

MIND Advisory Group

Since presenting its report to you last year, the Advisory Group has had an active twelve months. First it has prepared a number of detailed changes to the Disciplinary Process, the Incapacity Procedure and the Structure. The following papers accompany this report; (i) a paper setting out the proposed amendments to the Structure which the Advisory Group requests Mission Council to present to General Assembly in July next; (ii) complete revisions of the Ministerial Disciplinary Process and the Ministerial Incapacity Procedure showing all the changes in red which, subject to the ratification of Resolution 9 of 2010 by Assembly in July, the Group requests Mission Council to consider at its autumn 2012 meeting; (iii) short papers explaining how the various paragraphs of the two Parts I have been incorporated into Parts II; (iv) a paper setting out the MIND matters for inclusion in Mission Council's report to General Assembly.

The purpose of the changes to the Disciplinary Process and the Incapacity Procedure and a consideration as to how they should be brought into effect are contained in paper (iv), in which the Advisory Group offers suggested wording for the MIND section of Mission Council's Report to General Assembly in July. It is possible that some members of Assembly will, quite properly, wish to know what the changes involve and the Advisory Group includes in the proposed report to Assembly the suggestion that Mission Council might inform members of Assembly that copies of all the documentation will be made available for inspection.

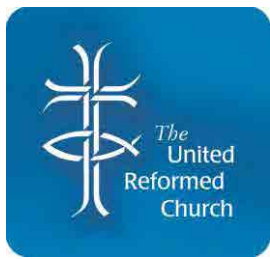
In addition, the Advisory Group has carried out a complete review of the Guidelines and Forms following the introduction of the Caution Stage and the removal of the right of the Assembly Commission to attach recommendations to its decision. This has been a time-consuming but essential piece of work.

The Advisory Group continues to run training events for the various groups which have specific roles in the Disciplinary Process and has also held two training days for those with responsibilities under the Incapacity Procedure. These have all been well attended and the level of commitment of all involved has been impressive.

The Advisory Group also meets with the Synod Moderators on an annual basis to discuss matters of common concern. This ongoing dialogue is considered to be valuable to both groups.

At General Assembly this year Julian Macro completes his term of service as the Convener of the Advisory Group and we wish to place on record our heartfelt thanks for his wise counsel and his consummate skill in keeping a firm grip on all the different aspects of this complicated subject. Not only that, but he has given great support to those of us involved the training aspects of the work, having attended every single training day – quite an achievement!

In saying goodbye to Julian, the Group takes this opportunity to express its good wishes and support to Revd Peter Poulter, who takes over the convenership from Julian in July.



The Structure Proposed Changes

Mission Council is asked to present the following amendments to the Structure for adoption by General Assembly meeting in July 2012. The proposed changes are shown in red.

Synod Functions

2(4)(A)(xvii) where the Synod, acting through its **Moderator (or his/her duly appointed deputy) in accordance with either the Disciplinary Process contained in Section O of the Manual of the United Reformed Church (where the issues relate to perceived disciplinary breach(es)) or the Incapacity Procedure contained in Section P of the Manual (where the issues relate to perceived incapacity as defined in the Incapacity Procedure)**, considers that a minister or Church Related Community Worker is **not** or may not be exercising his/her ministry in accordance with Paragraph 2 of Schedule E or Paragraph 2 of Schedule F, Part II to the Basis of Union, as the case may be, to **take the appropriate one of the following courses namely (i) to refer the case of that minister or Church Related Community Worker into the Disciplinary Process in the manner prescribed by that Process and to act in accordance with the provisions thereof as regards the suspension of the minister or Church Related Community Worker concerned pending the resolution of the matter under that Process (reference to be made to Paragraph 7.5 of the Structure to ascertain the point at which a Disciplinary case shall commence) or (ii) to follow the Consultation Procedure prescribed by the Incapacity Procedure which could in its turn lead to the case of the minister or Church Related Community Worker being referred into the Incapacity Procedure and to act in accordance with the provisions thereof as regards the suspension of the minister or Church Related Community Worker concerned pending the resolution of the matter under that Procedure (reference to be made to Paragraph 6.5 of the Structure to ascertain the point at which a case shall commence within the Incapacity Procedure) (the transitional overlap which occurs when a case is referred back from the Disciplinary Process or the Incapacity Procedure leading to the commencement of a case within the other of them shall be a permitted extension of the Function).**

2(4)(A)(xviii) to ensure that, where an Assembly Commission or an Appeals Commission following a Hearing under the **Disciplinary Process contained in Section O of the Manual of the United Reformed Church** or a Review Commission or an Appeals Review Commission following a Hearing under the Incapacity Procedure **contained in Section P of the Manual** appends guidance to its decision to delete the name of the minister or Church Related Community Worker from the respective Roll, **any such guidance is** brought fully to the attention of those responsible for exercising oversight of the minister or Church Related Community Worker and any others **who might in the future be** identified as being proper and appropriate persons to receive such information;

2(4)(A)(xxi) to consider the resignation of **ministers** or Church Related Community Workers not currently the subject of any case within **the Disciplinary Process contained in Section O** and in consultation with the moderator of the Synod to decide upon appropriate action;

2(4)(B) Remove this paragraph altogether.

2(4)(C) This paragraph now becomes 2(4)(B) and is amended to read as follows:

2(4)(C) No appeal shall lie against the decision by a Synod to initiate **the Disciplinary Process contained in Section O or the Incapacity Procedure contained in Section P** in respect of any minister or Church Related Community Worker under Function (xvii).

Area Functions

2(5)(A)(viii) to consider the resignation of ministers or Church Related Community Workers not currently the subject of any case within **the Disciplinary Process contained in Section O** and in consultation with the moderator of the Synod to decide upon appropriate action (see also Paragraphs 2(4)(A)(xxi) and 2(6)(A)(xviii));

2(5)(A)(xviii) to ensure that, where an Assembly Commission or an Appeals Commission following a Hearing under the **Disciplinary Process contained in Section O of the Manual of the United Reformed Church** or a Review Commission or an Appeals Review Commission following a Hearing under the Incapacity Procedure **contained in Section P of the Manual** appends guidance to its decision to delete the name of the minister or Church Related Community Worker from the respective Roll, **any such guidance is** brought fully to the attention of those responsible for exercising oversight of the minister or Church Related Community Worker and any others **who might in the future** be identified as being proper and appropriate persons to receive such information;

2(5)(B) Remove this paragraph altogether.

General Assembly Functions

2(6)(A)(xi) *[Changes to this paragraph were approved under Resolution 9 of General Assembly 2010 and require ratification by General Assembly 2012.]*

2(6)(A)(xviii) to decide upon questions regarding the inclusion on the Roll of Ministers and the Roll of Church Related Community Workers of the United Reformed Church which have been previously considered and transmitted with recommendations by synods (but excluding any matter which is dealt with in accordance with the Disciplinary Process referred to in Paragraph 7 of the Structure).

2(6)(A)(xxiii) in the absence of any reference into **either the Disciplinary Process contained in Section O of the Manual of the United Reformed Church (where the issues relate to perceived disciplinary breach(es)) or the Incapacity Procedure contained in Section P of the Manual (where the issues relate to perceived incapacity as defined in the Incapacity Procedure)** by the appropriate Synod (the case of any minister who is **the General Secretary, the Deputy General Secretary or** a Moderator of Synod being necessarily dealt with under this provision) and where the General Assembly (or Mission Council on its behalf) **(acting through the Deputy General Secretary or his/her duly appointed deputy)** considers that a minister or Church Related Community Worker is **not** or may not be exercising his/her ministry in accordance with Paragraph 2 of Schedule E or Paragraph 2 of Schedule F, Part II to the Basis of Union, as the case may be, to **take the appropriate one of the following courses namely (i) to refer the case of that minister or Church Related Community Worker into the Disciplinary Process in the manner prescribed by that Process and to act in accordance with the provisions thereof as regards the suspension of the minister or Church Related Community Worker concerned pending the resolution of the matter under that Process (reference to be made to Paragraph 7.5 of the Structure to ascertain the point at which a Disciplinary case shall commence) or (ii) to follow the**

Consultation Procedure prescribed by the Incapacity Procedure which could in its turn lead to the case of the minister or Church Related Community Worker being referred into the Incapacity Procedure and to act in accordance with the provisions thereof as regards the suspension of the minister or Church Related Community Worker concerned pending the resolution of the matter under that Procedure (reference to be made to Paragraph 6.5 of the Structure to ascertain the point at which a case shall commence within the Incapacity Procedure) (the transitional overlap which occurs when a case is referred back from the Disciplinary Process or the Incapacity Procedure leading to the commencement of a case within the other of them shall be a permitted extension of the Function);

2(6)(A)(xxvi) without detracting from the general delegatory powers held by Mission Council, to give specific authority to Mission Council acting in the name of General Assembly to make with immediate effect such changes to any part of the Ministerial Disciplinary Process contained in Section O of the Manual or the Ministerial Incapacity Procedure contained in Section P as are recommended to Mission Council by the MIND Advisory Group (or such other Group or Committee as may in the future perform the functions of that Group), all such changes to be reported to the next meeting of the General Assembly.

2(6)(A)(xxvii) The existing Function (xxvi) becomes (xxvii)

2(6)(B) Remove this paragraph.

5. APPEALS

5(1) Remove this Paragraph.

5(2) This Paragraph to become Paragraph 5 and the opening words to read:

5. “The procedure for dealing with references and appeals falling outside Paragraph 6 (Incapacity Procedure) and Paragraph 7 (Disciplinary Process) is as follows:-”

The remaining 4 unnumbered paragraphs under the existing 5(2) are unchanged.

6. INCAPACITY PROCEDURE

6.1 After the words “...consider that s/he is...” insert the word “not” and after the words “(in the case of CRCWs)” insert a closing bracket.

6.2 Add the following words at the end of this paragraph:

“..., and once so initiated that case shall be resolved in accordance with the Incapacity Procedure and not under Paragraph 5 above.”

6.3, 6.4 These paragraphs are unchanged.

6.5 Add a new paragraph 6.5 as follows:

6.5 A case shall commence within the Incapacity Procedure when the Synod Moderator or the Deputy General Secretary shall send or deliver to the Secretary of the Review Commission* a Certificate of Entry* and a Commencement Notice* (the expressions marked * being defined in the Incapacity Procedure).

7. Insert new Section 7 as follows:

7. DISCIPLINARY PROCESS

7.1 The Provisions of this Paragraph 7 shall apply to cases proceeding under the Disciplinary Process (Section O of the Manual of the United Reformed Church) where the person responsible for initiating it in respect of a particular minister or Church Related Community Worker considers that s/he is or may not be exercising the ministry of word and sacrament or the ministry of church related community work as the case may be in accordance (in the case of ministers) with Paragraph 2 of Schedule E of the Basis of Union and (in the case of CRCWs) with Paragraph 2 of Schedule F, Part II thereto and perceives the issue as a disciplinary one not falling within Paragraph 6 above.

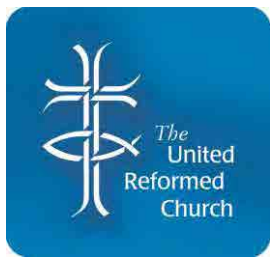
7.2 No right of appeal shall lie against any decision taken in accordance with Paragraph 7.1 above to initiate the Disciplinary Process in respect of any minister or CRCW, and once so initiated that case shall be resolved in accordance with the Disciplinary Process and not under Paragraph 5 above.

7.3 The decision reached in any particular case (whether or not on appeal) under the Disciplinary Process shall be made in the name of the General Assembly and shall be final and binding.

7.4 As soon as any minister or CRCW becomes the subject of a case under the Disciplinary Process, none of the Councils of the Church shall exercise any of its functions in respect of that minister or CRCW in such a manner as to affect, compromise or interfere with the due process of that case provided that the provision of such pastoral care as shall be deemed appropriate shall not be regarded as a breach of this paragraph.

7.5.1 In any case in which the Caution Stage (as defined in the Disciplinary Process) is invoked, that case shall begin with the calling in of the Synod Appointees as described in the Disciplinary Process.

7.5.2 In any case in which the Caution Stage is not invoked, that case shall begin with the calling in of the Mandated Group as described in the Disciplinary Process.



MIND Advisory Group Matters for inclusion in Mission Council's Report to General Assembly

“On the advice of the MIND Advisory Group, Mission Council wishes to place two resolutions before Assembly this year the effect of which will be to make changes to the Structure contained in Section B of the Manual.

The first of these was first passed by Assembly in 2010 as Resolution 9 of 2010 and this is now presented to you for ratification as Resolution [...]. The purpose of the resolution is to remove the requirement that changes to Parts I of the Disciplinary Process and the Incapacity Procedure must first be approved by General Assembly and then, after reference back to the Synods, return for ratification at the next meeting of Assembly. This lengthy procedure is no longer considered to be necessary, especially now that meetings of Assembly only take place every other year.

On the assumption that Resolution [.....] will be passed, the Advisory Group has prepared a series of changes to both the Disciplinary Process and the Incapacity Procedure in order to conflate Parts I and II into a single Process, taking the opportunity to make some minor amendments at the same time. Similar changes are being made to conflate Parts I and II of the Incapacity Procedure. It is not necessary to burden Assembly with the detailed minutiae of all these changes, although the proposed revisions of the Disciplinary Process and the Incapacity Procedure will be available for inspection on request at Assembly, together with short papers explaining how the particular paragraphs of Parts I are being incorporated within Parts II. The proposed changes will be brought to the autumn 2012 meeting of Mission Council for approval.

In addition to the resolutions already mentioned, Mission Council is proposing a further Resolution [called XX for the time being] which sets out a series of amendments to Section B of the Manual in order to ensure that the Disciplinary Process and the Incapacity Procedure as amended will operate fully in accordance with the Church's Structure and also to enable Mission Council to make all necessary changes to both the Disciplinary Process and the Incapacity Procedure, but only on the advice of the MIND Advisory Group.

That resolution, if passed, will of course require ratification and the procedure for achieving this will depend on whether Resolution 26 of 2010 is ratified by the 2012 meeting of Assembly, to which it comes as Resolution [...]. If Resolution 26 is ratified, then under the new procedure Resolution [XX] will, if passed, be referred to Synods and, so long the referral conditions are satisfied, it can then be presented to the May 2013 meeting of Mission Council for ratification. If Resolution 26 of 2010 is not ratified by Assembly in July 2012, then the earliest time when Resolution [XX] can be ratified will be the 2014 meeting of General Assembly.

Resolutions 5/8 of 2010 also come to Assembly for ratification. These all relate to proposed changes to Part I of the Disciplinary Process and the Incapacity Procedure. The changes referred to in these resolutions will in any case all be incorporated in the amendments to be considered by Mission Council in the autumn, as previously explained.”



A3

Disciplinary Procedure with changes for General Assembly 2012

O) The Ministerial Disciplinary Process

PROCESS FOR DEALING WITH CASES OF DISCIPLINE - INVOLVING MINISTERS AND
CHURCH RELATED COMMUNITY WORKERS

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For the avoidance of confusion, there is no Section I.

- [J. report to General Assembly, costs and retention of records and papers](#)

The Introduction which follows does not form part of the text of the Disciplinary Process

INTRODUCTION – WHY DISCIPLINE?

1. **The words 'disciple' and 'discipline' have obvious common roots. A Christian disciple** is one who follows Jesus and whose desire is to learn from him the meaning of life and to put that meaning into practice. Disciples learn in a variety of ways and grow as they learn. From time to time they err and require discipline to remind them of the standards they have espoused, to correct them and bring them into renewed commitment.

2. Those who are appointed to leadership within the community of disciples have particular responsibilities in learning, teaching and living. Their living affects and conditions their leadership. By virtue of their office, they also stand in a particular relationship to the Church which appoints them. Therefore, when they err, the Church has a responsibility to exercise discipline out of concern both for them and for the well-being of the Church.

3. This Ministerial Disciplinary Process, contained in Section O of The Manual, describes the procedures to be put into effect when ordained ministers or commissioned Church Related Community Workers are alleged to have committed a breach of discipline.

4. Of course, many issues which arise can and should be dealt with pastorally. However, it must be emphasised that whenever it is believed that there is or may be a disciplinary issue in respect of any minister or Church Related Community Worker this Process should be set in motion.

5. Pastoral concern implies being concerned for the weak and vulnerable and ensuring that they are treated without prejudice. This must be true not only for the person against whom disciplinary action is being taken but also for those who believe they have been wronged. Pastoral concern will embrace the whole Church and everyone involved in the situation.

6. **Both pastoral concern and the law of the land require the observance of 'natural justice' in disciplinary procedures. Those who are accused** must know of what they are being accused and have the opportunity to offer a defence. Any hearing must be fair and impartial. These standards must apply as much within the Church as in the community at large.

7. Though pastoral care and discipline are both **central to the Church's life, the** procedures set out in this Process make a clear separation between them, so as to free those charged with pastoral care to exercise that role and to ensure scrupulous fairness within the disciplinary process. They provide for pastoral care to be exercised by the Synod Moderator and the Synod while discipline is the task of those specially appointed for the purpose under the Ministerial Disciplinary Process.

8. It goes without saying that the exercise of discipline must always be conducted with courtesy and sensitivity towards those involved and that pastoral care must have within it a degree of firmness and fairness as well as compassion. The Gospel requires repentance as well as forgiveness, amendment of life as well as personal support and care.

9. No-one should minimise the gravity of the task. It cannot be carried through without **assiduous care and in reliance on God's Holy Spirit. To this end, meetings of Mandated Groups, Assembly Commissions and Appeals Commissions should invariably begin and end with prayer that God's will may not only be discovered but carried through for the sake of the persons involved and the building up of the Body of Christ.**

The Process itself (governed by General Assembly Functions 2(6)(A)(xii) and (xxvi) of the Structure of the United Reformed Church)

July 2012

A. Statement of Principles (A.1) and General

A.1.1 Under the provisions of this Disciplinary Process an Assembly Commission and an Appeals Commission (both expressions being defined in Paragraph A.5) shall operate under the authority of the General Assembly for the purpose of deciding (in cases properly referred to it) the questions as to whether a minister or a church-related community worker (CRCW) has committed a breach of discipline and, if the Assembly Commission or, in the event of an appeal, the Appeals Commission should so decide, whether on that account his/her name should be deleted from the Roll of Ministers or CRCWs as the case may be or alternatively whether a written warning should be issued to him/her. The Assembly Commission or, in the event of an appeal, the Appeals Commission may also decide to make a recommendation/ referral in accordance with the provisions of Paragraph E.5.3. Under the Disciplinary Process the Assembly Commission or the Appeals Commission is also able to offer guidance within the limits prescribed in Section F or (in the event of an appeal) Section G.

A.1.2 Subject only to Paragraph E.5.3, once the disciplinary case of any minister or CRCW is being dealt with under the Disciplinary Process, it shall be conducted and concluded entirely in accordance with that Process and not through any other procedure or process of the Church.

A.1.3 The Assembly Commission, the Commission Panel, the Special Appeals Body, the Appeals Commission and all aspects of the Disciplinary Process shall at all times remain under the jurisdiction and control of the General Assembly which has the authority through the exercise of its functions as contained in Paragraph 2(6) of the Structure to amend, enlarge or revoke the whole or any part of the Disciplinary Process, save only that, so long as it remains in force, the decision reached in any particular case (whether or not on appeal) and any orders made in accordance with this Disciplinary Process shall be made in the name of the General Assembly and shall be final and binding on the minister or the CRCW and on all the councils of the Church.

A.1.4 In considering the evidence and reaching its decision, the Assembly Commission or, in the event of an appeal, the Appeals Commission shall in every case have full regard to the Basis of Union and in particular (in the case of ministers) Paragraph 2 of Schedule E thereto and (in the case of CRCWs) Paragraph 2 of Schedule F, Part II thereto which state the responsibilities undertaken by those who become ministers and CRCWs of the United Reformed Church and the respective criteria which they must apply in the exercise of their ministries.

A.1.5 As part of such consideration, the Assembly Commission or Appeals Commission shall be entitled to have regard to any conduct on the part of a minister or CRCW

occurring prior to his/her ordination to the ministry of Word and Sacrament or his/her commissioning to the ministry of church related community work as the case may be **which, in the Commission's view and when viewed in the light of Schedule E or Schedule F to the Basis of Union**, would have prevented, or was likely to have prevented, him/her from becoming ordained or commissioned, where such conduct was not disclosed by the minister or CRCW to those responsible for assessing his/her candidacy for ordination or commissioning.

A.2.1 In the interests both of the minister or CRCW as the case may be and of the whole church, the Disciplinary Process once begun should be conducted and concluded as expeditiously as possible, consistent with the proper conduct of the procedures.

A.2.2 To this end, the Disciplinary Process imposes time limits for the various steps which have to be taken. However it is equally in the interests of all that every case within the Disciplinary Process once begun should not be aborted, delayed or hindered by an unduly narrow or restrictive application of the time limits or indeed of any other aspects of the Disciplinary Process.

A.3 Accordingly if any of the time limits specified in the Disciplinary Process are not complied with, the Assembly Commission or, in the event of an appeal, the Appeals Commission may in its discretion allow a reasonable further period for such compliance, except as regards the strict time limit imposed upon the right of appeal under Paragraphs AA.8.1, E.5.3 and G.1 **and upon the steps to be taken by the Synod Moderator under Paragraphs AA.10.2.4 and AA.10.2.5**. In other cases, if the Assembly Commission or the Appeals Commission considers that sufficient time has been allowed and the action required has still not been carried out or that there has been an unreasonable delay in the carrying out of the action (whether or not the Disciplinary Process imposed a time limit in such case), it may proceed and attach whatever weight it believes appropriate in the circumstances to such failure to comply, or to any delay in compliance.

A.4

A.4.1 The sole object of the Disciplinary Process is to enable a decision to be reached in accordance with Section F, or Section G in the event of an appeal. All statements, whether written or oral, made during and in the context of this process shall be regarded as being made in pursuance of that object and for no other reason. All such statements shall be treated as confidential within the framework of the Disciplinary Process. In this connection, the expression "the framework of the Disciplinary Process" shall be regarded as covering not only the immediate confidentiality forum existing within the Disciplinary Process during and beyond the continuance of the case, but shall extend to include any statements and information passed on to any person or body not directly involved in the case in the course of the implementation of any part of the decision of the Assembly Commission or the Appeals Commission or any guidance appended thereto, on the basis that the recipient thereof is made fully aware that he/she/it is bound by the confidentiality existing within the Disciplinary Process in respect of such statements/information.

A.4.2 Should either (i) a formal request for information concerning any case dealt with under the Disciplinary Process be received from the Independent Safeguarding Authority or any other public body with the requisite statutory authority to insist upon production thereof or (ii) circumstances arise which create a statutory requirement to

supply such information, then in either case the supply to that body of such information shall not be deemed to be a breach of confidentiality under the Disciplinary Process.

A.5 For the purpose of this Disciplinary Process, a reference to any of the Sections A to J including Section AA shall mean a reference to that Section in the Disciplinary Process and the following words and expressions carry the following meanings:-

- **'Appeals Commission'** shall mean the Commission constituted for the hearing of each Appeal in accordance with Section G.
- **'Appointers'** shall mean, for the purposes of the appointment of (i) the Assembly Commission or (ii) the Special Appeal Body, the Convener and the Deputy Convener of the Commission Panel Provided that (i) if either of them shall be unable to act the General Secretary shall substitute for that one and act jointly with the other and (ii) if both shall be unable to act the Appointers shall be the General Secretary and a Moderator of the General Assembly.
- **'Assembly Commission'** shall mean a Commission consisting of five (5) persons selected from the Commission Panel for the purpose of hearing and deciding each case dealt with under the Disciplinary Process.
- **'Basis of Union'** shall mean the Basis of Union of the United Reformed Church.
- **'Capability Procedure'** shall mean the Procedure adopted by the General Assembly of the Church in July 2008 (or any subsequent modification thereof) for maintaining and improving the performance of ministers and known as the Capability Procedure.
- **'Caution'** shall mean a sanction in the form of a written Caution imposed on a minister in accordance with the procedures set out in the Caution Stage under Section AA (not to be confused with the Written Warning defined later in this Paragraph A.5).
- **'Caution Stage'** shall mean the first stage in all disciplinary cases not involving Gross Misconduct, the rules applicable thereto being set out in Section AA.
- **'Commission Panel'** shall mean a Panel consisting of a maximum of fifty (50) members of the United Reformed Church from whom shall be chosen the persons to form the Assembly Commission to hear each case being dealt with under the Disciplinary Process.
- **'Commission Stage'** shall mean that part of the Disciplinary Process initiated in accordance with Paragraph B.9.1 and continuing until the conclusion of the case.
- **'Council'** shall mean the council of the Church which refers the case of the minister into the Disciplinary Process in accordance with either Paragraph 2(4)(A)(xvii) of the Structure (Synod) or Paragraph 2(6)(A)(xxiii) (General Assembly).
- **'CRCW'** shall mean a person whose name is on the Roll of Church Related Community Workers who is under consideration within the Disciplinary Process (and see also Paragraph A.10).
- **'Deletion' and 'to delete'** shall mean the removal of/to remove the name of a minister or a CRCW from the Roll of Ministers or Church Related Community Workers as the

case may be other than at the request of the minister or CRCW concerned or by the acceptance of his/her resignation or by his/her death.

- **'Disciplinary Process'** shall mean the whole Process set out herein (subject to such variations as shall from time to time be made).
- **'Final Caution'** shall mean a Final Caution imposed under Paragraph AA.7.
- **'Gross Misconduct'** shall mean misconduct which is considered by the Synod Moderator or the Deputy General Secretary to be so serious as to justify bypassing the Caution Stage and calling in the Mandated Group under Section B immediately to conduct its Initial Enquiry during the Pre-Commission Stage.
- **'Guidelines on Conduct and Behaviour'** shall mean the Guidelines on Conduct and Behaviour for Ministers of Word and Sacraments and the Guidelines on Conduct and Behaviour for CRCWs adopted by the General Assembly of the Church in July 2010 (or any subsequent modification thereof).
- **'Hearing'** shall mean the Hearing conducted by the Assembly Commission or the Appeals Commission under Section E or Section G.
- **'Incapacity Procedure'** shall mean the Procedure operated by the United Reformed Church for the purpose of dealing with cases involving the incapacity of ministers or CRCWs and contained in Section P of the Church's Manual.
- **'Independent Safeguarding Authority'** shall mean the Independent Safeguarding Authority established by Section 1 of the Safeguarding Vulnerable Groups Act 2006.
- **'Initial Caution'** shall mean an Initial Caution imposed under Paragraph AA.6.
- **'Initial Enquiry'** shall mean the enquiry carried out during the Pre-Commission Stage by the Mandated Group in conjunction with the person calling in the Mandated Group under the provisions of Section B
- **'Investigation'** shall mean the process of investigation carried out by the Mandated Group as set out in Section D.
- **'Joint Panel'** shall mean the Panel referred to in Paragraph B.2.2 which shall serve the purposes set out in that Paragraph.
- **'Mandated Group'** shall mean the group mandated to act in the name of a Synod or General Assembly (or Mission Council acting on its behalf) under Section B and throughout the Disciplinary Process.
- **'Minister'** shall mean a person whose name is on the Roll of Ministers who is under consideration within the Disciplinary Process (and see also Paragraph A.10).
- **'Notice of Appeal'** shall mean a Notice specified in Paragraph G.1 whereby either of the parties in any case indicates his/her/its intention to appeal against the decision of the Assembly Commission.

- **'Notice of Non-Continuance'** shall mean a Notice served under Paragraph B.8.2 at the conclusion of the Pre-Commission Stage by the Mandated Group on the person calling it in to indicate that the Mandated Group does not intend to proceed further with the disciplinary case against the minister or CRCW.
- **'Notice of Reference back'** shall mean a Notice from the Appeals Commission of any reference back for a re-hearing by the Assembly Commission under Paragraph G.11.7.
- **'Outside organisation'** shall mean any body or organisation outside the Church by which the minister or CRCW is employed or with which the minister or CRCW holds any position or post or has any involvement, paid or unpaid, where such body or organisation would have a reasonable and proper expectation of being made aware of the particular step(s) being taken and/or any guidance being issued under the relevant paragraph of the Disciplinary Process in which the expression **'Outside Organisation'** appears.
- **'Parties'** shall mean (i) the Council, which for the purpose of the Disciplinary Process shall act solely and exclusively through those appointed to represent it herein, and (ii) the minister or CRCW.
- **'Pre-Commission Stage'** shall mean the period beginning with the initiation of the Disciplinary Process and comprising the Caution Stage (if invoked) and the Mandated Group's Initial Enquiry and ending at the conclusion of the Caution Stage if the case proceeds no further or, if the Mandated Group is called in, then either by Notice of Non-Continuance or a Referral Notice issued by the Mandated Group in accordance with Section B.
- **'Press Officer'** shall mean the person appointed to act for the Church and to be its spokesperson as regards its interaction with the Press and other media bodies.
- **'Referral Notice'** shall mean a Notice specified in Paragraph B.10.1 whereby a case involving a minister or CRCW is referred into the Commission Stage and shall include any statement of reasons for such referral which may be appended to it.
- **'Roll of CRCWs'** shall mean the Roll of Church Related Community Workers defined in the first paragraph of Schedule F, Part II to the Basis of Union (and see also Paragraph A.10).
- **'Roll of Ministers'** shall have the meaning given to it in Paragraph 1 of Schedule E to the Basis of Union (and see also Paragraph A.10).
- **'Secretary of the Assembly Commission'** shall mean the person appointed by the General Assembly on the advice of the Nominations Committee to be responsible for all secretarial and procedural matters laid upon him/her by virtue of the Disciplinary Process, and the period and terms of office of that person shall be such as the General Assembly shall decide.
- **'Special Appeals Body'** shall mean the body appointed to hear appeals under Paragraph E.5.3 against a proposed reference back and recommendation to commence the Incapacity Procedure.
- **'Structure'** shall mean the Structure of the United Reformed Church.

- **'Suspension' and 'to suspend' shall have the meanings assigned to them in Paragraphs 3 and 4 of Schedule E to the Basis of Union and the third and fourth paragraphs of Part II of Schedule F to the Basis of Union.**
- **'Synod' shall mean that** Synod which in relation to any minister or CRCW exercises oversight of that minister or CRCW in accordance with its function under Paragraph 2(4)(A)(xv) of the Structure.
- **'Synod Appointees' shall mean the persons appointed to examine a disciplinary case** within the Caution Stage and, if considered appropriate, to impose Cautions upon the minister.
- **'Synod Panel' shall mean the Panel referred to in Paragraph B.2.1 which shall serve** the purposes set out in that Paragraph.
- **'Written Warning' shall mean** a written warning issued to a minister by the Assembly Commission or the Appeals Commission and appended to and forming part of its decision under Sections E or G as the case may be (not to be confused with a Caution imposed on a minister under the Caution Stage).

A.6

A.6.1 Appointment to the Commission Panel shall be by Resolution of the General Assembly on the advice of the Nominations Committee (or such other committee as may in the future perform the functions of the Nominations Committee), who shall in considering persons for appointment take into account (i) the need for balance and for a variety of skills and specialisations, particularly in the following areas – experience in ministerial oversight, theology and doctrine, law, counselling, psychology, mental health, experience in conduct of meetings and tribunals, and (ii) the advantages of including on the Commission Panel persons from a variety of ethnic minority backgrounds.

A.6.2 Members of the Commission Panel shall be appointed for such term not exceeding five (5) years as the General Assembly shall in each case think fit with power for the General Assembly to determine any such appointment during its term or to renew any such appointment for successive terms of five (5) years each, but any person who reaches the end of the term of his/her appointment on the Commission Panel whilst serving as a member of an Assembly Commission in a case in progress may continue so to serve until the conclusion of that case.

A.6.3 The General Assembly shall appoint from the Commission Panel one member to be the Convener of the Commission Panel and one member to be the Deputy Convener of the Commission Panel, each (subject to the provisions of Paragraph A.6.2) to serve for such period as General Assembly shall decide.

A.7

A.7.1 In any case where the Synod or any other body is authorised or required to take some action regarding the appointment of persons onto its Synod Panel or the Joint Panel or regarding some administrative or procedural matter under the Process, such action can be taken on its behalf by any person, committee or group acting with due authority given by that Synod or body.

A.7.2 In any case where a person authorised or required to take some action regarding (i) the appointment of persons **as Synod Appointees** or to any Mandated Group or (ii) the calling in **of Synod Appointees** or a Mandated Group or (iii) some other administrative or procedural matter under the Disciplinary Process is unable for any reason to do so, then, unless the Disciplinary Process already makes specific provision **for such a situation, that person's duly appointed deputy shall take such action** in his/her place. This Paragraph does not permit **any Synod Appointee** or any member of an Assembly Commission, Special Appeals Body, Appeals Commission or Mandated Group to appoint his/her own deputy.

A.8 In any case in which the General Secretary or the Deputy General Secretary **or the Secretary of the Assembly Commission** is prevented, **whether at the outset or at any time during the continuance of the case** (i) by direct involvement **as the minister under discipline** in the case or (ii) by any conflict of interest actual or perceived **or (iii) by absence or illness or any similar or related reason**, from exercising any of the functions ascribed to him/her under the Disciplinary Process, the officers of the General Assembly (excluding the General Secretary or the Deputy General Secretary as the case may be) shall appoint a person to act in place of the person so prevented from acting in all respects as regards that particular case and the provisions of the Procedure shall be construed accordingly. **Should alternative (i) above apply, the person so prevented from acting shall be debarred from exercising any of the aforesaid functions in any other case which may arise under the Disciplinary Process during the continuance of the disciplinary case against him/her.**

A.9 Where any issue or question arises relating to procedure or to the proper expedition of the Process whilst the matter is under the jurisdiction of the Assembly Commission or the Special Appeals Body or the Appeals Commission that Commission shall resolve each such issue or question or give such directions as shall appear to it to be just and appropriate in the circumstances.

A.10 For the avoidance of **repetition, whenever the word 'minister' or the expression 'the Roll of Ministers' or any word** or expression relating to a minister or ministry appears in the Disciplinary Process, it shall be taken as being equally referable to a CRCW or to the Roll of CRCWs or to the office of CRCW as the case may be, unless such construction is precluded by the context.

A.11 The Church recognises that, from time to time, cases falling within the Disciplinary Process may attract the attention of the national or local press and other media organisations and authorises Synod Moderators, Assembly Officers and the Secretary of the Assembly Commission to supply to the Press Officer such information as s/he may reasonably require to deal with all press/media enquiries in a tactful and discreet manner so as to protect the interests of the Church, the minister and all others involved in the case. This paragraph is intended to take effect independently of and in addition to those paragraphs throughout these Rules of Procedure under which the Press Officer has been identified as one of the persons to whom specific information is given at various points in the Process.

A.12 In the event of the minister having already been the subject of the Capability Procedure, the record of any decisions (including decisions on appeal) taken under that procedure, together with such papers, records, and statements and other data as formed the body of information relevant in that procedure (save only such as may be protected on the grounds of confidentiality) shall be made available to all those persons

responsible at various stages and in various capacities for the conduct of the Disciplinary Process.

A.13 Whilst the Guidelines on Conduct and Behaviour are not intended to be rigorously applied in the same manner as precise rules they nevertheless have an important part to play in the process of considering whether, in any given case, the minister/CRCW might be in breach of his/her ordination/commissioning promises and consequently **reference may be made to those** Guidelines as appropriate within the Disciplinary Process.

A.14 In any case where it is necessary or appropriate to make a referral to the Independent Safeguarding Authority in accordance with the Referral Guidance from time to time issued by that Authority, whether as a mandatory or a voluntary referral as described in the said Guidance, any such referral made pursuant to such Guidance shall not amount to a breach of confidentiality but shall be deemed to be made in furtherance of a public responsibility and not as part of any decision made in accordance with Disciplinary Process. This paragraph shall also apply to any case arising within Scottish jurisdiction, subject only to such changes as are necessary to comply with the comparable referral provisions of Scottish law.

A.15 Mission Council acting in the name of General Assembly has authority by single resolution of Mission Council to make with immediate effect such changes to any part of the Disciplinary Process as are recommended by the MIND Advisory Group (or such other Group or Committee as may in the future perform the functions of that Group), all such changes to be reported to the next meeting of the General Assembly.

A.16.1 Subject only to Paragraph A.16.2, the Disciplinary Process shall not be initiated in respect of any minister or CRCW if his/her case is currently being dealt with under the Incapacity Procedure.

