

Ministerial Disciplinary Process Table of Appendices

A	Affirmations at Ordination or Commissioning
B	Ministers under other denominational jurisdictions
C	
D	Moderator's recorded warnings
E	Double Jeopardy
F	
G	Safeguarding
H	The Assembly Representative and Standing Panel for Discipline
J	Suspension
K	Investigation Teams and the Disciplinary Investigation Panel
L	The Investigation Stage
M	Cautions
N	Assembly Commissions for Discipline and the Commission Panel
O	The Hearing Stage
P	Abandonment of allegations during the Hearing Stage
Q	Admission of allegations by an accused minister
R	Hearing Procedure
S	Disciplinary sanctions
T	Reasons for Commission decisions
U	Appeal Procedure
V	Disciplinary Appeal Commissions
W	Interface with the Incapacity Procedure
X	Non-co-operation and non-appearance
Y	Confidentiality Dissemination of information and record-keeping
Z	Transitional provisions [cases pending under the old Process] – not yet prepared

Appendix A

Affirmations at Ordination or Commissioning

Do you confess anew your faith in one God, Father, Son and Holy Spirit? A: *I do.*

Do you believe that the Word of God in the Old and New Testaments, discerned under the guidance of the Holy Spirit, is the supreme authority for the faith and conduct of all God's people? A: *I do.*

Do you believe that Jesus Christ, who was born of Mary, lived our common life on earth, died upon the cross, and who was raised from the dead and reigns for evermore, is the gift of God's very self to the world? Do you believe that through him God's love, justice and mercy are revealed and forgiveness, reconciliation and eternal life are offered to all people? And will you faithfully proclaim this Gospel?

A: *By the grace of God this I believe and this I will proclaim.*

Do you believe that the Church is the people gathered by God's love to proclaim the reconciliation of the world to God through Jesus Christ? A: *I do.*

Are zeal for the glory of God, love for the Lord Jesus Christ, obedience to the Holy Spirit and a desire for the salvation of the world, so far as you know your own heart, the chief motives which lead you to enter this ministry? A: *They are*

Do you promise to live a holy life, and to maintain the truth of the gospel, whatever trouble or persecution may arise? A: *Relying on the strength of Christ, I do.*

[Ministers of Word and Sacraments]

Do you promise to fulfil the duties of your charge faithfully, to lead the church in worship, to preach the Word and administer the Sacraments, to exercise pastoral care and oversight, to take your part in the councils of the Church, and to give leadership to the Church in its mission to the world?

A: *By the grace of God, I do.*

{Church Related Community Workers}

Do you promise to care for, to challenge and to pray for the community, to discern with others God's will for the well-being of the community? Do you promise to take your part in the councils of the Church and to enable the church to live out its calling to proclaim the love and mercy of God through working with others in both church and community for peace and justice in the world?

A: *By the grace of God, I do.*

[All ministers]

Do you promise as a minister [or Church Related Community Worker, *as applicable*] of the United Reformed Church to seek its well-being, purity and peace, to cherish love towards all other churches and to endeavour always to build up the one, holy, catholic and apostolic Church?

A: By the grace of God, I do.

Will you undertake to exercise your ministry in accordance with the Statement concerning the Nature, Faith and Order of the United Reformed Church?

A: I will, and all these things I profess and promise in the power of the Holy Spirit.

The Affirmations above are made at ordination or commissioning in accordance with Article 21 of, and Schedule C to, the Basis of Union in the case of ministers of Word and Sacraments, and in accordance with Article 22 of, and Schedule F to, the Basis in the case of church related community workers. These Schedules also contain an alternative formulation of the ministerial affirmations, expressed in answers to three rather than eight questions but identical in substance to the above.

The Statement concerning the Nature, Faith and Order of the United Reformed Church is found in Schedule D to the Basis of Union.

Appendix B

Ministers under other denominational jurisdictions

- 1: If a person ordained outside the United Reformed Church to a role equivalent to that of a Minister of Word and Sacrament, or admitted or commissioned to a role equivalent to that of a Church Related Community Worker, serves in a local ecumenical partnership to which the United Reformed Church is party or is inducted to any ministry within the United Reformed Church or recognised as eligible for call to such a ministry, then the conduct of such a person is a legitimate concern of the United Reformed Church. However, if that person, rather than transferring to the Roll of Ministers of the URC, remains a minister of the denomination in which he or she was ordained, admitted or commissioned, then disciplinary jurisdiction belongs to that denomination ('the home denomination').
- 2: Allegations against such a person which would, in the case of a minister of the United Reformed Church, lead to the calling together of the Assembly Standing Panel for Discipline may be reported to the Moderator of the Synod of the province or nation where the person serves. The Moderator is to transmit that report to the officer of the home denomination competent to initiate proceedings under that denomination's disciplinary procedure. The Moderator may recommend to that officer that the person concerned should be suspended from ministry pending investigation of the allegations.
- 3: If, after receiving safeguarding advice, the Moderator is aware that the allegations raise safeguarding concerns, this must be communicated to the competent officer of the minister's home denomination. It must be agreed whether the Moderator, the officer of the home denomination, or both, will report the matter to the Local Authority Designated Officer or other public authority.
- 4: The Moderator is to transmit to the Ministries Committee of the General Assembly a report of the steps taken in such a case.

Appendix C

This section has been removed by the Assembly Executive.

Appendix D

Moderators' recorded warnings

- 1: If a concern which comes to the notice of a Synod Moderator or the Assembly Representative for Discipline is not considered by that person to amount to an allegation of misconduct within the meaning of paragraph two of the Framework, the Moderator or Assembly Representative for Discipline may speak to the minister concerned, giving such advice and pastoral support as seems appropriate. This is not to be considered a disciplinary step, and no central record will normally be made unless a safeguarding concern is involved.
- 2: Such advice may, however, include a warning that repeated allegations in the same field may have to be treated as disciplinary.
- 3: The issue of such a warning is to be recorded locally (that is, in a form to which only the Moderator or Assembly Representative for Discipline and any successor or deputy to that person will have access). Should misconduct on the part of that minister later be alleged, of a nature to which the recorded warning is relevant, the Moderator or Assembly Representative for Discipline may inform the Investigation Team that such a warning was issued, and of the reasons for it. The mere giving of such factual information will not disqualify a Moderator or Assembly Representative for Discipline from exercising his / her role on the Assembly Standing Panel on Discipline.
- 4: No formal procedure is required before the issue of a Moderator's warning, nor need it be preceded by any proof or admission of guilt. This means that the facts on which the warning was issued remain unproven at the time when they are reported to the Investigation Team. It lies in the Team's discretion whether or not to make the existence of a Moderator's warning part of its case, and if it does so the accused minister will be free to dispute either the alleged facts underlying the warning or to present his/her own view of their seriousness.

Appendix E

Double Jeopardy

- 1: A minister may not be subjected to the Disciplinary Process a second time in respect of allegations which were previously made against him or her, if those allegations were disposed of by an agreed caution or were passed to the Hearing Stage (whatever the outcome in that Stage). If the Assembly Standing Panel on Discipline or any Commission is satisfied that all allegations referred to it are excluded from consideration by this paragraph, it is to terminate the Process and any associated suspension forthwith.
- 2: This does not prevent the fact of such a caution or of an earlier written warning forming part of the report or submissions of an Investigation Team. It also does not prevent fresh allegations being made and considered to the effect that a minister gave false evidence in the course of earlier proceedings.
- 3: If allegations were made against a minister but did not pass beyond the Investigation Stage because the Investigation Team or the Assembly Standing Panel on Discipline was not satisfied of a *prima facie* case or that formal disciplinary sanctions would be warranted, the same allegations may only be considered again within the Process if new evidence is offered and the Assembly Standing Panel for Discipline is called together on the renewed allegations within six years of the termination of the earlier proceedings.
- 4: References in this Appendix to an agreed caution, the Hearing Stage and the Assembly Standing Panel for Discipline apply respectively to a caution, the Commission Stage and the Synod Moderator in proceedings brought under an earlier version of the Disciplinary Process.

Appendix F

This section has been removed.

Appendix G

The Disciplinary Process and Safeguarding

Introduction

- 1: The Disciplinary Process complements the Church's Safeguarding Policy. The Policy is wider in scope than the Process, covering all who play a part in Church life including employees and volunteers. It does not govern disciplinary steps concerning Ministers or Church Related Community Workers, which are regulated only by this Process. But the Process is not a substitute for the sharing of concerns or information required by law or by good practice if a safeguarding issue arises; and disciplinary investigations may be suspended (as provided in Appendix L) if a criminal or statutory investigation arises out of safeguarding concerns.
- 2: Discipline and safeguarding complement each other in four principal ways:
 - i. information available to the Church's safeguarding professionals regarding particular individuals is shared, when requested, with those taking or assisting decisions in the Process;
 - ii. information obtained during the Process is shared with, and recorded by, the Church's safeguarding professionals;
 - iii. the Church's safeguarding professionals are involved as detailed below in the deliberations of the Assembly Standing Panel for Discipline on a particular case;
 - iv. general advice (not specific to particular individuals) is sought from the Church's safeguarding professionals, on the basis of their training and experience, at certain stages in the Process;
- 3: All those taking decisions in the Process are urged to act with special regard to the interests of children and adults at risk.

Transmission of requests, information and advice

- 4: Where the rules in this Appendix refer generally to 'safeguarding professionals', a term which includes Safeguarding Officers or Advisers whether appointed in the name of a synod or in that of the General Assembly. In some places they refer specifically to the Synod Safeguarding Officer, but this is subject to any provision in the Safeguarding Policy calling for the denominational Designated Safeguarding Lead to discharge a function instead of the Synod Safeguarding Officer. The Designated Safeguarding Lead also acts in place of the Synod Safeguarding Officer when a minister is subject to direct Assembly oversight, or where a Synod currently has no Safeguarding Officer of its own, and references to the Synod Safeguarding Officer should be understood accordingly. The Safeguarding Policy governs all sharing of information between safeguarding professionals.
- 5: Where the Disciplinary Process requires safeguarding information or advice to be given to an Assembly Standing Panel for Discipline, it is to be given first to the Moderator and transmitted by the Moderator to the other members of the Panel with as little delay as possible. If the Moderator is for any reason not serving on the Assembly Standing Panel for Discipline in a particular case the person who replaces the Moderator for the purposes of this Process is to notify his / her contact details to safeguarding professionals, and all subsequent references to the Moderator in this Appendix are to be read as meaning that person.

