached.</p> <p>The next meeting of the General Assembly is informed that a disciplinary case against a minister has completed the Hearing Stage or the Appeal Stage, as the case may be. If a decision remains subject to appeal the report shall so state. If a decision is not so subject, it shall state what sanction, if any, was imposed, but shall not name the minister.</p>
P	<p>The Process against a minister under the oversight of the General Assembly is terminated without sanctions being imposed (see also lifting of suspension).</p> <p>The Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission as the case may be informs those on the right.</p>	<p>All those named in either B or E above.</p> <p>The complainants with details as to why this decision was reached.</p> <p>The next meeting of the General Assembly is informed that a disciplinary case against a minister has completed the Hearing Stage or the Appeal Stage, as the case may be. If a decision remains subject to appeal the report shall so state. If a decision is not so subject, it shall state what sanction, if any, was imposed, but shall not name the minister.</p>

Part five – Permanent records, monitoring continuity and review of the Process

12. A full set of papers relating to concluded cases, whether allegations were found proven or not, is to be retained in the custody of the Secretary of the Assembly Commission for Discipline. For this purpose, Moderators of Synods or the Assembly Representative for Discipline are to forward to the Secretary of the Assembly Commission for Discipline copies of papers relating to cases discontinued at the Investigation Stage or resolved by an agreed caution, and the Secretary of the Discipline Appeal Commission is to return to the Secretary of the Assembly Commission for Discipline any papers relating to cases disposed of at the Appeal Stage.
13. 'Papers' in this context may include recordings. It may also include documents held in electronic form, which are to be preserved separately through appropriate

electronic media. Any hard copy material is to be kept securely in a safe or locked cabinet in the offices of the General Secretariat, to which only the Secretary of the Assembly Commission for Discipline, the Secretary of the Ministries Committee and the General Secretary have access. These officers shall also have exclusive access to the secure electronic media. An index to this material may be compiled by the Secretary of the Assembly Commission for Discipline and kept securely in his or her custody.

14. All other copies of papers generated during the Process and still existing at its conclusion in the hands of any council or officer of the Church are to be destroyed or deleted, except for material placed in the confidential files regarding individual ministers kept by the Ministries Committee or by Moderators of Synods, and for terms of cautions, directions accompanying written warnings, and Commission recommendations.
15. This does not preclude copies of the material held securely by the Secretary of the Assembly Commission for Discipline being made available for the purposes of any subsequent Process, for example cases generated by allegations against the same minister or by the same complainant.
16. Within one month of the conclusion of any case, reports to assist the General Assembly's Advisory Group on Ministerial Incapacity and Discipline, or any group or committee succeeding to its functions in keeping this Process under review, are to be prepared and transmitted to the Secretary of the Assembly Commission for Discipline (a) by the Investigation Team and (b) by the Panel or Commission which last dealt with the case. The Secretary of the Assembly Commission for Discipline is to pass these reports on to the Secretary of the Ministerial Incapacity and Discipline Advisory Group.
17. If a minister subject to an agreed caution or to directions accompanying a written warning or curtailment undertakes a different sphere of ministry which entails transfer to the oversight of a different Synod, or from the oversight of a Synod to the direct oversight of Assembly or *vice versa*, it is the duty of the Moderator and Clerk of the Synod relinquishing oversight (or of the General Secretary, if the minister is passing from Assembly to Synod oversight) to transmit to the corresponding officers of the council assuming oversight the text of the caution or the monitoring notification which they received and any information in their possession about the minister's compliance (or otherwise) with the caution's terms or the directions.