A.16.2 The Disciplinary Process may be initiated in respect of a minister or CRCW as a result of a recommendation issuing from the Incapacity Procedure, in which case there may be a short transitional overlap between the commencement of the Disciplinary case and the conclusion of the case within the Incapacity Procedure.

AA Caution Stage

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

AA.1.2 Any such matters of concern shall only fall within the Disciplinary Process if demonstrating a degree of blameworthiness attributable to deliberate intent or to a blatant lack of care and concern, the effect of which, if substantiated, would indicate a breach of the criteria laid down in Paragraph A.1.4. In the absence of these elements, no case for discipline arises under this Section AA.

AA.1.3 If at any time during the Caution Stage the Synod Moderator becomes aware of any information suggesting the possibility of Gross Misconduct on the part of the minister, s/he shall have the power to bring the Caution Stage to an immediate conclusion and call in a Mandated group to commence its Pre-Commission Stage in

accordance with Section B. Any relevant information already gathered within the Caution Stage shall be passed on to the Mandated Group and the Synod Moderator shall discharge the Synod Appointees from any further responsibility.

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

AA.1.5.1 Acting in accordance with Paragraph AA.1.5.2, each Synod shall appoint two persons (known as "the Synod Appointees") to conduct the enquiry under the Caution Stage and to take such other actions as are required under this Section AA and two persons to act as reserves for such purposes should the principal appointees be unable for whatever reason to act in that capacity in a particular case.

AA.1.5.2 The Moderator of the Synod in consultation with such officers of the Synod as s/he considers appropriate shall forthwith appoint persons to act as the Synod Appointees (and reserves) in any particular case in the following manner: (i) s/he shall appoint the first of the Synod Appointees from the Joint Panel (with another from the Joint Panel to act as reserve) and; (ii) s/he shall appoint as the second Synod Appointee one of the following, that is: (a) one person from its own Synod Panel or (b) one person from the Synod Panel(s) of another Synod with the consent of the Moderator of that Synod, or (c) one person who, although not a member of any Synod Panel, is a member of the United Reformed Church with legal, tribunal or other appropriate professional experience. S/he shall also appoint in the same manner one person to act as reserve to the second Synod Appointee.

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

AA.1.5.4 In the event that one of the Synod Appointees is obliged to withdraw during the Caution Stage, the reserve appointed from the same Panel may, subject to the approval of the Moderator of the Synod following consultation with such officers of the Synod as s/he considers appropriate, take over his/her position and, jointly with the other Synod Appointee, continue with the enquiry, join in issuing Cautions (if considered necessary) and bring the Caution Stage to its conclusion. Should the Moderator of the Synod, following such consultation as stated above, consider that this would not be appropriate in any particular case, s/he will discharge the Synod Appointees and appoint two new ones in accordance with the above procedure.

AA.1.5.5 For the avoidance of doubt, the provisions of Paragraph H.2 shall apply to documents being sent or delivered in accordance with this Section AA.

AA.2.1.1 Should the Synod Moderator wish to initiate the Caution Stage in relation to a particular minister, s/he shall call in the Synod Appointees, by written notice to each of them, to carry out the enquiry and (if considered appropriate) to issue Cautions in accordance with the procedure set out in this Section AA.

AA.2.1.2 Should the Deputy General Secretary wish to initiate the Caution Stage in relation to any particular minister, s/he shall follow the procedure set out in Paragraph AA.1.5 to appoint two persons to act as the Synod Appointees in that case.

AA.2.2 Should the Moderator of the Synod or the Deputy General Secretary receive in accordance with the provisions of the Incapacity Procedure a recommendation falling under Paragraph A.16.2, s/he may regard this as sufficient indication of a possible disciplinary issue as to justify the calling in of the Synod Appointees under the provisions of this Section AA (see the corresponding Paragraph B.3.4 should s/he decide to proceed directly with the calling in of the Mandated Group without invoking the Caution Stage).

AA.2.3.1 Should both the principal and reserve Appointees under Paragraph AA.1.5.2(i) be unable to act in a particular case, the Moderator of the Synod shall, following such consultation as stated above, appoint two other members of the Joint Panel to act as Synod Appointee and reserve Synod Appointee respectively.

AA.2.3.2 Should both the principal and reserve Appointees appointed under Paragraph AA.1.5.2(ii) be unable to act in a particular case, the Moderator of the Synod shall, following such consultation as stated above, appoint two other persons to act as the other principal and reserve Synod Appointee respectively in accordance with the provisions of that Paragraph.

AA.2.4 When the procedure for calling in the Synod Appointees as provided by Paragraphs AA.2.1/3 has been completed, the Moderator of the Synod shall inform the minister that this step has been taken and supply both the Synod Appointees and the minister with a written statement setting out the matters of concern which have led to the calling in of the Synod Appointees, the names of possible informants and other sources of information at that time available and any observations as to ways in which the Moderator considers that the **minister's perceived shortcomings might be** addressed. The statement supplied to the Synod Appointees shall be accompanied by any reports, statements and other documents which the Synod Moderator considers might be helpful to the Synod Appointees, including, if applicable, all papers relative to a recommendation that the Disciplinary Process should be commenced, made in accordance with Section H of the Incapacity Procedure.

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

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

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

AA.3 The purpose of the enquiry is to establish whether, in the opinion of the Synod Appointees, the matters of concern referred to in Paragraph AA.2.4, whilst they may fall short of Gross Misconduct, do nonetheless amount to a failure on the part of the minister/CRCW to live up to the promises which s/he made at ordination/commissioning (see Paragraph A.1.4) and whether if the Synod Appointees do come to that conclusion it would be appropriate for them to issue a Caution in the form of a written notice to the minister and, if so, in what terms or, if they consider the case more serious, whether to recommend to the Synod Moderator that s/he should take the case on to

the next stage of the Disciplinary Process by calling in a Mandated Group under Section B.

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

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

AA.4.1.2 At the outset of that meeting the Synod Appointees should explain that the purpose of the meeting is to raise with the minister the concerns set out in the statement referred to in Paragraph AA.2.4 and to make clear that the outcome might be the issue of a Caution or Cautions or even (if the Synod Appointees viewed the matter as sufficiently serious and without issuing any cautions) a recommendation to the Synod Moderator to call in a Mandated Group and thus take the matter directly on to the next stage of the Disciplinary Process.

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

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

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

AA.4.4 If, following the meeting with the minister referred to at Paragraph AA.4.1.1, the Synod Appointees have held meetings or discussions in accordance with Paragraph AA.4.2 or Paragraph AA.4.3, the Synod Appointees should once more meet with the minister for a further discussion and, if possible, should attempt to reach agreement with the minister as to the areas of concern and as to how the problems should be resolved.

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

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

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

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

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

AA.5.3.2 Should the Synod Moderator be unwilling to accept this recommendation, s/he may within two months of receipt of their notice give to each of the Synod Appointees written notice requesting them to continue with their enquiry and, if they accede to this request, they will proceed with the remainder of the Caution Stage in accordance with this Section AA. The Synod Moderator shall at the same time give written notice to the minister of the request which s/he has made to the Synod Appointees under this Paragraph.

AA.5.3.3 Unless both Synod Appointees are willing to continue with their enquiry, they must, by giving written notice to the Synod Moderator within one month of receipt of the notice from him/her, reject his/her request (see also Paragraph AA.10.2). They shall at the same time give written notice to the minister of their rejection of the Synod Moderator's request.

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

AA.6.1.1 the matters of concerns which they have identified as amounting to a breach of discipline in the light of Paragraph A.1.4 and

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

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

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

AA.6.1.5 a statement informing the minister of his/her right to appeal against the imposition of the Caution, drawing attention to the period of time within which the

notice of appeal must be lodged and the fact that time is of the essence in the lodging of the appeal notice (for further information as to the lodging of an appeal and in particular the time allowed for this, see Paragraph AA.8.1).

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

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

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

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

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

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

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

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

AA.6.4.3.2 Should the Synod Moderator be unwilling to accept this recommendation, **s/he may within two months of receipt of their notice give to each of the Synod Appointees written notice requesting** them to continue with their enquiry and, if they

accede to this request, they will proceed with the remainder of the Caution Stage in accordance with this Section AA. **The Synod Moderator shall at the same time give written notice to the minister of the request which s/he has made to the Synod Appointees under this Paragraph.**

AA.6.4.3.3 **Unless both Synod Appointees are willing to continue with their enquiry, they must, by giving written notice to the Synod Moderator within one month of receipt of the notice from him/her, reject his/her request (see also Paragraph AA.10.2). They shall at the same time give written notice to the minister of their rejection of the Synod Moderator's request.**

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

AA.7.1.1 the matters of concerns which they have identified as amounting to a breach of discipline in the light of Paragraph A.1.4, which shall include a statement as to why, in considering the minister's **response to the Initial Caution, they have deemed it necessary to issue a Final Caution, and**

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

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

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

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

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

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

AA.7.3.1 During the period whilst the Final Caution is in place, the Synod Appointees shall keep the situation under review and, if they become aware of conduct or behaviour on the part of the minister which indicates that s/he is not adhering to the terms of the Caution, they have the authority to call the minister to account at any time

and, if the circumstances should so require, to issue a recommendation to the Synod Moderator in the terms of Paragraph AA.5.3.1 without waiting for the period of the Caution to expire, **in which case procedures analogous to those contained in Paragraphs AA.5.3.2 and AA.5.3.3 will apply.**

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

AA.7.4 At the expiration of the period of the Final Caution (or sooner if warranted under Paragraph AA.7.3.1), the Synod Appointees shall carry out a further review, which will involve a meeting with the minister and possible meetings or discussions with others who might have information to assist the Synod Appointees in their review. The outcome of this further review will be one of the following:

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

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

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

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

AA.8.2.1 The Synod Moderator shall request the Moderator of another Synod to constitute the appeals body and to make the appointments in accordance with the criteria laid down for the appointment of Synod Appointees under Paragraph AA.1.5.2, **always ensuring that at least one member of the appeals body is a member of the Joint Panel, that person to act as its Convener.**

AA.8.2.2 Should a minister who has previously appealed against the imposition of an **Initial Caution ("the Initial Caution Appeal") lodge** an appeal against the imposition of a **Final Caution ("the Final Caution Appeal") in the same case, the Synod Moderator shall**

request the Moderator of a Synod other than his/her own or that of the Moderator who constituted the body which heard the Initial Caution Appeal to constitute the body to hear the Final Caution Appeal and to make the appointments in accordance with the criteria laid down for the appointment of Synod Appointees under Paragraph AA.1.5.2, **always ensuring that at least one member of the appeals body is a member of the Joint Panel, that person to act as its Convener.**

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

AA.8.2.4.1 The principle enunciated in Paragraph B.4 regarding membership of a Mandated Group shall be equally applicable when considering the eligibility of persons to act as the appeals body and as the secretary thereof.

AA.8.2.4.2 **The person appointing the persons to the appeals body under either Paragraph AA.8.2.1 or Paragraph AA.8.2.2 as the case may be shall give written notice to the minister of the names of the proposed appointees, indicating that should s/he wish to object to any of them, s/he must do so within fourteen days of receipt of the notice, stating clearly the grounds for making such objection. The person charged with making the appointments shall have full discretion as to whether to accept or reject the objection.**

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

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

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

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

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

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

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

AA.8.8 If the appeal is successful the notice of the decision shall also declare that the Caution **and, if a Final Caution, any earlier Initial Caution is/are** discharged with immediate effect, that the Disciplinary case against the minister is at an end and that the Synod Appointees are discharged from any further responsibility. The Synod Appointees shall thereupon present their report to the Synod Moderator in accordance with Paragraph AA.9.

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

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

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

AA.9.1 The Synod Appointees shall, at the conclusion of the Caution Stage, present their report to the Synod Moderator, which shall summarise the steps which they took and state the manner in which they conducted their review, stating which of the courses they took under Paragraph AA.5 and, if they proceeded to the issue of Cautions under Paragraphs AA.6 and AA.7, the steps they took and the nature of the minister's response. If they have resolved to issue a recommendation that the Synod Moderator should call in a Mandated Group and thus move the case into Section B of these Rules of Procedure, they shall set out such recommendation clearly in their report, giving their detailed reasons for such recommendation. **If they have resolved that no further disciplinary action should be taken, they may, if they consider it appropriate, include in their report a suggestion that either the Incapacity Procedure or the Capability Procedure might be considered, giving their detailed reasons for this suggestion.**

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

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

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

AA.10.2.1 Should the Synod Appointees, whether under Paragraph AA.5.3.1, Paragraph AA.6.4.3.1, **Paragraph AA.7.3.1** or Paragraph AA.7.4.2, recommend to the Synod Moderator that s/he should call in a Mandated Group under Section B, the disciplinary

case shall remain in abeyance pending the calling in of the Mandated Group by the Synod Moderator.

AA.10.2.2 In cases where the recommendation is made under either Paragraph AA.5.3.1, Paragraph AA.6.4.3.1 or Paragraph AA.7.3.1 the involvement of the Synod Appointees shall cease when the Mandated Group has been so called in. The Synod Moderator shall notify them in writing as soon as this has happened.

AA.10.2.3 In a case where the recommendation is made under Paragraph AA.7.4.2 following the imposition of a Final Caution and the carrying out of the further review in accordance with Paragraph AA.7.4 the involvement of the Synod Appointees will cease as soon as they present their report to the Synod Moderator in accordance with the procedure set out in Paragraph AA.9.1.

AA.10.2.4 If, following a recommendation such as is referred to in Paragraph AA.10.2.1, the Synod Moderator has not, within a period of six months from the date of receipt of the notice of such recommendation from the Synod Appointees, (time being of the essence for this purpose) called in a Mandated Group, then unless Paragraph AA.5.3.2, Paragraph AA.5.3.3, AA.6.4.3.2 or Paragraph AA.6.4.3.3 applies (as to which see Paragraph AA.10.2.5) the Disciplinary Process shall come to an end immediately upon the expiration of such period. In such a case, the involvement of the Synod Appointees shall, where either Paragraph AA.5.3.1, Paragraph AA.6.4.3.1 or Paragraph AA.7.3.1 applies, cease at that time. The Synod Moderator shall notify the Synod Appointees in writing at the expiration of that period that no Mandated Group has been called in, whereupon they should present their report to the Synod Moderator, following the procedure set out in Paragraph AA.9.1. At the same time the Synod Moderator shall notify the minister in writing that no further action is being taken and that the Disciplinary case has been concluded.

AA.10.2.5 If any of Paragraph AA.5.3.3, Paragraph AA.6.4.3.3 or AA.7.3.1. applies, the Caution Stage shall come to an end when the Synod Appointees give written notice to the Synod Moderator of their rejection of his/her request to proceed with the Caution Stage, at which time their involvement shall cease at that time and they should then present their report to the Synod Moderator in accordance with the procedure set out in Paragraph AA.9.1. The Synod Moderator shall have the remainder of the six months period to decide whether or not to call in a Mandated Group under Section B (time being of the essence for this purpose) and if s/he shall have failed to do so at the expiration of that period the Disciplinary case shall come to an end and s/he shall forthwith notify the minister in writing that no further action is being taken and that the Disciplinary case has been concluded.

AA.11 This Paragraph AA.11 shall apply to any disciplinary case coming into the Process involving a minister who has been the subject of an earlier disciplinary case within the relevant period as defined by Paragraph AA.11.1.

AA.11.1 The relevant period for the purposes of this Paragraph AA.11 shall be a period of five years beginning with the date when the first case was concluded and ending with the date on which the second case was commenced.

AA.11.2 In any case to which this Paragraph AA.11 applies, the Assembly Commission (and, if relevant, the Appeals Commission) within the second case shall be entitled to have regard to any Cautions issued within the first case (save any such as were successfully appealed against) and the appeal decisions in respect of any Cautions

where the appeal failed. Synod Appointees and Mandated Groups acting in the second case shall also have access to them.

B. Appointment and role of Mandated Group

B.1

B.1.1 To enable them to carry out their respective functions under Paragraphs 2(4)(A)(xvii) and 2(6)(A)(xxiii) of the Structure, every Synod and the General Assembly **shall act solely through a group of three persons ('the Mandated Group')** which shall have mandated authority to act in the name of the Synod or the General Assembly as the case may be in every matter requiring consideration under those respective functions.

B.1.2 The Mandated Group called in to deal with any particular case under the provisions of this Section B has no pastoral role to fulfill and its precise functions are described in Paragraphs B.8 and B.9.

B.2

B.2.1.1 Subject to Paragraph B.2.1.2, every Synod shall appoint and maintain a panel **('the Synod Panel')** of **persons who are in current membership of a local church within the province or nation of that Synod** (see also Paragraph B.2.1.2) and, in considering persons for appointment, regard shall be had for achieving as wide a geographical representation within the Synod as possible. The purposes of the Synod Panel are to enable the following appointments to be made from that Panel when a disciplinary case arises, that is to say (i) the appointment of two persons in accordance with Paragraph B.3 to act as members of the Mandated Group in that case and (ii) the appointment of one person in accordance with Paragraph AA.1.5.2(ii) to act as one of the Synod Appointees during the Caution Stage if initiated. The same persons shall not act as Synod Appointees and members of a Mandated Group in the same case.

B.2.1.2 A Synod may appoint to its Synod Panel **persons who are in current membership of a local church within the province or nation of any other Synod** so long as the number of such persons does not exceed 25% of the total membership of the Synod Panel.

B.2.2 There shall also be a standing panel ('the Joint Panel') consisting of a maximum of twenty six persons, of whom one or two shall be appointed by each Synod and selected preferably on account of some legal, tribunal or professional experience or other similar background, which would equip them for (i) appointment in accordance with Paragraph B.3 as a member of a Mandated Group or (ii) appointment in accordance with Paragraph AA.1.5(i) to act as one of the Synod Appointees during the Caution Stage if initiated. The same persons shall not act as Synod Appointees and members of a Mandated Group in the same case. The list of those currently on the Joint Panel shall be held by the Synod Moderators.

B.3.1 In cases arising under Paragraph 2(4)(A)(xvii) of the Structure (Synods) in respect of any minister in membership or under the authority of the Synod in question, if the Moderator of that Synod either (i) believes that there is or may be a disciplinary issue involving Gross Misconduct or (ii) resolves (where the case has already passed through the Caution Stage) to act upon a recommendation from the Synod Appointees to call in a Mandated Group, s/he shall forthwith in the name of the Synod appoint two

persons from the Synod Panel for that Synod (or in an emergency one person from the Synod Panel of that Synod and one person from the Synod Panel of another Synod) and one person from the Joint Panel as provided in Paragraphs B.2.1 and B.2.2 to constitute the Mandated Group for the particular case and at the same time inform the minister that this step has been taken and follow the procedure laid down in Paragraphs B.6.1/4.

B.3.2 In cases arising under Paragraph 2(6)(A)(xxiii) of the Structure (General Assembly or Mission Council on its behalf)), if at any time the Deputy General Secretary, in consultation with such other officers of the General Assembly as s/he considers appropriate, (i) believes that there is or may be a disciplinary issue involving Gross Misconduct in respect of any minister or (ii) resolves (where a case has already passed through the Caution Stage) to act on a recommendation from the Synod Appointees to call in a Mandated Group, s/he shall forthwith in the name of General Assembly appoint three persons as provided in Paragraph B.3.3 to constitute the Mandated Group for the particular case and at the same time inform the minister that this step has been taken and follow the procedure laid down in Paragraphs B.6.1/4. If the Deputy General Secretary is unable to carry out the functions ascribed to him/her under this Paragraph, the procedure set out in Paragraph A.8 shall be followed.

B.3.3 In cases arising under Paragraph B.3.2, the Deputy General Secretary, in consultation with such other officers of General Assembly as s/he considers appropriate, shall constitute the Mandated Group by the appointment of all three persons, each of whom shall be selected from either the Joint Panel or any of the Synod Panels (at least one from the Joint Panel and at least one from the Synod Panels).

B.3.4 Should the Moderator of the Synod or the Deputy General Secretary receive in accordance with the provisions applicable to the Incapacity Procedure a recommendation falling under Paragraph A.16.2, s/he may regard this as a sufficient indication of a possible disciplinary issue as to justify the calling in of the Mandated Group under the provisions of Paragraph B.3.1 or Paragraph B.3.2 (see the corresponding Paragraph AA.2.2 should s/he decide to call in the Synod Appointees to initiate the Caution Stage rather than the Mandated Group).

B.3.5 On any occasion throughout the Disciplinary Process where notices and papers are required to be sent to the Moderator of the Synod, then in a case proceeding under Paragraph B.3.2 they shall also be sent to the Deputy General Secretary.

B.4 If any member of a Synod Panel or the Joint Panel is a member of a local church connected with a case or has any pastoral or personal involvement in a case or is the subject of a disciplinary complaint, that person shall not form part of the Mandated Group for that case.

B.5

B.5.1 If any member of a Synod Panel or the Joint Panel is disqualified under Paragraph B.4 or is for any other reason unable to act in a particular case, the person calling in the Mandated Group shall appoint another member from the same panel to serve as a member of the Mandated Group for that case. The Mandated Group for all matters relating to that case shall be its remaining member(s) together with the person(s) appointed under this Paragraph. If only one such person is disqualified or otherwise unable to act, then, until any such further appointment is made, the mandate shall continue to be held by the remaining two members of the Mandated Group. If two

members of the Mandated Group are disqualified or otherwise unable to act, there is no mandate for the remaining member to act alone.

B.5.2 No person shall serve as a member of or as the spokesperson for a Mandated Group in connection with any case where s/he would fall within any of the restrictions contained in Paragraph C.3.1.

B.6

B.6.1 In constituting the Mandated Group, the person so doing shall follow the procedures set out in Paragraph B.3.1 or in Paragraphs B.3.2 and B.3.3, whichever procedure is appropriate to the particular case, advising the members of the Mandated Group of the identity of the minister but giving no further information at that point.

B.6.2 In the event that any of the proposed appointees on to the Mandated Group is/are unable or unwilling to act, the process(es) of appointment from the Synod Panel and/or the Joint Panel shall continue until a Mandated Group consisting of three members has been duly constituted.

B.6.3 If the Synod Moderator has proceeded directly to the calling in of the Mandated Group without first initiating the Caution Stage, the commencement of the steps set out in Paragraphs B.3, B.4, B.5 and this Paragraph B.6 to constitute the Mandated Group marks the commencement of the Disciplinary Process and the completion of those steps marks the calling in of the Mandated Group for the purposes of these Rules of Procedure.

B.6.4 As soon as the above steps have all been taken, the person calling in the Mandated Group shall issue to each member thereof a written statement setting out the reasons for the calling in of the Mandated Group, the names of possible informants and any other sources of information at that time available, together with all reports, papers and other documents relevant to the case, including, if relevant, a copy of the Synod Appointees' report to the Synod Moderator at the conclusion of the Caution Stage and all supporting papers, copies of any Cautions issued (save any such as were successfully appealed against) and of the record of any appeals decisions made in respect of any Cautions where the appeal failed. To avoid prejudice, the written statement mentioned above must not contain any assumptions or inferences or any personal reflections or opinions.

B.7.1 In cases of extreme emergency, the Moderator of the Synod or other person entitled to call in the Mandated Group may, if s/he considers that there are strong and urgent reasons for so doing and only so long as s/he forthwith calls in the Mandated Group, suspend the minister with immediate effect either orally or in writing. Suspension imposed orally shall be immediately confirmed in writing to the minister.

B.7.2 The person imposing the Suspension under Paragraph B.7.1 shall forthwith (i) give written notice of the minister's **Suspension to the Moderator of the Synod (if s/he is not the person calling in the Mandated Group)**, the Synod Clerk, the General Secretary, the Press Officer and the Secretary for Ministries, and (ii) make a written disclosure of the minister's **Suspension to the responsible officer of any relevant Outside Organisation**. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used. In order to preserve confidentiality any notice or disclosure given under this Paragraph shall not disclose any reason for the imposition of the Suspension (see also Paragraphs

B.9.2 and B.11). However, any such notice or disclosure shall contain a statement explaining the effect of Suspension as outlined in either Paragraph 4 of Schedule E to the Basis of Union or the fourth paragraph of Part II of Schedule F to the Basis of Union whichever is relevant and shall (if such be the case) state that the Police have been apprised of the matter giving rise to the Suspension.

B.7.3 If a minister entering the Disciplinary Process has already been suspended under the Incapacity Procedure, that suspension shall continue until it is terminated in accordance with the Disciplinary Process and meanwhile shall be governed by the said Process.

B.7.4 Suspension imposed under Paragraph B.7.1 shall continue during the Pre-Commission Stage referred to in Paragraph B.8.1. If at the end of that period the Mandated Group serves a Referral Notice on the minister, it must also serve on him/her a Notice confirming the continuance of the Suspension during the Commission Stage.

B.7.5 In the event that the Pre-Commission Stage terminates without the issue of a Referral Notice, the minister's **Suspension under Paragraph B.7.1 shall automatically** cease on the issue of a Notice of Non-Continuance under Paragraph B.8.2, whereupon the person imposing the Suspension under Paragraph B.7.1 shall give written notice of the cessation of the Suspension both to the minister and to the persons specified in Paragraph B.7.2.

B.8 The functions of the Mandated Group called in by the person authorised for that purpose under Paragraph B.6 in any particular case are described in this Paragraph B.8 (as regards its Initial Enquiry during the Pre-Commission Stage) and in Paragraph B.9 (as regards the Investigation during the Commission Stage):

B.8.1 The Mandated Group shall carry out its own Initial Enquiry with all due expedition in consultation (where practical and appropriate) with the person calling in the Mandated Group for the sole purpose of ascertaining whether the Commission Stage should be initiated. Having done so, it must bring the Pre-Commission Stage to a conclusion in accordance with Paragraph B.8.2 or B.8.3.

B.8.2.1 If the Mandated Group decides as a result of its Initial Enquiry not to proceed any further with the matter, it shall serve on the Moderator of the Synod or other person calling it in a notice to that effect (a Notice of Non-Continuance), which shall have the effect of discharging from further involvement in that case the Mandated Group itself (subject to due compliance by it of Paragraph H.4) and the Council in whose name it conducts the Initial Enquiry.

B.8.2.2 On receipt of a Notice of Non-Continuance the person calling in the Mandated Group shall forthwith notify the minister, the Moderator of the Synod (if s/he was not the person calling in the Mandated Group) and the Synod Clerk that the Mandated Group is not proceeding any further and if the person calling in the Mandated Group has already suspended the minister under Paragraph B.7.1, s/he must notify all the persons, bodies and organisations specified in Paragraph B.7.2 that disciplinary proceedings against the minister and the minister's **Suspension are terminated with** immediate effect.

B.8.3 If on the other hand the Mandated Group decides as a result of its Initial Enquiry to initiate the Commission Stage, it shall follow the procedure laid down in Paragraphs B.9.1 and B.9.3 whereupon the Commission Stage will be initiated.

B.9

B.9.1 Whenever the Mandated Group, having as a result of its Initial Enquiry become aware of any information relating to the minister concerned which might require disciplinary investigation, concludes unanimously or by a majority that this is indeed so, it shall forthwith in the name of the Synod suspend the minister (unless s/he has already been suspended under Paragraph B.7.1, in which case the Mandated Group shall serve on the minister a notice that his/her Suspension shall continue during the Commission Stage) and initiate the Commission Stage in accordance with Paragraph B.10. Suspension under this Paragraph shall take effect when the minister receives Notice thereof from the Mandated Group either orally or in writing. Suspension imposed orally shall be immediately confirmed in writing (as to the contents of the written notice of Suspension, see also Paragraph B.11).

B.9.2 Suspension, whether imposed under Paragraph B.7.1 or B.9.1, does not imply any view about the correctness or otherwise of any allegations made concerning the minister, nor does it affect the minister's **stipend or the CRCW's salary or the minister's or CRCW's pension arrangements under the relevant United Reformed Church Pension Scheme.**

B.9.3 The Mandated Group shall forthwith, by written notice to the person who called it in, advise him/her of the issue of the Referral Notice and the Notice of Suspension, and that person shall in turn forthwith (i) give written notice thereof to the Moderator of the Synod (if s/he is not the person calling in the Mandated Group) the Synod Clerk, the General Secretary, the Press Officer and the Secretary for Ministries, and (ii) make a written disclosure of the minister's **Suspension to the responsible officer of any relevant Outside Organisation**, unless notice thereof has already been given to that Outside Organisation under Paragraph B.7.2. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used. In order to preserve confidentiality any notice or disclosure given under this Paragraph shall not disclose any reason for the imposition of the Suspension (see also Paragraphs B.9.2 and B.11). However, any such notice or disclosure shall contain a statement explaining the effect of Suspension as outlined in either Paragraph 4 of Schedule E to the Basis of Union or the fourth paragraph of Part II of Schedule F to the Basis of Union whichever is relevant and shall (if such be the case) state that the Police have been apprised of the matter giving rise to the Suspension.

B.9.4 During the Commission Stage it is the responsibility of the Mandated Group to conduct the Investigation in accordance with Section D, to comply with all procedural matters under the Disciplinary Process and to present the case against the minister at the Hearing under Section E and at the Hearing of any Appeal under Section G.

B.10 To initiate the Commission Stage pursuant to Paragraph B.9.1, the Mandated Group in the name of the Council shall take the following steps:

B.10.1 Serve on the Secretary of the Assembly Commission (i) a duly completed Referral Notice which should clearly state the reasons why the Mandated Group believes that a breach of ministerial discipline has or may have occurred and which should also include where possible a summary of the supporting information on the basis of which the Mandated Group has issued the Referral Notice and which must disclose the name and address of any Outside Organisation notified of the minister's Suspension under either Paragraph B.7.2 or Paragraph B.9.3 (ii) **copies of all Cautions (save any such as were successfully appealed against) and the appeal decisions in**

respect of any Cautions where the appeal failed, including any Cautions and appeal decisions falling under Paragraph AA.11 and (iii) any other documents which the Mandated Group wishes to lodge with the Referral Notice and

B.10.2 Serve on the minister notice of the issue of the Referral Notice and of his/her Suspension (or of the continuance of his/her Suspension if Paragraph B.7.1 applies).

B.11 The Notice of Suspension, whether issued under Paragraph B.7.1 or Paragraph B.9.1, shall inform the minister that any conduct on his/her part during such Suspension which breaches or contravenes either Paragraph 4 of Schedule E to the Basis of Union or the fourth paragraph of Part II of Schedule F to the Basis of Union whichever is relevant may be taken into account by the Assembly Commission or, in the event of an appeal, the Appeals Commission in reaching its decision under Section F or Section G as the case may be.

B.12 Once a Referral Notice has been issued by a Mandated Group in any case, no further Referral Notice shall in any circumstances be issued in respect of the subject matter of that referral, save only where the minister has been the subject of an earlier disciplinary case in which the Assembly Commission or the Appeals Commission issued a written warning under the provisions of Paragraph F.2.2 or Paragraph G.11.3.

C. Reference to and constitution of the Assembly Commission

C.1 On receipt of either a Referral Notice or a Notice of Reference back, the Secretary of the Assembly Commission shall forthwith take the following steps:

C.1.1 Acknowledge receipt of such Notice.

C.1.2 In the case of a Referral Notice, serve on the minister a copy of the Referral Notice and a Notice which shall invite the minister's **preliminary response**.

C.1.3 In the case of a Notice of Reference back, invite any comments from the Parties regarding the Notice and accompanying statement received by them from the General Secretary in accordance with Paragraph G.14.1.

C.1.4 Inform the Convener and the Deputy Convener of the Commission Panel (or, in their absence or the absence of either of them, the other person or persons specified in **Paragraph A.5.2) (the Appointers')** of the receipt of the Referral Notice or the Notice of Reference back and pass to such person or persons copies thereof and of any other papers which accompany such Notice.

C.1.5 Inform the General Secretary, the Moderator of the Synod, the Synod Clerk, the Press Officer and the Secretary for Ministries of the receipt of the Referral Notice but not of the contents thereof, apart from the name of the minister.

C.1.6 On receipt of the minister's **response under Paragraph C.1.2 and any documents** which may accompany it, provide the Mandated Group with copies thereof.

C.1.7 In any case arising as a consequence of a Notice of Reference back, where comments are received from either of the parties as a result of the invitation contained in Paragraph C.1.3, provide the other party with copies thereof.

C.2

C.2.1 The Appointers shall, within 7 days of compliance by the Secretary of the Assembly Commission with Paragraph C.1.4 (or within such further time as they shall reasonably require), jointly appoint five (5) persons from the Commission Panel (including, if they deem it appropriate, either or both of them the Appointers) to constitute the Assembly Commission for the hearing of that case, and in making such appointments they shall have regard to the provisions of Paragraphs C.2.2 and C.3.

C.2.2 The Appointers shall (so far as possible) (i) appoint at least one man and at least one woman and at least one minister and at least one lay person onto the Assembly Commission and (ii) have regard to the nature of the case, the need for balance and the skills, specialisation and cultural understanding of the members of the Commission Panel.

C.3

C.3.1 No person shall be appointed to sit as a member of the Assembly Commission or the Appeals Commission or the Special Appeals Body in the hearing of any case in which he/she has any involvement, whether as a member of any local church or Synod connected with the case or (in the event of a re-hearing under Paragraph G.11.7) a member of the previous Assembly Commission or the Appeals Commission or the Special Appeals Body, or whether on account of some personal or pastoral involvement as a result of which it is considered by those responsible for selecting the Assembly Commission or the Appeals Commission or the Special Appeals Body for that case or by the proposed appointee him/herself that it would not be appropriate for him/her to hear the case.

C.3.2 Either of the parties may object on any of the grounds set out in Paragraph C.3.1 to the proposed appointment of any person to the Assembly Commission or the Appeals Commission for the hearing of his/her case and, in the event of any such objection, the decision of those charged under the Disciplinary Process with making the appointment shall be final and binding. **In the event of an objection being lodged against the appointment of one of the Appointers, the remaining Appointer shall have the sole authority to make the decision regarding such objection under this Paragraph.**

C.4

C.4.1 The Secretary of the Assembly Commission shall send to each member of the Commission Panel whom the Appointers propose to appoint to the Assembly Commission notice of his/her proposed appointment, stating the name of the minister **but containing no further details of the case. The Notice shall draw the invitee's** attention to Paragraph C.3.1 and shall request confirmation that the invitee is willing to accept appointment and that s/he is unaware of any circumstances which in the present case might prevent him/her from serving on the Assembly Commission.

C.4.2 The Invitee shall within 7 days of receipt of such Notice serve on the Secretary of the Assembly Commission a Notice indicating whether s/he is able and willing to accept appointment and, if so, confirming compliance with Paragraph C.3.1.

C.5

C.5.1 The Secretary of the Assembly Commission shall serve notice on the Parties setting out the name and office or credentials of each proposed appointee, drawing attention to Paragraphs C.3.1 and requiring notice of objection to any of the proposed appointees under that Paragraph to be served upon the Secretary of the Assembly Commission within 14 days of the service of the Notice given under this Paragraph.

C.5.2 Any such Notice of Objection must state the grounds for such objection.

C.5.3 To ensure that the Commission Stage is moved along in a timely manner, any Notice of Objection received outside the period allowed will not normally be considered unless very good reason can be shown for its late delivery.

C.5.4 The Appointers shall consider any objection properly delivered and shall decide whether to uphold or reject the objection.

C.5.5 If they reject the objection the Secretary of the Assembly Commission shall serve notice thereof on the objector.

C.5.6 If they uphold the objection, the Secretary of the Assembly Commission shall serve notice thereof upon the objector, the person to whom the objection was taken and the other Party upon whom the Notice referred to in Paragraph C.4.1 was served.

C.5.7 In the event of any objection being upheld, the procedure outlined in Paragraphs C.2 to C.5 shall be repeated to complete the appointment of the Assembly Commission and to give notice to the Parties of the person appointed.

C.6 The Appointers shall appoint one member of the Assembly Commission to be its Convener, but s/he shall not have a casting vote, unless the Assembly Commission shall in circumstances arising under Paragraph C.7.2 consist of an even number of members.

C.7

C.7.1 Once the Assembly Commission has been duly constituted and has taken any steps under Section E, no person shall subsequently be appointed to serve on that Assembly Commission.

C.7.2 In the event that during the Commission Stage any member of the Assembly Commission shall be unable to carry out his/her duties on the Assembly Commission, the remaining members shall continue to act as the Assembly Commission, subject to there being a minimum of three members.

C.7.3 Should the Assembly Commission be reduced to fewer than three members at any time after it has taken any steps under Section E the Assembly Commission so appointed shall stand down and be discharged and a new Assembly Commission shall be appointed under this Section C.

C.7.4 If the Convener of the Assembly Commission is unable to continue to serve, the remaining members shall, following consultation with the Appointers, appoint one of their number to be the Convener in his/her place.