- 6: If a case enters the Investigation Stage by the appointment of an Investigation Team, the Team is to designate one of its members as its point of contact with safeguarding professionals. That member is to notify his / her contact details to safeguarding professionals. Thereafter, where the Process requires safeguarding information or advice to be given to the Team, it is to be given first to that member and transmitted by that member to the other members of the Team with as little delay as possible.

The Initial Stage

- 7: The Process begins when one or more allegations coming to the notice of a Synod Moderator are identified as allegations of misconduct as defined in paragraph 2 of the Framework. The Assembly Standing Panel for Discipline is then convened (Paragraph 3 of the Framework) and considers whether the allegations should be struck out as patently frivolous, malicious, vexatious or unrelated to the expectations. The Assembly Standing Panel for Discipline (or in case of urgency the Moderator) also decides whether it is necessary to suspend the accused minister pending investigation. The Synod Safeguarding Officer is to participate in the discussion on these questions by whatever communication method the Assembly Standing Panel for Discipline adopts, seeing the same papers as the Panel members see, and having the chance to express a view before they come to any decision. Safeguarding professionals may offer any information or advice which appears, in the light of the allegations made, relevant to those decisions. Information regarding the accused minister which is not relevant in the light of the allegations made should not be sought or given at this stage, in order not to prejudice the Panel against the accused.

Deferment during investigation by external authorities

- 8: If the Synod Safeguarding Officer, in the discussion of a case with the police or other external statutory authorities, is advised that those authorities wish their initial investigation to proceed without the minister being aware of the situation, the Synod Safeguarding Officer is to report this to the Assembly Standing Panel for Discipline, which can defer suspension or reference to an Investigation Team until the external authorities are ready for the minister to be informed

Pastoral care and special provision

- 9: Safeguarding professionals should be consulted by the Moderator when considering what arrangements should be made for pastoral care of children and adults at risk concerned in a disciplinary case (Framework Paragraph 4), and by the Secretary of Assembly Commissions for Discipline when making arrangements for a Hearing if such individuals are expected to attend.

Allegations unrelated to safeguarding

- 10: If it appears to safeguarding professionals that none of the allegations made against a minister raise any issue of safeguarding within the scope of the Church's Policy, they may advise the Assembly Standing Panel for Discipline accordingly. Subsequent requirements of the Framework to seek safeguarding advice need not then be followed, unless additional facts coming to light during the investigation suggest to the Panel or the Investigation Team that (a) the minister's behaviour could after all raise a safeguarding concern or (b) advice is needed on the treatment of a vulnerable complainant, witness or other person affected by the case.

The Investigation Stage

- 11: After the appointment of an Investigation Team, the Assembly Standing Panel for Discipline is to notify both the Team and the accused minister of any information or advice received from safeguarding professionals. The Team may at any time seek further advice from safeguarding professionals, but any advice included in the Team's report to the Assembly Standing Panel for Discipline must also be copied to the accused minister.
- 12: The Synod Safeguarding Officer is to participate (in the same sense as in Paragraph 6 above) in the deliberations of the Assembly Standing Panel for Discipline before it
 - i. lifts a suspension previously imposed (Paragraph 3 of the Framework);
 - ii. terminates the Process after receiving an Investigation Team report that allegations are not susceptible of proof or do not merit formal sanctions (Paragraph 5.2); or
 - iii. terminates the Process, overruling an Investigation Team's submission of a *prima facie* case (Paragraph 5.3).
- 11: If the Assembly Standing Panel for Discipline gives permission for negotiation of an agreed caution (Paragraph 5.4), the Investigation Team must liaise with safeguarding professionals on the terms of such a caution. If the Team reports to the Assembly Standing Panel for Discipline that agreement has been reached with the accused minister, it must also report the safeguarding advice received regarding the submitted terms.

The Hearing Stage

- 14: Any safeguarding advice or information received by a Assembly Standing Panel for Discipline (except advice given during negotiations for a possible caution which did not in fact result) is to be included in the material passed to an Assembly Commission for Discipline at the beginning of the Hearing Stage.
- 15: An Assembly Commission for Discipline must seek safeguarding advice before it lifts a suspension previously imposed (Paragraph 6.1).
- 16: If the Investigation Team seeks leave to abandon allegations during the Hearing Stage (Appendix P), then either it must seek safeguarding advice itself and report this in its submission to the Assembly Commission for Discipline, or the Commission must itself seek such advice before deciding on the application.
- 17: If safeguarding arguments are to form part of the case presented by an Investigation Team at the Hearing, the Team may call a safeguarding professional as witness. Witnesses on safeguarding issues may also be called by the accused minister, or by the Commission under Framework Paragraph 6.4. If the payment of fees is involved, regard is to be had to Framework Paragraph 8.7.
- 18: The Designated Safeguarding Lead, or an alternative safeguarding professional who has not otherwise been involved in the case is to be invited to attend an Assembly Commission or Appeal Commission Hearing to advise on the same basis as the representative of the denominational Legal Advisers. This does not apply when safeguarding professionals have advised that none of the allegations made against a minister raise any issue of safeguarding within the scope of the Church's Policy.

Appendix H

The Assembly Representative for Discipline and the Assembly Standing Panel for Discipline

- 1: The Assembly Representative for Discipline discharges the functions in the Disciplinary Process normally assigned to the Moderator of a synod, in cases where the accused minister is treated as falling under the Assembly's direct oversight
- 2: The Assembly Representative for Discipline will normally be the General Secretary or their duly appointed deputy. Where a disciplinary case is brought against the General Secretary the line manager of the General Secretary (or if for any reason that is inappropriate, such person as the Officers of the General Assembly shall appoint without reference to the General Secretary) shall act as Assembly Representative for Discipline.
- 3: The Assembly Representative for Discipline convenes the Assembly Standing Panel for Discipline appointing members to case panels to serve in particular cases.
- 4: The Assembly Standing Panel for Discipline comprises: a) the Assembly Representative for Discipline, b) six members of the United Reformed Church appointed by the General Assembly, three of whom must be elders and three Ministers or Church Related Community Workers and c) the Moderator of each Province or Nation. It is desirable, but not essential, for one member of the Assembly Standing Panel for Discipline in each case to have a legal qualification or comparable experience.
- 5: The appointment of the Assembly Representative for Discipline and of the other six members should for preference be made by the Assembly in plenary session or by the Assembly Executive, but in case of urgency may be made by the Officers of General Assembly.
- 6: It is not necessary for the members of the Assembly Standing Panel for Discipline to be members of General Assembly. Paragraph 8.8 of the Framework restricts simultaneous appointments of one person to different roles in connection with the Process.
- 7: The appointed members serve on the Assembly Standing Panel for Discipline, for renewable terms of five years. If the Assembly Representative for Discipline or an appointed member of the Assembly Standing Panel for Discipline dies, resigns or ceases to be a member of the United Reformed Church before the end of the term of office, a fresh appointment for a fresh term of five years is to be made at the next session of the Assembly Executive, or in cases of urgency by the Officers of General Assembly. However, if a case panel convened to consider an actual case and the term of office of a member (including the Assembly Representative for Discipline) ends by expiry before the case is disposed of under Paragraph 5.3 of the Framework or an agreed caution administered under Paragraph 5.4, the member concerned may continue to serve on the panel (in respect of that case only) pending such final disposal. An Assembly Representative for Discipline member in this situation must inform the Clerk of the General Assembly within seven days of his/her term of office ending whether he is willing to continue to serve on the Assembly Standing Panel for Discipline in this way.
- 8: For each case referred to the Assembly Representative for Discipline they will appoint one Synod Moderator and two other members of the Assembly Standing Panel for Discipline to serve for that case. For each case referred under paragraph 3.2 the Assembly Representative

for Discipline will personally convene a case panel, appointing two other members of the Assembly Standing Panel on Discipline to it. The panel for each case will always contain at least one Elder or lay member. The Moderator with pastoral responsibility for a minister under synod oversight will serve as a member of the Assembly Standing Panel for Discipline for that minister's case.

- 9: The Moderator with pastoral responsibility for a minister under Synod oversight will serve as a member of the case panel for that minister's case. Where there is doubt as to which Synod Moderator should serve in a case involving a minister under synod oversight, the Assembly Representative for Discipline will determine the matter in consultation with the relevant Synod Moderators and this will also determine which Synod is deemed to have oversight for the purposes of paragraph 8.7 of the Framework.
- 10: No member of the Assembly Standing Panel for Discipline is to serve in a case in which his / her relationship with the accused minister or a complainant could give rise to a reasonable suspicion of bias. However, such disqualification shall not follow merely by reason of a person knowing the accused minister or the complainant or by residence in the same province or nation. A member of the Assembly Standing Panel for Discipline holding relevant Church responsibilities may provide to an Investigation Team verifiable factual statements regarding the accused minister and his or her record of ministry, without being considered as taking part in the investigation. These must be provided in writing and copies supplied to the accused minister. If the Investigation Team requires expressions of opinion on such matters, it should if possible seek them from a source not connected with the Assembly Standing Panel for Discipline. However if it appears to the Investigation Team essential that a member of the Assembly Standing Panel for Discipline provide opinions or evidence in the case going beyond a written factual statement, that person shall not serve on the case panel in connection with the case.
- 11: If, for a reason mentioned in the foregoing paragraph or because of prolonged absence or other incapacity, a Synod Moderator is unable to serve as such for a particular case, or to continue until the case passes out of the hands of the Panel, a replacement for that case shall be made as follows:
 - i. if the Moderator is generally prevented from acting as Moderator of the synod (or if there is no Moderator) and arrangements are in place for another person to serve as Acting Moderator, that person shall also replace the Moderator on the case panel.
 - ii. if the Moderator is otherwise prevented from serving on the Assembly Standing Panel for Discipline (or if there is no Moderator and no current arrangements for an Acting Moderator) a replacement shall be appointed by the Officers of General Assembly, being either a minister resident in the province or nation or the Moderator of another synod. The appointment of another Moderator under this provision shall have no effect on the Synod deemed to have oversight for the purposes of paragraph 8.7 of the Framework.
- 12: If, for a reason mentioned in Paragraph 10 or because of prolonged absence or other incapacity, any member of the Assembly Standing Panel for Discipline other than a Moderator is unable to serve on a particular case panel, or to continue until the case passes out of the hands of that panel, a replacement for that case shall be appointed by the Assembly Representative for Discipline from other members of the Assembly Standing Panel for Discipline.