D. Investigation by the Mandated Group

D.1 It shall be the role of the Mandated Group to investigate the matters which are the subject of the Referral Notice with a view to presenting the case in the name of the Council at the Hearing.

D.2

D.2.1 In the course of the Investigation, the Mandated Group shall normally interview the person or persons lodging the initial complaint (if any) and the minister concerned and shall make all other investigations which it considers necessary.

D.2.2 Any person being interviewed in accordance with Paragraph D.2.1 may, if s/he so wishes, have a friend present with him/her at such interview.

D.3 In conducting its Investigation and preparing for the Hearing, the Mandated Group shall at all times have in mind the statement set out in Paragraph A.2.1 regarding the proper expedition of the Disciplinary Process (and see also Paragraph E.4 as to the role of the Secretary of the Assembly Commission in this respect).

D.4 In cases where Paragraph E.7.1 applies, the Mandated Group may itself monitor the criminal proceedings, but shall otherwise for the period specified in that Paragraph suspend its own investigation of any matter under the Disciplinary Process which might also be related to the criminal proceedings.

D.5 In cases coming into the Disciplinary Process following a recommendation from the Incapacity Procedure, the Mandated Group shall have regard to the following matters:

D.5.1 The Mandated Group must carry out its Investigation fully and must not rely upon any information simply because it was presented and considered within the Incapacity Procedure.

D.5.2 The Mandated Group should pay careful attention to any special factors involved in a case which has first been within the Incapacity Procedure.

E. Formal procedures up to and including the Hearing

E.1

E.1.1 The Assembly Commission's sole purpose in conducting the Hearing under this Section E is to establish whether or not there has been a breach of ministerial discipline, having regard to Paragraph A.1.4.

E.1.2 The object of Paragraphs E.2, E.3, E.4, E.5.1 and E.5.2 is to ensure that the Parties are aware beforehand of the evidence which will be presented at the Hearing and that they have time to consider the same.

E.2

E.2.1 Unless the case is subject to compulsory adjournment under Paragraph E.7, the Secretary of the Assembly Commission shall as soon as practicable after the appointment of the Assembly Commission:

E.2.1.1 provide the Convener and the other members of the Assembly Commission with (i) copies of the Referral Notice and any documents which may accompany it, (ii) the minister's **response under Paragraph C.1.2** and (iii) **any documents** which may accompany it and

E.2.1.2 in the case of any Assembly Commission appointed as a consequence of a Notice of Reference back, provide the Convener and the other members thereof with copies of (i) the Notice of Reference back, (ii) the documents, statements and information delivered to the previous Assembly Commission in accordance with these Rules of Procedure and (iii) any comments received from the parties as a result of the invitation contained in Paragraph C.1.3.

E.2.2 Having complied with Paragraph E.2.1, the Secretary of the Assembly Commission shall forthwith serve on each of the Parties a notice which shall:

E.2.2.1 notify the Parties that the Referral Notice and any statement from the minister lodged in response to the Notice referred to in Paragraph C.1.2 will be part of the documentary evidence at the Hearing,

E.2.2.2 call upon the Parties to lodge copies of any documents or of any further statements relating to matters to which they may wish to refer at the Hearing (the Notice should indicate to the Parties that copies of any such documents or statements will be made available to the other Party),

E.2.2.3 call upon the Parties to state the names of persons whom they propose to invite to attend the Hearing and, briefly, the purpose of their attendance and the approximate length of time which each of the Parties will require at the Hearing,

E.2.2.4 call upon the Mandated Group to nominate a spokesperson (who need not be a member of the Mandated Group) to act on its behalf in the questioning of witnesses and in the general presentation of the case and indicate the name and status of such person,

E.2.2.5 call upon the minister to state whether s/he wishes to have a person present with him/her at the Hearing pursuant to Paragraph E.10.1 and, if so, call upon the minister to indicate the name and status of such person and whether s/he will be present to give the minister support and advice under Paragraph E.10.1.1 or to present the minister's case under Paragraph E.10.1.2.

E.3

E.3.1 Within 14 days of the service of the Notice under Paragraph E.2.2, the Parties shall comply with Paragraphs E.2.2.2 and E.2.2.3 by serving on the Secretary of the Assembly Commission the documents, statements and information requested, whereupon the Secretary shall forthwith provide copies thereof for the Convener and the other members of the Assembly Commission.

E.3.2 As soon as possible after the expiration of such period of 14 days referred to in Paragraph E.3.1, the Secretary of the Assembly Commission shall provide each Party with copies of the documents, statements and information delivered by the other Party under Paragraph E.3.1.

E.3.3 The Parties shall respond to the respective invitations contained in Paragraphs E.2.2.4 and E.2.2.5 no later than 14 days prior to the date set for the Hearing and **copies of each Party's response shall thereupon be sent by the Secretary of the Assembly Commission to the other Party.**

E.4 Having in mind the statement regarding proper expedition set out in Paragraph A.2.1 but taking account of the need for the Parties to make their due preparations for the Hearing, the Secretary of the Assembly Commission shall, when it seems most appropriate to him/her:

E.4.1 consult with the Convener and the other members of the Assembly Commission as to a suitable venue, date and time for the Hearing and, where possible, with the Parties as to a suitable date and time for the Hearing and, having so consulted, decide thereupon and

E.4.2 having complied with Paragraph E.4.1, forthwith serve on each of the Parties a notice stating the date, time and place of the Hearing and at the same time supply this information to the Synod Moderator and, if the case arises under Paragraph B.3.2, the Deputy General Secretary.

E.5

E.5.1 It shall be for the Assembly Commission to decide on all procedural and evidential matters, both before and during the Hearing. It may make such directions as it deems appropriate regarding such matters and fix a time for compliance with such directions, if necessary postponing or adjourning the Hearing to enable such compliance to be made. Such matters shall include the following:

E.5.1.1 All matters relating to the form of the written material lodged by the Parties in accordance with Paragraph E.3.1 and the extent to which the same may be later amended or supplemented, and to which further written material may be introduced and disclosed and

E.5.1.2 The extent to which written statements, videos and other recordings and transcripts shall in exceptional circumstances be admitted as evidence at the Hearing and

E.5.1.3 A discretion to allow the parties to lodge an agreed written statement(s) signed by both parties as to those facts which are not in dispute, on the basis that such facts shall be taken as proved without the need for personal verification by witness testimony at the Hearing. Any such statement should contain a certificate signed by both parties confirming that they understand the evidential effect of the agreement reached by them as set out in this Paragraph.

E.5.2.1 Having notified the Parties prior to the Hearing, the Assembly Commission may invite any person with expert or specialist knowledge in any particular field to attend the Hearing with a view to that person giving evidence at the Hearing and may issue such requests and directions in that connection as it considers appropriate.

E.5.2.2 The legal advisers to The United Reformed Church shall be available for the purpose of advising the Assembly Commission on matters relating to procedure, law, evidence and interpretation at any point in the Disciplinary Process.

E.5.3 If it considers that the situation concerning a minister or CRCW involved in a case which has reached the Commission Stage relates to or involves a perceived incapacity on the part of that minister or CRCW which might render him/her unfit to exercise, or to continue to exercise, the ministry of Word and Sacraments or the ministry of church related community work on account of (i) medical and/or psychiatric illness or (ii) psychological disorder or (iii) addiction, the Assembly Commission may adopt the following procedure with a view to the case being referred back to the Synod Moderator/Deputy General Secretary with a recommendation that the Incapacity Procedure be initiated in respect of the minister concerned:

E.5.3.1 It shall instruct the Secretary of the Assembly Commission to inform the Parties by written notice of its decision to refer the case back to the person who called in the Mandated Group with the recommendation that the Incapacity Procedure should be commenced in respect of the minister, stating its reasons for such recommendation. This Notice shall contain a statement of its reasons for reaching its decision to refer back and it may indicate what papers, if any, should be passed to the recipient of the Notice. This Notice shall inform the Parties that if either of them is dissatisfied with this proposed reference back that Party may within a period of twenty one days from the receipt of the said Notice give written notice to the Secretary of the Assembly Commission **of that Party's intention to appeal against the proposed reference back. If** at the end of the period no such notice of decision to appeal has been received (time being of the essence for this purpose) then the procedure set out in Paragraphs E.5.3.11 and E.5.3.14 shall be followed. The Notice shall draw the attention of the recipient to the strict time limit for serving a Notice of Appeal in response to a Notice served under this Paragraph.

E.5.3.2 In the event of such appeal, the Disciplinary Process case shall stand adjourned during the course of the appeal and the Secretary of the Assembly Commission shall request the Appointers to appoint a Special Appeals Body consisting of three persons drawn from the Commission Panel to hear the appeal against the proposed referral and when so appointed the Special Appeals Body shall appoint its own Convener.

E.5.3.3 In making such appointment the Appointers shall have full regard to the safeguards set out in Paragraphs C.2.2, C.3, C.4 and C.5.

E.5.3.4 The Appointers shall also appoint a person (not necessarily a member of the Commission Panel) to act as the Secretary of the Special Appeals Body for the hearing of the appeal.

E.5.3.5 The Special Appeals Body shall consider the decision of the Assembly Commission to refer the case back and any representations made in connection therewith in response thereto and any other papers relevant to the issue of the proposed reference back and shall invite the Parties by written notice to submit any further written representations within a period of twenty one days from the date of receipt of the said Notice.

E.5.3.6 Unless either of the Parties makes a request for a Hearing which is accepted by the Special Appeals Body or the Special Appeals Body of itself decides to convene a Hearing the Special Appeals Body shall decide the matter on the basis of the written material referred to in Paragraph E.5.3.5.

E.5.3.7 In the event that a Hearing does take place, the Rules applicable thereto shall, so far as possible, accord with the Rules set out in Paragraph E.10 (as to representation) and Paragraph G.10 for the conduct of hearings before the Appeals Commission.

E.5.3.8 In recording its decision, the Special Appeals Body shall append a statement of its reasons for reaching its decision and, if the decision is to reject the appeal, it may indicate what papers, if any, should be passed with the notice of the decision to the person to whom the reference back will be made.

E.5.3.9 As soon as the Special Appeals Body has reached its decision, the Secretary of that body shall give written notice thereof, and of any reasons appended to the decision, to the Secretary of the Assembly Commission, who shall in turn inform the members of the Assembly Commission thereof.

E.5.3.10 If the decision of the Special Appeals Body is to allow the appeal and to reject the proposed reference back, the Disciplinary Process case shall immediately be resumed and the Secretary of the Assembly Commission shall send to the Parties a notice advising them of that fact and a copy of the notice of the decision and the statement of reasons appended to the decision.

E.5.3.11 If the decision of the Special Appeals Body is to reject the appeal and to uphold the decision to refer the case back to the person who called in the Mandated Group with the recommendation that the Incapacity Procedure should be commenced in respect of the minister, or if there is no appeal against the reference back, the Disciplinary Process shall stand adjourned pending the outcome of that recommendation and the Secretary of the Assembly Commission shall send to the Parties (i) a notice advising them of that fact, (ii) a copy of the notice of the decision and the statement of reasons appended to the decision, (iii) a copy of the Notice to the person who called in the Mandated Group (see Paragraph E.5.3.14) and (iv) copies of any papers being sent with the last mentioned Notice in accordance with Paragraph E.5.3.1 or Paragraph E.5.3.8 as the case may be.

E.5.3.12 Once the decision of the Special Appeals Body has been made and the requirements of Paragraph E.5.3.8 have been duly complied with, the roles of the Special Appeals Body and of its secretary are concluded and they have no further part to play in the case.

E.5.3.13 The decision of the Special Appeals Body on the matter of the proposed reference back is final and binding.

E.5.3.14 If the decision is to reject the appeal and uphold the reference back, or if there is no appeal against the reference back, the Secretary of the Assembly Commission shall forthwith serve on the person who called in the Mandated Group (i) a written notice setting out the decision of the Assembly Commission or, in the event of an appeal, the Special Appeals Body, incorporating both the recommendation and a statement of the reasons given for making the recommendation and (ii) such other papers (if any) as are referred to in Paragraph E.5.3.1 or Paragraph E.5.3.8 as the case may be.

E.5.3.15 That Notice shall state that the proceedings under the Disciplinary Process shall stand adjourned to await written notification from the recipient as to whether the recommendation contained in the Notice has been accepted or rejected. The Notice to

the recipient shall include a request for him/her to respond with all due expedition, consistent with the consultation process laid down by the Incapacity Procedure.

E.5.3.16 The Secretary of the Assembly Commission shall at the same time send copies of the said Notice (but not the accompanying documentation) to the Moderator of the Synod (in any case where s/he is not already the recipient of the Notice under Paragraph E.5.3.14), the Synod Clerk, the General Secretary, the Press Officer and the Secretary for Ministries. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used.

E.5.3.17 If written confirmation is received from the recipient of the Notice, countersigned by the Secretary of the Review Commission who operates within the Incapacity Procedure, that the recommendation contained in the Notice has been accepted and that the Incapacity Procedure has been initiated in respect of the minister, the Assembly Commission shall declare the case within the Disciplinary Process to be concluded and no further action shall be taken in respect thereof. This declaration shall conclude the disciplinary case against the minister. The suspension of the minister will, however, remain in place and will thereafter be subject to the provisions regarding suspension in the Incapacity Procedure. The attention of the Mandated Group is particularly drawn to Paragraph H.4.

E.5.3.18 The Secretary of the Assembly Commission shall give written notice to this effect to the Parties and the persons specified in Paragraph E.5.3.16 above, and also the responsible officer of any Outside Organisation to whom notice of the Disciplinary Process proceedings has already been given. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used.

E.5.3.19 If written notification is received from the recipient of the Notice that the aforesaid recommendation has been rejected, the case shall forthwith be resumed within the Disciplinary Process. The Secretary of the Assembly Commission shall give notice to this effect to the Parties and the persons specified in Paragraph E.5.3.16.

E.5.3.20 No recommendation for referral to the Incapacity Procedure shall be made in any case which enters the Disciplinary Process as a result of a recommendation from the Incapacity Procedure.

E.5.3.21 For the avoidance of doubt, decisions taken by the Special Appeals Body under the provisions of this Paragraph E.5.3 are not subject to the requirement to report to General Assembly contained in Section J of these Rules of Procedure.

E.6

E.6.1 Either Party may at any time request an advancement or postponement or adjournment of the Hearing, setting out his/her/its reasons for such request.

E.6.2 The Assembly Commission may at any time advance, postpone or adjourn the Hearing as it considers it appropriate, whether of its own accord or at the request of either Party, but always having regard to the need to conclude the Disciplinary Process as expeditiously as possible. Notice of the amended hearing date, time and place shall be served on the Parties by the Secretary of the Assembly Commission.

E.6.3 Any advancement of the hearing date shall normally require the consent of both Parties.

E.7

E.7.1 Where the Assembly Commission is aware that (i) the minister is the subject of a criminal charge for an alleged offence falling into any of the categories set out in Paragraph E.7.2 below relevant to the subject matter of the Disciplinary Process or (ii) information has been laid before the Police which may result in such relevant criminal charge being brought against him/her, in either such event the Assembly Commission shall (unless the circumstances of Paragraph E.9.1 apply) postpone or adjourn its own proceedings pending the verdict of the criminal courts (whether or not on appeal) on the charges brought against the minister (as to which see Paragraph E.7.7) or the withdrawal of the charge (in relation to alternative (i) above) or the notification that no charge is to be brought (in relation to alternative (ii) above).

E.7.2 The categories of criminal offence relevant to adjournment under Paragraph E.7.1 are:

E.7.2.1 unlawful killing, or deliberate or reckless, actual or threatened, infliction of physical injury to the person or damage to the property of another,

E.7.2.2 rape, sexual abuse or any other offence of a sexual nature,

E.7.2.3 criminal offences relating to stalking and/or sexual harassment,

E.7.2.4 fraud, blackmail, **perjury**, robbery, theft or burglary,

E.7.2.5 all drugs- and drink-related offences.

E.7.3 If the case falls within this Paragraph E.7, the Secretary of the Assembly Commission shall, as soon as practicable after the appointment of the Assembly Commission, notify the Parties of the compulsory adjournment of the case.

E.7.4 It shall be the responsibility of the Mandated Group to procure a duly certified Court record or memorandum of the decision of the criminal or civil court in connection with any such case and to lodge it with the Secretary of the Assembly Commission, whereupon the Disciplinary Process shall be re-activated and the case brought to a Hearing as soon as possible, unless the minister shall have lodged with the Secretary of the Assembly Commission within twenty-eight days of the passing of the sentence in the criminal case, written evidence that s/he has lodged an appeal against the verdict of the criminal court on the charges brought against the minister.

E.7.5 In the event of the minister being convicted of any criminal offence, whether or not within the categories listed in Paragraph E.7.2, the Assembly Commission shall for the purposes of the Disciplinary Process regard the commission of such offence(s) as proved.

E.7.6 If the minister has given to the Secretary of the Assembly Commission the written evidence of appeal in the criminal case referred to in Paragraph E.7.4, it shall be his/her responsibility to notify the Secretary of the Assembly Commission of the outcome of his/her appeal in the criminal case as soon as s/he becomes aware of it and to supply to the said Secretary a duly certified court record or memorandum of the

decision on the said appeal, whereupon the Disciplinary Process shall be reactivated and the case brought to a hearing as soon as possible. Meanwhile the minister shall respond promptly to any requests for information from the Secretary of the Assembly Commission as to the progress of the appeal in the criminal case. If the minister fails to comply with the provisions of this Paragraph, the said Secretary may him/herself seek and obtain the required information as to the progress and outcome of the appeal in the criminal case.

E.8 Any of the following may be taken into account by the Assembly Commission in reaching its decision under Paragraph F.2 that is to say:

E.8.1 Any obstruction or unreasonable delay on the part of either of the Parties in complying with the procedural steps prior to the Hearing and/or

E.8.2 The failure by the minister to attend at the Hearing or his/her remaining silent during the Hearing (in either case without satisfactory explanation) and/or

E.8.3 Any obstruction caused by either of the Parties to the Assembly Commission in the conduct of the Hearing itself and/or

E.8.4 Any conduct on the part of the minister during his/her Suspension under the Disciplinary Process which breaches or contravenes either Paragraph 4 of Schedule E to the Basis of Union or the fourth paragraph of Part II of Schedule F to the Basis of Union whichever is relevant and/or

E.8.5 Any failure, unnecessary delay or obstruction on the part of the minister in complying with the requirements of Paragraph E.7.6.

E.8.6 The terms of any Caution imposed on the minister at the Caution Stage and the minister's reaction thereto, particularly in terms of his/her performance and the level of his/her response to the Caution during the period while the Caution was in place.

E.9

E.9.1 The Assembly Commission has no power to accept the voluntary resignation of a minister. A minister may however at any time during the Disciplinary Process and of his/her own free will make a written statement to the Assembly Commission admitting the truth of some or all of the facts or circumstances alleged, on the basis of which the Assembly Commission would consider it correct to make a decision to delete under Paragraph F.2.1 or to issue a written warning under Paragraph F.2.2. In such circumstances the Assembly Commission can, if it considers it appropriate so to do and having informed the minister that the consequences of such admission might be a decision to delete or to issue a written warning, convene, conduct and conclude the Hearing and on the basis of that admission reach its decision in accordance with Paragraph F.2.

E.9.2 If as a result of its investigation during the Commission Stage, the Mandated Group unanimously comes to the view that no breach of discipline on the part of the minister has occurred or at least that no breach can be established to the standard of proof required, it may give written notice to the Secretary of the Assembly Commission before the Hearing date that as a consequence it does not intend to press the case against the minister. Thereupon the members of the Assembly Commission shall consult

together to decide whether they still require the Parties to attend a formal Hearing before them or whether in the circumstances their attendance can be dispensed with. If they elect for the former, the Hearing will take place as planned. If they elect for the latter, they may in consultation together dispense with the formal Hearing and come to the decision to allow the name of the minister to remain on the Roll of Ministers under Paragraph F.2.1. If this procedure is adopted, the said consultation shall constitute the Hearing and its decision shall be effective for all purposes as though a formal Hearing had taken place.

E.9.3 Paragraph E.9.2 shall not apply where the Mandated Group, whilst not pressing the case for Deletion, requests the Assembly Commission to issue a written warning under Paragraph F.2.2 or where, of its own accord, the Assembly Commission might have it in contemplation to adopt that course. In such a case a formal Hearing shall take place.

E.10

E.10.1 The minister may invite one person to accompany him/her at the Hearing (**the accompanying person**) in which case either of the following shall apply:

E.10.1.1 If the minister elects to present his/her response, the accompanying person may give him/her support and advice but shall not address the Assembly Commission nor question the minister or any of the witnesses nor present the minister's response nor take any active part in the Hearing.

E.10.1.2 If the minister elects to invite the accompanying person to present the minister's response, the minister will not be permitted in the interests of the good ordering of the procedures at the Hearing to question the witnesses nor present the response himself/herself.

E.10.2 Neither the spokesperson nominated by the Mandated Group in accordance with Paragraph E.2.2.4 nor the minister's accompanying person invited to present his/her response under Paragraph E.10.1.2 shall be permitted to give evidence in the case or personal testimony as to the minister's character, either by written statement or orally at the Hearing. Where the minister has invited a person to be present at the Hearing to give support and advice only under Paragraph E.10.1.1, the Assembly Commission may, in its absolute discretion if it sees fit, consider a written statement received from such person prior to the Hearing strictly limited to personal testimony as to the character of the minister, but shall not permit him/her to give evidence in the case or oral testimony as to character at the Hearing.

E.11 All members of the Assembly Commission or, if Paragraph C.7 shall apply, those persons, not fewer than three, who are acting as the Assembly Commission shall attend the Hearing, which may only proceed provided that the Assembly Commission remains quorate throughout the Hearing. No member of the Assembly Commission who does not attend the whole of the Hearing shall play any part in the making of the decision reached under Paragraph F.2.

E.12

E.12.1 The Hearing must be conducted in private and only the following persons shall be permitted to attend:

The Members of the Assembly Commission

The Secretary of the Assembly Commission or a duly appointed Deputy
(see Paragraphs A.8 and E.12.3)

The minister

The accompanying person defined in Paragraph E.10.1

The members of the Mandated Group

The Spokesperson for the Mandated Group (if not already a member of the Mandated Group)

Any witnesses (but only while giving evidence, unless the Assembly Commission otherwise directs)

A representative of the Church's legal advisers (see Paragraph E.14.3)

Any persons responsible for operating the recording equipment or otherwise preparing the verbatim record of the proceedings referred to in Paragraph E.12.4

Any other person by the direction of the Assembly Commission and with prior notification to the Parties.

E.12.2 The Secretary of the Assembly Commission shall (unless excluded for reasons specified in Paragraph C.3.1) attend the Hearing for the purpose of giving such procedural advice to the Assembly Commission as may be appropriate and of ensuring compliance with Paragraph E.12.4. S/he shall not be present when the Assembly Commission deliberates and decides on the case.

E.12.3 In the event that the Secretary of the Assembly Commission cannot for any reason be present at the Hearing, the Assembly Commission shall itself appoint such person as it considers appropriate to deputise for him/her for that purpose, ascertaining beforehand that such person is not excluded for reasons specified in Paragraph C.3.1. Such person shall carry out the duties set out in Paragraph E.12.2 but shall not be present when the Assembly Commission deliberates and decides on the case.

E.12.4 The Secretary of the Assembly Commission or his/her deputy shall prepare a **summary minute of the proceedings at the Hearing (the Secretary's minute)**. Where possible, a verbatim record of the proceedings shall also be made by electronic recording or by such other means as shall be directed by the Convener of the Assembly Commission. **The Record of the Hearing shall consist of the Secretary's minute** together with any such verbatim record, which shall be transcribed in the event of an appeal.

E.13

E.13.1 The conduct of the Hearing is in the hands of the Assembly Commission and, **subject to the Assembly Commission's overriding discretion, the order of procedure** shall be as follows:

E.13.2 The Mandated Group through its spokesperson shall be given the opportunity to make an opening submission and then to present its evidence and question its witnesses. Persons called to give evidence by the Mandated Group are open to questioning by the minister or his/her spokesperson as the case may be.

E.13.3 If the minister is presenting his/her own case, s/he shall then be given the opportunity to present his/her evidence in person, following which s/he is then open to questioning by the spokesperson for the Mandated Group.

E.13.4 If a spokesperson is appearing for the minister, that spokesperson shall be given the opportunity of questioning the minister, who shall then be open to questioning by the spokesperson for the Mandated Group.

E.13.5 The minister may if s/he wishes remain silent and furthermore cannot be compelled to attend the Hearing of the Assembly Commission and it is a matter for the Assembly Commission in considering its decision as to what weight should be attached to the minister's **silence** or non-attendance.

E.13.6 The minister or his/her spokesperson shall then have the opportunity of questioning any further witnesses whom s/he wishes to call and when each one has given his/her evidence that witness shall then be open to questioning by the spokesperson for the Mandated Group.

E.14

E.14.1 The members of the Assembly Commission shall be entitled to ask questions and also to interject during the examination of witnesses if they consider the questioning to be oppressive or immaterial to the matter in hand or if for any other reason they consider it appropriate so to do.

E.14.2 Persons who have already been questioned may be asked to answer further questions later in the Hearing if it appears to the Assembly Commission that this would be helpful and appropriate in the circumstances.

E.14.3 **A representative of the Church's legal advisers shall normally be present at the Hearing** (unless his/her attendance has been expressly dispensed with by the Assembly Commission) in order to advise and address the Assembly Commission on matters of procedure, evidence and interpretation, but s/he shall not take any part in the decision reached by the Assembly Commission, nor shall s/he be present when the Assembly Commission deliberates and decides upon the case.

E.15 At the Hearing the Parties shall be allowed to question any such person as attends the Hearing under Paragraph E.5.2.1 and to comment on any evidence, information, opinion or advice offered by him/her.

E.16

E.16.1 E.16.1.1 In all cases the burden of proving the case against the minister shall fall upon the Mandated Group.

E.16.1.2 In considering the evidence before it, the Assembly Commission shall apply the civil standard of proof, which requires that decisions on disputed allegations shall be reached on the balance of probability.

E.16.2 During the Commission Stage of any case brought against a minister, the Assembly Commission cannot take cognisance of any matter which has already been part of the body of evidence laid before any Assembly Commission or Appeals Commission during the Commission Stage of any previous case brought against that minister unless (i) the decision reached in the previous case (whether or not on appeal) fell within Paragraph F.2.2 and (ii) such matter in the opinion of the current Assembly Commission falls within the scope of the conduct, statement, act or omission in respect of which the written warning referred to in that Paragraph was issued. The Secretary of

the Assembly Commission shall have authority to inspect the papers of that earlier case for the sole purpose of ensuring compliance with this Paragraph.

E.16.3 The Assembly Commission may at its discretion have regard to information concerning any matter which, although not referred to specifically in the Referral Notice (including any such arising during the Commission Stage), is in its opinion germane to the issue(s) specified in the Referral Notice provided that (i) it believes it right and proper to do so and (ii) it affords to each of the Parties a proper opportunity of considering and refuting or challenging any such information.

E.17 No person appearing in any capacity before the Assembly Commission at the Hearing (as distinct from those serving the Assembly Commission in compliance with Paragraph E.12.4) shall make any record of any part of the proceedings at the Hearing by means of any tape recording system or other mechanical or electronic recording device or system.

E.18 When the process of presenting and examining the evidence at the Hearing has been concluded, the spokesperson for the Mandated Group and the minister or the accompanying person as appropriate (in that order) shall be given the opportunity to address the Assembly Commission, following which the Convener of the Assembly Commission shall announce to the Parties that the members of the Assembly Commission would at that point retire to consider their decision which would not be announced that day but would be notified to the Parties in accordance with Paragraph F.5.1. The Hearing is thus concluded.

F. The decision of the Assembly Commission

F.1

F.1.1 Following the conclusion of the Hearing, the Assembly Commission shall, all meeting together but in the absence of the Parties, consider the evidence presented to it, in order first to determine whether the allegations (or any of them) made against the minister have been proved to its satisfaction and, if so, whether they are sufficiently serious as to amount to a breach of discipline by the minister in the light of Paragraph A.1.4 and Paragraph A.1.5 (if this latter paragraph is applicable) which direct the Assembly Commission to have full regard to either Paragraph 2 of Schedule E to the Basis of Union or the second paragraph of Part II of Schedule F to the Basis of Union whichever is relevant.

F.1.2 If the Assembly Commission concludes that a breach of discipline has so arisen, it must then consider whether it should direct the name of the minister to be deleted from the Roll or whether in the circumstances the issue of a written warning would be sufficient. In this context the Assembly Commission may take into account, in addition to the seriousness of the allegations, such factors as the degree of remorse shown by the minister and his/her preparedness to change or to undergo counselling or training.

F.2.1 Having completed the process set out in Paragraph F.1, the Assembly Commission shall reach its decision (either unanimously or by majority vote) which shall, in the absence of a decision to refer under Paragraph E.5.3, be either to delete the name of the Minister from the Roll of ministers or to allow his/her name to remain on the Roll of Ministers.

F.2.2 If the Assembly Commission considers that there has been some conduct, statement, act or omission on the part of the minister which, although not sufficiently serious to justify deletion, is nevertheless of sufficient concern to justify lesser disciplinary action against the minister it may, whilst allowing the name of the minister to remain on the Roll and as part of its decision, issue a written warning to the minister that any continuance or repetition of any of the disciplinary matters complained of might be considered a cause for deletion by a future Assembly Commission.

F.2.3 If the decision is to delete the name of the minister from the Roll of Ministers, the Assembly Commission is particularly requested to include appropriate guidance in its written statement (see Paragraph F.3.3) concerning any restrictions which it considers ought to be placed upon any activities involving the minister after his/her deletion with the object of assisting Moderators of Synod, Synods, local churches, the General Secretary, the Deputy General Secretary, the Press Officer, the Secretary for Ministries and others within the Church and also any relevant Outside Organisation. It is emphasised that any such guidance is of an advisory nature and does not form part of the decision, as a consequence of which it cannot form the subject matter of any appeal.

F.3 In recording its decision the Assembly Commission shall comply with the following:

F.3.1 It shall state whether its decision is unanimous or by a majority.

F.3.2 It shall set out any written warning issued to the minister under Paragraph F.2.2 and shall specify the Council(s) of the Church whom it charges with the responsibility of monitoring the minister's future conduct in the light of such warning, provided; (i) that the monitoring process may be dealt with by the pastoral committee of that Council or in any other manner considered appropriate by that Council and; (ii) that, should the minister subsequently move from the oversight of one Council to another, the first Council shall advise the second Council of the existence of the warning and supply such information as is necessary for the second Council to take over the monitoring process.

F.3.3 It shall append a written statement of its reasons for reaching its decision, but shall not be obliged (unless it wishes to do so) to comment in detail on all or any of the matters of evidence laid before it.

F.4 **Subject only to the requirements of Paragraphs A.4.2 and A.14 and the discharge of its responsibilities under Paragraph J.3**, the decision so taken shall conclude the involvement of the Assembly Commission in the Disciplinary Process, and shall have the effect provided for in Paragraph F.7.

F.5

F.5.1 The Secretary of the Assembly Commission shall within 10 days of the date of the decision serve on the minister and the Mandated Group notice of the decision and of the written Statement of Reasons given under Paragraph F.3.3. Such notice shall draw the attention of the minister and the Mandated Group to the strict time limit for serving Notice of Appeal under Paragraph G.1.1.

F.5.2 S/he shall at the same time (i) serve on the minister any written warning referred to in Paragraph F.2.2, (ii) send a copy thereof to the Mandated Group and (iii) send to

the minister and the Mandated Group copies of any guidance appended to the decision of the Assembly Commission under Paragraph F.2.3.

F.6

F.6.1 At the same time as s/he serves on the minister and the Mandated Group the documents referred to in Paragraphs F.5.1 and F.5.2, the Secretary of the Assembly Commission shall send to the General Secretary, the Moderator of the Synod, the Synod Clerk, the Press Officer, the Secretary for Ministries and, in a case arising under Paragraph B.9.3, the Deputy General Secretary a Notice to the effect that a decision has been reached by the Assembly Commission, simply stating whether the decision of the Assembly Commission has been to delete or to retain the name of the minister on the Roll of Ministers, and, if the latter, whether or not a decision to issue a written warning was also made. Such notice shall not contain any further information other than that the decision is still subject to the possibility of an appeal being lodged and that a further Notice will be sent under Paragraph F.6.3 (if there is no Appeal) or under Paragraph G.1.2.1 or Paragraph G.1.2.2 (if there is an Appeal).

F.6.2.1 A minister or CRCW may appeal against the decision of the Assembly Commission to delete his/her name from the Roll of Ministers or CRCWs or to issue a written warning by lodging a Notice of Appeal in accordance with Paragraph G.1, stating the ground/s of such appeal.

F.6.2.2 The Mandated Group of the Council which lodged the Referral Notice in any case may in the name of that Council appeal against the decision of the Assembly Commission not to delete the name of the minister or CRCW from the Roll of Ministers or CRCWs by lodging a Notice of Appeal in accordance with Paragraph G.1 stating the ground/s of such appeal. In any case where no written warning is attached to the decision not to delete, the Notice may state, if the Mandated Group so desires, that the appeal is limited to the question of the issue of a written warning to the Minister or CRCW.

F.6.2.3 No-one other than the Parties has any right of appeal from the decision of the Assembly Commission.

F.6.2.4 If an appeal is lodged by either Party, the procedure contained in Section G shall apply.

F.6.3 If within the time specified in Paragraph G.1.1 no appeal is lodged by either Party, the Secretary of the Assembly Commission shall within 10 days of the expiration of such period (or within 10 days of the decision itself if the first proviso to Paragraph F.7.2 applies or immediately upon receipt by him/her of irrevocable notices from both parties of the waiver of their rights of appeal if the second proviso to Paragraph F.7.2 applies) send to the minister and the Mandated Group and the persons referred to in Paragraph F.6.1 notice of that fact and of the consequent termination of the minister's Suspension in accordance with Paragraph F.7.1 or F.7.2 whichever is applicable and at the same time shall send to those persons copies of the Statement of Reasons sent to the minister and the Mandated Group in accordance with Paragraph F.5.1. At the same time the Secretary of the Assembly Commission shall send to all those persons copies of the documents sent in accordance with Paragraph F.5.2, stressing to all the recipients the sensitive nature of the information imparted and the need to exercise care and

discretion as to how it is used. The Mandated Group shall thereupon comply with Paragraph H.4.

F.6.4 At the time of compliance with Paragraph F.6.3, the Secretary of the Assembly Commission shall also send to the responsible officer of any relevant Outside Organisation notice of the decision of the Assembly Commission (including, in the event of a decision not to delete, the date of cessation of the minister's **Suspension**), together with copies of the Statement of Reasons sent to the minister and the Mandated Group in accordance with Paragraph F.5.1 and details of any guidance issued by the Assembly Commission as appended to its decision which it expressly states to be its wish to pass on to such Outside Organisation, stressing the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used.

F.7

F.7.1 In the event of the Assembly Commission deciding to delete and there being no appeal against that decision under Paragraph F.6.2.1 within the period allowed under Paragraph G.1, the Suspension shall continue up to the first day after the expiration of such period, on which day the deletion shall automatically take effect. The Disciplinary Process case shall be regarded as concluded on such day.

F.7.2 In the event of the Assembly Commission deciding not to delete and there being no appeal against that decision under Paragraph F.6.2.2 within the period allowed under Paragraph G.1, the Suspension shall automatically cease on the first day after the expiration of such period and the Disciplinary Process case shall be regarded as concluded on that date, provided that (i) where the Mandated Group has formally signified to the Assembly Commission under Paragraph E.9.2 that it does not intend to press the case for any disciplinary action to be taken against the minister and the Assembly Commission decides not to issue a written warning, the Assembly Commission may as an appendage to its decision not to delete state that the minister's **Suspension** shall terminate with immediate effect and in that case the Disciplinary Process case shall be regarded as concluded on the date on which the Assembly Commission formally notifies its decision to the Parties under Paragraph F.5 or (ii) where the decision is to allow the minister's **name to remain on the Roll of Ministers and no written warning is** issued and where both parties within the time allowed for an appeal to be lodged state in writing and irrevocably that they waive their rights of appeal, the minister's Suspension shall cease and the Disciplinary Process case shall be concluded, both events taking place on the date on which the Secretary of the Assembly Commission shall have received such statements from both parties (as to the notification of the cessation of the Suspension, see Paragraphs F.6.3 and F.6.4).

G. Appeals procedure

G.1

G.1.1 Any Notice of Appeal against the decision of the Assembly Commission must be served on the Secretary of the Assembly Commission no later than 21 days from the date of service of the decision of the Assembly Commission on the appellant and for this purpose time shall be of the essence, and such Notice shall state the grounds of the appeal (which may be in detail or in summary form as the appellant chooses).

G.1.2 G.1.2.1 The Secretary of the Assembly Commission shall forthwith notify the General Secretary that an Appeal has been lodged, at the same time passing on to the

General Secretary the Notice of Appeal together with the body of papers laid before the Assembly Commission in hearing the case and the Record of the Hearing as defined in Paragraph E.12.4. The General Secretary shall thereupon act in a secretarial and administrative capacity in all matters relating to the Appeal.

G.1.2.2 At the same time the Secretary of the Assembly Commission shall also notify the Moderator of the Synod, the Synod Clerk, the Press Officer, the Secretary for Ministries and, in a case arising under Paragraph B.3.2, the Deputy General Secretary that an Appeal has been lodged against the decision of the Assembly Commission.

G.1.3 Except for those provisions which by their context are inappropriate for the Appeals Procedure, the provisions set out in Sections E and F shall also apply to Section G (with the necessary changes).

G.2 On receipt of a valid Notice of Appeal served under Paragraph G.1, the General Secretary shall as soon as possible take the following steps:

G.2.1 Acknowledge receipt of the Notice of Appeal, send to the Appellant a copy of the Record of the Hearing (see Paragraph E.12.4) and follow the procedure set out in either Paragraph G.2.2 or Paragraph G.2.3.

G.2.2 (If the Appeal is brought by the minister under Paragraph [F.6.2.1](#)) serve Notice of the receipt of the Appeal on the Mandated Group, attaching to such Notice a copy of the Notice of Appeal served under Paragraph G.1.1 and of any accompanying statement of reasons and a copy of the Record of the Hearing (see Paragraph E.12.4) and call upon the Mandated Group to submit within 21 days from the date of service of the Notice under this Paragraph a counter-statement containing any comments which the Mandated Group wishes to make in connection with the Appeal or

G.2.3 (If the Appeal is brought by the Mandated Group under Paragraph [F.6.2.2](#)) serve Notice of the receipt of the Appeal on the minister, attaching to such Notice a copy of the Notice of Appeal served under Paragraph G.1.1 and of any accompanying statement of reasons and a copy of the Record of the Hearing (see Paragraph E.12.4) and call upon the minister to submit within 21 days from the date of service of the Notice under this Paragraph a counter-statement containing any comments which the minister wishes to make in connection with the Appeal.

G.3

G.3.1 The Officers of the General Assembly shall within 14 days of receipt by the General Secretary of the Notice of Appeal under Paragraph G.1.1 of these Rules (or within such further time as they shall reasonably require) appoint the Appeals Commission in accordance with Paragraph G.3.2 and Paragraphs G.4 to G.7.

G.3.2 The Appeals Commission for the hearing of each such appeal shall consist of the following five persons:

G.3.2.1 A Convener who shall be a member of the United Reformed Church (but not necessarily a member of the General Assembly) with legal and/or tribunal experience to be selected by the officers of the General Assembly and

G.3.2.2 One of the Moderators of the General Assembly or if for any reason neither should be able to serve, a former Moderator of the General Assembly to be selected by the officers of the General Assembly and

G.3.2.3 Three other members of the General Assembly to be selected by the officers of the General Assembly.

G.3.3 The relevant date for ascertaining whether persons qualify for appointment under Paragraph G.3.2 is the date on which the Secretary of the Assembly Commission notifies the General Secretary that an appeal has been lodged against the decision of the Assembly Commission.

G.3.4 In selecting persons for appointment to the Appeals Commission in accordance with Paragraph G.3.2, the officers of the General Assembly shall, so far as possible, apply the same criteria as are set out in Paragraphs A.6.1, C.2.2 and C.3.1 in relation to appointments to the Commission Panel and to Assembly Commissions.

G.4

G.4.1 The General Secretary shall send to each of the proposed appointees for the Appeals Commission an invitation to serve on the Appeals Commission for the hearing of the Appeal in that case, naming the minister concerned but supplying no further information about the case.

G.4.2 The Notice of Invitation to serve shall draw the attention of each proposed appointee to Paragraph C.3.1 and shall request confirmation that s/he is willing to accept appointment and that s/he is unaware of any circumstances which in the present case might prevent him/her from serving on the Appeals Commission.

G.4.3 The Invitee shall within 7 days of receipt of the Notice of Invitation serve on the General Secretary a Notice indicating whether s/he is able and willing to accept appointment and, if so, confirming compliance with Paragraph C.3.1.

G.5

G.5.1 The General Secretary shall serve notice on the Parties, setting out the name and office or credentials of each proposed appointee, drawing attention to Paragraphs C.3.1 and C.3.2 and requiring notice of objection to any of the proposed appointees under Paragraph C.3.2 to be served upon the General Secretary within 14 days of the service of the notice given under this Paragraph.

G.5.2 Any such Notice of Objection must state the grounds of such objection.

G.5.3 To ensure that the appeals process is moved along in a timely manner, any Notice of Objection received outside the period allowed will not normally be considered unless very good reason can be shown for its late delivery.

G.5.4 The Officers of the General Assembly shall consider every objection properly notified and shall decide whether to uphold or to reject the objection.

G.5.5 If they reject the objection, the General Secretary shall serve notice thereof on the objector.

G.5.6 If they uphold the objection, the General Secretary shall serve notice thereof on the objector, the person to whom the objection was taken and the other Party on whom the Notice specified in Paragraph G.5.1 was served.

G.5.7 In the event of any objection being upheld, the procedure outlined in Paragraphs G.4 and G.5 of these Rules shall be repeated to complete the appointment of the Appeals Commission and to give notice to the Parties of the person appointed.

G.6 The Convener of the Appeals Commission shall not have a casting vote, unless the Appeals Commission shall, in circumstances arising under Paragraph G.7.1, consist of an even number of members.

G.7

G.7.1 In the event that any member of the Appeals Commission shall be unable to carry out his/her duties on the Appeals Commission, the remaining members shall continue to act as the Appeals Commission, subject to there being a minimum of three members.

G.7.2 In the event that for the reasons stated in Paragraph G.7.1 the Appeals Commission shall consist of fewer than three members at any time after the Appeals Commission has taken any steps in connection with the Appeal, the Appeals Commission so appointed shall stand down and be discharged and a new Appeals Commission shall be appointed in accordance with Paragraphs G.3 to G.7 to hear the Appeal.

G.7.3 Once the Appeals Commission has been validly constituted and has taken any steps in accordance with this Section G, no person shall be subsequently appointed to serve on that Appeals Commission.

G.7.4 Notwithstanding that, during the conduct of the appeal, a new person may assume the office of Moderator of the General Assembly, the person previously holding such office shall continue to serve as a member of the Appeals Commission to the exclusion of his/her successor in that office.

G.8 Each member of the Appeals Commission when appointed shall receive from the General Secretary copies of the following:

G.8.1 **Notice of the Assembly Commission's decision.**

G.8.2 Any statement of reasons given by the Assembly Commission.

G.8.3 Any written warning issued.

G.8.4 Any guidance appended to the decision in accordance with Paragraph F.2.3.

G.8.5 The Notice of Appeal, containing the grounds for the appeal.

G.8.6 Any counter-statement received under Paragraph G.2.2 or Paragraph G.2.3.

G.8.7 The body of papers laid before the Assembly Commission in hearing the case.

G.8.8 The Record of the Hearing. (See Paragraph E.12.4)

G.9 The Appeals Commission when constituted shall consider the following matters:

G.9.1 Whether there is or may be new information which has come to light and which could not reasonably have been available to the Assembly Commission before its decision was taken under Paragraph F.2.

G.9.2 Whether any such new information would in its opinion have been material in that, had it been tested and proved to the satisfaction of the Assembly Commission, it might have caused it to reach a different decision.

G.9.3 Whether there may have been some procedural irregularity or breach of the rules of natural justice or serious misunderstanding by the Assembly Commission of the information before it or of any aspect of the Disciplinary Process itself.

G.10

G.10.1 Before reaching its decision on the Appeal, the Appeals Commission shall constitute a Hearing at which the Parties shall attend before the Appeals Commission.

G.10.2 The General Secretary shall consult with the Convener and the other members of the Appeals Commission as to a suitable venue, date and time for the Hearing and, where possible, with the Parties as to a suitable date and time for the Hearing and having so consulted, shall decide thereupon and shall forthwith send a notice to the Parties informing them of the arrangements for the Hearing and at the same time supply this information to the Synod Moderator and, if the case arises under Paragraph B.3.2, the Deputy General Secretary.

G.10.3 At the Hearing of the Appeal, there shall be no further investigation or re-hearing of the evidence nor any further evidence introduced, except for the purpose of considering whether there are sufficient grounds for referring the case for re-hearing in accordance with Paragraph G.11.7.

G.10.4 The General Secretary shall (unless excluded for the reasons specified in Paragraph C.3.1) attend the Hearing for the purpose of giving such procedural advice to the Appeals Commission as may be appropriate and of keeping a formal record of the Hearing. S/he shall not be present when the Appeals Commission deliberates and decides on the case.

G.10.5 If the General Secretary cannot for any reason be present at the Hearing, the Appeals Commission shall itself appoint such person as it considers appropriate to deputise for him/her for that purpose, ascertaining beforehand that such person is not excluded for reasons specified in Paragraph C.3.1. Such person will carry out the duties set out in Paragraph G.10.4 but shall not be present when the Appeals Commission deliberates and decides on the case.

G.10.6 The General Secretary or his/her deputy appointed under Paragraph A.8 shall **prepare a summary minute of the proceedings at the Hearing (the Secretary's minute)**. Where possible, a verbatim record of the proceedings shall also be made by electronic recording or by such other means as shall be directed by the Convener of the Appeals Commission. **The Record of the Hearing shall consist of the Secretary's minute together with any such verbatim record.**

G.10.7 **A representative of the Church’s legal advisers shall normally be present at the Hearing** in order to advise and address the Appeals Commission on matters relating to procedure, law, evidence and interpretation and issues arising under Paragraph G.10.3, but s/he shall not take any part in the decision reached by the Appeals Commission, nor shall s/he be present when the Appeals Commission deliberates and decides upon the case.

G.10.8 The conduct of the Hearing of the Appeal is in the hands of the Appeals Commission whose Convener will at the outset of the Hearing read out the decision of the Assembly Commission.

G.10.9 The Convener will then invite the Parties (commencing with the appellant) to make oral representations to the Appeals Commission on the subject matter of the Appeal.

G.10.10 The Hearing will then be concluded.

G.11 The Appeals Commission shall at the conclusion of the Hearing and all together but in the absence of the Parties and of the General Secretary and of the legal adviser consider and arrive at any of the following decisions (which may be taken unanimously or by a majority vote) always having in mind Paragraph A.1.4 and Paragraph A.1.5 (if this latter paragraph is applicable) which direct the Appeals Commission to have full regard for either Paragraph 2 of Schedule E to the Basis of Union or the second paragraph of Part II of Schedule F to the Basis of Union whichever is relevant:

G.11.1 It may uphold the decision of the Assembly Commission to delete or

G.11.2 It may uphold in its entirety the decision of the Assembly Commission not to delete (whether or not this also includes a decision to issue a written warning to the minister under Paragraph F.2.2) or

G.11.3 It may uphold the decision of the Assembly Commission not to delete, but in addition may issue a written warning to the minister in the terms of Paragraph F.2.2 if the Assembly Commission has not itself already done so or

G.11.4 If the Assembly Commission has decided not to delete but has issued a written warning to the minister under Paragraph F.2.2 the Appeals Commission may uphold the decision not to delete but may direct that the written warning be withdrawn or

G.11.5 It may reverse the decision of the Assembly Commission not to delete or

G.11.6 It may reverse the decision of the Assembly Commission to delete, but may if it considers it appropriate issue a written warning to the minister in the terms of Paragraph F.2.2 or

G.11.7 It may refer the case for re-hearing by another duly constituted Assembly Commission (but only if it considers that there has been some procedural irregularity or serious misunderstanding by the Assembly Commission of the information before it or of any aspect of the Disciplinary Process itself or if material new information becomes available which could not reasonably have been produced before the Assembly Commission).

G.12 There shall be no appeal from the decision of the Appeals Commission and (unless Paragraph G.11.7 applies) the decision of the Appeals Commission shall bring the minister's **Suspension** to an end.

G.13 In recording its decision the Appeals Commission shall comply with the following:

G.13.1 It shall state whether its decision is unanimous or by a majority.

G.13.2 It shall set out any written warning issued to the minister under Paragraph G.11.2, G.11.3 or G.11.6.

G.13.3 It shall append a written statement of its reasons for reaching its decision, but shall not be obliged (unless it wishes to do so) to comment in detail on all or any of the matters of evidence laid before it.

G.13.4 If the decision is to delete the name of the minister from the Roll of Ministers, the Appeals Commission is particularly requested to include in its written statement (see Paragraph G.13.3) appropriate guidance concerning any restrictions which it considers ought to be placed upon any activities involving the minister after his/her deletion with the object of assisting Moderators of Synod, Synods, local churches, the General Secretary, the Deputy General Secretary, the Press Officer, the Secretary for Ministries and others within the Church and also any relevant Outside Organisation. It is emphasised that any such guidance is of an advisory nature and does not form part of the decision.

G.13.5 In addition to its power to offer guidance under Paragraph G.13.4, the Appeals Commission may if it sees fit endorse, overrule, vary or modify in any way any guidance offered by the Assembly Commission in the case in question. For the avoidance of duplication, the Decision Record shall in every case set out in full any guidance offered by the Appeals Commission, even where this simply endorses that offered by the Assembly Commission in its entirety.

G.14 As regards the notification of the decision, the General Secretary shall comply with the following:

G.14.1 S/he shall within 10 days of the date of the decision serve on the minister and the Mandated Group notice of the decision and of the written Statement of Reasons given under Paragraph G.13 and such Notice shall (unless Paragraph G.11.7 applies) state that the minister's **Suspension ceased on the date of the Appeals Commission's** decision.

G.14.2 If the decision is taken in accordance with either Paragraph G.11.3 or Paragraph G.11.6, the General Secretary shall at the same time serve on the minister the written warning referred to in those Paragraphs and shall send a copy thereof to the Mandated Group.

G.14.3 If the decision is taken in accordance with Paragraph G.11.4, the General Secretary shall at the same time serve on the minister and on the Mandated Group notice that the written warning issued following the decision of the Assembly Commission is withdrawn.

G.14.4 S/he shall at the same time send to the minister and the Mandated Group copies of any guidance appended to the decision of the Appeals Commission under Paragraph G.13.4.

G.14.5 S/he shall at the same time send to the Secretary of the Assembly Commission, the Moderator of the Synod, the Synod Clerk, the Press Officer, the Secretary for Ministries and the Deputy General Secretary copies of the documents served on the minister and the Mandated Group under Paragraphs G.14.1 to G.14.4 and, unless Paragraph G.15 applies, stressing to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used. The Mandated Group shall thereupon comply with Paragraph H.4.

G.14.6 At the time of compliance with Paragraph G.14.5, the General Secretary shall also send to the responsible officer of any relevant Outside Organisation notice of the decision of the Appeals Commission (including, in the event of a decision not to delete, the date of cessation of the minister's **Suspension**), **together with copies of the Statement of Reasons** sent to the minister and the Mandated Group in accordance with Paragraph G.14.1 and details of any guidance issued by the Appeals Commission as appended to its decision which it expressly states to be its wish to pass on to such Outside Organisation, stressing the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used.

G.15 If the decision is taken in accordance with Paragraph G.11.7, the Notice served by the General Secretary under Paragraph G.14.1 shall constitute a Notice of Reference Back. The Assembly Commission appointed for the re-hearing of the case shall not be given any information relating to the conduct of the previous Hearing but may have sight of the documents, statements and information delivered to the Assembly Commission under the provisions contained in Section E.

G.16

G.16.1 **Subject only to the requirements of Paragraphs A.4.2 and A.14 and the discharge of its responsibilities under Paragraph J.3** the decision of the Appeals Commission shall conclude its involvement in the Disciplinary Process. Unless the decision falls within Paragraph G.15 (reference back to another duly constituted Assembly Commission), it shall have the effect provided for in Paragraph G.16.2 or Paragraph G.16.3, whichever is applicable.

G.16.2 In the event of the Appeals Commission deciding to delete, the minister's suspension shall continue up to the date of the decision, on which date the deletion shall automatically take effect. The Disciplinary Process case shall be regarded as concluded on such day.

G.16.3 In the event of the Appeals Commission deciding not to delete, the minister's suspension shall cease on the date of the decision and the Disciplinary Process case shall be regarded as concluded on such day.

G.17 The attention of the Mandated Group is particularly drawn to Paragraph H.4

H. Forms, service of documents and miscellaneous matters

H.1 Model forms of Notice have been prepared to assist those concerned with the Disciplinary Process. The forms of Notice may be amended from time to time and new forms introduced. Use of the model forms is not compulsory and minor variations in the wording will not invalidate the Notice being given, but it is strongly recommended that the model forms be used and followed as closely as possible to avoid confusion and to ensure that all relevant information is supplied at the proper time.

H.2

H.2.1 Service of any document required to be served on an individual shall be deemed to have been properly effected in any of the following ways:

H.2.1.1 By delivering the document personally to the individual to be served.

H.2.1.2 By delivering the document or sending it by first class pre-paid post or by Recorded Delivery post addressed to the last known address of the individual to be served in a sealed envelope addressed to that individual.

H.2.1.3 In such other manner as the Assembly Commission or the Appeals Commission (if service relates to the Appeals Procedure) or the Convener or Deputy Convener of the Commission Panel (if service relates to a period prior to the appointment of the Assembly Commission) may direct having regard to the circumstances.

H.2.2 Service of any document required to be served on any Mandated Group shall be deemed to have been properly effected in any of the following ways:

H.2.2.1 By delivering the document personally to that member of the Mandated Group who has been nominated in the Referral Notice to accept service or in the absence of such nomination to the person who signed the Referral Notice, provided that in either case such person is still a member of the Mandated Group when such service is required to be effected.

H.2.2.2 By delivering the document or sending it by first class pre-paid post or by Recorded Delivery post addressed to the person referred to in Paragraph H.2.2.1 at the address specified in such nomination or, in the absence of such nomination, at the address given in the Referral Notice.

H.2.2.3 In such other manner as the Assembly Commission or the Appeals Commission (if service relates to the Appeals Procedure) may direct having regard to the circumstances.

H.2.3 Service of any document required to be served on the Secretary of the Assembly Commission or on the General Secretary shall be deemed to have been properly served if delivered or sent by first class pre-paid post or by Recorded Delivery post addressed to the Secretary of the Assembly Commission or the General Secretary as the case may be at the address given in the current issue of the Year Book or subsequently notified or (in the absence of any such address in the Year Book) in an envelope addressed to that person at Church House, 86 Tavistock Place London WC1H 9RT and marked 'Disciplinary Process'.

H.2.4 All documents required to be served shall be placed in a sealed envelope clearly **addressed to the addressee and marked 'Private and Confidential'**.

H.2.5 In the case of service of documents by first class pre-paid post, service shall be deemed to have been effected on the third day after the posting of the Notice.

H.3 Deletion as a result of the Disciplinary Process shall have the effect of terminating any contract, written or oral, between the minister and the United Reformed Church or any constituent part thereof in relation to his/her ministry.

H.4 Within one month of the conclusion of each case as provided in either Paragraph B.8.2.1 or Paragraph F.7, the Mandated Group shall prepare a written report of its conduct of the case and submit it to the Secretary of the Assembly Commission, who shall, in order to preserve confidentiality, remove from the report the name and address of the minister, the name of the minister's church(es) and any other information which might lead to the identification of any individuals involved in the case. The purpose of the report shall be to help those charged with the ongoing review of the operation of the Disciplinary Process to monitor the performance of Mandated Groups and thus to ensure that all appropriate training and assistance is provided and the highest standards are maintained.

For the avoidance of confusion, there is no Section I, the Rules of Procedure moving directly from Section H to Section J.

J. Report to General Assembly, costs and retention of records and papers

J.1 The General Secretary shall report to the General Assembly all decisions reached by the Assembly Commission and the Appeals Commission (other than Cautions imposed by the Synod Appointees and decisions made by the Special Appeals Body under Paragraph E.5.3 against the impositions of Cautions during the Caution Stage) in the following manner:

J.1.1 If a decision of the Assembly Commission is subject to appeal, the Report shall simply state that a decision has been reached in a case which is subject to appeal and shall not name the minister.

J.1.2 If a decision of the Assembly Commission is not subject to appeal and is to delete under Paragraph F.2.1, the Report shall so state and name the minister.

J.1.3 If a decision of the Assembly Commission is not subject to appeal and is to allow the name of the minister to remain on the Roll of Ministers under Paragraph F.2.1 with or without the issue of a written warning under Paragraph F.2.2, the Report shall so state without naming the minister.

J.1.4 In any case which goes before the Appeals Commission, if the decision is to delete, the Report shall accord with Paragraph J.1.2 and if the decision is to allow the name of the minister to remain on the Roll of Ministers with or without the issue of a written warning, the Report shall accord with Paragraph J.1.3.

J.1.5 Guidance appended to any decision of the Assembly Commission or the Appeals Commission shall not be included in any report to General Assembly under this Paragraph J.1.

J.2 If a case is concluded under the provisions of Paragraph E.5.3.17 the Report shall simply state that a case has been referred into the Incapacity Procedure and shall not name the minister.

J.3 The cost of operating the Disciplinary Process and the reasonable and proper expenses of persons attending a Hearing and the costs of any reports obtained by or on the authority of the Assembly Commission or the Appeals Commission or any other costs and expenses which the Assembly Commission or the Appeals Commission deem to have been reasonably and properly incurred in the course of such process (but excluding any costs and expenses incurred by the parties in the preparation of their respective cases and the cost of any representation at the Hearing) shall be charged to the general funds of the Church, and the Report of each case to the General Assembly shall state the total cost incurred in that case.

J.4 The Secretary of the Assembly Commission shall be responsible for the keeping of the record of decisions taken by the Assembly Commission and by the Appeals Commission, and for the custody of all papers relating to concluded cases, which shall include the papers which the Mandated Group and the minister have lodged with the Secretary of the Assembly Commission and, in the event of an appeal, with the General Secretary during the course of the proceedings. The complete bundle of all these papers shall be kept in a locked cabinet at Church House.



Disciplinary Process Conflation of Parts I and II

This paper explains how the existing paragraphs of Part I are being conflated with Part II.

Paragraphs 1.1, 1.2, 2, 4.1 and 4.2

These paragraphs set out the guiding principles of the Process. As the existing A.1 of Part II will no longer be necessary, these leading paragraphs are being moved into A.1, the current 1.1 becoming A.1.1, 1.2 becoming A.1.2, 2 becoming A.1.3, the current 4.1 becoming A.1.4 and 4.2 becoming A.1.5.

Paragraph 1.3.1

The wording of this paragraph has been inserted into the leading words of Paragraph E.5.3. Paragraph 1.3.1 of Part I sets out in full the criteria required to refer a Minister into the Incapacity Procedure, whereas the existing E.5.3 simply refers to the criteria as set out in the relevant paragraph of the Incapacity Procedure itself. So E.5.3 has been amended to set out the existing 1.3.1 wording in full.

Paragraphs 1.3.2/4

Paragraph 1.3.2 is fully covered by E.5.3.14, 1.3.3 is covered by E.5.3.17 (subject to minor changes) and 1.3.4 is fully covered by E.5.3.19.

Paragraphs 3.1 and 3.2

These paragraphs have become new A.16.1/2 in the revision. Also a paragraph is required in Section AA to correspond with B.3.4. To achieve this, the existing Paragraphs AA.2.1 and AA.2.2 have become AA.2.1.1 and AA.2.1.2. This makes way for the insertion of a new AA.2.2 along the lines of B.3.4 adapted to refer to the initiation of the Caution Stage, adding at the end the words "(but see the corresponding Paragraph B.3.4 should s/he wish to proceed directly with the calling in of the Mandated Group)". For consistency, the words "(but see the corresponding Paragraph AA.2.2 should s/he wish to initiate the Caution Stage)" have been added at the end of B.3.4.

Paragraphs 5.1, 5.2 and 5.3

These paragraphs will become F.6.2.1, F.6.2.2 and F.6.2.3. The current F.6.2 will then become F.6.2.4.

Paragraphs 6 and 7.1

These will both disappear.

Paragraphs 7.2 and 7.3

In their present form Paragraphs 7.2 and 7.3 will no longer be appropriate since Part I will cease to exist. However, they will be retained in an amended form which will tie in with the new General Assembly Function (xxvi) contained in the "Proposed Changes to the Structure" paper. Accordingly the revision includes a new Paragraph A.15 to provide for this.



A5

Incapacity Procedure with changes for General Assembly 2012

P) Procedure for dealing with cases of incapacity involving ministers or church-related community workers

JULY 2012

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For the avoidance of confusion, there is no Section I

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INTRODUCTION (N.B. This introduction does not form part of the text of the Incapacity Procedure)

The Procedure which follows allows the Church to deal with the cases of ministers of Word and Sacrament or church related community workers (CRCWs) who are regarded as being incapable of exercising, or of continuing to exercise, their respective ministries on account of (i) medical and/or psychiatric illness and/or (ii) psychological disorder and/or (iii) addiction. It is not a disciplinary process and will only be invoked in situations where the Assembly Pastoral Reference and Welfare Committee has been involved with the minister concerned and has reported that it has reached the point where it believes it can do no more for him/her. Whilst considered as a last resort, the Incapacity Procedure will nevertheless enable the Church to take decisive action in cases where the continued exercise of ministry would undermine the promises made by the minister at ordination or, in the case of a CRCW, at his/her commissioning.

THE PROCEDURE

Leading Paragraphs

LP.1 Under the provisions of this Incapacity Procedure (herein called 'the Incapacity Procedure') a Review Commission and, in the event of an appeal, an Appeals Review Commission shall operate under the authority of the General Assembly for the purpose of considering and deciding upon cases properly referred to it in which ministers or church related community workers (CRCWs), whilst not perceived to have committed any breach of discipline, are nevertheless regarded as being incapable of exercising, or of continuing to exercise, ministry on account of (i) medical and/or psychiatric illness and/or (ii) psychological disorder and/or (iii) addiction.

LP.2 The Review Commission, the Standing Panel, the Special Appeals Body, the Appeals Review Commission, and all aspects of the Incapacity Procedure shall at all times remain under the jurisdiction and control of the General Assembly which has the authority through the exercise of its functions as contained in Paragraph 2(6) of the Structure to amend, enlarge or revoke the whole or any part of this Incapacity Procedure, save only that, as long as that Procedure remains in force, the decision reached in any particular case (whether or not on appeal) and any orders made in accordance with the Incapacity Procedure shall be made in the name of the General Assembly and shall be final and binding on the minister or CRCW and on all the councils of the Church.

LP.3 Subject only to Section H, when the case of any minister or CRCW is being dealt with under the Incapacity Procedure, it must be conducted and concluded entirely in accordance with that procedure and not through any other procedure or process of the Church.

LP.4 Although the operation of the Incapacity Procedure is not based upon the conscious breach by the minister or CRCW of the promises made at ordination or commissioning, the Review Commission or, in the event of an appeal, the Appeals Review Commission shall, in considering the matter and reaching its decision, in every case have full regard to the Basis of Union and in particular (in the case of ministers) Paragraph 2 of Schedule E thereto and (in the case of CRCWs) Paragraph 2 of Schedule

F, Part II thereto which state the responsibilities undertaken by those who become ministers and CRCWs of the Church and the respective criteria which they must apply in the exercise of their ministries.

LP.5 The Incapacity Procedure shall not be initiated in respect of any minister or CRCW if his/her case is currently being dealt with under the Disciplinary Process, save only where the Incapacity Procedure is initiated as a result of a recommendation from the Disciplinary Process, giving rise to a short transitional overlap between the commencement of the case within the Incapacity Procedure and the conclusion of the Disciplinary Process in relation to that minister or CRCW.

A. General

A.1.1 In reference to any of the sections LP and A/N shall mean a reference to that section of this Incapacity Procedure and the following is a list of definitions of terms as used in the Incapacity Procedure:-

- **'Appeals Commission'** means the Commission constituted under the Disciplinary Process for the purpose of hearing and deciding each appeal dealt with under that process
- **'Appeals Review Commission'** means the Commission consisting of three person constituted for the purpose of hearing and deciding upon each appeal under Section L
- **'Assembly Commission'** means the Commission constituted under the Disciplinary Process for the purpose of hearing and deciding upon each case dealt with under that process
- **'Basis of Union'** means the Basis of Union of the United Reformed Church
- **'Certificate of entry'** means the Certificate duly completed and signed by the Convener of the PRWC in the format set out in the Appendix to this Incapacity Procedure
- **'Church'** means the United Reformed Church
- **'Commencement Notice'** means the Notice sent or delivered to the Secretary of the Review Commission in accordance with Paragraph B.3 in order to initiate the Incapacity Procedure
- **'Commission Officer'** means the person appointed to act under the instructions of the Review Commission in carrying out an investigation and assembling the relevant information and documentation for the assistance of the Review Commission and whose role and functions are set out in Section G.
- **'Consultation Group'** means the group of persons required to be consulted in accordance with Paragraph B.1 in order to initiate the Incapacity Procedure
- **'CRCW'** means a person whose name is on the Roll of Church Related Community Workers who is under consideration within the Incapacity Procedure (and see also Paragraph A.1.2)
- **'Decision Record'** means the record of the Decision made by the Review Commission or the Appeals Review Commission as the case may be in the case of any minister or

CRCW under consideration within the Incapacity Procedure

- **'Disciplinary Process'** means the Process operated by the Church for the purpose of exercising discipline in respect of persons whose names are on either the Roll of ministers or the Roll of CRCWs, such process being contained in Section O of the Church's Manual
- **'Enquiry Stage'** means the pre hearing stage during which the Review Commission conducts its enquiry in accordance with Section F assisted by the Commission Officer.
- **'Hearing'** means any Hearing conducted by the Review Commission or the Appeals Review Commission under Sections J or L
- **'Incapacity Procedure'** means the whole Procedure set out herein dealing with cases of ministers or CRCWs falling within Paragraph LP.1
- **'Minister'** means a person whose name is on the Roll of Ministers and who is under consideration within the Incapacity Procedure (and see also Paragraph A.1.2)
- **'Minister's Representative'** means any person appointed to represent a minister in accordance with Paragraph A.7 (and see also Paragraph A.1.2)
- **'Notice of Appeal'** means a Notice of Appeal lodged by or on behalf of a minister or a CRCW in accordance with Paragraph L.1.1
- **'Outside Organisation'** means any body or organisation outside the Church by which the minister or CRCW is employed or with which the minister or CRCW holds any position or post or has any involvement, paid or unpaid, where such body or organisation would have a reasonable and proper expectation of being made aware of the particular step(s) being taken and/or the particular guidance being issued under the relevant paragraph of the Incapacity Procedure in which the reference to the expression 'Outside Organisation' appears
- **'Press Officer'** means the person appointed to act for the Church and to be its spokesperson as regards its interaction with the Press and other media bodies
- **'PRWC'** means the Pastoral Reference and Welfare Committee which operates under the General Assembly of the Church (and shall include any committee or body which may be set up in succession to the PRWC)
- **'Record of the Hearing'** means the Secretary's Minute together with any verbatim record made and transcribed in accordance with Paragraph J.9
- **'Review Commission'** means a Commission consisting of five persons selected as described in Section D for the purpose of hearing and deciding upon each case dealt with under the Incapacity Procedure
- **'Roll of CRCWs'** means the Roll of Church Related Community Workers defined in the first paragraph of Schedule F to the Basis of Union (and see also Paragraph A.1.2)
- **'Roll of Ministers'** has the meaning given to it in Paragraph 1 of Schedule E to the Basis of Union (and see also Paragraph A.1.2)

- **'Secretary of the Review Commission'** means the person appointed to act as the Secretary of the Review Commission and the Standing Panel in accordance with Paragraph D.2
- **'Secretary's Minute'** means the summary minute of the Hearing prepared by the Secretary of the Review Commission in accordance with Paragraph J.9
- **'Special Appeals Body'** means the body appointed to hear appeals under Section H against a proposed reference back and recommendation to commence the Disciplinary Process.
- **'Standing Panel'** means the panel of four persons constituted in accordance with Section C who will form part of each Review Commission
- **'Statement of Reasons'** means a statement appended to the Decision Record setting out the reasons for the Decision
- **'Structure'** means the Structure of the United Reformed Church
- **'Suspension'** and **'to Suspend'** shall have the meanings given to them in Paragraphs 3 and 4 of Schedule E to the Basis of Union and the third and fourth paragraphs of Part II Schedule F to the Basis of Union
- **'Synod'** means that Synod which in relation to any minister or CRCW exercises oversight of that minister or CRCW in accordance with its function under Paragraph 2(4)(A)(xv) of the Structure

A.1.2 For the avoidance of repetition, whenever the word 'minister' or the expressions 'the Roll of Ministers' or 'the minister's representative' or any word or expression relating to a minister or ministry appears in the Incapacity Procedure, it shall be taken as being equally referable to a CRCW or to the Roll of CRCWs or to the office of CRCW or to a CRCW's representative as the case may be, unless such construction is precluded by the context.

A.2 The Incapacity Procedure needs to move along in a timely manner so that feelings of frustration and unfairness do not arise as a result of unexplained delays and also so as to reduce the period of maximum stress for the minister and all those involved. Yet, of equal importance, the issues have to be explored sensitively to enable wise and thoughtful decisions to be taken. Thus the Review Commission must at all times be mindful of the need to balance proper expedition on the one hand with the need to achieve natural justice both for the minister and the whole Church and an outcome which is fair and properly considered.

A.3 Subject to the exceptions contained in Paragraph A.4, all statements, whether written or oral, made during and in the context of the Incapacity Procedure shall be regarded as being made in pursuance of that object and for no other reason and shall be treated as confidential within the framework of the Incapacity Procedure. In this connection, the expression "the framework of the Incapacity Procedure" shall be regarded as covering not only the immediate confidentiality forum existing within the Incapacity Procedure during and beyond the continuance of the case, but shall extend to include any statements and information passed on to any person or body not directly involved in the case in the course of the implementation of any part of the decision of

the Review Commission or the Appeals Review Commission or any guidance appended thereto, on the basis that the recipient thereof is made fully aware that he/she/it is bound by the confidentiality existing within the Incapacity Procedure in respect of such statements/information.

A.4

A.4.1 The Review Commission may, with the consent of the person or group making it, pass on any statement falling within Paragraph A.3 to any person or group within the Church, provided that the Review Commission satisfies itself that any statement so passed on will remain within the confidential forum of the recipient(s).

A.4.2 Should either (i) a formal request for information concerning any case dealt with under the Incapacity Procedure be received from the Independent Safeguarding Authority or any other public body with the requisite statutory authority to insist upon production thereof or (ii) circumstances arise which create a statutory requirement to supply such information, then in either case the supply to that body of such information shall not be deemed to be a breach of confidentiality under the Incapacity Procedure but shall be deemed to be made in pursuance of a public responsibility and not part of any decision made in accordance with the Incapacity Procedure. This paragraph shall also apply to any case arising within Scottish jurisdiction, subject only to such changes as are necessary to comply with the comparable referral provisions of Scottish law.

A.5 In any case where a person authorised or required to take some action regarding the appointment of persons to the Standing Panel or to any Review Commission, Appeals Review Commission or Special Appeals Body or in the initiation of the consultation specified in Paragraph B.1 or as a member of the Consultation Group or in the subsequent issue of a Commencement Notice or some other administrative or procedural matter under the Incapacity Procedure is unable for any reason to do so, then, unless the Incapacity Procedure already makes specific provision for such a **situation, that person's duly appointed deputy shall take such action in his/her place.** This paragraph does not permit any member of a Review Commission or an Appeals Review Commission or a Special Appeals Body to appoint his/her own deputy.

A.6 In any case where the Secretary of the Review Commission is unable for any reason to carry out the duties of that office, his/her place shall be taken by a deputy duly authorised by or in the name of the General Assembly.

A.7.1 Any minister coming within the Incapacity Procedure shall be entitled to appoint **another person to act as the minister's representative in receiving and responding to** any forms, letters or other documents, in dealing with any other procedural matters and in attending any meeting or Hearing, with or without the minister.