- 13: If the Assembly Representative for Discipline fails to call together the Assembly Standing Panel for Discipline as required by Paragraph 3 of the Framework, either of the other members of the Assembly Standing Panel for Discipline may notify the General Secretary or the Moderator of the Assembly. That person, if satisfied that the Assembly Standing Panel for Discipline ought to be called together, is to call upon the Assembly Representative for Discipline to do this. Should the Assembly Representative for Discipline not call together the Assembly Standing Panel for Discipline within 48 hours of this requirement, the Officers of Assembly are to appoint a replacement for the Assembly Representative for Discipline under paragraph 9 above and that replacement is to call together the Assembly Standing Panel for Discipline.
- 14: If an Officer of the General Assembly is the accused minister, the complainant or an essential witness in the case, decisions required to be made by the Officers of Assembly shall be made without that person.
- 15: Decisions of the Assembly Standing Panel for Discipline may be made by a majority if consensus cannot be achieved.

Appendix J

Rules and consequences of suspension for a minister

1: Schedule E to the Basis of Union provides that:

“Acting in due exercise of their functions as contained in the Structure of the United Reformed Church, the councils of the Church have authority in certain circumstances (without prejudice to a minister’s conditions under the Plan for Partnership in Ministerial Remuneration) to suspend a minister which involves a temporary ban on the exercise of ministry by the minister concerned but not his / her removal from the Roll of Ministers.

A minister under suspension, whether in pastoral charge or not, shall not present him/herself as a minister and shall not preside at communion. The minister shall refrain from all activity which may lead others to believe that he / she is acting as a minister of religion. Suspension also means that the minister may not exercise the rights of membership of any council of the Church. Suspension does not remove any of the rights accorded by the process of determining the matter which had led to the suspension.”

2: In the above extract ‘minister’ means minister of Word and Sacraments. But an identical provision in respect of Church Related Community Workers appears in Schedule F to the Basis.

3: Any decision to suspend a minister must be communicated immediately by the Moderator making the decision, any member of the Assembly Standing Panel for Discipline making the decision, or the Secretary of Assembly Commissions for Discipline if the decision is made by a Commission. It must be accompanied by a brief statement of reasons. Suspension takes effect immediately upon notification by any method. If the decision is initially communicated orally, a note is to be made of the time of the communication, and written confirmation signed by the person notifying the suspension must be delivered to the minister as soon as practical thereafter.

4: Any notification of suspension must warn the minister concerned of the relevant provision of Schedule E or Schedule F, as appropriate, to the Basis of Union, and that any violation of that provision may form the subject of a separate disciplinary allegation or be taken into account by the Assembly Standing Panel for Discipline or a Commission in its disposal of the allegations already made. It must also state that suspension does not, in itself, imply any view about the correctness of any allegations; nor will it affect the minister’s remuneration or pension entitlement.

5: If a decision to terminate suspension is made by the Assembly Standing Panel for Discipline or a Commission, it must be notified in writing as soon as practical, by a member of the Assembly Standing Panel for Discipline or by the Secretary of Assembly Commissions for Discipline as appropriate, and takes effect on such notification. Again, brief reasons must be given. If suspension terminates automatically under the provisions of this Process by virtue of any other event, written confirmation must be delivered to the minister as soon as practical after that event.

Appendix K

Investigation Teams and the Disciplinary Investigation Panel

- 1: The Disciplinary Investigation Panel comprises up to eighteen members of the United Reformed Church appointed by the General Assembly or, in its name, by Mission Council. The Assembly Nominations Committee, in proposing names for the Panel, is to have regard
 - i. to geographical distribution and ability to travel, in the light of the possibility that investigation may be necessary in any part of Great Britain or the Islands,
 - ii. to the need for as many members of the Panel as possible to have skills or professional experience relevant to the task of Investigation Teams, and
 - iii. to the desirability of a broad diversity.
- 2: Paragraph 8.8 of the Framework restricts simultaneous appointments of one person to different roles in connection with the Process.
- 3: Two persons shall be designated Senior Member and Deputy Senior Member of the Panel, each for a term of seven years. When a term expires or one of these persons resigns or dies, the other is to be consulted by the Nominations Committee before it recommends renewal or an appointment to the vacant role. The Deputy Senior Member is to take the place of the Senior Member in respect of any function which the Senior Member cannot, because of absence or any other reason, discharge. A person ceasing to hold one of these roles will remain a member of the Panel.
- 4: In view of the need for continuity and familiarity with the investigative task, appointment to the Panel is without limit of time. However the Senior Member and Deputy Senior Member may jointly draw the attention of the Nominations Committee to any factor which appears to be preventing a Panel member from serving effectively on an Investigation Team. The Senior Member may, after consulting the General Secretary, draw the attention of the Nominations Committee to any factor which appears to be preventing the Deputy Senior Member from acting effectively as such, or *vice versa*. In any such case the Committee may, if it sees fit, nominate a replacement.
- 5: A disciplinary case is passed on to the Investigation Stage by a member of the Assembly Standing Panel for Discipline, on its behalf, transmitting to the Senior Member of the Disciplinary Investigation Panel the allegations received (or of a written summary if they were originally made orally), any documents submitted in support of the allegations, the names of the complainant and details of any other sources of relevant information known to the Assembly Standing Panel for Discipline at that time. The Assembly Standing Panel for Discipline is also to state whether or not the accused minister has been suspended.
- 6: On receiving the material transmitted by the Assembly Standing Panel for Discipline, the Senior Member is to appoint three willing members of the Panel to form an Investigation Team for that case, and one panel member to assist the accused minister to address the issues and, if required, before the Assembly Commission for Discipline or the Disciplinary Appeal Commission, having regard to geographical proximity to the accused, complainant and likely witnesses as well as to appropriate skills and experience. No Panel member who is related to, belonging to the same local church as, or otherwise closely concerned with the accused minister or the complainant, has any pastoral or personal involvement with the case or is liable to be a witness, may be appointed to an Investigation Team for that case. Subject to these

considerations, the Senior Member should also consider the desirability of all members of the Panel having regular involvement with disciplinary cases. The Senior Member may him- or herself serve on an Investigation Team when that appears appropriate. If, from the information available at this stage, the case appears to be onerous due to the likely volume of evidence or the complexity of such evidence and that professional assistance in investigation would be appropriate, the senior member shall refer the matter to the Executive Group of the Disciplinary Process who may appoint a suitably qualified person, whether or not a member of the URC, as an additional member of the Investigation Team.

- 7: Ministers are encouraged to use an Assisting Member of the Disciplinary Investigation Panel to help gather evidence and draw up their own statement/s, and, either to accompany the minister to the hearing before the Assembly Commission for Discipline or the Disciplinary Appeal Commission or to present the minister's case

Appendix L

The Investigation Stage

- 1: The material transmitted by the Assembly Standing Panel for Discipline to the Senior Member of the Disciplinary Investigation Panel is to be passed on to the members of the Investigation Team as soon as they have accepted appointment. At the same time the accused minister is to be notified in writing by the Assembly Standing Panel for Discipline of the nature of the allegations to be investigated.
- 2: The purpose of the Investigation Team's work in the Investigation Stage is set out in Paragraph 5.1 of the Framework. If the case is passed on to the Hearing Stage the Team's work continues but with the goal set out in Paragraph 6.2.
- 3: The Team may work as it thinks fit, having regard to the need for fairness, confidentiality and expedition. Tasks may be distributed between members of the Team but anything known to one member must be shared with others and all decisions must be made collaboratively. The Team may make decisions by a majority if consensus cannot be achieved.
- 4: The Team may interview the complainant (if any) and / or the accused minister or both during the Investigation Stage. The accused minister must be interviewed by the Team before any Hearing if this has not been done earlier. Supplementary interviews are in order when necessitated by fresh information. If the Team proposes to base any questions to the accused minister on the contents of one or more documents, copies of those documents must be supplied to the accused minister sufficiently in advance of the interview for the minister to consider them.
- 5: No interview with any person outside the Team, whether taking place in person, by electronic means or by telephone, may take place unless at least two members of the Team are present; the person being interviewed must also be offered the opportunity to have a friend (or, in the case of the accused minister, a colleague, their assisting Investigation Panel member or Trade Union representative) present. A note of any interview is to be taken at the time or made immediately afterward, and a copy supplied to the person interviewed for comment.
- 7: If the Team becomes aware that criminal charges (or any other statutory investigation) are pending against an accused minister which cover the same facts as, or are otherwise relevant to, the disciplinary allegations, it shall suspend its work (subject to Paragraph 7) until the outcome of the criminal prosecution or statutory investigation is known, save for monitoring any court proceedings and securing a certificate of conviction or acquittal when they conclude, or a concluding report from any other investigating body. Suspension of an investigation for this reason is to be reported to the Assembly Standing Panel for Discipline if it happens during the Investigation Stage, or to the Secretary of Assembly Commissions for Discipline if it happens during the Hearing Stage.
- 8: Criminal charges are considered pending from the time when a minister is arrested or remanded on such a charge or receives a summons from a court of criminal jurisdiction, or if the Team reasonably believes that the minister is a suspect in an investigation by the police or comparable public authority from which criminal charges or charges under another statutory procedure may follow. They remain pending during the currency of any appeal against conviction, though not in the event of an appeal against sentence only. Charges in Northern Ireland or abroad have similar effect to those pending in Great Britain or the Islands. A

statutory investigation is considered pending from the time when the allegations about a minister are passed to a statutory authority (whether its functions are adjudicatory or investigative), until all statutory authorities have concluded their work or indicated that the Church's disciplinary process can proceed. However, the Assembly Standing Panel for Discipline or Commission under whose authority the case is proceeding may authorise earlier resumption of the investigation or other steps under this Process if it is satisfied

- i. that such steps would not unreasonably prejudice the statutory or criminal proceedings, and
- ii. that delaying in the Disciplinary Process until the conclusion of such proceedings would itself be prejudicial to the complainant, the accused minister or the Church.