A.7.2 In the case of any minister who, by reason of his/her incapacity, may be incapable of understanding the implications of his/her involvement in the Incapacity Procedure or the nature and substance of the Commencement Notice, or of dealing with any procedural issues or of taking any active part in any meetings or at any Hearings, the Review Commission, or the Appeals Review Commission, as the case may **be, may, in response to an application made on the minister's behalf, agree to the appointment of an appropriate person to act as the minister's representative for the** purposes set out in Paragraph A.7.1.

A.7.3 In the case of a minister coming within Paragraph A.7.2 on whose behalf no such application is made under that Paragraph, the Review Commission or the Appeals Review Commission may invite the PRWC to advise whether such an appointment **would be appropriate in the minister's best interests and, if so**, to recommend a person for appointment and may thereupon appoint the person so recommended as the **minister's representative for the purposes set out in Paragraph A.7.1.**

A.7.4 In the event that the PRWC for whatever reason does not respond to the invitation contained in Paragraph A.7.3, the Review Commission or the Appeals Review Commission may, following consultation with the Moderator of the Synod, itself appoint **a person as the minister's representative for the purposes of Paragraph A.7.1.**

A.8 The Church recognises that, from time to time, cases falling within the Incapacity Procedure may attract the attention of the national or local press and other media organisations and authorises Synod Moderators, Assembly Officers and the Secretary of the Review Commission to supply to the Press Officer such information as s/he may reasonably require to deal with all press/media enquiries in a tactful and discreet manner so as to protect the interests of the Church, the minister and all others involved in the case. This paragraph is intended to take effect independently of and in addition to those paragraphs throughout this Part II under which the Press Officer has been identified as one of the persons to whom specific information is given at various points in the Procedure.

A.9 In the event of the minister having already been the subject of the Capability Procedure, the record of any decisions (including decisions on appeal) taken under that procedure, together with such papers, records, and statements and other data as formed the body of information relevant in that procedure (save only such as may be protected on the grounds of confidentiality) shall be made available to all those persons responsible at various stages and in various capacities for the conduct of the Incapacity Procedure.

A.10 Whilst the Guidelines on Conduct and Behaviour are not intended to be rigorously applied in the same manner as precise rules they nevertheless have an important part to play in the process of considering whether, in any given case, the minister might be in breach of his/her ordination/commissioning promises and consequently it would be appropriate for reference to be made to these Guidelines as appropriate within the Incapacity Procedure.

A.11 In any case in which the General Secretary or the Deputy General Secretary **or the Secretary of the Review Commission or the Commission Officer** is prevented, **whether at the outset or at any time during the continuance of the case**, (i) by direct involvement as the minister in the case itself or (ii) by any conflict of interest actual or perceived or (iii) by absence or illness or any similar or related reason, from exercising any of the functions ascribed to him/her under the Incapacity Procedure, the officers of the General Assembly (excluding the General Secretary or the Deputy General Secretary as the case may be) shall appoint a person to act in place of the person so prevented from acting in all respects as regards that particular case and the **provisions of the Procedure** shall be construed accordingly. Should alternative (i) above apply, the person so prevented from acting shall be debarred from exercising any of the aforesaid functions in any other case which may arise under the Incapacity Procedure during the continuance of the case **in which s/he is directly involved.**

A.12 Mission Council acting in the name of General Assembly has authority by single resolution of that Council to make with immediate effect such changes to any part of the **Incapacity Procedure** as are recommended by the MIND Advisory Group (or such other Group or Committee as may in the future perform the functions of that Group), all such changes to be reported to the next meeting of the General Assembly.

B. Initiation of the Incapacity Procedure

B.1.

B.1.1 If at any time the Moderator of the Synod or the Deputy General Secretary believes that a particular minister may be incapable of exercising (or of continuing to exercise) his/her Ministry on any of the grounds specified in Paragraph 1 of Part I, s/he shall enquire from the Convener of the PRWC (i) whether the PRWC has been involved with the minister and, if so, (ii) whether it has now reached the point where it believes it can do no more for him/her. If, and only if, the answer to both questions is in the affirmative, s/he shall, wherever possible, consult the other of them (i.e. the Moderator of the Synod or the Deputy General Secretary as the case may be) and s/he shall also **consult the Convener of the PRWC and those persons (“the Consultation Group”)** shall decide whether the Incapacity Procedure should be initiated. For the avoidance of doubt, unless and until the questions posed at (i) and (ii) above can both be answered in the affirmative, the Incapacity Procedure cannot be initiated.

B.1.2 The Moderator of the Synod or the Deputy General Secretary may, if s/he considers that there are strong and urgent reasons for so doing, and only so long as s/he forthwith invokes the consultation procedure set out in Paragraphs B.1.1 and B.2, suspend the minister with immediate effect, either orally or in writing. Suspension imposed orally shall be immediately confirmed in writing to the minister. As to the contents of the Notice of Suspension, see Paragraph E.6.

B.1.3 The person issuing the suspension under Paragraph B.1.2 shall forthwith (i) give **written notice of the minister’s suspension to the Moderator of the Synod (if s/he is not the person issuing the suspension)**, the Synod Clerk, the General Secretary, the Press Officer, the Secretary for Ministries and the Convener of the PRWC, and (ii) make a **written disclosure of the minister’s suspension to the responsible officer of any relevant Outside Organisation** (as defined in Paragraph A.1). The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used. In order to preserve confidentiality any notice or disclosure given under this Paragraph shall not disclose any reason for the imposition of the Suspension. However, any such notice or disclosure shall contain a statement explaining the effect of Suspension as outlined in either Paragraph 4 of Schedule E to the Basis of Union or the fourth paragraph of Part II of Schedule F to the Basis of Union whichever is relevant and shall (if such be the case) state that the Police have been apprised of the matter giving rise to the Suspension.

B.2. As part of the consultation referred to in Paragraph B.1.1, the Consultation Group must satisfy itself as to the following matters:-

B.2.1 that all reasonable steps to rehabilitate the minister have been attempted; and

B.2.2 that the Church's procedures for ill health retirement do not apply or that there is no reasonable prospect of their implementation or of the resignation of the minister;

and

B.2.3 that the PRWC has been involved with the minister but has now stated that it can do no more for him/her; and

B.2.4 that no case against the minister is already in progress under the Disciplinary Process unless paragraph B.6 applies.

B.3

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

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

B.3.3 The Secretary of the Review Commission shall thereupon notify the following persons in writing of the issue of the Commencement Notice, namely the General Secretary, the Synod Moderator (if s/he did not issue the Commencement Notice), the Synod Clerk, the Press Officer, the Secretary for Ministries, the Convener of the PRWC and the responsible officer of any relevant Outside Organisation. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used. If appropriate, the Notice may be combined with a Notice given under Paragraph E.4 regarding suspension.

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

B.4 In the event that the Consultation Group decides that a Commencement Notice should not be issued, the suspension shall immediately be terminated and written confirmation thereof sent by the Moderator of the Synod or Deputy General Secretary as the case may be to the recipients of the Notice of Suspension under Paragraph B.1.3(i) and to any Outside Organisation to whom a written disclosure was made under Paragraph B.1.3(ii).

B.5 On the initiation of the Incapacity Procedure the Moderator of the Synod or the Deputy General Secretary shall put in train appropriate procedures to ensure pastoral care for the minister, his/her family and the local church(es) involved.

B.6 Should the Moderator of the Synod or the Deputy General Secretary receive in accordance with the provisions applicable to the Disciplinary Process a recommendation

falling within Paragraph LP5 s/he shall forthwith invoke the consultation procedure set out in Paragraphs B.1 and B.2 and, unless the Consultation Group considers, either unanimously or by a majority, that there are compelling reasons to the contrary and so long as the Consultation Group is satisfied that the conditions contained in Paragraphs B.1.1 and B.2 have been complied with, the Moderator of the Synod or the Deputy General Secretary receiving the said recommendation shall forthwith initiate the Incapacity Procedure in accordance with Paragraph B.3 and shall attach to the Commencement Notice a copy of such recommendation. S/he shall also send a written Notice countersigned by the Secretary of the Review Commission to the Secretary of the Assembly Commission informing him/her of the initiation of the Incapacity Procedure so that a declaration can be issued as provided under the Disciplinary Process to the effect that that Process is thereby concluded. In the event that the Consultation Group decides that the Incapacity Procedure should not be initiated, the Synod Moderator or the Deputy General Secretary as the case may be shall give written Notice of that decision to the Secretary of the Assembly Commission to enable the Disciplinary case to be resumed.

C. Standing Panel

C.1 Appointment to the Standing Panel shall be by resolution of General Assembly on the advice of the Nominations Committee, (or such other committee as may in the future perform the functions of the Nominations Committee) who shall in considering persons for appointment select one person from each of the following categories, namely (i) a former moderator of General Assembly (who shall also have the responsibility of consulting with the officers of the General Assembly for the purposes set out in Paragraph D.4.1, (ii) a Synod Moderator or a minister in local pastoral charge or a CRCW serving in a local situation, (iii) a doctor with experience of general medical practice and (iv) a person with some legal, tribunal or professional experience or other similar background (see also Paragraph D.6.1).

C.2 Members of the Standing Panel shall be appointed for a term not exceeding five years as the General Assembly shall in each case think fit with power to the General Assembly to determine any such appointment during its term or to renew any such appointment for successive terms not exceeding five years each.

C.3.1 Mission Council shall, on behalf of General Assembly, appoint a person with some legal, tribunal or professional experience or other similar background to act as the Commission Officer in cases coming within the Incapacity Procedure and a second person with similar credentials to act as a reserve Commission Officer should the person firstly appointed be unable for any reason to participate in a particular case.

C.3.2 In the event that neither of the persons referred to in Paragraph C.3.1 is able to act as Commission Officer in any particular case, the Secretary shall invite the Officers of General Assembly to appoint another person to act as Commission Officer in that case, making every effort to appoint someone with similar credentials.

C.3.3 The principle enunciated in Paragraph D.1 must be taken into account in considering whether a person is eligible to act as Commission Officer in any given case.

D. Review Commission

D.1 No person shall sit as a member of the Review Commission or the Appeals Review Commission or the Special Appeals Body in the hearing of any case in which s/he has any involvement whether as a member of any local Church or Synod connected with the case or whether on account of some personal or pastoral involvement as a result of which it is considered by the officers of General Assembly or by the proposed person him/herself that it would not be appropriate for him/her to take part in the hearing of the case.

D.2 A Secretary shall be appointed by resolution of General Assembly, on the advice of the Nominations Committee, to be responsible for all secretarial and procedural matters laid upon him/her by the Incapacity Procedure, including the servicing of the Standing Panel and the Review Commission, and the period and terms of office shall be such as General Assembly shall decide and see Paragraph A.6.

D.3 On receipt of a Commencement Notice, the Secretary shall forthwith take the following steps (marking every envelope containing papers dispatched in connection **with the Incapacity Procedure with the words 'Private and Confidential'**):

D.3.1 Acknowledge receipt of such Notice and

D.3.2 Send to the minister copies of the Certificate of Entry, the Commencement Notice and any supporting documentation, together with a Notice giving the minister the opportunity to submit a written response within a period of one month from the date of the Commencement Notice and

D.3.3 Send to each member of the Standing Panel copies of the Certificate of Entry, the Commencement Notice and any supporting documentation, together with a Notice drawing attention to Paragraph D.4 and requesting confirmation that the addressee is unaware of any circumstances which in the present case might prevent him/her from serving on the Review Commission.

D.3.4 The Secretary shall send to the Commission Officer copies of the Certificate of Entry, the Commencement Notice and any supporting documentation, together with a notice requesting confirmation that the addressee is unaware of any circumstances which in the present case might prevent him/her from serving as Commission Officer and, in the event that that person is unable to serve as the Commission Officer, the Secretary shall repeat the procedure with the second person referred to above.

D.4.1 The member of the Standing Panel in the first category mentioned in Paragraph C.1 (or the member in the second, third or fourth categories (in that order) if the member(s) in the preceding category(ies) is/are unable to participate in the particular case) shall forthwith consult with the officers of General Assembly and jointly with them appoint as the fifth member of the Review Commission a person (not already a member of the Standing Panel) chosen on account of particular expertise or experience in the subject matter of the case, ascertaining through the procedures set out above that no conflict of interest or other reason would prevent such person from serving upon the Review Commission.

D.4.2 In the event that any member of the Standing Panel shall be unable to take part in the particular case, the Secretary shall invite the officers of General Assembly to appoint another person as his/her replacement on the Review Commission, making

every effort to appoint someone with similar experience/expertise.

D.5 When the identity of all five members of the Review Commission has been **provisionally ascertained, the Secretary shall notify the minister or the minister's** representative in writing thereof and invite him/her to state within 14 days of receipt of the Notice whether s/he has any objection to any of the persons serving upon the Review Commission and, if so, the grounds for such objection. Any such objection shall be considered by the officers of General Assembly, whose decision on whether to uphold or reject the objection shall be final.

D.6.1 The Review Commission shall appoint from its own number its own convener who shall be a member of the Church and who shall normally be the person appointed to the Standing Panel by virtue of his/her legal, tribunal or professional experience or other similar background under Paragraph C.1(iv).

D.6.2 The Convener of the Review Commission shall not have a casting vote, unless the Review Commission shall in circumstances arising under Paragraph D.7.1 consist of an even number of members.

D.7.1 In the event that any member of the Review Commission shall be unable to carry out his/her duties on that Commission, the remaining members shall continue to act as the Review Commission, subject to there being a minimum of three members.

D.7.2 Once a Review Commission has been duly constituted and has taken any steps to investigate the case, no person shall subsequently be appointed to serve on that Review Commission.

D.7.3 In the event that the Review Commission shall be reduced to fewer than three members at any time after it has taken any steps to investigate the case under the Incapacity Procedure, that Review Commission shall stand down and be discharged and a new Review Commission shall be appointed under this Section D which shall have access to all information (including documentation available to the former Review Commission).

D.7.4 If the Convener of the Review Commission is unable to continue to serve for the reason stated in Paragraph D.1, the remaining members shall appoint one of their number to be the Convener in his/her place.

E. Suspension

E.1 If the minister has already been suspended before the case has come into the Procedure, the Review Commission must, as soon as it has been constituted, decide whether the suspension should be continued or lifted, and inform all those concerned.

E.2 If the minister has not already been suspended, the Review Commission may, either immediately upon its appointment or at any time during the continuance of the case, resolve that the minister be suspended.

E.3 Any suspension, whenever imposed, may be lifted by the Review Commission at any time during the continuance of the case.

E.4 The Secretary of the Review Commission shall forthwith (i) give written notice of

any decision regarding Suspension made by the Review Commission under Paragraph E.1, E.2 or E.3 to the minister, the General Secretary, the Synod Moderator, the Synod Clerk, the Press Officer, the Secretary for Ministries, the Convener of the PRWC (and the Deputy General Secretary if s/he issued the Commencement Notice under **Paragraph B.3) and (ii) make a written disclosure of the minister's suspension to the** responsible officer of any relevant Outside Organisation, unless notice thereof has already been given to that Outside Organisation under Paragraph B.1.3. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used. In order to preserve confidentiality any notice or disclosure given under this Paragraph shall not disclose any reason for the imposition of the Suspension. However, any such notice or disclosure shall contain a statement explaining the effect of Suspension as outlined in either Paragraph 4 of Schedule E to the Basis of Union or the fourth paragraph of Part II of Schedule F to the Basis of Union whichever is relevant and shall (if such be the case) state that the Police have been apprised of the matter giving rise to the Suspension.

E.5 An existing suspension continued under Paragraph E.1 or a new suspension under Paragraph E.2 shall remain in force until either:-

E.5.1 the Review Commission makes a subsequent decision relative to that suspension or

E.5.2 the Review Commission reaches a decision under Paragraph K.4.2 that the name of the minister be retained on the Roll of Ministers, in which case the suspension automatically ceases on the date upon which that decision is formally notified to the minister or

E.5.3 the Review Commission reaches a decision under Paragraph K.4.3 that the name of the minister be deleted from the Roll of Ministers, there being no appeal within the period allowed, in which case the suspension shall continue up to the date of deletion (i.e. the date of expiry of such period under Paragraph K.4.3) or

E.5.4 there is an appeal against the decision of the Review Commission, in which case the suspension shall continue throughout the appeal proceedings and automatically **cease on the date of the formal notification of the Appeals Review Commission's** decision to the minister (whether this be that his/her name be retained on or deleted from the Roll of Ministers, in the latter case the termination of the suspension coinciding with the deletion).

E.6 The Notice of Suspension, whether issued under Paragraph B.1.2 or Paragraph E.4, shall inform the minister that any conduct on his/her part during such Suspension which breaches or contravenes either Paragraph 4 of Schedule E to the Basis of Union or the fourth paragraph of Part II of Schedule F to the Basis of Union whichever is relevant may be taken into account by the Review Commission or, in the event of an appeal, the Appeals Review Commission in reaching its decision under Section F or Section G as the case may be.

E.7 For the avoidance of doubt, in the case of a suspension first imposed under the Disciplinary Process upon a minister who then enters the Incapacity Procedure through the issue of a Commencement Notice, the provisions of the Incapacity Procedure, and not those of the Disciplinary Process, shall thereafter govern all aspects of that suspension. Conversely, in the case of a suspension first imposed hereunder upon a minister who then enters the Disciplinary Process as a result of the steps set out in

Section H, the provisions of that Process shall thereafter govern all aspects of that suspension.

E.8 Suspension does not imply any view about the correctness or otherwise of the reasons for the entry of the case into the Incapacity Procedure nor of any statements made or information given concerning the minister, nor **does it affect the minister's** stipend or pension arrangements made under the relevant United Reformed Church Pension Scheme.

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

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

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

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

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

F.4.1 Have all the steps outlined at Paragraphs B.1 and B.2 been taken?

F.4.2 Are there any issues regarding suspension which need to be resolved by the Review Commission (see Section E)?

F.4.3 How has the minister responded, if at all, to the issues raised in the Commencement Notice, particularly those relating to his/her conduct and/or behaviour or to any other concerns and/or problems expressed about his/her ministry and will it be necessary to meet with other persons with knowledge of any relevant events or circumstances to test the accuracy and weight of these matters and their importance to the enquiry?

F.4.4 Is specialist advice and guidance relevant as to the question of whether, based on the criteria set out in Paragraphs LP1 and LP4 the minister is or is not capable of exercising, or of continuing to exercise, ministry? If so, what steps should be taken to ensure that such advice and guidance are available for consideration by the Review Commission? Has any such advice or guidance already been taken and, if so, can this be made available to the Review Commission?

F.5 The Review Commission shall be entitled to call for and consider all minutes of meetings, correspondence, notes, reports and documents which it considers

appropriate to its enquiry. This provision shall not apply where those from whom such documentation is requested can demonstrate that it is protected by confidentiality.

F.6 Should the Review Commission consider that at any time the minister might, whether or not deliberately, be in danger of infringing any of Paragraphs K.1.5/8, it shall, wherever practicable, draw this to the attention of the minister or his/her representative.

F.7 Having carried out its initial review, the Review Commission will consider the information so far available and consider the implications of this information in the light of the criteria set out in Paragraphs LP1 and LP4 and will then issue instructions to the Commission Officer to enable him/her to carry out his/her responsibilities under Section G. In doing so, the Review Commission should draw the particular attention of the Commission Officer to Paragraphs A.2, H.1 and K.1.

F.8 The Review Commission shall at the same time supply the Commission Officer with copies of the Certificate of Entry, the Commencement Notice, any supporting documentation and all necessary information for the better performance of his/her responsibilities. Information relating to any specific advice or guidance as mentioned in Paragraph F.4.4 is particularly pertinent in this respect. Furthermore the Review Commission must make clear to the Commission Officer the issues identified by the Review Commission to which it wishes the Commission Officer to direct his/her enquiries so that there is consistency and the avoidance of duplication in the gathering of information.

F.9 The Review Commission will at all times be able to issue guidance and instructions to the Commission Officer as s/he carries out his/her role under Section G.

F.10 The Review Commission may, if it considers it appropriate so to do, adjourn the Enquiry and direct the Commission Officer to put his/her investigation on hold pending further instructions. Bearing in mind the need to move the Procedure along in a timely manner, this power should only be used sparingly when warranted by the special circumstances of the case and any such adjournment should last only so long as is strictly necessary.

F.11 On receipt of the dossier and accompanying papers from the Commission Officer referred to in Paragraph G.7, the Secretary of the Review Commission shall forthwith supply copies of all such papers to each member of the Review Commission who may seek clarification and/or further information from the Commission Officer on any of the matters referred to therein.

F.12 The members of the Review Commission, in considering the material presented to them, should always have in mind the desirability of reaching agreement with the **minister or the minister's representative as to any information and advice which is** accepted as common ground with a view to simplifying the Hearing and making it appear less confrontational.

F.13.1 When the Review Commission has satisfied itself as to the matters referred to in Paragraph F.11, the Secretary of the Review Commission shall thereupon, acting on the instructions of the Review Commission, send to the minister or the minister's representative a copy of the Commission Officer's statement and copies of all the statements, reports and other documents contained in the accompanying dossier (save only that, if the Commission Officer shall have already provided the minister with copies of the documents in the agreed bundle in accordance with Paragraph G.6, the Secretary

is not required to send to him/her further copies of those particular documents at this stage).

F.13.2 At the same time s/he shall notify the minister or his/her representative by letter that, should s/he wish to make any observations or representations on any of the matters contained in the said statement and dossier or should s/he wish to submit any further statements, reports, or other papers, these should all be lodged with the Secretary within 21 days of receipt of the said letter. The Secretary shall forthwith on receipt supply each member of the Review Commission with a copy of any such observations, representations or documents.

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

G Role and Responsibilities of Commission Officer

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

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

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

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

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

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

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

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

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

G.3 Subject always to the terms of the Review Commission's instructions, the following questions (which are not necessarily exhaustive) should be addressed by the Commission Officer in the course of carrying out his/her responsibilities in accordance with Paragraph G.1:-

G.3.1 How has the minister responded, if at all, to the issues raised in the Commencement Notice, particularly those relating to his/her conduct and/or behaviour

or to any other concerns and/or problems expressed about his/her ministry and will it be necessary to meet with other persons with knowledge of any relevant events or circumstances to test the accuracy and weight of these matters and their importance to the investigation?

G.3.2 Is specialist advice and guidance relevant as to the question of whether, based on the criteria set out in Paragraphs LP1 and LP4, the minister is or is not capable of exercising, or of continuing to exercise, ministry? If so, what steps should be taken to ensure that such advice and guidance are available for consideration by the Review Commission?

G.3.3 Are there any special factors in the particular case which should be taken into account at this stage? This is particularly relevant in cases coming into the Incapacity Procedure following a recommendation from the Disciplinary Process.

G.4 So long as such actions fall within the scope of the Review Commission's instructions and are within the constraints set out in Paragraph G.2, the Commission Officer may seek the written permission of the minister or his/her representative (but only so far as the latter has the authority in law to grant such permission on behalf of **the minister**) **to apply for copies of all the minister's medical notes, records and reports** from his/her General Practitioner and copies of the reports from any specialist who may have examined or been consulted by the minister. If the Commission Officer is unable to obtain copies of any such notes, records and reports s/he shall report this to the Review Commission and the Procedure shall continue with the best information available.

G.5.1 The Commission Officer should seek to obtain from each person from whom s/he obtains information a written statement setting out such information and summarising the discussion at the meeting. This statement should, wherever possible, be agreed and signed by the Commission Officer and the person concerned immediately after the meeting and whilst they are still together. The Commission Officer should inform that person that s/he may be called later to attend the Hearing and answer questions which may be put to him/her by the Review Commission **and/or the minister or the minister's representative**.

G.5.2 If any such person refuses or expresses an unwillingness to attend any Hearing in person or if the Commission Officer has any other reason to believe that that person will not in fact do so, the Commission Officer shall report this to the Review Commission, which may if it thinks fit invoke its discretionary powers as set out in Paragraph F.1. In such situations, it is essential that the Commission Officer should use every endeavour to obtain an agreed written statement from the person concerned as described in Paragraph G.5.1.

G.6. The Commission Officer shall consult, or endeavour to consult, with the minister or his/her representative for the purpose of securing an agreed bundle of documents. A list of the documents in the agreed bundle should be prepared by the Commission Officer and signed by him/her and by the minister or his/her representative. The minister may request copies of the documents in the agreed bundle there and then. Otherwise they will be sent to him/her by the Secretary of the Review Commission (see Paragraph F.13.1). Should the Commission Officer be unable to secure an agreed bundle of documents for whatever reason, s/he shall prepare a report which shall explain why it has not proved possible to do so.

G.7 When the Commission Officer has completed his/her investigation, s/he shall lodge with the Secretary of the Review Commission a dossier containing (i) a written statement setting out the result of his/her investigation, summarising the information contained in the dossier and adding any comments which s/he deems appropriate and (ii) either of the following: -

G.7.1 If it has proved possible to secure an agreed bundle of documents in accordance with Paragraph G.6, the originals (or copies if the originals are not held by the Commission Officer) of the documents forming the agreed bundle, the signed copy of the agreed list of documents and the originals or copies of any further documents which are not included in the agreed bundle but which, in the opinion of the Commission Officer, should nonetheless be passed on to the Review Commission or

G.7.2 If it has not proved possible to secure an agreed bundle of documents in accordance with Paragraph G.6, the originals (or copies if the originals are not held by the Commission Officer) of all statements, reports and other documents considered by him/her to be relevant to the case, including the report referred to in Paragraph G.6 as to why it has not been possible to secure an agreed bundle of documents.

H. Recommendation for referral to the Disciplinary Process

H.1 If it considers that, in a case within the Incapacity Procedure, the circumstances relating to the minister may fall within the ambit of Paragraph A.1.1 of the Disciplinary Process, the Review Commission may, at any time during the Incapacity Procedure and whether or not a Hearing has taken place, adopt the following procedure:

H.2 It shall instruct the Secretary of the Review Commission to inform the minister by written notice of its decision to refer the case back to the person who initiated the consultation under Paragraph B.1 with the recommendation that the Disciplinary Process should be commenced in respect of the minister, stating its reasons for such recommendation. This Notice shall contain a statement of its reasons for reaching its decision to refer back and it may indicate what papers, if any, should be passed to the recipient of the Notice. This Notice shall inform the minister that if s/he is dissatisfied with this proposed reference back s/he may within a period of twentyone days from the receipt of the said Notice give written notice to the Secretary of the Review Commission of his/her intention to appeal against the proposed reference back. If at the end of the period no such notice of intention to appeal has been received (time being of the essence for this purpose) then the procedure set out in Paragraphs H.14 and H.17 shall be followed. The Notice shall draw the attention of the recipient to the strict time limit for serving a Notice of Appeal in response to a Notice served under this Paragraph.

H.3 In the event of such appeal, the case within which the Incapacity Procedure shall stand adjourned during the course of the appeal and the Secretary of the Review Commission shall request the Officers of the General Assembly to appoint a Special Appeals Body of three persons to hear the appeal against the proposed referral, whereupon the said Assembly officers shall within fourteen days (or such further time as they may reasonably require) appoint the Special Appeals Body, which shall in turn appoint its own Convener.

H.4 In making such appointment the Assembly officers shall have full regard to the safeguards and the criteria for appointment contained in Paragraphs D.1, L.3.2/4, L.4,

L.5 and L.6 (with the necessary changes).

H.5 The Assembly officers shall also appoint a person to act as the secretary of the Special Appeals Body for the hearing of the appeal.

H.6 The Special Appeals Body shall consider the decision of the Review Commission to refer the case back and any representations made in connection therewith and any other papers relevant to the issue of the proposed reference back and shall invite the minister by written notice to submit any further written representations within a period of twentyone days from the date of receipt of the said Notice.

H.7 Whether or not the minister submits further representations under Paragraph H.6, the Special Appeals Body may meet with the minister or, if circumstances render this **impossible or impracticable, with the minister's representative, either of whom may, if** s/he wishes, have a friend present with him/her and, if the minister does submit representations under that paragraph, the Special Appeals Body should normally meet with the minister unless there are strong reasons for not doing so.

H.8 The Special Appeals Body shall invite the PRWC to comment on the appeal and shall have regard to any representations by it.

H.9 Unless the minister makes a request for a formal hearing which is accepted by the Special Appeals Body or the Special Appeals Body of itself decides to convene one (in which case the provisions of Section L shall apply (with the necessary changes)), the Special Appeals Body shall decide the matter having had regard to the written material referred to in Paragraph H.6, any representations made by the minister or the PRWC and any meetings held under Paragraph H.7.

H.10 In the event that a formal hearing does take place, the Rules applicable thereto shall, so far as possible, accord with the Rules set out in Section J for the conduct of hearings before the Review Commission.

H.11 In recording its decision, the Special Appeals Body shall append a statement of its reasons for reaching its decision and, if the decision is to reject the appeal, it may indicate what papers, if any, should be passed with the notice of the decision to the person to whom the reference back will be made.

H.12 As soon as the Special Appeals Body has reached its decision, the Secretary of that body shall give written notice thereof, and of any reasons appended to the decision, to the Secretary of the Review Commission, who shall in turn inform the members of the Review Commission thereof.

H.13 If the decision of the Special Appeals Body is to allow the appeal and to reject the proposed reference back, the Incapacity Procedure shall immediately be resumed and the Secretary of the Review Commission shall send to the minister a notice advising him/her of that fact and a copy of the notice of the decision and the statement of reasons appended to the decision.

H.14 If the decision of the Special Appeals Body is to reject the appeal and to uphold the decision to refer the case back to the person who initiated the consultation under Paragraph B.1 with the recommendation that the Disciplinary Process should be commenced in respect of the minister, or if there is no appeal against the reference back, the Incapacity Procedure shall stand adjourned pending the outcome of that

recommendation and the Secretary of the Review Commission shall send to the minister (i) a notice advising him/her of that fact, (ii) a copy of the notice of the decision and the statement of reasons appended to the decision, (iii) a copy of the Notice to the person who initiated the consultation procedure under Paragraph B.1 (see Paragraph H.17) and (iv) copies of any papers being sent with the last mentioned Notice in accordance with Paragraph H.2 or Paragraph H.11 as the case may be.

H.15 Once the decision of the Special Appeals Body has been made and the requirements of Paragraph H.11 have been duly complied with, the roles of the Special Appeals Body and of its secretary are concluded and they have no further part to play in the case.

H.16 The decision of the Special Appeals Body on the matter of the proposed reference back is final and binding.

H.17 If the decision is to reject the appeal and uphold the reference back, or if there is no appeal against the reference back, the Secretary of the Review Commission shall forthwith send or deliver to the person who initiated the consultation procedure under Paragraph B.1 (i) a written notice setting out the decision of the Review Commission, or in the event of an appeal, the Special Appeals Body, incorporating both the recommendation and a statement of the reasons given for making the recommendation and (ii) such other papers (if any) as are referred to in Paragraph H.2 or Paragraph H.11 as the case may be.

H.18 That Notice shall state that the proceedings under the Incapacity Procedure shall **stand adjourned to await the recipient's response and shall also state the time, which** shall be not be longer than twentyone days, within which the recipient must notify the Secretary of the Review Commission in writing whether the recommendation contained in the Notice has been accepted or rejected. The Secretary and Convener of the Review Commission may in exceptional circumstances allow a short extension of this period.

H.19 The Secretary of the Review Commission shall at the same time send copies of the said Notice (but not the accompanying documentation) to the Moderator of the Synod (in any case where s/he is not already the recipient of the Notice under Paragraph H.17), the Synod Clerk, the General Secretary, the Press Officer, the Secretary for Ministries and the Convener of the PRWC.

H.20 If written confirmation is received from the recipient of the Notice, countersigned by the Secretary of the Assembly Commission who operates within the Disciplinary Process, that the recommendation contained in the Notice has been accepted and that the Disciplinary Process has been initiated in respect of the minister, the Review Commission shall declare the case within the Incapacity Procedure to be concluded and no further action shall be taken in respect thereof.

H.21 The Secretary of the Review Commission shall give written notice to this effect to the minister and the persons specified in Paragraph H.19 above, and also the responsible officer of any Outside Organisation to whom notice of the Incapacity Procedure has already been given.

H.22 If written notification is received from the recipient of the Notice that the aforesaid recommendation has been rejected, the case shall forthwith be resumed within the Incapacity Procedure. The Secretary shall give notice to this effect to the

minister and the persons specified in Paragraph H.19.

H.23 No recommendation for referral to the Disciplinary Process shall be made in any case which enters the Incapacity Procedure as a result of a recommendation from the Disciplinary Process.

H.24 As to the position regarding the suspension of a minister to whom this Section H applies, see Paragraph E.6.

H.25 For the avoidance of doubt, decisions taken by the Special Appeals Body under the provisions of this Section H are not subject to the requirement to report to General Assembly contained in Section N.

For the avoidance of confusion, there is no Section I.

J. Hearings

J.1 The Review Commission shall decide when it is appropriate for a Hearing to take place and whom it requires to attend, whereupon the Secretary shall consult with the Convener, the other members of the Review Commission, the minister, the Commission Officer and any other such persons as might be required to attend as to the venue, date and time for the Hearing and, when these are fixed, shall give written notification thereof to all concerned with the request that they confirm their intention to attend and, in the case of the minister, state whether it is his/her intention to have a person to accompany him/her.

J.2.1 The Hearing shall be conducted in private and only the following persons shall be permitted to attend:

- **The members of the Review Commission**
- **The Secretary or a duly appointed Deputy**
- **The minister**
- **The minister's** representative (see Paragraph A.7)
- **The Commission Officer**
- **Any medical, specialist, expert or other witnesses, but only while giving evidence,** unless the Review Commission otherwise directs
- **Any persons notified by the Secretary of the Review Commission under Paragraph J.1** that they are required to attend (and see Paragraph J.5)
- **Any persons whom the minister intends to call as a witness, the minister having** already given prior written notice to the Secretary of the Review Commission of his/her intention so to do (and see Paragraph J.5)
- **A representative of the Church's Legal Advisers, if requested to attend by the Review Commission.**
- **Any person responsible** for operating the recording equipment or otherwise

preparing a verbatim report of the proceedings referred to in Paragraph J.9.

- **Any other persons at the discretion and by the direction of the Review Commission** (and see Paragraph J.5)

J.2.2 Subject to ensuring that the rules of natural justice are observed, the Convener shall ensure that the proceedings are as relaxed and informal as possible.

J.2.3 The Convener shall open the proceedings by introducing him/herself and the other members of the Commission and such other persons as may be present. S/he shall also explain their respective roles and the manner in which the Hearing will be conducted. The Review Commission shall have complete discretion as to the manner of conducting the Hearing and may, if considered appropriate, invite the Commission Officer at the outset to present his/her report to the Hearing.

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

J.4.1 All persons attending the Hearing in person to provide information may be questioned by the Convener (and by other members of the Review Commission with **the Convener's permission**). **The minister shall be entitled to ask questions of such persons.**

J.4.2 The minister or his/her representative may invite persons attending at his/her request to provide information and may question them, as may the Convener and other **members of the Review Commission with the Convener's permission.**

J.5 Unless the Review Commission directs otherwise, persons attending to provide information and/or answer questions shall only be present whilst they are doing so.

J.6 When the procedures outlined in Paragraphs J.3 and J.4 have been completed, the **minister or the minister's representative may if s/he wishes address the Review Commission.**

J.7 In the special circumstances of any case the Convener may, if s/he considers it appropriate and helpful, vary any of the above procedures at his/her discretion.

J.8 In considering the information before it, the Review Commission shall apply a standard of proof on the balance of probability.

J.9 The Secretary of the Review Commission shall prepare a summary minute of the **proceedings at the Hearing (the Secretary's Minute)**. **Where possible, a verbatim record of the proceedings shall also be made by electronic recording, or by such other means as shall be directed by the Convener.** The Record of the Hearing shall consist of **the Secretary's Minute together with any such verbatim record, which shall be transcribed in the event of an appeal.**

J.10 At the conclusion of the Hearing the members of the Review Commission will wish to deliberate upon their final decision, together with any guidance which they may wish to append to their decision. The Convener will inform those present that the decision will not be made that day but that written notification of the decision will be given within ten days to the minister, the General Secretary, the Synod Moderator, the Synod Clerk, the Press Officer, the Secretary for Ministries, the Convener of the PRWC, the responsible officer of any relevant Outside Organisation (and the Deputy General Secretary if s/he issued the Commencement Notice in accordance with Paragraph B.3). The Hearing is thus concluded.

K. Review Commission's decision and its notification

K.1 Following the conclusion of the Hearing, the Review Commission shall, all meeting and deliberating together, but in the absence of the minister and all other persons, consider all the information concerning the minister which has been before them during the case for the purpose of reaching a decision in accordance with Paragraph K.2. In particular they must make a careful and detailed appraisal of all of the following:

K.1.1 the circumstances which have led up to the commencement of the case as indicated in the Commencement Notice and

K.1.2 any expert opinion of a medical, psychological or similar or related nature in respect of the minister which has been sought by the Review Commission or which has in any way been presented to it during the case and

K.1.3 information supplied by the minister and others within the Procedure, whether or **not on the minister's behalf and**

K.1.4 reports and other documentation requested by the Review Commission from other persons or bodies within or outside the Church with whom the minister, through the exercise of his/her ministry, might have had a particular involvement, such as ecumenical posts, chaplaincies or positions within public bodies and

K.1.5 Any obstruction or unreasonable delay on the minister's part in complying with the procedural steps prior to the Hearing and

K.1.6 The failure by the minister to attend at any meeting or at the Hearing and

K.1.7 Any obstruction caused by the minister or the minister's representative to the Review Commission in the conduct of any such meeting or the Hearing itself and

K.1.8 Any conduct on the part of the minister during his/her Suspension under the Incapacity Procedure which breaches or contravenes either Paragraph 4 of Schedule E to the Basis of Union or the fourth paragraph of Part II of Schedule F to the Basis of Union whichever is relevant and

K.1.9 all other factors properly coming within the scope of the review being undertaken by the Review Commission and

K.1.10 the weight to be attached to each of the factors in the case as indicated above, bearing in mind the manner in which the information was provided and, where appropriate, whether the minister or his/her representative had the opportunity of challenging or commenting upon it.

K.2 The purpose of the deliberation referred to in Paragraph K.1 is to enable the Review Commission to reach (either unanimously or by a majority) a decision in accordance with Paragraph LP4 which directs the Review Commission to have full regard to either Paragraph 2 of Schedule Ethereto or the second paragraph of Part II of Schedule F thereto whichever is relevant, the name of the minister in the particular case should remain upon, or be deleted from, the Roll of Ministers.

K.3 The Review Commission shall record its decision (the Decision Record) and, in doing so, shall state whether it was reached unanimously or by a majority and shall append a statement of its reasons (the Statement of Reasons) for the decision, but shall not be obliged, unless it wishes to do so, to comment in detail on any of the matters considered by it.

K.4.1 Subject to any obligations which may arise under Paragraph A.4.2 the decision so taken shall conclude the involvement of the Review Commission in the Procedure subject only to the requirements of A.4.2 except as to the discharge of its responsibilities under Paragraph N.2 and shall have the effect provided for in Paragraph K.4.2 or Paragraph K.4.3, whichever is applicable.

K.4.2 If the Review Commission/Appeals Review Commission decides to retain the **minister's name on the Roll of Ministers, his/her status is unchanged.**

K.4.3 If the Review Commission decides to delete the name of the minister from the Roll of Ministers, no appeal having been lodged by or on behalf of the minister within the period specified in the notification referred to in Paragraph K.8.1, deletion shall take effect on the date of expiry of such period.

K.5.1 Every decision reached under the Incapacity Procedure (whether or not on appeal) is made in the name of the General Assembly and is final and binding on the minister and on all the Councils of the Church.

K.5.2 If the decision is to delete the name of the minister from the Roll of Ministers, the Review Commission is particularly requested to include appropriate guidance concerning any restrictions which it considers ought to be placed upon any activities involving the minister after his/her deletion with the object of assisting moderators of synod, synods, local churches, the General Secretary, the Deputy General Secretary, the Press Officer, the Secretary for Ministries, the PRWC and others within the Church and also any relevant Outside Organisation. It is emphasised that any such guidance is of an advisory nature and does not form part of the decision, as a consequence of which it cannot form the subject matter of any appeal.

K.6 Within ten days **of the date of the Review Commission's decision the Secretary shall send or deliver to the minister or the minister's representative written notification** of the decision and copies of the Decision Record, the Statement of Reasons and any guidance issued with the Decision Record.

K.7 **Where the decision is that the minister's name be retained on the Roll of Ministers,** the Secretary shall at the same time send or deliver notice of that fact and of the **consequent termination of the minister's suspension under Paragraph E.5.2** to the General Secretary, the Moderator of the Synod, the Synod Clerk, the Deputy General Secretary (but only if s/he issued the Commencement Notice), the Press Officer, the Secretary for Ministries, the Convener of the PRWC and the responsible officer of any

relevant Outside Organisation and shall at the same time send to those persons copies of the Decision Record and the Statement of Reasons, stressing to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used.

K.8 Where the decision is that the minister's name be deleted from the Roll of Ministers, then:

K.8.1 The written notification shall draw the minister's attention to his/her right of appeal and specify the precise date by which notice of appeal must be lodged by the minister or his/her representative with the Secretary, being a date no less than twenty eight (28) days from the date of the written notification to the minister.

K.8.2 The Secretary (see Paragraph L14 as to a Notice of Appeal lodged after the date specified) shall, at the same time as taking the action required under Paragraph K.6, send to the General Secretary, the Moderator of the Synod, the Synod Clerk, the Deputy General Secretary (but only if s/he issued the Commencement Notice), the Press Officer, the Secretary of the Ministries Committee and the Convener of the PRWC a Notice to the effect that a decision has been made by the Review Commission that **the minister's name be deleted** from the Roll of Ministers. Such Notice shall not contain any further information other than that the decision is still subject to appeal and that a further Notice will be sent when it is known whether there is to be an appeal or not. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used.

K.8.3 If by the date specified in the written notification to the minister under Paragraph K.8.1 as the final date for the lodging of an appeal no **Notice of Appeal** has been lodged by the minister or his/her representative, the Secretary of the Review Commission shall **send or deliver notice of the minister's deletion and of the consequent termination of the minister's suspension under Paragraph E.5.3 to the General Secretary, the Moderator of the Synod, the Synod Clerk, the Deputy General Secretary (but only if s/he issued the Commencement Notice), the Press Officer, the Secretary for Ministries, the Convener of the PRWC and the responsible officer of any relevant Outside Organisation** and shall at the same time send to those persons copies of the Decision Record and the Statement of Reasons and any guidance appended to the Decision and sent to the minister in accordance with Paragraph K.6 (as regards any Outside Organisation, only such guidance as it expressly states to be its wish to be passed on to that Outside Organisation), stressing to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used.

K.8.4 If the minister lodges a Notice of Appeal, the procedure set out in Section L applies.

L. Appeals Procedure

L.1.1 Should the minister wish to appeal against the decision of the Review Commission to delete his/her name from the Roll of Ministers, s/he or his/her representative must lodge written notice of such Appeal with the Secretary of the Review Commission **no later than the date specified in the notification referred to in Paragraph K.8.1** (which shall set out the grounds of the appeal either in detail or in summary form as the minister chooses).

L.1.2 The Secretary of the Review Commission shall forthwith notify the General Secretary that an Appeal has been lodged, at the same time passing on to the General Secretary the Notice of Appeal together with the body of papers laid before the Review Commission in hearing the case and the Record of the Hearing as defined in Paragraph J.9. The General Secretary shall thereupon act in a secretarial and administrative capacity in all matters relating to the Appeal.

L.1.3 At the same time the Secretary of the Review Commission shall also notify the Moderator of the Synod, the Synod Clerk, the Press Officer, the Secretary for Ministries, the Convener of the PRWC and the responsible officer of any relevant Outside Organisation (and the Deputy General Secretary if s/he issued the Commencement Notice in accordance with Paragraph B.3) that the minister has lodged an Appeal against the decision of the Review Commission. The Notice shall stress to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used.

L.1.4 The provisions in this Incapacity Procedure which are applicable to the Review Commission shall also apply to the Appeals Review Commission (with the necessary changes), except for those which by their context are inappropriate for the Appeals Procedure.

L.1.5 No-one apart from the minister shall have a right of appeal against a decision of the Review Commission.

L.2 On receipt of a valid Notice of Appeal lodged under Paragraph L.1, the General Secretary shall as soon as possible acknowledge receipt of the Notice of Appeal and send to the minister **or the minister's representative** a copy of the Record of the Hearing before the Review Commission (see Paragraph J.9).

L.3.1 The Officers of the General Assembly shall within 14 days of receipt by the General Secretary of the Notice of Appeal under Paragraph L.1.2 (or within such further time as they may reasonably require) appoint the Appeals Review Commission, which shall consist of three persons, in accordance with Paragraphs L.3.2 and L.3.3.

L.3.2 The three persons to be so appointed shall be (i) a person with some legal, tribunal or other professional experience or other similar background (being a member of the Church but not necessarily a member of General Assembly), who shall normally act as Convener of the Appeals Review Commission, (ii) a former Moderator of the General Assembly and (iii) either a person with general medical experience or one with professional expertise in the condition(s) giving rise to the subject matter of the case (such person not necessarily being a member of the Church).

L.3.3 In the event that for any reason it is inappropriate for the person in the first category specified in Paragraph L.3.2 to be the Convener of the Appeals review Commission, the convenership shall be assumed by the person in the second category thereof.

L.3.4 Persons appointed to an Appeals Review Commission are subject to Paragraph D.1.

L.4.1 The General Secretary shall send or deliver to each of the proposed appointees a written invitation to serve on the Appeals Review Commission for the hearing of the

Appeal, naming the minister concerned but supplying no further information about the case.

L.4.2 The invitation shall draw the attention of each proposed appointee to Paragraph D.1 and shall request confirmation that s/he is willing to accept appointment and that s/he is unaware of any circumstances which in the present case might prevent him/her from serving on the Appeals Review Commission.

L.4.3 The Invitee shall within seven days of receipt of the invitation to serve notify the General Secretary in writing whether s/he is able and willing to accept appointment and, if so confirming compliance with Paragraph L.4.1.

L.5.1 The General Secretary shall notify the minister or the minister's representative in writing of the names, addresses and credentials of each proposed appointee, drawing attention to Paragraph D.1 and pointing out that any objection to any of the proposed appointees must be made to the General Secretary in writing within fourteen days, setting out the grounds of such objection.

L.5.2 To ensure that the appeals process moves along in a timely manner, any such objection received outside the period allowed will not normally be considered unless very good reason can be shown for its late delivery.

L.5.3 The officers of the General Assembly shall consider every objection properly notified and shall decide whether to uphold or reject it.

L.5.4 If they reject the objection, the General Secretary shall notify the minister or the **minister's representative**.

L.5.5 If they uphold the objection, the General Secretary shall give written notification **thereof to the minister or the minister's representative and to the person to whom the** objection has been taken and the above procedure shall be repeated as often as is necessary to complete the appointment of the Appeals Review Commission.

L.6.1 In the event that any member of the Appeals Review Commission shall be unable to carry out his/her duties on that Commission, the remaining members shall continue to act as the Appeals Review Commission, subject to there being a minimum of two members, in which event, but not otherwise, the Convener shall have a casting vote.

L.6.2 In the event that, for the reasons stated in Paragraph L.6.1 the Appeals Review Commission shall consist of fewer than two members at any time after that Commission has taken any steps in connection with the Appeal, the Appeals Review Commission so appointed shall stand down and be discharged and a new Appeals Review Commission shall be appointed in accordance with the procedure laid down in this Section L to hear the Appeal.

L.6.3 Once the Appeals Review Commission has been validly constituted and has taken any steps in accordance with this Section L, no person shall be subsequently appointed to serve on that Appeals Review Commission.

L.7 Each member of the Appeals Review Commission when appointed shall receive from the General Secretary copies of the following:

L.7.1 The Decision Record and

L.7.2 The Statement of Reasons and

L.7.3 Any guidance appended to the decision in accordance with Paragraph K.5.2 and

L.7.4 The Notice of Appeal, setting out the grounds of the appeal and

L.7.5 The body of papers considered by the Review Commission and

L.7.6 The Record of the Hearing

L.8 The members of the Appeals Review Commission, when constituted, shall consult together as soon as possible to review the information laid before them and to agree upon the course which their conduct of the appeal shall take, having in mind but not being bound to follow the procedures laid down for the Review Commission in Section F. They may, if the circumstances so require, consider any of the following, particularly if any such issues are raised in the Notice of Appeal:

L.8.1 Whether there is or may be new information which has come to light and which could not have reasonably been available to the Review Commission before it made its decision under Section K.

L.8.2 Whether any such new information would in its opinion have been material in that, had it been tested and proved to the satisfaction of the Review Commission, it might have caused it to reach a different decision.

L.8.3 Whether there may have been some procedural irregularity or breach of the rules of natural justice or serious misunderstanding by the Review Commission of the information before it or of any aspect of the Procedure itself.

L.9.1 Before reaching its decision on the Appeal, there shall be a Hearing before the Appeals Review Commission which the minister shall normally be expected to attend.

L.9.2 The General Secretary shall consult with the Convener and the other members of the Appeals Review Commission and, where possible, with the minister or his/her representative as to a suitable venue, date and time for the Hearing and, having so consulted, shall decide thereupon and shall notify all concerned in writing of the arrangements for the Hearing.

L.9.3 The General Secretary shall (unless excluded for the reasons specified in Paragraph D.1) attend the Hearing for the purpose of giving such procedural advice to the Appeals Review Commission as may be appropriate and of keeping a formal record of the Hearing. S/he shall not be present when the Appeals Review Commission deliberates and decides on the case.

L.9.4 The General Secretary (or his/her Deputy appointed under Paragraph A.11) shall **prepare a summary minute of the proceedings at the Hearing (the Secretary's minute)**. Where possible, a verbatim record of the proceedings shall also be made by electronic recording or by such other means as shall be directed by the Convener of the Appeals Review Commission. **The Record of the Hearing shall consist of the Secretary's minute together with any such verbatim record.**

L.9.5 A representative of the Church's legal advisers may, at the invitation of the

Appeals Review Commission, attend the Hearing in order to advise it on matters relating to procedure and any legal issues which may arise relating to the interpretation of the information provided at the Hearing but s/he shall not take any part in the decision reached by the Appeals Review Commission, nor shall s/he be present when it deliberates and decides upon the case.

L.9.6 The conduct of the Hearing of the Appeal is in the hands of the Appeals Review Commission whose Convener will at the outset of the Hearing read out the decision of the Review Commission.

L.9.7.1 If requested to do so by the Appeals Review Commission, the General Secretary shall invite the Commission Officer to attend the Hearing of the Appeal and at some point during the Hearing the Convener may invite the Commission Officer and the minister or his/her representative to address the Appeals Review Commission on the subject matter of the Appeal.

L.9.7.2 At some point during the Hearing the Convener will invite the minister or his/her representative to address the Appeals Review Commission on the subject matter of the Appeal.

L.10.1 The members of the Appeals Review Commission shall at the conclusion of the Hearing, all meeting and deliberating together but in the absence of the minister and all other persons consider and arrive at their decision in accordance with Paragraph L.10.2. In so doing they are required to make a careful and detailed appraisal of all the factors set out at Paragraphs K.1 and of all the information, reports, representations and other factors forming the subject matter of the appeal.

L.10.2 The purpose of their deliberation is to enable them to reach (either unanimously or by a majority vote) a decision in accordance with Paragraph LP.4 which directs the Appeals Commission to have full regard to either Paragraph 2 of Schedule E thereto or the second paragraph of Part II of Schedule F thereto whichever is relevant, the name of the minister in the particular case should remain upon, or be deleted from, the Roll of Ministers.

L.10.3 There shall be no appeal from the decision of the Appeals Review Commission which is final and binding on the minister and on all the Councils of the Church.

L.11.1 The Appeals Review Commission shall record its decision (the Decision Record) and, in doing so, shall state whether it was reached unanimously or by a majority and whether its decision upholds or reverses the decision of the Review Commission and shall append a statement of its reasons for the decision (the Statement of Reasons), but shall not be obliged, unless it wishes to do so, to comment in detail on any of the matters considered by it.

L.11.2 If the decision is to delete the name of the minister from the Roll of Ministers, the Appeals Review Commission is particularly requested to include appropriate guidance concerning any restrictions which it considers ought to be placed on any activities involving the minister after his/her deletion with the object of assisting Moderators of Synods, local churches, the General Secretary, the Deputy General Secretary, the Press Officer, the Secretary for Ministries, the PRWC and others within the Church and also to any relevant outside organisation. It is emphasised that any such guidance is of an advisory nature and does not form part of the decision.

L.11.3 At the beginning insert "Subject to any obligations which may arise under Paragraph A.4.2 the decision so taken shall conclude the involvement of the Appeals Review Commission in the Procedure except as to the discharge of its responsibilities under Paragraph N.2 .

L.11.4 If the decision is that the name of the minister shall be deleted from the Roll of Ministers, such deletion takes effect with immediate effect.

L.12 Within ten days of the date of the Appeals Review Commission's decision the General Secretary shall:

L.12.1 Send or deliver to the minister or his/her representative written notification of the decision and copies of the Decision Record and the Statement of Reasons and any guidance issued with the Decision Record.

L.12.2 Send or deliver notice of that fact and of the consequent termination of the **minister's suspension under Paragraph E.5.4 to the Secretary of the Review Commission**, the Moderator of the Synod, the Synod Clerk, the Deputy General Secretary (but only if s/he issued the Commencement Notice), the Press Officer, the Secretary for Ministries, the Convener of the PRWC and the responsible officer of any relevant Outside Organisation and shall at the same time send to those persons copies of the Decision Record and the Statement of Reasons and any guidance appended to the Decision and sent to the minister in accordance with Paragraph L.12.1 (as regards any Outside Organisation, only such guidance as it expressly states to be its wish to be passed on to that Outside Organisation), stressing to all the recipients the sensitive nature of the information imparted and the need to exercise care and discretion as to how it is used

M. Forms, sending/delivery of documents and miscellaneous

M.1 Model forms have been prepared to assist those concerned with the Procedure. The forms may be amended from time to time and new forms introduced. Use of the model forms is not compulsory and minor variations in the wording will not invalidate them, but it is strongly recommended that the model forms be used and followed as closely as possible to avoid confusion and to ensure that all relevant information is supplied at the proper time.

M.2 Any form, letter or other document required to be sent or delivered to a person under the Procedure shall be assumed to have been received by that person if sent or delivered in any of the following ways:

M.2.1 By delivering the same personally to the person concerned or

M.2.2 By delivering the same or sending it by first class pre-paid post or by Recorded Delivery post addressed to the last known address of the person concerned in a sealed envelope addressed to that person or

M.2.3 In such other manner as the Review Commission or the Appeals Review Commission (in the latter case if the sending or delivery relates to the Appeals Procedure) may direct having regard to the circumstances.

M.3 Any form, letter or document required to be sent or delivered to the Secretary of

the Review Commission or on the General Secretary (in the case of an appeal) shall be delivered or sent by first class pre-paid post or by Recorded Delivery post addressed to the Secretary of the Review Commission or the General Secretary as the case may be at the address given in the current issue of the Year Book or subsequently notified or (in the absence of any such address in the Year Book) in an envelope addressed to that person at Church House, 86 Tavistock Place, London **WC1H 9RT and marked 'Ministerial Incapacity Process'**.

M.4 All documents required to be sent or delivered shall be placed in a sealed envelope **clearly addressed to the addressee and marked 'Private and Confidential'**.

M.5 Where any form, letter or other document is sent by first class pre-paid post, it shall be assumed to have been received by the recipient on the third day after the posting of the same.

M.6 Where any issue or question of procedure arises whilst the matter is under the jurisdiction of the Review Commission or the Appeals Review Commission, that Commission shall resolve each such issue or question or give such directions as shall appear to it to be just and appropriate in the circumstances.

M.7 Deletion as a result of the Incapacity Procedure shall have the effect of terminating any contract, written or oral, between the minister and the United Reformed Church or any constituent part thereof in relation to his/her ministry.

N. Report to General Assembly, costs and retention of records and papers

N.1 The General Secretary shall report to the General Assembly all decisions reached by the Review Commission and the Appeals Review Commission (other than decisions made by the Special Appeals Body under Section H) in the following manner:

N.1.1 If a decision of the Review Commission to delete the name of a minister from the Roll of Ministers is subject to appeal, the Report shall simply state that a decision has been reached in a case which is subject to appeal and shall not name the minister.

N.1.2 If a decision of the Review Commission to delete is not subject to appeal, the Report shall so state. The name of the minister shall not be read out at General Assembly, but shall be recorded in the list of all those no longer on the Roll of Ministers.

N.1.3 If a report has already been made to the General Assembly under Paragraph N.1.1 and the Appeals Review Commission reverses the decision of the Review Commission and allows the name of the minister to remain on the Roll of Ministers, the General Secretary shall report the decision of the Appeals Review Commission to the next meeting of the General Assembly without naming the minister.

N.1.4 If the Review Commission decides to retain the name of the minister on the Roll, the report to General Assembly shall simply state that a case under the Incapacity Procedure has been concluded and the name of the minister has been retained on the Roll, but shall not supply the minister's name or any further information.

N.2 The cost of operating the Incapacity Procedure and the reasonable and proper expenses of persons attending a Hearing and the costs of any reports obtained by or on the authority of the Review Commission or the Appeals Review Commission or any other costs and expenses which the Review Commission or the Appeals Review

Commission deem to have been reasonably and properly incurred in the course of the Procedure (but excluding any costs and expenses incurred by the minister in the preparation of his/her case and the cost of any representation at the Hearing) shall be charged to the general funds of the Church, and the Report of each case to the General Assembly shall state the total cost incurred in that case.

N.3 The Secretary of the Review Commission shall be responsible for the keeping of the record of decisions taken by the Review Commission and by the Appeals Review Commission, and for the custody of all papers relating to concluded cases, which shall be kept in a locked cabinet at Church House.

APPENDIX TO THE INCAPACITY PROCEDURE

PRIVATE AND CONFIDENTIAL

Form [...]

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

**CERTIFICATE OF SUITABILITY FOR ENTRY INTO THE PROCEDURE
(defined in the Procedure as "the Certificate of Entry")**

re:

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

As Convener of the PRWC I hereby certify as follows:

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

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

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

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

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

Either

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

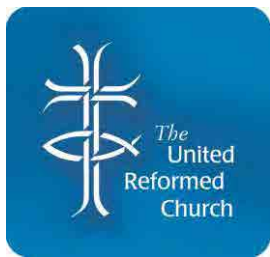
Or

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

[delete whichever does not apply]

Dated.....20...

Signed.....Convener of PRWC



Incapacity Procedure Conflation of Parts I and II

As with the Disciplinary Process, it is important that, in conflating Part I with Part II, the leading paragraphs of the existing Part I are placed in a prominent position at the commencement of the Procedure. Consequently the revision provides for a new opening section headed:

“Leading paragraphs containing the principles governing the Incapacity Procedure”

The first 5 paragraphs from the existing Part I have simply been lifted into this new Section. Paragraph 1 of Part I will become LP.1, Paragraph 2 = LP.2, Paragraph 3 = LP.3, Paragraph 4 = LP.5, Paragraph 5 = LP.4. The order of Paragraphs 4 and 5 has been reversed in the revision, because 5 is more important than 4 and should precede it.

Paragraphs 6

This paragraph will disappear.

Paragraph 7

In its present form Paragraph 7 will no longer be appropriate since Part I will cease to exist. However, it will be retained in an amended form which will tie in with the new GA Function (xxvi) contained in the “Proposed Changes to the Structure” paper. Accordingly the revision includes a new Paragraph A.12 to provide for this.



B

Requirement in Education for Ministry Phase 3

Proposed Joint Education & Learning and Ministries Resolution to General Assembly

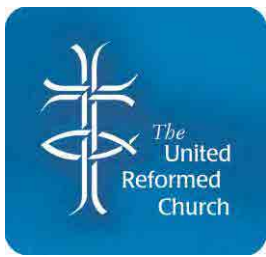
All Ministers of Word and Sacraments and Church Related Community Workers in the United Reformed Church are encouraged to engage in continuing ministerial development, in ways that are relevant to the ministries to which they are called at particular times and in particular contexts. This is known as Education for Ministry Phase 3. In order to enable individuals to devote time and resources to this the General Assembly of 1999 endorsed the inclusion in terms of settlement (or their equivalent) of two weeks of study leave each year. The Training Report to Assembly of 1999 suggested a figure up to £700 towards training costs for each eligible minister, and this figure has remained at this level since then. This is accessed through the Synod Training Officer, and is unaffected by whether service is full-time, part-time, stipendiary or non-stipendiary.

The purpose of the EM3 programme is to ensure that people in public ministry are engaged in continuous development, so that they are refreshed and equipped for the constantly changing demands of 21st century ministry. Some EM3 activities cost very little yet yield valuable rewards – others demand investment of time and resources which stretch the budgets of individuals and the church, and have long term positive impacts. The criteria for what can be included in EM3 is given in broad outline by Assembly and worked out in detail by individual ministers and their Synod officers.

From time to time there have been instances where the United Reformed Church has come close to requiring Ministers of Word and Sacraments and Church Related Community Workers to undertake particular training because the skills, knowledge and attitudes which it engenders are an essential part of what is expected of people in public ministry. Examples include Child Protection and Vulnerable Adult training, and some legislative aspects of trusteeship.

Given the public expectations that church ministry elicits, and the authority which comes from holding public office, the Education & Learning Committee and the Ministries Committee propose the following resolution for General Assembly to consider:

General Assembly accepts that it will sometimes be appropriate to make certain additional training mandatory under our EM3 provisions for Ministers of Word and Sacraments and Church Related Community Workers. It will be for Mission Council to agree the nature, expected outcomes, and monitoring of such training.



C

A Financial Safety Net for Synods

Background

1 The May 2011 Mission Council received a paper on Resourcing Synods (Paper A). Without endorsing all the recommendations, it passed the following resolution:

Mission Council requests the Finance Committee to bring to a future meeting of the Council proposals for how a system of underpinning Synod finances from the Assembly budget might work in practice.

2 Members of Mission Council had asked for the Finance Committee to do this work in consultation with other interested parties. After obtaining advice from the Mission Council Advisory Group on the best practical interpretation of this request, the Finance Committee met with appointed representatives of the Inter-Synod Resource Sharing Task Group. Both the full Task Group and the annual Inter-Synod Resource Sharing Consultation of all the Synods then discussed the issues.

3 Subsequently a previous draft of this paper was circulated to all Synods for an informal view from Synod officers; it was understood that the timescale did not allow for formal responses from Synods themselves. It was very helpful that 12 of the 13 Synods submitted a response. Ten of the twelve responses favoured bringing to Mission Council a Safety Net proposal broadly in the form suggested. The Finance Committee read all the responses and revised the proposals in the light of the constructive suggestions made.

4 This paper has been influenced by all these discussions to date. With an outline of a possible scheme before it, Mission Council now needs to decide whether to proceed with encouraging the General Assembly to set up a safety net or not. If any decisions are to be made by the 2012 Assembly to guide policy in 2013, a steer will need to come from this meeting of Mission Council. At the November 2011 Mission Council one Synod Clerk expressed the view that their Synod was likely to “be bankrupt in three years” so the underlying question retains a degree of urgency.

What sort of Church are we?

5 In seeking to move the discussion forward from the previous Mission Council paper, the core question that hampers choosing any straightforward policy is not financial but ecclesiological. Does the United Reformed Church express itself as a single Church operating through thirteen Synods or as a federation of thirteen largely autonomous Synods? In practice the Church veers more to one model or the other in its various decisions.

6 If the Church is essentially a single Church then the argument for “central” resources being made available to financially precarious Synods is clear. In practice “central” resources are largely drawn from Synods, principally through the Ministry and Mission Fund. The logic of a centralised Church would be that the Assembly could direct resources to move between Synods.

7 Any such proposal, however, quickly reveals the extent to which Synods, and their local churches, veer towards the second model of the Church. With Synod Trusts holding the major assets, and with Synods having been left free to develop their own policies for using their assets, it is clear there is a wide divergence of practice. While Synods are generally content for other Synods to operate a variety of different policies, with different financial consequences, they are much less persuaded that Synods whose policies have led to a strong financial position should be required to sacrifice them for the benefit of weaker Synods.

8 The position is further complicated by the fact that there has never been a level playing field in terms of Synod resources and factors such as different property prices in different parts of Britain means that even if two Synods both adopted identical policies for the use of their assets, one might over time become very much stronger financially than the other. In practice it is impossible to disentangle how much of a particular Synod's current financial position is due to its chosen policies and how much due to factors outside its control.

9 These dilemmas led to some at Mission Council calling for much more radical reviews of the number of Synods or the continuance of individual Synod Trusts. These views were echoed in some of the informal Synod responses to the ideas in this paper. Several Synods, including those opposed to a Safety Net being put in place, urged a much more major review of Synod structures. Some who do favour the Safety Net would prefer some assurance that it would only be needed for the short term, which also implies a more fundamental review of Synods. While the Finance Committee heard these pleas, the Committee is clear it is outside its brief to reorganise the constitutional structures of the denomination. It therefore simply reports to Mission Council the strength of feeling on this issue in some places.

10 Meanwhile the Finance Committee reiterates to Mission Council that the risk of a Synod facing acute financial difficulties is neither purely theoretical nor necessarily far distant. We note that, despite their other comments, a clear majority of the Synod responses said explicitly that this year's Assembly needs to address this issue and it should not be delayed. Thus this paper continues with the limited but important ambition of identifying how a Synod's finances are to be supported if they become impossible in the near future, well before any major constitutional reform would be possible.

Synod Accounting and Accountability

11 As in other areas of URC life, individual Synods have developed their own distinctive ways of presenting their finances. They also doubtless have their own ways of undertaking longer term resources planning in the context of Synod mission strategies. A prerequisite of being able to consider any help from the Assembly budget for a Synod would be for Assembly officers and staff to be sufficiently immersed in this to fully understand how the Synod thinks financially.

12 In an earlier version of this paper it was suggested that providing a three year budget should be required from any Synod wanting central help. In subsequent discussions a number of voices have suggested that it would be good practice anyway and for all Synods. This would help provide early warning of potential problems. To test the mind of Mission Council, Resolution A is offered.

Resolution A

Mission Council requests all Synods to prepare three year budget plans as a matter of routine and to copy them to the Finance Committee, with the first plan being provided not later than the end of 2013.

Synod Core Work

13 Given the wide variety of what individual Synods have chosen to undertake as Synod work and staffing, and the difference of view about what is appropriate now, the only secure principle on which to assess the basic core work of a Synod is to take the functions required of it by the General Assembly, through the Basis of Union and subsequent decisions. This does not imply Synods which have added many other tasks have been mistaken, simply that any underpinning from Assembly funds should be limited to functions required by the Assembly.

14 Earlier versions of this paper drew the definition of what Assembly required of Synods tightly and focused on legal and constitutional requirements. A number of responses suggested that the training and development role now played by Synod officers in many places had become an essential part of a Synod's life and therefore this paper includes some provision for that.

15 The stipends and some related costs of Synod Moderators are already funded from the Assembly budget. In broad terms the other essential Core Costs of running a Synod arise from the following requirements:

- (i) Holding decision-making sessions of Synod, traditionally two annually
- (ii) Providing administrative support for the Moderator
- (iii) Providing administrative and professional support for the Synod Trust, especially with regard to property matters, and the Trust providing such support to local churches
- (iv) Overseeing ministers/CRCWs and candidates for the ministry and providing pastoral and mission support to churches
- (v) Fulfilling the functions of Synod between Synod meetings
- (vi) Liaising with General Assembly as required
- (vii) Providing support to local churches regarding good practice
- (viii) Functions required, urged or requested by Assembly resolutions, including currently:
 - Employing and providing line management for a Children and Youth Development Officer (CYDO)
 - Implementing Local Ministry and Mission Review and various other training requirements for EM2, EM3, elders, lay preachers and others.

16 To fulfil these responsibilities Core Costs in practice may have to cover, depending on the availability of skilled volunteers:

- (i) Costs of holding two full meetings of the Synod per year
- (ii) Provision of an office base for administrative staff
- (iii) Administrative and venue costs for committee meetings
- (iv) Part-time Administrator to liaise with Church House and act as PA to Moderator
- (v) CYDO, also acting as Safeguarding Adviser
- (vi) Training and Development Officer
- (vii) Part-time Trust and Property Officer
- (viii) Part-time book-keeper
- (ix) Audit, accountancy and legal fees.

An Outline Support Process

17 It is assumed that the pattern since 1972 of Synods normally funding their own operations will continue. This pattern is enriched by the voluntary Inter-Synod Resource Sharing (ISRS) process, which is principally designed to allow less wealthy Synods to add to the Core Costs some funding for other exciting mission projects. There is no suggestion that anything proposed in this paper supersedes the valuable work of the ISRS process. As several responses have pointed out, if more Synods were able to give more generously into the ISRS pot, some of the pressures on the financially more fragile Synods would be reduced.

18 If however a financial safety net were needed at some point for a Synod, the following process might provide it within the framework of relationships that makes the United Reformed Church what it is today.

- (i) The Safety Net process would only be initiated at the request of the Synod concerned.
- (ii) If the Synod had not already supplied a three year budget plan to the Finance Committee it would present one.
- (iii) The Finance Committee would provide someone - the Finance Friend - to work alongside the Synod to clarify its financial position and consider options for the future.
- (iv) If the Synod wished to pursue the possibility of support from the Assembly budget, the Finance Friend would bring to the Finance Committee proposals supported by the Synod.
- (v) The Finance Committee would make recommendations to Mission Council within the context of the Assembly budget in the light of the request from the Synod. Any proposal for support would make clear whether this was a short term measure or expected to continue for the longer term.

19 In implementing this procedure, the following principles would be followed:

- (i) The Synod would accept that all its resources, including designated funds and property, would be part of the discussion with the Finance Friend
- (ii) The Synod would accept that only the sort of Core Costs outlined above would be eligible for any support from the Assembly budget
- (iii) The Synod and Assembly would accept their legal and moral responsibilities towards all employees, and to ministers and CRCWs carrying out Synod duties as part of their scoping.

20 While it would be easy to design a more complicated process, it is hoped something along the lines outlined here would be an adequate framework for discussions between people all seeking the good of the whole Church. It would also avoid the need for the creation of any new committees.

Resolution B

Mission Council recommends that the General Assembly agrees to a financial Safety Net for Synods of the form outlined in paragraphs 15, 16, 18 and 19 above.

John Ellis
Treasurer

20 February 2012



C1a

Assembly Sunday Appeal

Background

- 1 The November 2011 meeting of Mission Council discussed at length the Budgets for 2012, 2013 and beyond and many comments encouraged thinking about the income side of the Budget as well as the expenditure side. In particular, the Moderators elect suggested that a way of raising awareness about the financial situation and of helping address it directly would be to have a special offering on the Sunday of the 2012 Assembly both at Assembly and in local churches. They suggested the proceeds might be dedicated to reducing the large 2012 Budget deficit.
- 2 Since Mission Council this idea has been discussed in several fora, including the Moderators' Think Tank, the Mission Council Advisory Group and the Finance Committee. While the principle of a special Appeal won widespread support, there was a variety of views about the detail. Mission Council now needs to make a decision so that publicity can be organised as soon as possible.

A Proposal

- 3 As is normal at the Sunday worship during Assembly, an offertory should be taken up and for this URC 40th birthday year it should be a special Appeal for the Ministry and Mission (M&M) Fund.
- 4 Advance publicity would invite all local churches to share both in aspects of the Assembly service when they meet for worship on Sunday 8 July and in the Appeal. It would be for the local Church Meeting to decide in what way they contributed to the Appeal: this might be by giving their main morning offertory or by a retiring collection or by an activity or celebration with a fund-raising element.
- 5 The rationale for the special Appeal would be that the Budget is under pressure and Mission Council believes that the highest priority for the Budget in the view of most local churches is to sustain the stipendiary ministry. In order to avoid pressure growing on the Church's capacity to sustain stipendiary ministry, giving to the Ministry and Mission Fund needs to start growing again. This is a long term challenge. As a prelude to meeting this, the whole Church is invited to give something extra on Assembly Sunday towards the M&M Fund before reviewing their regular M&M giving for 2013 and beyond.
- 6 This rationale dovetails easily with the planned emphasis of the incoming Moderators on responding with joyful generosity to the lavish generosity of God. It also dovetails with the planned Resolution for Assembly from the Finance Committee refreshing our commitment to the Church's existing policy on tithing.
- 7 This rationale has the further benefit of focusing on a topic of widespread interest and concern. It will thereby help the whole United Reformed Church, gathered in Assembly

and dispersed locally, feel we are contributing in solidarity with congregations in all sorts of circumstances around the country.