- 9: The Team may at any time recommend to the Assembly Standing Panel for Discipline or Commission under whose authority the case is proceeding that the accused minister be suspended or that any current suspension be lifted.
- 10: The report submitted by the Team to the Assembly Standing Panel for Discipline at the close of the Investigation Stage will be in accordance with either Paragraph 5.2 or 5.3 of the Framework. A report in accordance with Paragraph 5.3 may include a recommendation for negotiation of an agreed caution, and the Team's initial position on what this caution should contain. If, after receiving safeguarding advice, the Assembly Standing Panel for Discipline refers a report under Paragraph 5.2 back for reconsideration, the Team is to consider any comments made by the Assembly Standing Panel for Discipline and any safeguarding advice available to it, before resubmitting the report.
- 11: If a case proceeds to the Hearing Stage, the Team is to notify the Secretary of Assembly Commissions for Discipline when its further investigations are complete and the case against the minister is ready for hearing.

Appendix M

Cautions

- 1: An agreed caution is a possible outcome of the Investigation Stage in the circumstances set out in Paragraph 5.4 of the Framework. It may be recommended by the Investigation Team in its report to the Assembly Standing Panel for Discipline, or proposed by the Assembly Standing Panel for Discipline of its own motion after considering the report. Accused ministers cannot themselves initiate consideration of a caution as a procedural step, though an Investigation Team can pursue a minister's proposal if it thinks fit.
- 2: On the part of the accused, there are three elements involved in disposing of disciplinary allegations by a caution: he / she must admit the facts to which it relates, must satisfy the Investigation Team and Assembly Standing Panel for Discipline of an appropriate level of remorse, and must undertake to observe the precautionary steps set out in the caution to obviate or minimise the risk of such conduct ever being repeated. The term 'negotiation' in the Disciplinary Process refers to a 'without prejudice' discussion (in the sense of paragraph 9 below) between the Investigation Team and the accused, designed to make clear whether these elements are present, and if so to agree the wording of the written caution to be proposed to the Assembly Standing Panel for Discipline.
- 3: Before opening the possibility of a caution to formal negotiation, and again before settling the final form of any caution, the Assembly Standing Panel for Discipline is to consider safeguarding advice. The Assembly Standing Panel for Discipline must not allow negotiation of a caution if it considers at least one of the allegations so serious, for any reason, that a caution could not be an appropriate outcome if it were admitted or proved.
- 4: If the Assembly Standing Panel for Discipline allows negotiation of a caution, it is to decide whether it will take the lead in proposing a caution text, seeking the agreement of the accused minister and the Investigation Team, or whether the Investigation Team is to take the lead, seeking the agreement of the accused minister and the Assembly Standing Panel for Discipline.
- 5: Negotiation is then to proceed accordingly, with a view to drafting a written text which expresses the extent of the accused minister's admission of the allegations made (or such as the Assembly Standing Panel for Discipline considers necessary to be disposed of before the Process can be ended) and the steps to be taken or conditions to be observed to remedy any harm and ensure the admitted misconduct is not repeated. Time limits may be attached in the caution text to these steps or conditions. The text should also express some degree of remorse, although this should be in the minister's own words and not the subject of negotiation.
- 6: If the issue of misconduct resolved by an agreed caution is repeated, or if the steps or conditions agreed as part of the caution are not taken or observed, this may amount to a fresh case of misconduct and the text of the caution may be taken into account in the investigation and disposal of fresh allegations. The text is to include a statement that the accused minister understands this.
- 7: The Assembly Standing Panel for Discipline must set a time limit for agreement to be reached on a satisfactory caution text, but may extend the limit on the application of either party in exceptional circumstances. If satisfied it will not be possible to reach agreement on a caution in

appropriate terms within that time limit, it must end the negotiation and pass the case on to the Hearing Stage.

- 8: But if, after receiving safeguarding advice on the final terms, the Assembly Standing Panel for Discipline is satisfied that the agreed text of a caution can properly end the case, it is to deliver the caution formally. For this purpose it is to require the accused minister's personal attendance before at least two members of the Panel, one of whom will read the caution aloud before it is signed in duplicate by the minister and the Panel members present. The minister may be accompanied by a companion of his / her choice, but that companion will not be invited to address the Panel.
- 9: Negotiation of a caution and all proposed texts and amendments thereto are without prejudice to the further steps in the Disciplinary Process, should these take place. Accordingly, if the Assembly Standing Panel for Discipline ends the negotiation and passes the case on to the Hearing Stage, correspondence entered into (subsequent to the Team's report) in connection with the proposal and attempted negotiation of a caution is not to be passed on to the Assembly Commission for Discipline and will not be admissible at the Hearing Stage or at the Appeal Stage. Beyond the fact that a caution was proposed but not, in the event, given, no reference to the negotiations or any concession made in them is to be made by the Investigation Team during the Hearing or Appeal Stages (and any reference contrary to this paragraph is to be disregarded by the Commission), unless the accused minister first makes such a reference and the Commission holds the interests of justice to require a reply by the Investigation Team.

Appendix N

Assembly Commissions for Discipline and the Commission Panel

- 1: The Commission Panel comprises up to thirty members of the United Reformed Church appointed by the General Assembly or, in its name, by the Assembly Executive. The Assembly Nominations Committee, in proposing names for the Panel, is to have regard
 - i. to the need for a variety of skills and specialisations including in the theological, psychiatric, counselling, forensic and safeguarding fields, experience of judicial or other legal work, ecclesiastical oversight and the conduct of meetings,
 - ii. to the desirability of a broad diversity and
 - iii. to the need for both ministers or church related community workers (CRCWs) and elders or laypeople to serve on Commissions as indicated below.
- 2: Paragraph 8.8 of the Framework restricts simultaneous appointments of one person to different roles in connection with the Process.
- 3: Two members of the Commission Panel shall be designated Convenor and Deputy Convenor of the Panel, each for a term of seven years. When a term expires or is about to expire, or when one of these persons resigns or dies, the other is to be consulted by the Nominations Committee before it recommends an appointment to the vacant role. Both are to advise the Committee on the need for additional appointments to the Panel and the areas of expertise required. The Deputy Convenor is to take the place of the Convenor in respect of any function which the Convenor cannot, because of absence or any other reason, discharge. A person ceasing to hold one of these roles will remain a member of the Panel.
- 4: In view of the need for continuity and familiarity with the adjudicative task, appointment to the Panel is without limit of time. However the Convenor and Deputy Convenor may jointly draw the attention of the Nominations Committee to any factor which appears to be preventing a Panel member from acting effectively as such. The Convenor may, after consulting the General Secretary, draw the attention of the Nominations Committee to any factor which appears to be preventing the Deputy Convenor from acting effectively as such, or *vice versa*. In any such case the Committee may, if it sees fit, nominate a replacement.
- 5: The General Assembly, or the Assembly Executive in its name, shall appoint a Secretary of Assembly Commissions for such term as it may decide. A proposal for this appointment shall be made by the Nominations Committee, taking account of Paragraph 8.8 of the Framework.
- 6: A disciplinary case is passed on to the Hearing Stage by a member of the Assembly Standing Panel for Discipline, on its behalf, transmitting to the Secretary of Assembly Commissions for Discipline the Investigation Team's report, any answer made by the accused minister, any documents submitted in support of the report or answer, and a written statement of the Assembly Standing Panel for Discipline's finding that there is a disciplinary case to answer. The Assembly Standing Panel for Discipline is also to state whether or not the accused minister is currently suspended.
- 7: On receiving the material transmitted by the Assembly Standing Panel for Discipline, the Secretary of Assembly Commissions for Discipline is to notify the Convenor and Deputy Convenor of the Commission Panel, who are to appoint three willing members of the Panel to form an Assembly Commission for Discipline for that case. The three appointees are to include

at least one minister and one elder or lay person; and at least one man and one woman. If the accused is a Church Related Community Worker, the requirement for a minister on the Commission may be satisfied by the appointment of a Church Related Community Worker from the Panel. Appointments are to have regard to the nature of the case and the skills, specialisation and cultural understanding of the members of the Commission Panel.

- 8: No Panel member who is related to, belonging to the same local church as, or otherwise closely concerned with the accused minister or the complainant, has any pastoral or personal involvement with the case or is liable to be a witness, may be appointed to an Assembly Commission for Discipline for that case. The Convenor and Deputy Convenor may themselves serve on Commissions when that appears appropriate.
- 9: If a member of the Commission dies or otherwise becomes unable to act in the case at any time before commencement of the Hearing, the Convenor and Deputy Convenor of the Commission Panel shall make a fresh appointment. If the incapacity supervenes after commencement of the Hearing, the remaining members of the Commission must terminate the Hearing and recommence it from the beginning after a fresh appointment has been made.