- 8 In some local contexts, congregations might want to present the Appeal mainly as a 40th birthday thankoffering for the life of the United Reformed Church and particularly for those who have exercised life-changing ministries within it.
- 9 If Mission Council supports this approach, the annual “Thank You” report leaflet on the M&M Fund, which is sent to every local church, would feature the Assembly Sunday Appeal idea. As in previous years the leaflet would be accompanied by a letter giving more factual information and figures about the central Budget so that informed presentations can be made locally. It should be possible to have this publicity in local churches before the end of April to give time for decisions about Assembly Sunday.
- 10 It may also be possible to prepare other material for widespread distribution before July. Some might be based around the 40th birthday theme. In addition, the Stewardship Sub-Committee hopes to produce new material on the theological understanding of stewardship with clear links to the Vision 2020 themes.

Resolution

N.B. This resolution was rejected by Mission Council.

Mission Council, noting the pressures on the M&M Fund which finances stipendiary ministry:

- (i) **agrees that the offertory at the Assembly worship on Sunday 8 July should be a special Appeal devoted to the M&M Fund;**
- (ii) **encourages all local churches to share in this Appeal on Assembly Sunday.**

John Ellis
Treasurer

18 February 2012



URC Investment Committee Revised Terms

Purpose

1 This paper invites Mission Council to approve improved means for handling work on ethical investment.

Background

2 The United Reformed Church has a longstanding and ingrained commitment to work on ethical investment. It seeks to ensure financial investments made in the name of the Church or related bodies conform as closely as possible to Gospel values. It seeks to use its influence to improve the ethical dimensions of companies in which it does invest. The General Assembly most recently updated its ethical investment guidelines in 2010.

3 Since 1992 the main forum for denominational discussion of these issues has been the Ethical Investment Advisory Group (EIAG). It was originally created to bring together representatives of the then Church and Society Department with those with responsibility for investing Church and Pension Fund assets.

4 EIAG was reshaped after the 2002 Assembly set new targets for the Church's ethical investment work. It is currently an Advisory Group of Mission Council.

5 Since 2002, the wider ethical investment scene has developed considerably and some of the targets set then by the Assembly have clearly been met. The Church's internal processes have also changed. Two changes are particularly worthy of note.

6 First, Mission Council set up from January 2009 the United Reformed Church Investment Committee (URCIC). This brings together representatives of the main denominational investing bodies and has developed some links with Synod investing bodies. It provides a single specialist forum for addressing the whole range of investment questions for the Church in a way that did not previously exist. Most of the energy for discussing practical ethical investment questions is now found within this body rather than in the EIAG. The ethical aspects of its work form a regular and prominent part of its discussions.

7 Secondly, the fully ecumenical Church Investors Group (CIG) has developed almost beyond recognition over the last decade. The contribution of URC members to this has been more than proportionate. As the 2002 Assembly dreamed, it is now the case that lobbying companies on ethical issues is normally achieved via the much greater weight of the CIG acting on behalf of all the major Christian denominations, not by unilateral URC endeavour. Working through the CIG provides staff and research capacity to strengthen the work well beyond anything the URC could contemplate in isolation, and provides a higher public profile.

Evolving Further

8 In the light of such developments, the current members of the EIAG are unanimous in the view that the Group should now be wound up and available resources and energy focused on other means of achieving the Church's objectives. This would include continuing contributions to the CIG and the Ecumenical Council for Corporate Responsibility (ECCR), which provides a forum for individuals and other organisations which to some extent parallels the work of CIG for denominational investing bodies. Drawing the EIAG's work to an honourable close would however require some amendment to the terms of reference of URCIC and EIAG suggest that the opportunity might also be taken to add to URCIC a representative of the Mission Committee, which now has Church and Society brief within its remit. A possible set of revised terms of Reference for URCIC are offered in the Appendix: the main changes from the current version are in 1(v), 2(b) and 3.

9 These changes have been trailed informally with various interested parties, including the November 2011 Mission Council, and no objections have been raised. Mission Committee also discussed and endorsed this proposal at their meeting in February and asked the Secretary for Church and Society to explore how to take this forward with the URCIC. Particular support was expressed for the principle of expressing mission responsibility through investment and it was suggested that mission enablers and practitioners in Synods engage with those responsible for investment decisions to reinforce this principle.

10 It is possible that at some point an ethical investment issue might arise which had important resonances beyond the remit of the URCIC (or the old EIAG). It is therefore suggested that, to avoid any doubt, Mission Council might be explicit that in such circumstances it would be for the Deputy General Secretary to call together an *ad hoc* group of relevant office-holders to address the question.

Resolution

Mission Council:

- (i) **welcomes the progress made through the Church Investors Group to bring an informed and united Christian voice to bear on issues of ethical investment and company behaviour;**
- (ii) **discharges its Ethical Investment Advisory Group with thanks to all those who have contributed to its work and especially to Frank Kantor, its most recent Secretary;**
- (iii) **revises the Terms of Reference of the United Reformed Church Investment Committee to those shown in the Appendix;**
- (iv) **instructs that if an issue relating to ethical investment should arise which, for reasons of urgency, potential wider implications or otherwise, falls outside the remit of URCIC, the Deputy General Secretary should take responsibility for convening an appropriate process for addressing the issue.**

John Ellis
Treasurer

21 February 2012

Appendix

URC Investment Committee Terms of Reference

1 The terms of reference of the United Reformed Church Investment Committee (URCIC) shall be as follows:

- (i) The Committee shall provide guidance to the URC Trust and the URC Ministers' Pension Trust in relation to all matters relating to the investment of the assets held by these Trusts;
- (ii) The Committee shall secure advice and support from investment specialists to enable clear recommendations to be made to the Boards of these Trusts;
- (iii) The Committee shall take decisions on behalf of the Boards, subject to the authority of the Boards and within guidelines for delegation agreed with the Boards;
- (iv) The Committee shall organise such training for its members as will enable it to carry out its duties in a professional manner;
- (v) The Committee shall work with ethical investment guidelines agreed by the General Assembly and give advice on ethical investment matters to Mission Council.

2 The composition of the URCIC shall be as follows:

- (a) Ex officio members:
 - (i) the Chair of the URC Trust or another Director;
 - (ii) the Chair of the URC Ministers' Pension Trust Board or another Director;
 - (iii) the Treasurer of the United Reformed Church;
 - (iv) the Treasurer of Westminster College;
 - (v) the Convenor of the Pensions Executive.
- (b) A nominee of the Mission Committee
- (c) Five members appointed by the General Assembly for four year terms, renewable once.
- (d) Any additional members co-opted by the Committee
- (e) Staff in attendance:
 - (i) the Chief Finance Officer;
 - (ii) the Clerk of the URC Trust and Secretary to the URC Ministers' Pension Trust, who shall act as Secretary of URCIC.
- (f) A Convenor appointed by the General Assembly from amongst those in groups (a) to (d), with the agreement of both Trust Boards, and who if not already a member, will attend each Board as an adviser.

3 A quorum for Committee decisions shall be a total of five members drawn from groups (a), (b) and (c) above.



Nominations Committee

1. Moderator for the Synod of Wales

The Group appointed to nominate a new Moderator of the Synod of Wales, convened by the Revd Roz Harrison, recommends the appointment of the Revd Simon Walkling to serve as Moderator of the Synod of Wales.

2. Review/Appointing Groups

The following have agreed to convene Review/Appointing Groups during 2012:

- Appointing Group:

Mr Duncan Smith: Moderator of the South Western Synod.

- Review Groups:

Mr Chris Maple: Moderator of the Northern Synod.

Revd John Durell: Secretary for Ministries.

Revd John Oldershaw: Secretary for Racial Justice and Multicultural Ministry.

3. United Reformed Church Trust

It is hoped to bring nominations for the three impending vacancies on the United Reformed Church Trust to Mission Council. Discussions between Nominations Committee and the Board about these appointments are in hand.

4. Past Moderators of General Assembly

The process by which the “college” of former Moderators of General Assembly nominate two of their number of attend the next General Assembly is almost complete. The outcome should be known shortly.

5. Other appointments

- The CCLA has offered the United Reformed Church two places on its new COIF Advisory Board for the Ethical Fund in which the United Reformed Church is heavily invested. Nominations Committee recommends the appointment of Mr John Ellis and Mr Andrew McKenzie, with immediate effect.
- 3.1.3 Revd Catey Morrison has withdrawn as Convener elect of the Ministries – Maintenance of Ministry Sub-Committee from General Assembly 2012. A replacement is being sought.
- 4.6 Mrs Carol Rogers has agreed to serve as Secretary elect of the Nominations Committee from General Assembly 2012.
- 4.8 Mrs Jane Woods-Scawen has withdrawn as Secretary elect of the Disciplinary Process – Commission Panel. A replacement is being sought to become Secretary from General Assembly 2012.

Mission Council, acting on behalf of General Assembly, appoints the Revd Simon Walkling to serve as Moderator of the Synod of Wales from 1 September 2012 to 31 August 2019.

Mission Council, acting on behalf of General Assembly, appoints Mr John Ellis and Mr Andrew McKenzie to serve on the COIF Advisory Board for the Ethical Fund.



Nominations Committee Supplementary Report

1. PAST MODERATORS OF GENERAL ASSEMBLY

Paragraph 2(6)(j) of the Structures of the United Reformed Church sets out the basis for appointing two former Moderators of General Assembly (or former Moderators, Chairman or Presidents of previous equivalent bodies) as members of the coming Assembly. Accordingly, all those eligible have been canvassed as an electoral college. They have elected the following to serve:

Revd Elizabeth Caswell and Revd Professor David Thompson.

Some other former Moderators may also, of course, be attending in another capacity.

2. THE UNITED REFORMED CHURCH TRUST

2.1 Having followed the procedure for the nomination of suitable candidates to fill three impending vacancies on the United Reformed Church Trust and after discussions with the present Board the following is recommended as the composition of the Trust for agreement by General Assembly:

Chair: *To be elected by members of the Trust*
Secretary: Ms Sandi Hallam-Jones
Deputy Secretary: Mr Tony Bayley
Directors: *Group 1 –*
Dr David Robinson (4) [2014]
Mr Andrew Atkinson (1) [2016]
Mr Alastair Forsyth* (4) [2016]
Mr Neil Mackenzie* (3) [2016]
Group 2 –
Mrs Rachel Wakeman (6) [2014]
Revd Richard Gray (8) [2016]
Group 3 –
Mr John Woodman (7) [2014]
Mr Michael Davies (11) [2014]
Revd Professor David Thompson** (7) [2014]

Mission Council nominated Directors:

Mrs Claudette Binns [2014]
Mr Andy Littlejohns [2016] (FURY)

Coopted Directors: Miss Joyce Bain [2014]
Dr Brian Woodhall [2014]

Ex officio: Moderators of General Assembly
General Secretary
Deputy General Secretary
Honorary Treasurer
Clerk to General Assembly

In attendance: Convener of Investment Committee

*- these are newly nominated Directors, both of whom have submitted satisfactory references.

** - Professor Thompson has indicated his willingness to serve for a further two years.

- 2.1 These names are recommended on the basis that appropriate expertise and experience are more important than strict adherence to geographical representation.
- 2.2 These recommended appointments reflect a new “URC Trust Board Appointments Policy” which General Assembly will be invited to adopt.

Resolution:

Mission Council agrees that the proposed membership of the United Reformed Trust shall be presented to General Assembly for approval.

John Durell



Faith and Order Reference Group

Ongoing Areas of work: report for information

1. **CPCE Documents:**
2. **Two documents have been referred to the URC by the Council of Protestant Churches in Europe for a response. These are ‘A time to live and a time to die’, and ‘Scripture - Tradition - Church’. The FORG has sent in responses to both of these on behalf of the URC.**
3. **Worshipping the Triune God:**

FORG looked at this report, referred by the World Communion of Reformed churches. The report looks at worship through the development of a number of ‘proverbs’, offered for reflection and discussion. It was noted that since the end of the Doctrine Prayer and Worship Committee, there was no longer a URC group which had a particular remit for Worship. It was agreed to look at ways in which this report could be disseminated more widely across the church, and whether a group of ‘liturgists’ could be called together. It was also agreed to explore holding a conference on worship in 2013.

4. **Lay Presidency**

There are ongoing discussions in this area.

5. **Ethical Decision-making in the URC**

Romilly Micklem led the group in a helpful discussion, raising in particular the question of authority in a church with a conciliar structure.

6. **Housing and Land**

Frank Kantor referred this issue to the FORG on behalf of the URC and the Methodist Church, who made some suggestions for further work. The FORG are involved in an ongoing discussion about the theology of housing and land.

7. **URC future**

Arising out of discussion with regard to the nature of membership, it was agreed to begin a major theological discussion on the nature, purpose and identity of the URC. The following questions will be looked at, with positive responses invited from across the URC on 2 sides of A4: ‘what

do we see as the future of the church (URC and other) and why are we where we are? Where are we going (where could we go)? Where is God calling us?' The work will begin at the FORG meeting at the end of February 2012, at which there will be a discussion as to how best to take it forward across the wider church.

7. Other areas of work

The FORG has also looked at a range of other areas of working, including theological aspects of 'Radical Welcome,' and, more briefly, Human Sexuality, a doctrinal matter referred from a moderator, God's Reign and our Unity, 'Theology and the Academy. The FORG is currently working on a written remit, to include purpose and areas of work to be covered, membership and accountability.

8. Change of secretary

The Group is very grateful for the hard work and commitment put in by Richard Mortimer in being secretary to the Group. In view of the pressing nature and extensive range of Richard's commitments, David Tatem has now taken on as secretary.

Revd Elizabeth Welch
Convener
February 2012



F1a

The Faith and Order Reference Group

Proposal that this group becomes a committee of the Assembly:

Draft Remit

- To address issues of faith and order on behalf of the URC.
- To participate in and respond to ecumenical and inter-faith discussions on faith and order issues.
- To advise the assembly, its officers and committees on questions of faith and order.
- To listen to concerns raised by Local Churches, Synods and individuals and to advise as appropriate.
- To publish and disseminate occasional materials relating to questions of faith and order.

Both in the UK and in the wider Church there have been a number of developments which have had the effect of bringing Faith and Order questions into greater prominence. Anglican/Reformed dialogue sponsored by WCRC and the 1662 anniversary being but two examples. Other issues looked at recently include a Theology of Land (requested by a Methodist/URC group), Worship (a document referred from the World Communion of Reformed Churches), doctrinal standards for ministers (referred by a Synod Moderator), Lay Presidency, (referred by the General Secretary) ethical decision-making, and two papers referred by the Community of Protestant Churches in Europe).

At present the remit and accountability of the Faith and Order Reference Group has not been put down in writing. In view of the wide range of referrals which the Group is receiving, the Group feels that the time has come when it would be helpful to have clarification about these areas. Accordingly it is proposed that the Reference Group be converted into an Assembly Standing Committee. This would enable a wide range of individuals, groups, committees and councils to be free to refer Faith and Order matters to the FORG. It has also been realised that there is not a group looking at worship. It is proposed that the FORG take this area on. (as has already been seen in consideration of a CWRC document on worship which was referred to the group).

Method of Working:

Currently issues can be raised by individuals and councils of the URC, the FORG itself, and national and international ecumenical partners. The FORG responds to referrals in order to offer a URC perspective to the relevant person/council/partner.

The FORG also has a role to discern how such matters should be disseminated more widely across the URC, including, as necessary, formal referrals to the URC General Assembly, as the body which is tasked in the Basis of Union to make declarations of Faith and Order on behalf of the URC. It is proposed that this pattern will continue but with the addition of a formal report to each Assembly.

Accountability:

In view of the broad remit, receiving referrals from a cross section of individuals, groups and councils, with regard to matters that affect the URC as a whole, accountability should be to General Assembly but generally through Mission Council.

Proposed Membership:

A Convenor, appointed by General Assembly, the Deputy General Secretary, the Ecumenical officer, and 6 people, representing a cross section of theological views, with a depth of theological experience, with one or two participants from other Christian traditions. Nominations committee will appoint the members with the length of appointment being the standard for URC committees.

Resolution:

- 1. Mission Council resolves to create an Assembly Standing Committee to be called, The Faith and Order Committee, with as its current membership those individuals serving on the Mission Council Faith and Order Reference Group.**
- 2. Mission Council agrees that the remit of the Faith and Order Committee shall be:**
 - **To address issues of faith and order on behalf of the URC, either referred to it or by its own initiative.**
 - **To participate in and respond to ecumenical and inter-faith discussions on faith and order issues.**
 - **To advise the assembly, its officers and committees on questions of faith and order.**
 - **To listen to concerns raised by Local Churches, Synods and individuals and to advise as appropriate.**
 - **To publish and disseminate occasional materials relating to questions of faith and order.**
- 3. Mission Council thanks and discharges its Faith and Order Reference Group.**



Listed Buildings Advisory Group

General

The Listed Buildings Advisory Group, which normally meets twice a year, is accountable to Mission Council for co-ordinating across the English Synods, and for the time being the National Synod of Wales, a common approach to the application of Ecclesiastical Exemption. Additionally, but no less vitally, its officers and other members provide the link between this Church and other organisations, in particular English Heritage where relationships are positive and cordial. They also maintain contact with the Department of Culture, Media and Sport and relevant representatives of other churches. These links ensure the smooth flow of information, to the benefit of all United Reformed Church congregations.

Disposal of Artefacts and furnishings

Members of the group have continued to discuss the concern raised with Mission Council in May 2011 that the disposal of historic artefacts from churches including listed churches should be suitably recorded.

The identity of individual churches develops over time and is reflected not only by the buildings in which they meet but also the objects they look at and use. Sometimes, when churches move from one building to another, they take with them artefacts which maintain the continuity of experience with earlier members. Furthermore, significance rests not only with portable items but also with windows and memorials.

The disposal of church contents is strictly regulated in the Church of England. The Methodists are developing a policy relating to historical contents of both listed and non-listed buildings. An approach common to the major denominations is desirable, but meanwhile it is even more desirable for our own denomination to consider its position in this area.

The disposal of historic artefacts is a live issue and goes wider than listed buildings. It will become more significant as churches decline and buildings close. While much current United Reformed Church thinking is focusing on identity, it would be ironic if furnishings and objects which have helped to articulate our current identity were casually lost through a lack of awareness of their significance or guidance about how to proceed with their disposal.

Accordingly, the group has developed a checklist of actions desirable when the disposal of church contents is under consideration, designed to provide support and guidance in this area. This should be helpful to churches, and Mission Council is invited to adopt it and commend it to synods and churches.

Other current concerns

In common with other churches, a concern for the Listed Buildings Advisory Group during 2011 has been the theft of lead and other metals from church buildings, a major and increasing problem. The Group has received revised advice from English Heritage, and notes that English Heritage has

Issued new guidance to places of worship: <http://www.english-heritage.org.uk/publications/theft-metal-church-buildings/>

Changed grant criteria to include, for example, security systems

Made it possible to change roofing material after a single instance of theft. (Though a change still requires planning, listed buildings consent and a suitable substitution material)

Urged Government to change regulations to stop unidentified persons selling scrap metal for cash.

Some historic churches have raised with the Listed Buildings Advisory Group the question of installing solar panels.

English Heritage has issued new guidance. http://www.english-heritage.org.uk/professional/advice/advice-by-topic/places-of-worship/climate_change_pow/

They advise that although there are examples of successful solar installations on places of worship, there are many considerations to take into account before embarking on an installation. In any case other energy saving options should be examined before solar panels are considered; and a church would need to demonstrate an overall net benefit (in energy terms) in the installation.

Mission Council is invited to:

- receive the annual report of the Listed Buildings Advisory Group
- adopt the Checklist on the care and disposal of artefacts attached at Annex A and commend it to synods and churches

David Figures
17 February 2012

THE UNITED REFORMED CHURCH

CARE AND DISPOSAL OF CHURCH FURNISHINGS AND CONTENTS

PRINCIPLES AND ACTION CHECKLIST

ACTION CHECKLIST

1.1 Make an inventory of church contents, including fixtures (such as stained glass, memorial plaques, panelling, screens, pulpit, font, pews, musical instruments), and portable objects (furniture, font, lectern, banners, embroideries, communion plate, books, archives, musical instruments, collections of sheet music). Include measurements and photographs. This should be filed with church records. It has several uses, including insurance claims, reporting thefts, information for scholars, local history researchers.

This could be a time-consuming project, especially for a large church, but it is also an opportunity to engage the whole congregation, especially in providing notes on the significance of some objects. It could also be an opportunity to involve a local history group in the church by asking for their help. The National Association of Decorative and Fine Art Societies (NADFAS) do volunteer work of this kind.

1.2 Check church records for information about gifts, purchases, commissions, loans (dates, source of funds, suppliers). This will also clarify legal ownership and whether any persons or organisations (stakeholders) would be affected if disposal were considered. Find out if any donations were given relating to acquisition of objects, e.g. stained glass.

1.3 Assess the historic significance of these objects, to the church, church families, the local community, and maybe wider significance, such as family history studies, local or national history. It would be worth discussing the care of church records with the local county record office.

1.4 Explore the significance of objects in relation to quality, makers, period of creation, rarity. A local museum or antique dealer could help, but discuss any fees first. The more important the object, the more essential to get a professional opinion and valuation. There may well be a fee for a valuation. Museums do not give valuations.

2.1 There is normally a presumption against disposal, but there may be particular circumstances when it is desirable.

2.2 If disposal is contemplated, have clear reasons for disposal, and clear plans for using the funds raised. The plans must be for long-term benefit to church and, where appropriate, public.

2.3 Determine a disposal plan and communications strategy.

2.4 Consult stakeholders (church members, donors, families connected with object) to see if there may be any problems or opportunities.

2.5 Take advice on how to dispose of the object, after collecting information, and list options. Make this public, at least to church members. Disposal could be through gift to another church, sale to a local museum, public sale or auction. This should be influenced by the importance of the object. The decision to dispose should be made by the Church Meeting in consultation with the synod.

2.6 Decisions on how to spend any income should be made by the Church Meeting.

2.7 All decisions should be minuted.



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CYDO Contract Review

Introduction

A few years ago Synods took over the full cost of their CYDOs whilst continuing to give 25% of CYDO time to General Assembly work on the Youth and Children programme. This has prompted concern that whilst technically CYDOs are still Assembly employees, Line Management and overall supervision lies with the individual Synod. This raises a number of issues:

1. Salaries and terms and conditions are currently set by Assembly and do not match those of other Synod staff.
2. Synods are charged for salaries, expenses and associated costs on a monthly basis adding complexity to the process.
3. Should disciplinary or grievance processes be initiated, it is likely that Assembly would be liable for any legal costs. Alternatively a Tribunal might assert that the CYDO is a Synod employee adding further legal costs.
4. More recent appointments have, on the advice of the HR Department, been made as Synod employees. This has added confusion and uncertainty.

The resolution which follows attempts to address at least some of these issues, recognizing that if followed through it will have implications for the role and responsibilities of the Youth and Children's Committee and the continuing nature of the CYDO programme which will need to be considered.

Resolution

Mission Council instructs the General Secretariat to consider the issues relating to the employment of Children and Youth Development Officers (CYDOs) set out in Paper H and to bring a report including, if appropriate, proposals to amend the contracts and working practices of CYDOs.

Proposed by : Duncan Smith (Synod Clerk)

Seconded by : Revd Peter Meek

A background document issued in October 2011 from Michelle Marcano prompted Synods to discuss the issues and a summary prepared by the East Midlands Synod Clerk is attached for information.

COMMENTS ON THE PAPER ON THE CONTRACTUAL ARRANGEMENTS RELATING TO CYDOs

1. Process

The Synod Clerks met in early October 2011 and received the draft proposals from Michelle Marcano. It was agreed that Clerks consult with Synod Moderators and CYDO Line Managers on the proposals and feed back information to Duncan Smith (Synod Clerk, East Midlands) by October 29 2011 so that suggestions could be collated and passed on to Michelle.

Two Synods who have a CYDO have not sent in comments so the summary does not reflect their opinions.

2. General comments

There is some agreement between most of the Synods, particularly on what the major issues are. I have tried to emphasise the comments received on the general principles involved but this has proved difficult because of the complexity of the issues (not least because of employment legislation and the differing arrangements within certain Synods). I have therefore decided to raise the major issues and indicate a general overview of most Synods.

3. Key issues

These were identified by Michelle in her document and have been apparent for some years.

- a. Who is the employer of CYDOs, Synods or Church House or Assembly?
- b. Who do Synods wish to be the employers?
- c. Is the 25% work undertaken for Assembly by individual CYDOs to continue and if so who decides it will and who pays for it?
- d. The role of the Remuneration Committee which has set the pay increase for CYDOs over the previous years of employment needs to be clarified.
- e. The contracts already in place are a key issue. Some are held by Church House, some by the Synods and once the draft terms of employment are finalised some contracts will be affected.
- f. Once it is clear who are the employers there needs to be some agreement on Assembly work that is undertaken and who pays for it.
- g. The role of the National Officers will need to be considered as well as the Line Management of the National Officers and CYDOs. The role and line management of the National Officers is not an issue considered by this paper since that will be the responsibility of others and outside the remit of this review.
- h. There is concern that any changes may well result in disparity of pay across the country despite job descriptions and modus operandi being very similar.

4. Comments submitted

a. Employment

Most, but not all, indicated that CYDOs should be employed by Synods and that their contracts needed to be held by the Synod Offices. Some Synods expressed concern that once Synod employment was recognised and appropriate contracts amended, then this would run the risk of weakening the cohesion of those serving as CYDOs.

b. Assembly work

The Synods were generally supportive of some “covenant” or “memorandum of understanding” being in place so that 25% of CYDO work was for Assembly work. However, most Synods indicated there needed to be some payment towards the cost of this work from Assembly. Some felt a full 25% of the salary and expenses should be met, one felt a lump sum be paid by Assembly each year to off-set some of the costs of CYDO Assembly work, some indicated it would be a matter for each Synod to decide whether or not their CYDO should participate in Assembly work. This percentage may be negotiable.

c. Remuneration Committee

Most Synods indicated that the Remuneration Committee could make proposals about CYDO pay but individual Synods, the employers, should decide on pay rises. Synods were aware that this could lead to disparity of CYDO pay across the country.

d. Other issues raised:

1. We are being rushed into decisions on these issues and more consultation needs to take place.
2. Assembly work is worth conserving.
3. CYDOs should not have to provide their own offices (Paper D clause 9)
4. CYDO Line Managers need to be more involved with their CYDOs in determining what Assembly work is undertaken.
5. CYDO Appointments ARE Assembly appointments and should remain so.
6. Synod employment of CYDOs would undermine the work of the National Development Officers.
7. If Synod appointments the Synods may see no reason for the Youth and Children’s Work committee having any say in interview, appointment and review processes.
8. Under the present contracts Synods would have the right to refuse to employ CYDOs and at least one may do so.
9. Before anyone writes to CYDOs (see action points) there will be a need to meet to discuss much of the detail listed above.
10. Team fragmentation may occur if we follow the logical route of Synod employment and Synod decision on what work is to be undertaken.

CONCLUSIONS

1. The complexities of the work to be undertaken are self-evident.
2. A need for further consultation on refined drafts is necessary. This may be best directed through CYDO Line Managers.
3. There is a wide range of views across the Synods as to the way forward but most have accepted CYDOs should be Synod appointments and employees and that the 25% Assembly work is worth keeping in place although payment for this work is still a live issue.

Duncan Smith

Synod Clerk (East Midlands)

31.10.11



J2a

multicultural church, intercultural habit

Locating the Document

This short document is drawn from the longer paper “From *multicultural* to *intercultural*: Transforming Mission and Ministry” which was presented and discussed at Mission Council in May 2011.

The intention of the Document and what it asks of Mission Council

- Seven years after our 2005 ‘multicultural church’ declaration it is timely that we reconsider and affirm where the declaration has moved us to.
- The changing context of mission/ministry, what it means to be ‘church’, and our need to deepen the ways we live justly and what it means to be an inclusive church demand this.
- This document seeks Mission Council’s endorsement to reframe our aspirations and give renewed/refocused direction to ways of living out these aspirations.
- Hence, the newly named focus: “multicultural church, intercultural habit” to underscore this dynamic and ongoing journey

The implications

- The document locates the developing nature of RJMM as integral to vision2020.
- It is mindful of the need for collaborative work across the church and towards project oriented (short-term) initiatives, working with synods, local congregations and our resource centres for learning to enable the aspirations to take stronger rooting.
- This renewed theme will allow for greater focus shaped by contextual realities, passion/energy and available resources (internally and externally) in developing transforming partnerships:
 - it will be time-based, will be funded in partnership, geared towards local/synod ownership, take a variety of shapes and will be measurable.
 - there will be a strong emphasis on church-growth, evangelism, justice, identity and spirituality.
- As a bonus: the deepening of “an intercultural habit” will also contribute to how we hold our theological and other diversities together in one house with many connecting rooms.

multicultural church, intercultural habit

We are all cultural beings. Cultural influences largely shape everything we do. By culture we mean all that shapes the whole of our life. Our understanding and experiences of God and our faith are shaped by the interweaving and dynamic nature of culture(s). We respond to the invitation of God in Christ as people situated in context(s). Hence, our view will always be partial and limited by our cultural influences. Together, however, we are better placed to catch a larger and generous view of God and God's purpose for us. This is why it is imperative that we work towards creating *intercultural spaces* and model *intercultural habits* to deepen our life together. The story of God taking on human form in a Palestinian Jewish cultural being/context through Jesus, that then moves outwards through the outpouring of the Holy Spirit into a variety of neighbouring cultural contexts, affirms both cultural diversity and the calling to an intercultural habit, as a way to live out "fullness of life" as an ecclesial community of the Spirit.

An intercultural church is premised on the abundant generosity of God made real through Jesus Christ. In modelling a habit of generous lives...

1. we will be open, trusting and joyful to the leading of God's Spirit
 - [Vision Statement 1 *Spirituality and Prayer*] [Acts 2:5-11; 2 Corinthians 3:17-18]
2. we commit ourselves to deepening our discerning and re-reading of our biblical and theological bases for our intercultural life together
 - [Vision Statement 1 *Spirituality & Prayer*; Statement 2 *Identity*; Statement 6 *Evangelism*] [Isaiah 56:6-8; Isaiah 65:17-25; Revelation 21:1-7; Ruth; Matthew 1.1-17; Acts 10]
3. we will affirm new and different experiences, recognizing a variety of expressions of the one faith
 - [Vision Statement 5 *Hospitality & Diversity*; Statement 3 *Christian Ecumenical Partnerships*] [Genesis 1:26; Psalm 133:1; Matthew 28:19; John 17:11, 23; 1 Corinthians 12: 12-27; Galatians 3:27-29]
4. we will journey beyond our cultural comfort zones and boundaries
 - [Statement 8 *Global Partnerships & Statement 4 Community Partnerships*] [Jonah; Matthew 15: 21-28; 28:19-20; Mark 7:24-30; Genesis 28:10-19; Acts 8: 26-40]

5. we will seek to become an enlarged, inclusive, welcoming, and justice-seeking community
 - [Vision Statement 2 *Identity*; Statement 9 *Justice and Peace* & Statement 10 *Integrity of Creation*] [Psalm 148; Galatians 3:28; Ephesians 4:3-5; Revelation 7:9; Micah 6:8]

6. we will engage in transformation of heart, mind, structure and policy, seeking habits that redress power imbalances, challenge systemic injustice, generously cultivate diverse leadership, and seek full participation of all
 - [Vision Statement 7 *Church Growth* & Statement 9 *Justice and Peace*] [Luke 19:1-10; John 10:10; Acts 10:34; Romans 12: 1-2; Matthew 21:1-11; Mark 8:27-33? Luke 1:46-55; Luke 4:16-30; Romans 16: 1-16]

7. we will work intentionally towards mutuality in giving and sharing for all of us are in need and all must be inconvenienced for the sake of the other and the gospel.
 - [Vision Statement 1 *Spirituality & Prayer*, Statement 5 *Hospitality & Diversity* & Statement 9 *Justice & Peace*] [Luke 7:18-23; Luke 10:25-37; John 4:1-39]

8. we commit ourselves to the constant habit of self-examination, life-long learning, and reflection through on-going education, training, monitoring and evaluation of our intercultural engagement.
 - [Vision Statement 1 *Spirituality & Prayer*; Statement 2 *Identity*; Statement 7 *Church Growth* & Statement 9 *Justice & Peace*] [I Corinthians 9:1-33; 2Corinthians 5:16-20; Philippians 3:12-16]

Mission Committee /RJMM
(March 2012)



Social Impact of Poverty and Inequality in the UK – a challenge to the church¹

1. Introduction

In 2020 the average family's standard of living is predicted to halt its current decline. For those in poverty the decline is expected to continue until 2022. The standard of living of those in the top 10% of earners has not declined post recession nor is it predicted to.

Almost one in four of the UK population, 13.5 million people, currently live in poverty². One in three of the UK's children - 3.8 million - live in poverty. The economic and political climate means that all predictions are that these numbers will increase. The Church's mission over the next decade will be against a background of increasing poverty and increasing inequality.

The Vision2020 Statement 9 makes clear that the URC continues to view justice to the poor as a core part of Christian mission. It is clear from the experience of churches working in deprived communities that, while poverty is often hidden and misunderstood, it continues to prevent many from fulfilling the potential that God has given them. As Christians we are called to stand beside those in poverty as well as challenge the structures which allow poverty to persist.

The joint URC Mission Council/Methodist Council of November 2010 expressed concern over the effect of the changing financial climate on the levels of poverty and inequality in the UK in general as well as a very particular concern that changes in public spending would impact badly on the lives of the poorest and most vulnerable in society. Mission Council also adopted two resolutions at their meeting in May 2011 expressing concern about the impact of cuts to legal aid on asylum seekers and the reforms to the disability living allowance on people with disabilities.

This paper analyses these concerns in the light of current social policy reforms with a particular focus on the impact of these reforms on the most vulnerable members of our society. It provides an in-depth analysis of poverty and inequality issues in the UK, some theological reflection on justice, and proposes further actions to enthuse and equip congregations to continue the vision of being a church that "keeps faith with the poor and challenges injustice".

2. Experiences of Living in Poverty in the UK

The "Glasgow Poverty Truth Commission" reported in 2011 and is a ground breaking piece of work instigated by the Church of Scotland. It sought to provide a forum where decision makers met with people who were living in poverty. They met as equals and the format of the meetings

¹ Report updated and adapted for the URC from the report entitled 'Of Equal Value: Poverty and Inequality in the United Kingdom' adopted by Methodist Conference last year – see <http://www.methodistconference.org.uk/media/41199/11-poverty-and-inequality-0511.pdf> for details

² The figures given in this paper for numbers living in poverty use the international standard definition of poverty which is "a household income that is 60% or less of the average (median) societal (in this case British) household income". See www.poverty.org.uk for further details of poverty measurements.

ensured even though people came from very different backgrounds sufficient opportunity was given for everyone to be listened to and understood in an atmosphere of respect. The finding can be studied on the website povertytruthcommission.blogspot.com but much of the thinking can be summed up in their phrase *“Nothing about us without us is for us.”*

Church Action on Poverty has for a number of years worked in disadvantaged communities and held hearings and other projects designed to allow the voices of the poorest to be heard. Below are a sample of statements and quotations which they have collected during this work.

Poverty is:

- going without a winter coat so you can afford them for your children;
- having to decide whether to eat a meal or heat your house;
- never being able to go on holiday or get away from home for even a day;
- not being able to buy a cup of tea in a cafe, or catch a bus to visit family;
- paying £800 or more to a legal loan shark, for a washing machine that would have cost a wealthier person just £100;
- waiting ten years for your house to be repaired, then being told there’s no money to do it (in 2011 this happened to a whole community in Collyhurst, Manchester);
- having no say in decisions that affect your community, but seeing ‘regeneration’ imposed from outside by companies and councils;
- not just experiencing these things once in a while, but facing them every single day.

Statements from people about their own experiences of poverty:

- “It is embarrassing being in poverty. To be poor is to be written off.”
- “Poverty is... wondering if you can take the night bus... having no music... carrying heavy bags with food in to save fares... being unable to afford magazines, books, a camera, film... living with badly designed equipment... waiting for any of the reduced items in Sainsbury’s... being given endless bowls of soup and cups of tea when what you want is a proper meal.”
- “Poverty is a 17-year-old who can never afford to go to a disco.”
- “Poverty means having no choice. If you’re lucky you can afford the cheapest things.”
- “Poverty is not only about shortage of money. It is about rights and relationships; about how people are treated and how they regard themselves; about powerlessness; exclusion and loss of equity.”