Appendix O

The Hearing Stage

- 1: As soon as the initial appointees to the Assembly Commission for Discipline have accepted appointment, the Secretary of Assembly Commissions for Discipline is to notify their names to the accused minister, indicating any office in the Church, specialisation or experience which acted as a factor in their appointment to the Commission Panel or for the current case.
- 2: Within fourteen days of being notified of the name of any Commission member, the accused minister may object in writing to that name on the grounds stated in Paragraph 8 of Appendix N or alleging some other reason why it would not be appropriate for the member concerned to hear the case. If an objection is made to one member of the Assembly Commission for Discipline, the other two members are to consider and rule on the objection. If they disagree, the objection is to be upheld. If an objection is made to more than one such member, the Convenor and Deputy Convenor of the Commission Panel are to consider and rule on the objections. (If either of them is a member of the Commission, the General Secretary is to appoint a replacement from the Commission Panel for this task only.) If they disagree, the objection is to be upheld. If an objection is upheld, a fresh appointment is to be made. The name of the new member of the Assembly Commission for Discipline is to be notified to the accused minister.
- 3: After the period for objections has expired, the members of the Commission shall agree amongst themselves for one member to serve as Convenor of the Commission. At the same time the Secretary of Assembly Commissions for Discipline is to send to the Assembly Commission for Discipline members the material transmitted by the Assembly Standing Panel for Discipline and seek an indication from them of possible dates for the Hearing of the case. The Secretary of Assembly Commissions for Discipline shall then select and notify a date from that range (not less than thirty-five days from the date of notification) on which a suitable venue will be available. The accused minister and the Investigation Team are to be consulted regarding a convenient date, with particular reference to the availability of any witnesses, but neither side shall be permitted to exclude any date absolutely. The availability of a representative of the professional legal advisers to the denomination shall also be taken into account.
- 4: The Investigation Team is to report at intervals to the Secretary of Assembly Commissions for Discipline on progress with its further investigation. Not less than twenty-eight days before the Hearing it must make a final report accompanied by any further statements or supporting documents to which it proposes to refer (the 'case material'). The Secretary of Assembly Commissions for Discipline must serve copies of such documents on the accused minister. Within fourteen days after such service, the accused minister must send to the Secretary of Assembly Commissions for Discipline any further statements or supporting documents to which he or she proposes to refer, and the Secretary of Assembly Commissions for Discipline must copy these to the Investigation Team.
- 5: The Assembly Commission for Discipline may at any time postpone or adjourn the Hearing, whether of its own motion or on the application of either party, but always having regard to the need to conclude the Process as expeditiously as possible. The Hearing date may also be brought forward if both parties agree. Notice of any amended Hearing date, time and place shall be served on the parties by the Secretary of Assembly Commissions for Discipline

- 6: Both the accused minister and the Investigation Team must comply with time limits and directions under Paragraphs 4 and 5, and material filed out of time will not be admissible.
- 7: At least fourteen days before the Hearing, the Investigation Team must notify the Secretary of Assembly Commissions for Discipline which of its members will be presenting the Team's case at the Hearing, or whether another person is to act as its representative. By the same date, the accused minister must notify the Secretary of Assembly Commissions for Discipline whether he or she wishes to be accompanied or represented by another person at the Hearing, and indicate the name and any relevant qualifications of that person. (The accused minister may be accompanied by one person or represented by one person; but not both. To be 'accompanied' means that the other person may sit with the accused minister and that they may consult privately, though not so as to delay the Hearing unduly; but the other person may not address the Commission or examine witnesses. To be 'represented' means that the other person will put the minister's or the Team's case and examine witnesses on the minister's or Team's behalf; in that event the minister may be heard only as a witness.) The Secretary of Assembly Commissions for Discipline must copy any such notification, received from one party, to the other party. A person to be called as a witness in the case may not also accompany or represent the minister or represent the Team. No member of the Team, other than the member, if any, designated to present its case, may address the Commission or examine witnesses.
- 8: If the Investigation Team reports to the Secretary of Assembly Commissions for Discipline a suspension of its work under Paragraph 6 of Appendix L because of criminal charges or another statutory investigation pending against the accused minister, no direction under Paragraph 5 of this Appendix may be given whilst the charges remain pending, and any direction already given shall lapse. Any date already set for the Hearing shall be vacated, and any Hearing already commenced shall be adjourned. The Hearing Stage shall resume when the outcome of the prosecution or investigation is known. The Investigation Team shall obtain and deliver to the Secretary of Assembly Commissions for Discipline a certificate of the accused minister's conviction or acquittal or (if available) an official statement of the outcome of such other statutory investigation.
- 9: In the event that a Disciplinary Appeal Commission quashes the decision of an Assembly Commission for Discipline and directs rehearing before a fresh Commission, the Secretary of the Disciplinary Appeal Commission is to transmit the Disciplinary Appeal Commission's decision to the Secretary of Assembly Commissions for Discipline and notify the Convenor and Deputy Convenor of the Commission Panel. The procedure in Appendix N is to be followed in appointing the fresh Commission, and Paragraphs 1 and 2 of this Appendix are to be followed to allow for objections to its members. Except insofar as the Appeals Commission may have directed otherwise, all the documents submitted to the previous Assembly Commission for Discipline are then to be transmitted to the new Commission, a fresh Hearing date is to be determined and the case is to be re-heard.

Appendix P

Abandonment of allegations during the Hearing Stage

- 1: At any time between a case entering the Hearing Stage and the commencement of a Hearing, the Investigation Team may notify the Secretary of Assembly Commissions for Discipline in writing, with a copy to the accused minister, that it considers it will not be possible to establish any of the allegations against the minister on the balance of probabilities, and therefore wishes to be discharged from proceeding with the case. The notification must indicate whether the Team has reached this decision by a majority or unanimously.
- 2: On receiving such notification the Assembly Commission for Discipline must decide whether or not to require the Process to continue to a Hearing. Unless the Investigation Team indicates that it has taken safeguarding advice before making the notification, the Commission must itself seek such advice before taking this decision.
- 3: If a Hearing takes place the person representing the Investigation Team is to explain the Team's decision and (if that decision was reached by a majority) the reason for the disagreement. It shall be for the Team (or a majority thereof) to decide whether to bring forward evidence so as to give the Commission the option of reaching a different conclusion. If the Team offers evidence the accused minister shall have the usual opportunity to present his or her defence and the Hearing shall proceed to one of the usual outcomes. If the Team offers no evidence, the accused minister may make a short statement after which the Commission must make a declaration under Paragraph 6.5 of the Framework.
- 4: If the Assembly Commission for Discipline decides not to require a Hearing, it must make a declaration under Paragraph 6.5 of the Framework, which shall have the same effect as if made following a Hearing.

Appendix Q

Admissions of Allegations by an Accused Minister

- 1: At any time after the appointment of an Assembly Commission for Discipline, the accused minister may notify the Secretary of Assembly Commissions for Discipline in writing of a desire to admit some or all of the allegations under investigation and to submit to the imposition of a sanction. This 'admission notification' must make clear whether all the allegations passed into the Hearing Stage are admitted, or which allegations (if any) are denied. In respect of the admitted allegations, the notification must contain any points in mitigation which the accused minister would wish to bring to the Assembly Commission for Discipline's attention.
- 2: A copy of the admission notification must be delivered to the Investigation Team, which must serve a response on the accused minister and the Secretary of Assembly Commissions for Discipline within fourteen days thereafter.
- 3: If some allegations are denied by the minister and the Team believes that these are too serious to be passed over without full investigation, it may require in its response that the Investigation Stage continue. In that event no further steps are to be taken on the minister's application, which is not to be reported to the members of the Commission.
- 4: If some allegations are denied but the Team believes the goals of the Disciplinary Process will be adequately served by admission of the other allegations and an appropriate sanction, or if all allegations passed into the Hearing Stage are admitted, the Team must either indicate that it is content for the Assembly Commission for Discipline to pass to the imposition of a sanction without a full Hearing, or outline in its submission the reasons why it believes a full Hearing remains desirable. In either event, the Team's response must also include any considerations it wishes to advance to the Commission regarding an appropriate sanction for the allegations admitted.
- 5: On receipt of a response under paragraph four above from the Investigation Team, the Secretary of Assembly Commissions for Discipline is to pass the admission notification and the Team's response to the members of the Commission. The Commission, either by a physical meeting or by some other method of communication, is to decide whether to accede to the minister's desire as notified, and if so, whether to direct deletion from the Roll or the issue of a written warning or to impose no sanction.
- 6: The Secretary of Assembly Commissions for Discipline is to notify both parties in writing of the Commission's decision.
- 7: If the Commission does not accede to the minister's desire expressed in the admission notification, the Investigation Stage is to continue to the conclusion of the Hearing. If the Commission accedes to the minister's desire, it may attach Directions to a written warning, curtail any pastoral tie or appointment, or make recommendations in the event of deletion, and the same consequences are to follow as if those sanctions were imposed at the close of a Hearing.

Appendix R

Hearing Procedure

- 1: The Hearing is to take place in private, only the following being present:
 - i. the members of the Assembly Commission for Discipline,
 - ii. the Secretary of Assembly Commissions for Discipline,
 - iii. a representative of the professional legal advisers to the denomination,
 - iv. a safeguarding professional invited by the Commission to advise it
 - v. the accused minister
 - vi. any person accompanying or representing the minister
 - vii. the members of the Investigation Team
 - viii. any person representing the Investigation Team
 - ix. witnesses whilst giving oral evidence (a Commission witness may attend throughout) stenographic or technical staff required in connection with the verbatim record.

- 2: If the Secretary of Assembly Commissions for Discipline is unable to attend, the Commission may invite another person to advise on the rules of this Process and to make a summary minute of the proceedings.

- 3: Subject to any contrary direction by the Commission, the order of proceedings at the Hearing shall be as follows:
 - i. opening submission on behalf of the Investigation Team
 - ii. witnesses called by the Investigation Team, who shall be examined on the Team's behalf and may (subject to paragraph
 - iii. be cross- examined by the accused minister and by members of the Commission
 - iv. opening submission on behalf of the accused minister
 - v. witnesses called by the accused minister, who shall be examined on the minister's behalf and may be cross-examined on behalf of the Investigation Team and by members of the Commission (this may include an oral statement by the minister, on which cross- examination may take place)
 - vi. witnesses called by the Commission, who shall be examined by members of the Commission and may be cross-examined on behalf of the Investigation Team and then the minister; and
 - vii. brief concluding submissions on behalf of the Investigation Team and the accused minister in that order.

The Commission shall then adjourn, to indicate its findings, any sanction and a statement of reasons at a later date.

- 4: Where it considers that the safeguarding of a witness who is a child or an adult at risk requires this, a Commission may approve an alternative cross-examination procedure which does not entail direct confrontation of the witness by the accused; but only if satisfied that the alternative procedure offers an equally fair opportunity for the witness's evidence to be tested in the accused's interest.

- 5: A summary minute of the proceedings shall be taken by the Secretary of Assembly Commissions for Discipline as well as, if possible, a verbatim record. These together constitute the record to be transmitted in the event of any appeal.
- 6: All members of the Commission must be present when the Commission is considering its findings, any sanction and the statement of reasons. No other person may be present. The Commission's decisions may be reached by a majority if consensus cannot be achieved.
- 7: Video and audio recordings, written statements, and other evidence which is not in the form of oral testimony at the Hearing, shall be admissible only to the extent that the Commission may allow. A party wishing to offer such evidence must inform the Secretary of Assembly Commissions for Discipline and the other party in advance of the Hearing, at the same time as submitting its final documents.
- 8: Facts not in dispute between the parties may be the subject of an agreed written statement, which may be submitted at any time up to the opening submissions on behalf of the Investigation Team.

Appendix S

Part I – Written warnings

- 1: A written warning is a formal indication issued by an Assembly Commission for Discipline to a minister, against whom disciplinary allegations have been found to be proven, that continuance or repetition of any of the matters to which those allegations related might be considered by a future Commission to be a cause for deletion from the Roll. It may include directions imposing restrictions on the ministry or general conduct of the minister concerned, or requiring remedial action to be taken or therapy or counselling sought.
- 2: An Assembly Commission for Discipline acts in the name of the General Assembly, and its directions accompanying a written warning are binding on the Synod having oversight of the minister concerned, the officers of that Synod including its Moderator, the councils of the local church where the minister serves and the minister him- or herself. In the case of a minister serving under the direct oversight of the General Assembly, directions are binding on all officers and committees of the Assembly. Should the minister's sphere of ministry (or place of residence, in the event of the minister retiring or leaving the service of the Church) change whilst directions are still in force, it is the responsibility of the Moderator of the Synod previously having oversight of the minister (or in the case of ministers under Assembly oversight, the General Secretary) to ensure that the councils or committees responsible for the new sphere of ministry are informed of the directions and of their obligation to monitor their observance as soon as possible and certainly before the minister begins the new sphere of ministry.
- 3: Wilful disobedience to directions on the part of any minister is potentially a breach of the expectations set out in Paragraph 1 of the Framework. The fact that a written warning was given to a minister (with or without directions) is to be reported to the Assembly Commission for Discipline hearing fresh allegations against that minister, and taken into account if a sanction is to be imposed.
- 4: An Assembly Commission for Discipline giving directions accompanying a written warning must indicate whether they are to have effect indefinitely or for a limited period (which may not exceed five years). Directions having effect indefinitely may be withdrawn or varied, on the minister's application, by the Ministries Committee of the General Assembly, after consulting the Moderator of the Synod having oversight of the minister at that time (or in the case of ministers under Assembly oversight, the General Secretary) and taking safeguarding advice. Such an application may not be made within five years of the directions being given, nor more than once in every subsequent five year period.

Part II - Curtailment

- 5: A finding of Curtailment has the effect of concluding any office or appointment which a minister may hold in a local church or any Council of the Church.
- 6: Any extension of housing and stipend, normally for a period of between three and six months from the date when curtailment takes effect, shall be a question for decision by the Pastoral Reference and Welfare Committee.
- 7: Directions may be given by the Assembly Commission for Discipline to accompany curtailment

in the same way as provided by Part I of this Appendix in respect of written warnings. But the minister remains on the Roll and eligible to be called or appointed to a new sphere of ministry. Pending such call or appointment, the minister will be an associate member of the Synod of the province or nation of residence on the same basis as a retired minister.

Part III – Deletion from the Roll

8: Schedules E and F to the Basis of Union state that:

“A person whose name has been deleted from the Roll of Ministers of the United Reformed Church and who remains a member of the United Reformed Church has the privilege and responsibilities of that membership, but not those of a minister of Word and Sacraments, and should refrain from all activity which may lead others to believe that he or she is acting as a minister of religion. However, should that person be re-instated to the Roll of Ministers, he/she would, on being called to a pastorate, need to be inducted to that pastorate, but not ordained, since ordination is not repeatable.”

“A person whose name has been deleted from the Roll of Church Related Community Workers (‘CRCWs’) and who remains a member of the United Reformed Church has the privileges and responsibilities of that membership, but not those of a CRCW, and should refrain from all activity which may lead others to believe that he/she is acting as a CRCW. However, should that person be re-instated to the Roll of CRCWs he/she would on being called to a post approved by the United Reformed Church need to be inducted to that post, but not commissioned, since commissioning is not repeatable.”

9: Deletion from the Roll ends the tenure of any office which a minister may hold in a local church or under any council of the Church. Any contract, whether written, oral or implied, that may exist between the minister and the United Reformed Church or any council or local church thereof in relation to his or her ministry terminates when deletion takes effect.

10: An Assembly Commission for Discipline which directs a minister to be deleted from the Roll may (and normally should) include in its written statement of reasons recommendations as to restrictions which it considers ought to be placed upon any activities involving the former minister, with the object of assisting councils of the Church, their officers and any outside organisations for or with whom the former minister might work. Such recommendations will be of an advisory nature, do not form part of the decision, and cannot therefore form the subject matter of any appeal.

11: A person deleted from the Roll may apply for readmittance to the Roll under the procedure approved by the General Assembly from time to time.

Appendix T

Written reasons for a Commission decision

- 1: An Assembly Commission for Discipline, whether it directs the deletion of a minister's name from the Roll, gives a written warning, curtails a pastoral tie or appointment, imposes no sanction or declares that none of the allegations against the minister have been proved, must give a written statement of reasons for reaching its decision.
- 2: The written statement must include:
 - i. an indication of those elements of the decision which were unanimous and those (if any) which were reached by a majority
 - ii. a summary of any allegations found to be proved against the minister
 - iii. a summary of the factors leading the Commission to direct deletion, to impose a written warning or to impose no sanction
 - iv. a summary of the advice (if any) given to the Commission by any Assessor
 - v. the substance of any written warning to be given and any Directions to accompany it, with the period for which they are to remain in force

The statement may, but need not,

- vi. comment in detail on all or any of the matters of evidence laid before the Commission
 - vii. make recommendations concerning the future activity of any accused person whose name is deleted from the Roll (see further Appendix S)
 - viii. make recommendations for avoiding the repetition of any allegations which were found not to be proven on the balance of probabilities.
- 3: The statement of reasons is to be distributed by the Secretary of Assembly Commissions for Discipline to the accused minister and the Investigation Team, indicating the last day on which notice of any appeal must be lodged.
- 4: The Secretary of Assembly Commissions for Discipline must also notify the Moderator of the Synod having oversight of the minister (or, in the case of direct oversight by the General Assembly, the Assembly Representative for Discipline) that the Commission's decision in the case was to delete, to acquit, to issue a warning or to impose no sanction, but that it remains subject to possible appeal. Copies of the notification are to be sent to the Secretary of the General Assembly's Ministries Committee and to the Assembly's Safeguarding and Press Officers.
- 5: If the General Assembly or the Assembly Executive meets whilst a Commission decision remains subject to appeal, the Secretary of the Ministries Committee shall report (without naming the minister concerned) that a decision has been reached, subject to appeal, in a disciplinary case.
- 6: If the time for appeal expires with no appeal having been lodged, the Commission's statement of reasons is to be distributed by the Secretary of Assembly Commissions for Discipline to the persons who received notification under Paragraph 4.
- 7: It will be the responsibility of the Moderator of Synod, or the Assembly Representative for Discipline as the case may be, to ensure that the fact of any deletion from the Roll, the

Directions if any accompanying a written warning, the curtailment of any pastoral tie or appointment, and any lifting of a suspension or any recommendations made under Paragraphs 2(g) or 2(h) above, are sufficiently communicated to those within the Church who need to be aware of them. The Secretary of Assembly Commissions for Discipline is to give notice directly to any outside organisation with or for whom a former minister is known to work of any recommendations under Paragraph 2(g) relevant to that organisation. The Secretary of Assembly Commissions for Discipline is to remind all recipients of the sensitive nature of the distributed information and the need for care and discretion in how it is used.

- 8: At the first meeting of either the General Assembly or the Assembly Executive after the time for appeal expires with no appeal having been lodged, the Secretary of the Ministries Committee shall report that a decision has become final in a disciplinary case, whether any allegations were found to be proved, and what sanction if any was imposed. The minister concerned is not to be named except in the event of a deletion from the Roll.
- 9: These provisions are additional to the more general rules on disseminating information from the Process to be found in Appendix Y.

Appendix U

Appeal Stage Timetable and Procedure

- 1: The General Assembly, or the Assembly Executive in its name, shall appoint a Secretary of Disciplinary Appeal Commissions for such term as it may decide. A proposal for this appointment shall be made by the Nominations Committee.
- 2: Paragraph 8.8 of the Framework restricts simultaneous appointments of one person to different roles in connection with the Process.
- 3: Notice of any appeal, with a statement of the appeal grounds, must be lodged by the party appealing ('the appellant'), within the time allowed by Paragraph 7.1 of the Framework, with the Secretary of Assembly Commissions for Discipline. The Secretary of Assembly Commissions for Discipline is thereupon to transmit to the Secretary of Disciplinary Appeal Commissions the notice and grounds, the record of the Hearing and the body of papers laid before the Assembly Commission for Discipline together with the written statement of that Commission's reasons for its decision. The Secretary of Assembly Commissions for Discipline is also to serve a copy of the notice of appeal and grounds upon the other party ('the respondent'). If it appears to the Secretary of Disciplinary Appeal Commissions that the grounds advanced for any appeal do not fall within those allowable under Paragraph 7.2 of the Framework, he or she may (on one occasion only) indicate this to the appellant and allow up to seven additional days for the lodging of amended grounds. The appellant is free to maintain the original grounds unaltered and to argue before the Disciplinary Appeal Commissions that they do fall within Paragraph 7.2. The respondent must, within twenty-one days from service of the copy notice of appeal, deliver to the Secretary of Disciplinary Appeal Commissions an answer, containing his/her or its comments on the grounds of appeal. A copy of the answer is to be served on the appellant by the Secretary of Disciplinary Appeal Commissions. Neither party may rely at the appeal hearing on matters not raised in the appellant's statement or the respondent's answer, unless the Disciplinary Appeal Commissions gives leave for them to do so. As soon as the members of the Disciplinary Appeal Commissions have accepted appointment under Appendix V, the Secretary of Disciplinary Appeal Commissions is to notify their names to the accused minister, indicating any office in the Church, specialisation or experience which acted as a factor in their appointment. Within fourteen days of receiving such notification, the accused minister may object in writing to any of the members of the Disciplinary Appeal Commissions on the grounds stated in Paragraph 7 of Appendix V or alleging some other reason why it would not be appropriate for the member concerned to hear the appeal. If an objection is made to one member of the Commission, the other two members are to consider and rule on the objection. The objection is to be upheld if either of those members considers that it should be. If an objection is made to more than one such member, the Officers of Assembly are to consider and rule on the objections. An objection is to be upheld if a majority of the Officers thinks that it should be or if the Officers are evenly divided. If an objection is upheld, a fresh appointment is to be made to the Disciplinary Appeal Commissions in place of the member objected to.
- 4: After the period for objections has expired, the Secretary of Disciplinary Appeal Commissions must pass the notice and grounds of appeal, any answer and the material transmitted by the Secretary of Assembly Commissions for Discipline to each member of the Disciplinary Appeal Commissions.

- 5: Within fourteen days of the notification under Paragraph 6 (or of the notification of any new appointment made as the result of a successful objection), the Investigation Team must notify the Secretary of Disciplinary Appeal Commissions which of its members will be presenting the Team's case at the appeal hearing, or whether another person is to act as its representative. Within the same period, the accused minister must notify the Secretary of Disciplinary Appeal Commissions whether he or she wishes to be accompanied or represented by another person at that hearing, and indicate the name and any relevant qualifications of that person. If either party is seeking to call witnesses at the appeal hearing, statements must be submitted during the same period, indicating the evidence which it is proposed that each witness should give. The Secretary of Disciplinary Appeal Commissions must copy any such notification or witness statement received from one party to the other party.
- 6: When the period of fourteen days from the notification under paragraph 6 has expired, the Secretary of Disciplinary Appeal Commissions must seek an indication from the members of the Disciplinary Appeal Commissions of possible dates for the hearing of the appeal, and shall then select and notify a date from that range on which a suitable venue will be available. The accused minister and the Investigation Team are to be consulted regarding a convenient date, but neither side shall be permitted to exclude any date absolutely. The availability of a representative of the professional legal advisers to the denomination shall also be taken into account. After the members of the Disciplinary Appeal Commissions have considered the grounds of appeal, the respondent's answer and any witness statements, the Commission must indicate through the Secretary of Disciplinary Appeal Commissions whether or not the proposed witnesses should attend the hearing in readiness to be called. The Commission's decision to invite (or not to invite) a witness to attend in readiness will not finally determine any decision under paragraph 12(b) whether or not to hear that witness.
- 7: An appeal lodged by either party may be withdrawn by that party, in whole or in part, by notification to the Secretary of Disciplinary Appeal Commissions in writing. The Secretary of Disciplinary Appeal Commissions must send a copy to the other party. A partial appeal means the withdrawal of certain grounds of appeal, with the effect that the appeal proceeds on the remaining grounds only. Withdrawal of an appeal in its entirety has the consequence that the decision of the Assembly Commission for Discipline becomes final (unless an appeal by the other party is still pending).
- 8: The appeal hearing is to take place in private, only the following being present:
 - i. the members of the Disciplinary Appeal Commissions
 - ii. the Secretary of Disciplinary Appeal Commissions
 - iii. a representative of the professional legal advisers to the denomination
 - iv. a safeguarding professional invited by the Commission to advise it
 - v. the accused minister
 - vi. any person accompanying or representing the minister
 - vii. the members of the Investigation Team
 - viii. any person representing the Investigation Team
 - ix. witnesses whilst giving oral evidence
 - x. stenographic or technical staff required in connection with the verbatim record.
- 9: If the Secretary of Disciplinary Appeal Commissions is unable to attend, the Commission may invite another person to advise on the rules of this Process and to make a summary minute of the proceedings.

10: Subject to any contrary direction by the Disciplinary Appeal Commissions, the proceedings at the appeal hearing shall be in the following order:

- i. If there is a question whether the grounds of appeal fall within those allowable under Paragraph 7.2 of the Framework, both parties shall address that question first and the Commission shall give a preliminary decision on that issue. If the Commission holds that the grounds of appeal do not fall within the Paragraph, the appeal must be dismissed.
- ii. If either party seeks to offer fresh evidence, both parties shall be heard on the case for admitting such evidence in the light of Paragraph 7.4 of the Framework and whether, if admitted, this should be considered by the Disciplinary Appeal Commissions or referred to a fresh Assembly Commission for Discipline. If the Disciplinary Appeal Commissions directs a hearing before a fresh Assembly Commission for Discipline, the appeal proceedings shall terminate. If the Disciplinary Appeal Commissions resolves to hear fresh evidence itself, it shall proceed in accordance with Paragraph 2 of Appendix R, save that the appellant is to make opening submissions, call witnesses first and make concluding submissions first.
- iii. If the grounds of appeal are allowable and there is to be no reception of fresh evidence, submissions shall be made in relation to the grounds of appeal and the respondent's answer.

On each question the appellant's submissions shall precede those of the respondent. If both parties have appealed, the Investigation Team shall make its submissions first.

- iv. The Commission shall then adjourn, to indicate its decision with reasons at a later date.
- v. A summary minute of the proceedings shall be taken by the Secretary of Disciplinary Appeal Commissions as well as, if possible, a verbatim record by staff attending for that purpose.
- vi. All members of the Commission must be present and no other person may be present when it considers its decision. which may be reached by a majority if consensus cannot be achieved.

Appendix V

Composition of a Disciplinary Appeal Commission

- 1: An Appeal Commissions List is to be drawn up and maintained by the Officers of Assembly, containing up to 21 names in three categories as follows:
 - i. Members of the United Reformed Church who are, or have been,
 - a. judges of a court or tribunal, or
 - b. qualified as barristers, advocates or solicitors in Great Britain or the Islands or,
 - c. persons having served for at least three years as justices of the peace;
 - ii. Members of the United Reformed Church who have served on at least two Assembly Commissions (or on Appeal Commissions in or before the year 2020) in disciplinary cases;
 - iii. Present and former Moderators and Clerks of the General Assembly, and former General Secretaries.
- 2: The Officers must endeavour to ensure that at least 4 names on the list at any time are from category i (legal qualification/experience) above, and at least one name at any time from category iii (former Moderators and Clerks of General Assembly and former General Secretaries). Subject to that requirement, they must also endeavour to maintain balances of gender and between ministers and others, having regard to the balance required on each Appeal Commission by paragraph six below. The name of the current General Secretary may not be added to the List.
- 3: Paragraph 8.8 of the Framework restricts simultaneous appointments of one person to different roles in connection with the Process.
- 4: Before adding a person's name to the List, the Officers must ascertain that the person is willing; which, in the case of persons in categories i:b) and i:c), must include willingness to undergo such training for the role as is arranged by the Ministerial Incapacity and Discipline Advisory Group. The same training is to be offered to persons in category i:a).
- 5: Before adding names in category ii) the Officers must also consult with the Convenor or Deputy Convenor (or both) of the Commission Panel. Any person on the Commission Panel shall cease to be on that Panel when added to the Appeal Commissions List.
- 6: Addition to the List is without limit of time. However the General Secretary may draw the attention of the other Officers of Assembly to any factor which appears to be preventing a person on the List from acting effectively as a member of Appeal Commissions. In any such case the Officers may, if they see fit, replace that person's name on the List by another.
- 7: On receiving notice of an appeal the Secretary of Disciplinary Appeal Commissions is to consult with the Officers of the General Assembly regarding the appointment of a Disciplinary Appeal Commission. The Commission is to be appointed by the Officers, acting jointly, from persons on the Appeal Commissions List as follows:
 - i. A Convenor from category i) in paragraph one above, and
 - ii. Two other members from any category.

Every Disciplinary Appeal Commissions is to include at least one minister and one elder or lay person; and at least one man and one woman. Appointments are to have regard to the nature of the case and to any skills, specialisation or cultural understanding it may require.

- 8: No person who is related to, belonging to the same local church as, or otherwise closely concerned with the accused minister or the complainant or has any pastoral or personal involvement with the case may be appointed to the Secretary of Disciplinary Appeal Commissions.
- 9: If a member of the Disciplinary Appeal Commissions dies or otherwise becomes unable to act in the case at any time before the appeal is heard, the Officers of Assembly shall make a fresh appointment. If the incapacity supervenes after commencement of the appeal hearing, the remaining members of the Commission must terminate the hearing and recommence from the beginning after a fresh appointment has been made.

Appendix W

Part 1: Transfer of Disciplinary cases into the Incapacity Procedure

- 1: If the body with current judicial responsibility for a minister's case (whether an Assembly Standing Panel, an Assembly Commission for Discipline or an Appeals Commission) ('the responsible forum') believes at any time, on the basis of credible evidence before it, that
 - i. medical and/or psychiatric illness,
 - ii. psychological disorder and/or
 - iii. addiction ('incapacity factors') may have contributed to, and may possibly excuse, the minister's suspected breach of expectations, it may in its discretion (subject to Paragraph 9) direct that the case be transferred to the Incapacity Procedure.
- 2: It must direct such a transfer (subject to Paragraph 9) if it believes, on the basis of credible evidence before it, that any such factor may render the minister incapable of exercising, or continuing to exercise, ministry even if the minister is guilty of no such breach; or that any such factor may prevent the minister from answering disciplinary allegations.
- 3: If an Investigation Team has begun to investigate the case, it must be given the opportunity to make representations before such a direction is given.
- 4: If such a direction is given, it must be accompanied by reasons.
- 5: Copies of the direction and the reasons must be served on the minister and any Investigation Team, and are also to be sent by the Moderator of Synod, Assembly Representative for Discipline, Secretary of Assembly Commissions for Discipline or Secretary of Disciplinary Appeal Commissions (depending on the forum giving the direction) to the Secretary of the Standing Panel under the Incapacity Procedure, together with any other papers in the case which the responsible forum directs to be sent.
- 6: On receipt of this material by the Secretary of the Standing Panel, the case (and authority over any current or future suspension of the minister) passes into the Incapacity Procedure and the Disciplinary Process comes to an end (subject to Paragraph 7(b) below).

Part 2: Transfer of Disciplinary cases from the Incapacity Procedure

- 7: If the Review Commission considering the case of a minister under the Incapacity Procedure directs a transfer of the case to the Disciplinary Process, then:
 - i. if the case has not previously been considered within the Disciplinary Process, the Review Commission's direction and its reasons (together with any reasons given for dismissal of an appeal against that direction) shall be treated as a disciplinary allegation within Paragraph 3 of the Framework, and proceeded upon accordingly.
 - ii. if the case had previously been transferred to the Incapacity Procedure by direction of a responsible forum within the Disciplinary Process, the case shall resume within the Process at the point at which the direction for transfer was made and shall fall within the responsibility of the same forum.

- 8: Any findings made within the Incapacity Procedure and communicated with the Review Commission's direction for transfer may be challenged by either party within the Disciplinary Process on the basis of its own evidence, but may otherwise be treated as having evidentiary value.
- 9: No direction may be given to transfer a case once referred from the Incapacity Procedure back into that procedure.

Appendix X

Non-co-operation and resignation

- 1: It is expected that an accused minister will co-operate with an investigation taking place under this Process to the extent of making him or herself available for interview by the Investigation Team when reasonably requested, and not otherwise impeding the Team's work.
- 2: The minister must also not attempt to influence any complainant or potential witness through contact prior to any Hearing. It is preferable that any contact with potential witnesses which is necessary for the preparation of the minister's defence should take place through a neutral intermediary. If the Assembly Standing Panel for Discipline (or, after reference to an Assembly Commission for Discipline, the Secretary of Assembly Commissions for Discipline in consultation with the Commission members) believes there is a serious danger of such interference or that safeguarding grounds exist to prohibit any direct contact with a given person, they may issue a written direction to the minister to that effect; in which case contact may only take place through a neutral intermediary.
- 3: If proposals for an agreed caution are opened to negotiation the accused minister may indicate that he or she is not prepared to take that route and would prefer the case to pass directly to the Hearing Stage. However if the minister enters into negotiation for a caution, it is expected that this will be done in good faith and that proposals by the Assembly Standing Panel for Discipline or the Investigation Team will be responded to without delay.
- 4: If a case proceeds to the Hearing Stage it is expected that the minister will facilitate the setting of a Hearing date by replying promptly to communications from the Secretary of Assembly Commissions for Discipline and not objecting to dates without good cause. Once a date is set for the Hearing, it is expected that the minister will attend, though it is the minister's decision whether or not to give evidence on which cross-examination can take place. If a minister fails to confirm an intention to attend the Hearing, when invited by the Secretary of Assembly Commissions for Discipline, or having indicated an intention to attend fails (without satisfying the Commission of good cause) to do so, the Hearing may proceed in the minister's absence.
- 5: It is expected that all those who attend a Hearing will behave in an orderly manner and follow the directions of the Commission presiding. Any person whose conduct, after a warning, continues to disrupt the Hearing may be asked by the Commission to leave permanently or for a stated period. If this is the minister then the Hearing may proceed in his or her absence.
- 6: Paragraphs three and four above apply equally with necessary modifications to an appeal hearing.
- 7: A failure on the part of an accused minister to co-operate with the Process in any of the respects set out in Paragraphs one, three, four or five above or to observe the restrictions imposed by a suspension as set out in the Basis of Union and Appendix J may, in an extreme case, amount to a contempt for the authority of the Church sufficient to found a fresh disciplinary allegation. If the Investigation Team takes this view it may include such conduct during the Investigation Stage in its report to the Assembly Standing Panel for Discipline. Fresh allegations concerning conduct during the Hearing or Appeal Stage must be made in the same way as disciplinary allegations on an unrelated charge. Alternatively, without making an accused minister's conduct the subject of fresh allegations, the Investigation Team may refer

to that conduct during its final submissions at the Hearing or appeal hearing, and the Commission may take it into account in any decision made regarding a sanction.

- 8: In deciding whether allegations are proved, the Commission may decide what significance (if any) to attach to the decision of an accused minister, or of any person invited to attend the Hearing as a witness, not to attend or not to give evidence. The Investigation Team must inform the Commission, if so required, whether any person not present as a witness was so invited.
- 9: If a disciplinary case enters the Investigation Stage, an accused minister may not be invited to resign before the case is disposed of, although the minister's attention may be drawn to the possibility of admitting allegations under the rules in Appendix Q. Should an accused minister nevertheless declare that he or she has resigned from the pastoral charge or other office formerly held, or completely from the ministry of Word and Sacraments or of a Church Related Community Worker, or from membership in the United Reformed Church, the Process is to continue. The expectations set out in this Appendix and the consequences of failure to co-operate will also continue. Rights of the accused minister to receive copies of documents or notice of stages in the Process, or to attend any Hearing, will lapse if the minister has rendered it impossible for the Church to contact him or her.

Appendix Y

Confidentiality, dissemination of information, and retention of records

Part I - 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 II – 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 III – 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 responsibility 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 IV – 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 any organisation outside the Church in which the accused minister has any involvement that could give the organisation a reasonable and proper</p>

		<p>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>
G	<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 Secretary of the Assembly Commission for Discipline or the Secretary of the Disciplinary Appeal Commission (as</p>	<p>The accused minister.</p> <p>The complainants.</p> <p>The Moderator of the Synod where the accused minister resides.</p>

	<p>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. 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 Church, or of any organisation outside the Church, which the</p>

		<p>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. 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. 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 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</p>

		<p>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>
N	<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. 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 V – 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.

Appendix Z

Transitional provisions for cases pending under the former Process in July 2022

General Assembly 2022 resolves the following transitional arrangements from the 'old' to the 'new' Ministerial Disciplinary Process.

'The Relevant Time' means 12pm on the day before the scheduled opening of the General Assembly in 2022 (ie 7 July 2022).

No action is to be taken under the old Process from that time until the close of Assembly, unless exceptional and urgent circumstances call for a minister to be suspended from ministry by the Moderator of the Synod having oversight.

If decisions taken by the Assembly have the effect that the new process does not come into effect at the close of Assembly, then the old process will remain in force (subject to any directions the Assembly may give), and the days of the sitting of Assembly are to be discounted in any calculation of time under its rules.

No rule as to the confidentiality of the process shall prevent Synod Appointees or the members of a Mandated Group from providing an Investigation Team which is to replace them in their function with the full information necessary for that purpose.

	Stage reached at the Relevant Time	Transitional Provision
Caution Stage		
A	Synod Appointees have been appointed for a case (AA.2) but have not yet concluded their enquiry in one of the ways set out in AA.5.	The Moderator invites the ARC to form an ASPD the day after the close of Assembly, to take collective oversight of the case. An Investigation Team is appointed in accordance with Appendix K and takes over from the former Synod Appointed Mandated Group. The case continues with no distinction between the former Caution Stage and the former main Process; though of course when the Investigation Team reports, it may suggest that the case is suitable for the new Agreed Caution procedure.
B	Synod Appointees have recommended no further action (AA.5.1, 6.4.1 or 7.4.1).	The case is taken to be at an end.
C	Synod Appointees have recommended the calling in of a Mandated group (AA 5.3.1, 6.4.3.1, 7.4.2), but the Moderator has not yet taken a decision on that advice.	The Moderator asks the ARD to call together an ASPD the day after the close of Assembly, to take collective oversight of the case. The ASPD considers the recommendation as though it were the report of an Investigation Team under Framework 5.3.
D	Synod Appointees have administered either an Initial or a Final Caution, the currency of which has not yet expired (AA.6 or	In this case the rules of the old Process are followed during the period of monitoring for which only the old Process provided. Thus the persons who were Synod Appointees monitor compliance with the caution under

	7) but which is not the subject of a pending appeal (AA.8).	the rules of the old Process (AA.6 or AA.7) and review the position under AA.6.3.1, 6.4, 7.3.1 or 7.4. However, there will no longer be any transition from an Initial to a Final Caution, since those are not concepts for which the new Process provides. Instead, following their review, the Synod Appointees present a report to the Synod Moderator recommending either that the minister be discharged from the Process, or that the case proceed to the Hearing Stage under the new rules. The Moderator then invites the ARD to call together an ASPD, which considers the recommendation as though it were the report of an Investigation Team under Framework 5.2 or 5.3. If the case continues beyond that decision, it does so under the new Process rules.
E	Synod Appointees have administered either an Initial or a Final Caution, which is the subject of a pending appeal (AA.8).	The appeal is discontinued and the caution discharged. Instead the Moderator invites the ARD to call together an ASPD the day after the close of Assembly, to take collective oversight of the case. An Investigation Team is appointed under Appendix K and takes over from the former Synod Appointees. As soon as it is familiar with the case, the Investigation Team makes a fresh report to the SSPD under Framework 5.3. Thereafter the new Process rules apply.
PRE-COMMISSION AND COMMISSION STAGES (OLD PROCESS)		
F	The Moderator has called in a Mandated Group, which has not yet issued a Referral Notice.	The Moderator invites the ARD to call together an ASPD the day after the close of Assembly. The ASPD, with safeguarding advice, considers whether the minister should be suspended or whether any suspension should continue. An Investigation Team is appointed in accordance with Appendix K and takes over from the former Mandated Group. The case proceeds under the rules of the new Process.
G	A Referral Notice has been issued but the Assembly Commission has not yet been sent papers under E2.1.	The case proceeds under the rules of the new Process, the Commission being appointed in accordance with Appendix N (not following para C of the old Process). An Investigation Team is appointed in accordance with Appendix K and takes over from the former Mandated Group.
H	A Referral Notice has been issued and the Assembly Commission has been sent papers under E2.1, but has not yet heard the case.	The case proceeds under the old rules.
J	An Assembly Commission has heard the case but not yet given its decision; or has given its decision, but the time for an appeal has not yet expired.	The Assembly Commission gives its decision under the rules of the old process. Any appeal proceeds under the rules of the new process, but alleged procedural failures are to be judged according to the rules in force at the relevant time.

Appeal Stage		
K	Notice of appeal has been given, but the Appeal Commission has not yet been sent papers under G8.	The case proceeds under the rules of the new process. The existing Mandated Group will function for the case as the Investigation Team. The senior member of the investigation panel is to appoint an assisting member in accordance with appendix K. The DAppC is appointed in accordance with Appendix V (not following para G of the old process). The admissibility of any ground of appeal is judged by the rules in force when the notice of appeal was lodged.
L	Notice of appeal has been given, the Appeal Commission has been sent the papers under G8 but has not yet heard the case.	The case proceeds under the old rules.
M	An Appeal Commission has heard the case but not yet given its decision.	The Appeal Commission gives its decision under the rules of the old process.