One of the most troubling aspects in debates about issues relating to poverty is the absence of the voice of the people who experience poverty. It would be unthinkable to reform the banking industry without banking experts and representatives of the industry being involved at every stage and in every part of the public debate, yet in debates and policy making around poverty, those with real experience are kept very much in the periphery.

The current economic climate means that the spending on welfare and public services is being scrutinised to a degree not seen in a generation. The church has a role in ensuring that the voice of the marginalised is heard and in challenging half truths and ill informed speculation. It is a role we have long performed, but if a just settlement is to be achieved it is one that has renewed importance.

3. The Economic Climate

The consequences of the recession following the banking crisis of 2007 continue to dominate the political and economic climate. By the end of the recession period in 2009, the economy had contracted by ~6%, and Government tax income fell rapidly. As the Government's income fell so its borrowing increased; to levels much higher than before the crisis.

All major political parties wish to reduce the amount borrowed each year to a much lower level. However, controversy exists as to how quickly this should be achieved and what balance of taxation and spending cuts should be used. The Coalition Government's stated aim is to reduce the "structural deficit"³ to zero and the mechanism it has chosen to achieve this is one fifth tax rises and four fifths spending cuts.

The position of the URC and other major denominations has been that these judgements are party political matters, properly made by elected representatives, whose decisions are informed by both evidence and political ideology. The Church has spoken out, however, where changes to government policy disproportionately affect the poorest or most vulnerable. The reduction of borrowing should not be achieved by increasing poverty and inequality or by targeting services relied upon by the poorest. It is also important to resist attempts to misrepresent and stigmatise the poorest and least powerful in order to justify decreasing the assistance given to them.

This year the Government's annual borrowing remains at much higher than pre-2007 levels - approximately £150 billion per year. The Office of National Statistics estimates the total national debt as of January 2011 to be approximately £1000 billion excluding the banking sector interventions, or £2,200 billion including banking sector interventions. Assuming the nationalised banks can be sold at a later date the £1000bn figure is the most relevant. Although it is a huge number, it is not exceptional relative to the size of the economy when compared either historically or internationally; but it is high by recent UK standards.

There is a very wide debate around the future of the national and global economies. There is a view that the financial structures that were in place prior to 2007 require change to encourage stability and to lessen the obvious injustices. People of faith all over the world continue to encourage and add to this debate, but the urgency of immediate financial problems has tended to take precedence in the agendas of policy makers. It is important that churches nationally and locally continue push these seemingly less urgent, but ultimately more important questions.

4. Post-recession trends in poverty and inequality

The effects of recession took time to reach ordinary people. The temporary reduction in VAT to 15% alongside reduced interest rates initially meant higher standards of living for many with middle incomes. This was not the case for the poorest. Those whose income comes from investments, including many pensioners, saw their disposable incomes reduced. The other group who quickly found themselves in difficulty were those with unsecured debt, as the interest they paid on their loans increased sharply. However the effects of the recession began to effect family budgets much more widely in 2010/11.

Outlined below are a number of factors within the UK economy post recession which are having the effect of increasing the levels of poverty and inequality.

³ "Structural deficit" is an elusive concept and involves an estimate of what tax revenue would have been if there had been no recession. The treasury estimates around two-thirds of this year's deficit to be "structural" and the other £50bn as non-structural.

a. Direct effects of Tax and Benefit Changes

There have been a number of independent analyses of changes in government taxation and benefit spending since the recession. The common theme is that as a proportion of income the poorest will lose out most⁴. Chart 1 shows an analysis of the impact of these changes broken down by income group. The trend of higher impacts on the poorest sections of society continued in the November 2011 pre-budget report but at the time of writing was not available in to be included in the graph below.

Chart 1: Direct effects of changes in tax and benefits on different sections of society

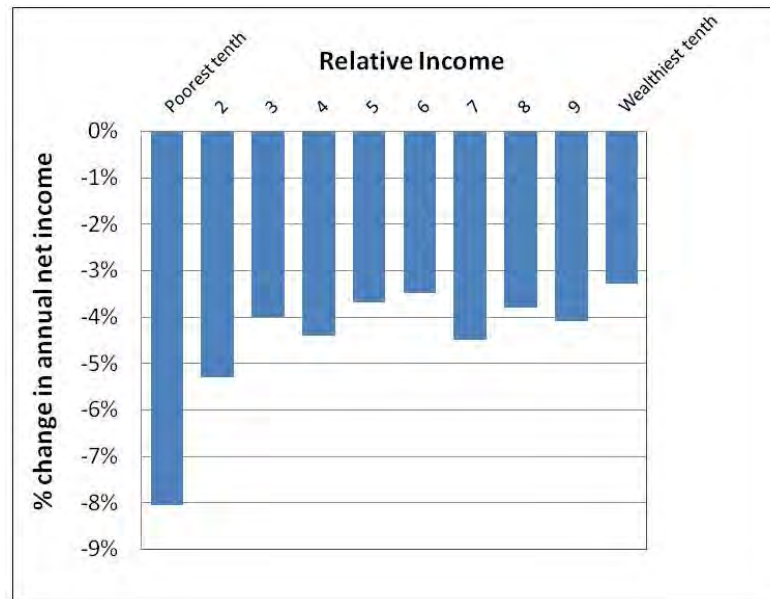


Chart 1: The UK population are divided into deciles by income, the poorest tenth, the second poorest tenth and so on until the wealthiest tenth. The direct benefit, tax credit and taxation effects are applied to each group and the percentage change in net income are plotted. The effects of the Nov 2011 pre-budget report are not included. *Data from Institute from Financial Studies (IFS).*

b. Effect of the reductions in spending on Government services:

Analysis of the provision of public services and their impacts on different sections of society are much more difficult than analysis of the distribution of money. Treasury and IFS data consistently estimate services, such as transport, health care, child care etc, received by the poorest to be valued at over twice the amount these groups receive in cash benefits. It is therefore expected that reductions to public services will have a greater impact on the poorest. The one comprehensive study performed so far was conducted by Landman Economics on behalf of the TUC. It concluded that on average it would cost the poorest tenth of people ~30% of their income to replace the services lost to them. This contrasts with an average loss of ~10%, and a loss of just under 2% for the richest tenth of the population.

Most of these services are provided by Local Government either directly or by grant funding other providers. Overall Local Government is facing cuts of 27% to current expenditure much higher than most government departments. The formulas to determine the money going to each council are labyrinthine, and the jargon used by the Department of Communities and Local Government is exceptionally confusing, but it appears from Church Urban Fund Research

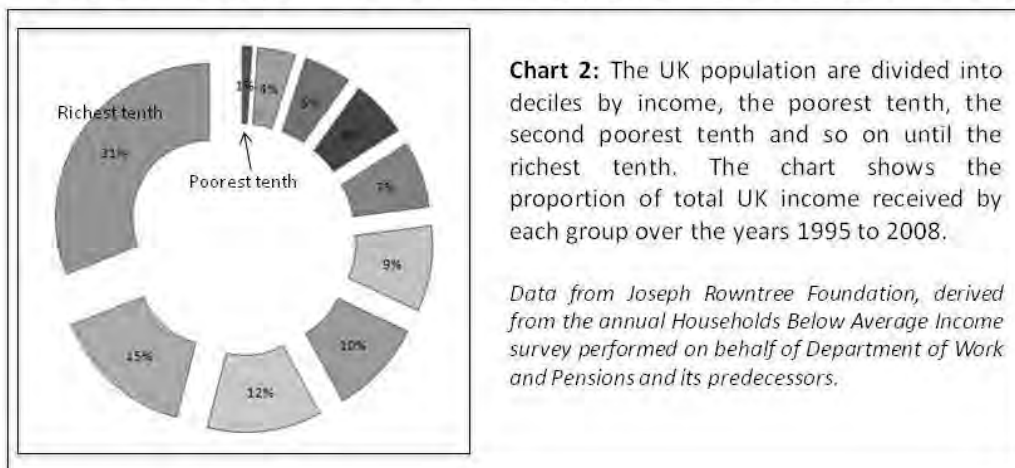
⁴ The Institute for Fiscal Studies (IFS) report is the most respected and is the basis for most subsequent analyses. See BBC coverage for summary of reports: <http://www.bbc.co.uk/news/uk-politics-11583746>

amongst others that local authorities serving the poorest communities faced the most stringent cut⁵. Joseph Rowntree Foundation Research published January 2012 has made it clear that despite the efforts of many local authorities, it is the most disadvantaged areas in each local authority that are facing the greatest difficulties⁶.

Many projects run by churches and associated charities have relied on funding from local government, some have already closed and for many of the remaining, April 2012 is an important date as this marks the time when local government funding runs out.

c. Effects of changes to incomes. The level of income inequality in the UK is at a record high. During the boom years pre-recession the rise of income and wealth inequality sped up substantially. Incredibly during the years 1997-2007 taking into account inflation the wealthiest tenth of earners got £365 a week better off while the poorest tenth actually got poorer by £7 a week.

Chart 2: Income distribution amongst different sections of society. (1998 – 2008).



Post recession the trend of increasing wage inequalities has continued. The significant change is that pre-2010, the average family's income increased faster than inflation today and up until 2020 the averages family's income will be below the level of inflation. For those in poverty the decline is steeper and is not expected to end until 2022. The standard of living of those in the top 10% of earners has remained and is expected to remain above the level of inflation.

d. Rising unemployment. The number of people claiming unemployment related benefits has risen from 810,000 in mid-2008 to 1.5 million in January 2011. Much of this increase was due to those in temporary or casual employment being made redundant as businesses shed the part of their workforce that could be lost most cheaply. By January 2012 there were 2.64 million unemployed – 8.1% of the working population. There is a clear trend that those made unemployed (and especially those who loose work and stay unemployed for long period) were previously in very low-paid work. Higher income groups have so far been relatively insulated from job losses, although there is evidence that this is now changing.

⁵ <http://www.cuf.org.uk/sites/default/files/documents/PDFs/At-the-Cutting-Edge-Final-Report.pdf> accessed Jan 2012

⁶ <http://www.jrf.org.uk/publications/serving-deprived-communities-recession>

As the jobs market has become tighter and recruitment has slowed down young people have been squeezed out. As of January 2012, 1.04 million 16-24 year-olds are unemployed which equates to 22.3%. Again this is focussed on young people from low-income families.

Underemployment – where people are working part-time despite looking for full time work is also increasing with ~2.5million in this position. Again young people are over represented in this group.

e. Other factors present before the recession.

Poverty was present in the UK prior to the recession. Despite 15 years of economic growth and a rise in median income of some 80% - the polarised distribution of that wealth meant that numbers of people in poverty, especially severe poverty, remained relatively stable. Church Action on Poverty has produced a booklet in co-operation with major Churches in the UK to outline some of the causes of this. The booklet published February 2012 is free and available at www.church-poverty.org.uk and provides a rationale for the Close the Gap campaign which encourages churches and church members in actions that challenge the rising levels of Poverty and inequality in the UK. Key issues include:

Taxation in the UK is highly *regressive* i.e. a greater proportion of the income of the poorest is taken in taxes than of the richest. Data from the Institute of Fiscal Studies (IFS) in 2010 shows that the poorest tenth pay 46% of their income in tax while the highest income tenth of the population pay around 34% in tax. The effect of the subsequent government changes is has increased this differential. Even in the hypothetical situation where every individual and company pays their taxes according to the letter and the spirit of the law it would still be regressive.⁷ Because although the most commonly talked about tax, income tax, is progressive most other taxes, such as VAT or Council Tax disproportionately affect the poorest.

Low-pay / no-pay cycle: is a key factor in keeping many in poverty. At the low-paid end of the employment market casualisation and commodification of labour has led many workers to cycle between short-term and agency work and no work at all. The majority of people living in poverty are in households with work. The work is however poorly paid and unstable, and although working usually improves the family income, it often has no effect on the individuals future life chances and even more worryingly that of their children.

In dockyards a hundred years ago men would line up in the morning to be chosen or rejected by foremen; if they were unsuccessful they went home unpaid. The advent of the phone has done away with humiliating line-ups – it is however extremely common for people to wait for the phone to ring on a daily or weekly basis, to determine whether they have any work or income. People in this position have very few rights and are ripe for exploitation. Their source of income can be arbitrarily removed, or their hours of work can be changed at little or no notice.

Benefit levels: It is extremely difficult to make ends meet if a family is solely dependent on benefits. When welfare is discussed this simple fact is often forgotten. Welfare benefits have consistently risen much more slowly than earning meaning that claimants have become increasingly financially distant from the rest of society.

Single childless people receive around a third of the minimum income standard. The Labour government focussed benefits on pensioners and families with children. This

⁷ Office of National Statistics, 2006/7, “*The Effect of Taxes and Benefits on Household Income*”.

government has made changes aimed at cutting benefit spending by £18 billion per year. Pensioners who receive over half of all benefits have been protected, which means that benefits for children and the working aged are being reduced by around a quarter. The group most affected by the new rules appear to be single parent families.⁸

Higher Prices paid by the worse off: goods and services such as phones, utilities, and even food cost more to the poorest. Save the Children estimates that this costs Britain's low-income families around £1,280 per year each. The most obvious penalty comes in the money lending markets where 7-8% is the current price paid for a loan by someone with a regular average income; those in poverty can borrow less money at rates that can rocket into the 1000s of percent.

5. Effects of Living in Poverty in the UK

Poverty has measurable and marked effects on individuals' and communities' ability to thrive and flourish. There is now a huge literature available detailing the relationship between poverty and poor outcomes in terms of health, education and wellbeing. There are many measures which can be used to demonstrate this:

Chart 3: Relationship between Poverty and the life expectancy of Scottish men 2001-2005

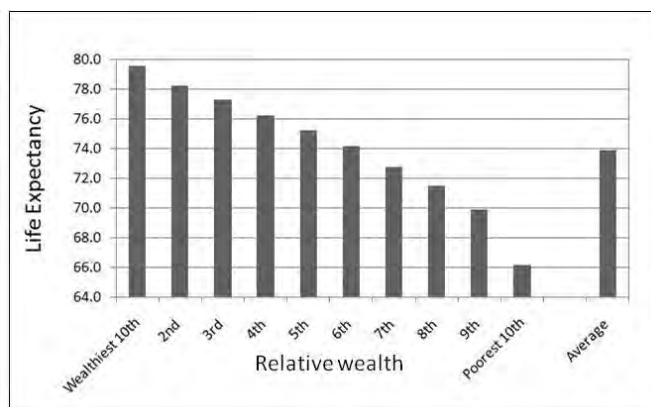


Chart 3: The adult Scottish male population are divided into deciles by income, the poorest tenth, the second poorest tenth and so on until the wealthiest tenth. The life expectancy at birth is plotted for each group for the years 2001-2005.

One of the most striking influences of poverty is the effect it has on life expectancy. Chart 3 above is derived from the most recent comprehensive analysis of poverty and life expectancy in the UK. It is for Scottish males 2001-2005 but the trends are found in both genders and all parts of the UK.

The life expectancy for the poorest was 13 years and 4 months lower on average than the life expectancy for the richest. This data also showed that the poorest could expect more of their life to be "not in good health" – 11.3 years as opposed to 4 years for the wealthiest. Most worryingly the trend over the years 1994 to 2005 is for poverty to have an increasing effect on health and life expectancy. In the group above, the poorest tenth's life expectancy grew by only 2 months, while the richest tenth's grew by over 31 months.

Life expectancy is the crudest of health measures, but it is clear that poverty is linked with this and a number of other health measures. Poverty is also linked to poor mental health. Anti-depressant use is considerably higher in areas of high deprivation. A study in Glasgow found

⁸ <http://www.familyandparenting.org> [accessed January 2012]

that 1 in 4 15 years-olds in deprived areas of the city had taken antidepressants in the previous year - more than double the rate of the average 15 year old, and 6 times the rate of 15 year-olds from the most affluent areas.

The links with mental health and emotional wellbeing are becoming of increasing interest to researchers and policy makers. These are viewed as one key hindrance to progression after a period of living in poverty; people who may be physically able to seek work and seek to improve their financial position also need to have hope, drive and resilience when seeking to move forward in the jobs market.

One of the most profound effects of living in poverty is further poverty for the individual and their family. It is clear that poverty, especially severe poverty, is “sticky and hereditary” - once you find yourself in poverty it is difficult to get yourself or your children out. This is part of a larger phenomenon in the UK where it is unlikely for a person to move out of the social or economic group that they were born into. The OECD judges the UK to be the least socially mobile country of its member states⁹, with movement down the socio-economic scale just as improbable as movement up it. This data demonstrate that life chances are increasingly dominated by accident of birth.

6. Perceptions of Wealth and Poverty

Jesus values individuals irrespective of their wealth and status which remains, radical and counter cultural. To include the poor as a neighbour who should be loved as one's self presents us with a morality that is at odds with the prevalent ideas of individual worth and individual wealth being linked. Society has moved on but attitude surveys and opinion polls repeatedly show that the poor are viewed by many as the architects of their own fate – with words like lazy, feckless and work-shy being used.

The confusion between the value of the individual, of their efforts, achievements and potential with their wealth is still prevalent and it is still challenged by Jesus' example. Moreover it is difficult to square the evidence of recent trends in poverty and inequality detailed above, especially the indicators that poverty is largely hereditary, with the view that poverty is the fault of the poor.

A present day incarnation of this prejudice is the section of the UK media which continues to portray those on benefits as scroungers who are exploiting the generosity of the ordinary taxpayer. It is important to realise the examples of fraudulent benefit claims or of people who are claiming benefit and appear to be enjoying an above average lifestyle are prominently displayed. The Government estimates benefit fraud to be £1.6bn per year while it estimates underpayment to those who qualify but do not claim to be £16.8bn. The Government has chosen to emphasise benefit fraud, which, although clearly a crime, makes up only 0.6% of the welfare budget. In the Chancellor's speech announcing the Comprehensive Spending Review and in a ministerial foreword to a Department of Work and Pensions (DWP) official document,¹⁰ the level of fraud was exaggerated three-fold by combining figures for government and claimant error with fraud, and labelling it all as fraud. Churches wrote to the Prime Minister asking for these errors to be corrected¹¹ and the DWP publication has subsequently been corrected, though not other ministerial statements. This is to be regretted as it pollutes the debate over welfare reform.

⁹ “Going for Growth” OECD publication 2010.

¹⁰ “Tackling fraud and error in the benefit and tax credits systems” DWP 2010

¹¹ <http://www.methodist.org.uk/index.cfm?fuseaction=opentogod.newsDetail&newsid=473>

As discussed above the voice of people who have genuinely experienced poverty is rarely heard. When it is heard, the gate-keepers to the public debate - politicians, journalists and editors - are increasingly from sections of society which have not seen or experienced poverty. Their filter even with good intent often does disservice to the poorest.

Biases against the poor: research highlights two major psychological influences as to why we have a tendency to believe the worst of people living in poverty. There is a psychological effect known as the “just-world phenomenon”. This is the observed tendency for people to make the assumption that current circumstances have come to pass because of just reasons. Many studies show that when individuals are asked to describe people based on no information other than clues about their wealth, they make assumptions to justify the perceived level of wealth, suggesting the poor are lazy and unintelligent while the rich are hard-working and clever. The view can be challenged by personal knowledge but when making judgements about public policy or new people this prejudice is often encountered. The recurrent view of the poor as deserving of their own fate can be partially explained by this observation. The statistics which demonstrate that poverty is largely hereditary, along with other data about health, education and future job prospects being distributed inequitably between rich and poor show the just-world prejudice to be utterly untrue.

Another factor leading to the misperception of the poor is that people’s perception of their own wealth is usually inaccurate. Multiple studies have shown that people consistently believe themselves to be poorer than they actually are. They therefore underestimate what the real effects of living in poverty are likely to be. This is especially prevalent in the very wealthiest sections of society. In the most recent related research, only 2% of the UK population believed themselves to be in top 20% of earners, while 88% of people believed themselves to be middle income or lower. This lack of understanding is thought to be due to income groups living increasingly separate lives and very few relationships being formed which span different income groups. There is evidence to show this inaccurate understanding is more common in societies with greater levels of inequality, and therefore it is expected to increase as inequality increases.

7: Some theological considerations about poverty and inequality

A clear link is made between poverty and inequality, and injustice in the Old and New Testaments. This is seen most distinctly in the way in which the Old Testament writers connect justice with the treatment of widows, orphans, resident aliens and the poor – the so-called vulnerable quartet. In Deuteronomy 24.7, for example, Moses enjoins the people, “You shall not deprive a resident alien or an orphan of justice; you shall not take a widow’s garment in pledge” and Isaiah says: “Seek justice, rescue the oppressed, defend the orphan, plead for the widow” (Isaiah 1:17). Isaiah also makes the link between the exploitation of the vulnerable and oppressive laws and social policy when he berates those “who make iniquitous decrees, who write oppressive statutes to turn the needy from justice and to rob the poor of my people of their right that widows may be your spoil and that you may make the orphans your prey” (Isaiah 10:1-2).

This pervasive theme in Old Testament writings leads Nicholas Wolterstorff to the conclusion that the prophets and psalmist assume that alleviating the plight of the lowly is required by justice and therefore focus on urging their readers to *practice* justice to the quartet of the vulnerable lowly ones. This, in turn, leads him to a revealing statement about the treatment of the poor and vulnerable in American society (which is equally applicable to British society in light of the current social policy reforms):

'It seems safe that they (the Hebrew prophets) did not have to deal with the contentionthat it is the fault of the poor themselves that they are poor and that, accordingly, they have no right to aid. Apparently, they did not have to deal with the contention that such aid as comes their way is charity, not justice, for which the poor ought to be grateful. Israel's writers sometimes describe help for the lowly as mercy; but the idea was not abroad that it is *only* a matter of mercy, not a matter of justice.'¹²

Wolterstorff identifies two main reasons for the Old Testament writers injunction to render justice to those who are vulnerable – the 'low ones' - as he calls them. Firstly, those vested with social power are to render justice to the vulnerable bottom ones *as a public remembrance, as a memorial*, of Yahweh's deliverance of the children of Israel from their oppression as slaves in Egypt, Secondly, it is because Yahweh loves justice.¹³ Yahweh's pursuit of justice and Yahweh's injunction to practice justice are grounded in Yahweh's love. This leads Wolterstorff to comment on the critical link between Yahweh's love and justice:

'Of course it is not the abstract entity *justice as such* that God loves. What God loves is the *presence* of justice in society. And God loves the presence of justice in society not because it makes for a society whose excellence God admires, but because God loves the members of society.... God desires that each and every human being shall flourish, that each and every person shall experience what the Old Testament writers call *shalom*. Injustice is perforce the impairment of *shalom*. That is why God loves justice. God desires the flourishing of each and every one of God's human creatures; justice is indispensable to that. Love and justice are not pitted against each other but intertwined.'¹⁴

The New Testament narrative continues and expands the theme of God's love and justice. This is uniquely and decisively revealed in the life and teachings of Jesus Christ who inaugurates God's reign of justice and peace. He is the Spirit-anointed servant whose vocation is to proclaim to the poor, the blind, the captives, and the oppressed the good news of the inauguration of the 'year of the Lord's favour' when justice-in-shalom will reign. He is among human beings 'that they might have life, and have it abundantly' (John 10:10). His teaching and table fellowship inverts the social order and expands the scope of God's love informed justice to include all those excluded from full participation in Jewish society – prisoners, the lame, the deaf, the blind, the malformed, tax collectors and sinners (as well as the vulnerable quartet of widows, orphans, aliens and the poor).

Jesus describes assistance to the neediest, the sick, the naked, and the imprisoned as service to the Son of Man (Mt. 25:31-46). He proclaims woe to the rich and sated after blessing the poor and hungry (Luke 6:20-26). The first community of believers in Jerusalem understood Jesus' teaching to include a just distribution of public goods which resulted in a voluntary sharing of their possessions so that there was no needy person among them (Acts 4:34).

Based on this brief overview of justice in the Old and New Testaments we can conclude that biblical economic values demand nothing less than the economic well-being for all, and especially for the vulnerable and marginalised in our society. Based on this understanding, we need to reaffirm as Christians of the Reformed tradition that the management of our lives through any economy is always part of our response to God's *oikonomia* – God's own work of creation, redemption, and reconciliation. Economic systems are not laws unto themselves free

¹² Wolterstorff, N., *Justice, Rights and Wrongs*, Princeton University Press, 2008 p. 76

¹³ Yahweh's pursuit of justice and Yahweh's injunction to practice justice are grounded in Yahweh's love' *Ibid* p. 82

¹⁴ *Ibid*. p. 82

of religious and moral constraints. We therefore evaluate any economic system (including the current economic policies of the Coalition Government) not simply on the basis of the material goods and services it provides, but especially on the basis of its *human consequences*: what it is doing to, with and for people, *particularly the most vulnerable among us*.

For this reason the church must speak to the present economic crisis, to the devastation that it has brought, and to the hope to which we bear witness: that in Christ a more just order is arising.

8: Conclusions and recommendations

We recognise that all things belong to God and the trustees of wealth are also entrusted with the responsibility to use that wealth justly towards the good of all. Despite God’s abundant provision lack of material resource prevents many from realising the potential that God has given them. As Christians we are called to stand beside those in poverty as well as challenge the structures which allow poverty to persist.

It is troubling to note that in many parts of the Church in Western Europe are in decline and nowhere is this decline sharper than in the poorest communities. For many, living in poverty and living away from the church are synonymous.¹⁵ We are determined as Christian communities not to allow ourselves to be become disconnected from any section of society and especially one which so often abandoned by others.

Mission Council therefore resolves to encourage members of the United Reformed Church to “keep faith with the poor and challenge injustice” (Vision 2020) and working to end inequality in our society by:

- Affirming the work of CRCWs and others in working with the poorest communities;
- Welcoming the moves by synods and congregations to commit to paying the Living Wage and encouraging others to do the same;
- Renewing our call for the introduction of a financial transaction tax as an innovative way of mitigating the impacts of poverty and inequality in the UK and other good causes such as climate change mitigation and adaptation and poverty alleviation overseas.
- Encouraging churches and church members to actively challenge attitudes and language which treats those in poverty as anything less than people made in the image of God and to ask JPIT to provide resources to help do this effectively both in the public and the private spheres;
- Committing the Church to speak prophetically, particularly through the work of the Joint Public Issues Team and the Close the Gap campaign;
- Support work to highlight injustices against the poorest, including spending decisions, unfair taxation and misrepresentation of the poorest.

Paul Morrison
Policy Adviser
Methodist Church

Frank Kantor
Secretary for Church and Society
United Reformed Church

¹⁵ http://www.churchofscotland.org.uk/serve/priority_areas/new_models_of_church_life (accessed March 2011) for more information and references.



Drones: Ethical Dilemmas in the Application of Military Force

A. INTRODUCTION

1. Armed Unmanned Air Systems – Present and Future

It has been suggested that the forth-coming Joint Strike Fighter will be the last manned jet fighter as in the future all UK air power could be delivered by unmanned aircraft. Armed Unmanned Air Systems (AUAS) - see note on terminology below - offer the UK the opportunity to employ air power more easily and cheaply. But the use of AUAS by the CIA in northern Pakistan demonstrates only too clearly that the proliferation of this technology will present new ethical challenges.

Piloted by operators located in bases that may be on the opposite side of the world, the aircraft can be flown across international frontiers to gather intelligence or deliver missiles and laser guided bombs with greater ease and precision and at less cost than manned aircraft¹. The technology offers new possibilities in delivery of lethal force, reducing the risks as well as the political and financial costs of military intervention. The future will see increasing levels of autonomy with more decision-making power being devolved from the human operators to the Unmanned Aerial Vehicle (UAV)'s computer systems.

TERMINOLOGY

Popularly referred to as **drones**, remotely operated unmanned aircraft are known by a confusing array of labels and acronyms. In much of the literature **Unmanned Aircraft Systems (UAS)** is used and refers to the system as a whole encompassing, the aircraft, ground crew, remote pilot crew, and remote control centre where as **Unmanned Aerial Vehicle (UAV)** refers simply to the aircraft. **Remotely Piloted Aerial Systems (RPAS)** is an alternative often favoured by the UK Ministry of Defence (to emphasise the human control) while in the case of weaponised systems **Unmanned Combat Aerial Vehicle (UCAV)** can also be found.

This report adopts the term **Armed Unmanned Air Systems (AUAS)** to refer to the systems and their capacity for weapons delivery or, when referring to the aircraft only, we will use **Unmanned Aerial Vehicle (UAV)**.

2. The Use of AUAS by the UK and its Allies.

The RAF's armed UAV is the Reaper. A fleet of six aircraft (to be expanded to ten) is currently deployed in Afghanistan. The RAF personnel controlling the aircraft currently share the US Air Force's facility outside Las Vegas but relocation to RAF Waddington is planned in 2012 bringing direct real-time involvement in war-fighting within our own sovereign territory. RAF Reapers

¹ The Reaper Unmanned Aerial Vehicle is able to fly for 14 hours at a time.

have flown over 30,000 hours since their introduction in October 2007 and fired 200 missiles as of September 2011. David Cameron is reported to have disclosed that as of December 2010, 124 insurgents had been killed by strikes from RAF operated AUAS².

The Ministry of Defence does not routinely disclose information on the nature of AUAS attacks in Afghanistan but we can surmise that they are used as air support for operations led by ground troops and as well as independently striking at targets (possibly tracking named individuals) as a part of a wider counter-insurgency strategy.

American AUAS operations in both Afghanistan and Pakistan are on a much larger scale and are known to regularly result in civilian deaths. It is likely that in Pakistan alone, a country that is officially a US ally, many dozens and perhaps many hundreds of civilians have been killed by CIA-operated Reapers. AUAS have enabled US armed intervention in Yemen and Somalia against targeted individuals. Elsewhere, Israeli armed UAVs operate in the skies over Gaza providing an almost continuous surveillance picture and striking against targets within the Occupied Territories.

The global market for UAV's is booming. Around 40 countries are thought to have some form of UAV technology. China, France, India, Iran, Russia and Turkey are thought to be seeking the ability to fire missiles from UAV's³ and there could be many others in their wake.

While the bare facts of these uses of armed UAVs can be set out in a few words, the ethical implications are wide ranging and complex, prompting a number of questions. Some concern the broad context of warfare, such as:

- Will the capacity to deliver lethal force with less risk to our own troops make armed intervention more likely?
- What are the implications of placing soldiers/pilots in locations so remote from the field of battle?
- Can targeted killings of named individuals be justified either legally or ethically?
- Ultimately how do AUAS serve the cause of justice and peace?

These wider contextual questions are the subject of our analysis in Section B. In Section C we explore further questions that relate more specifically to the nature of the technology its operation such as:-

- Do the systems provide a capability for precise targeting and, consequently, greater protection of civilians in war?
- Does the physical remoteness from the conflict protect AUAS operators from the awfulness and horror of war?
- What is the likelihood and the implications of armed robots operating autonomously in the future?

The nature of war has become more complex than ever with recent conflicts demonstrating a blurring between the lines of war and politics, peace and conflict, soldier and civilian, battlefield and safety⁴. The just war tradition, which has provided the most extensively used framework

² The Daily Telegraph, *British Troops 'could withdraw from Afghanistan before next Christmas'*, 7/12/10

³ Philip Alston, UN Special Rapporteur, <http://dronewarsuk.wordpress.com/2010/10/23/investigate-drone-strike-says-new-un-special-rapporteur/>

⁴ Schulte, P, *Going off the Reservation and into the Sanctuary* (Published in "Just War on Terror")

for moral analysis of conflict, appears to be creaking under the strain of new realities. In recent years in Iraq, Pakistan and Afghanistan, the use of lethal force directed at identified individuals on a list has, by most accounts, been effective in the disruption of terrorist networks and armed insurgency groups. This raises the prospect that AUAS could become a weapon of choice in counter-insurgency and counter-terrorism operations. The ethical challenges are only too clear. In framing a response, our premise is that by digging deep into the roots of the classic just war tradition and affirming its emphasis on seeking after justice we might be better positioned to address the variety of questions that face us today.

B. THE CONTEXT

3. Seeking after Justice and Peace

The broad testimony of tradition that can be traced back to Augustine through Isidore of Seville, Thomas Aquinas, Francisco de Vitoria, Francisco Suárez, and more, has helped provide the working group with some context for this study. We do not accept that traditional resources of moral reasoning as represented by the just war tradition are exhausted and take some time here to reaffirm aspects of the tradition that might help us today. We note that broadly speaking, the overall effect of classic just-war reasoning has been to place limits on military action undertaken by the state, although not necessarily its prohibition. At its best, the judicially-minded just war tradition has refused to normalise political violence. It has recognised the moral involvement of every citizen in political decisions about war and political violence, and has at its heart judgment on wrong-doing, seeking after healing and the restoration of peace.

There is no golden age of the just-war tradition that would meet all present-day needs if only it could be recovered. Deep ambiguity is present from the very outset of this tradition to the present-day. Even the saintly Ambrose (d. c. 397CE) who taught Augustine about preserving justice in dealings with enemies merged the interests of the Catholic Church in combating heresy with the military successes of the empire. We must accept that facing the challenge of peacemaking today requires Christian people to learn as much from the failings of the church as from less problematic aspects of its witness to Christ's lordship. At its best, however, the classic just-war tradition refused to accept as normal military and other political violence by the state. Killing was not seen as integral to the role of the state, but as demanded only in the darkest days.

At its heart, the classic just-war tradition held to the principle that armed conflict, if it does occur, must be conceived as an 'extraordinary extension' of 'ordinary acts of judgment'.⁵ A theft on the high-street calls for police action, judgment by a magistrate, and the requisite punishment. The same judicial mindset is required in response to aggressive invasions into another nation's territory or terrorist attacks upon the innocent. There must be an attempt to establish whether wrong has been committed, what is necessary for the punishment and restitution of this wrong, and what the requirements of future peace might be.

Today, we suggest that this judicial understanding of just war as an 'extraordinary' response to wrong-doing requires a default position in favour of adherence to international law. The real emergency is peace, and working out how best to develop and apply the broad framework of international law and human rights instruments for countering terrorism and building peace. Only in exceptional and limited circumstances is the use of force justified, and only having said this clearly and loudly can we then place in context the capabilities offered by AUAS.

A Christian and Muslim Response" eds Fisher, D and Wicker, B, CCADD)

⁵ See Oliver O'Donovan. See *The Just War Revisited* (CUP, 2003).

4. Terrorism and International Law

Terrorists function outside the law. It is vitally important that the UK and its allies do not do so too.

Terrorism is a deplorable crime and inherently illegal as a means of armed conflict. The attacks of 11 September 2001, the Mumbai bombings in 2003, Madrid train bombings in 2004, London transport bombings in 2005, the many subsequent suicide bombings in Pakistan and Yemen, as well as other examples, violate both international laws of war and internationally accepted human rights norms, and should be denounced as both immoral and illegal. Terrorism breaches the Geneva Conventions because of the deliberate targeting of noncombatants⁶ and threatens the dignity and security of human beings everywhere.

Peacemaking: A Christian Vocation made clear that ‘wars cannot be fought against ‘Terror’.⁷ The terminology ‘war on terror’ slips unhappily between metaphorical ‘wars’ such as the war on drugs or homelessness and formal wars conducted under international law. When considering terrorism in the context of international law three points are important:

- there is a sound basis in customary international law for dealing with terrorists who, like ‘outlaws’ flaunt the law that should protect us all.
- the international community faces the particular challenge of bringing law to bear on terrorists who have migrated to jurisdictions that are incapable of (or unwilling to cooperate in) law enforcement;⁸
- those prosecuting terrorism under national and international law are equally subject to that law as terrorists.

In the wake of the 9/11 atrocity the US government passed legislation⁹ enabling the President to use military force to pursue those responsible. It is on this basis that the CIA have operated AUAS in a persistent campaign of targeted killings in northern Pakistan. Accurate figures for those killed are difficult to obtain but estimates suggest between 1,717 and 2,680 since 2004¹⁰. It is even more difficult to determine what proportion of those persons killed were militants, terrorists or civilians. Terrorists are not warriors and those suspected to be guilty of, or to be plotting, even the most dreadful of crimes need to be dealt with using an accountable judicial process.

Two US presidents have defended the policy of the use of missiles against individuals suspected of engaging in terrorism. The present administration states that the US applies international humanitarian law and the laws of armed conflict although it is human rights law that must apply outside of the context of armed conflict. The US administration admits that the laws of war require “translation” in order to be applied in the context of counter-terrorism¹¹. However, no government possesses the freedom to unilaterally re-interpret customary

⁶ Fourth Geneva Convention, Additional Protocol I, 1977 (www.ICRC.org)

⁷ *Peacemaking*, p.54.

⁸ The proposed United Nations Convention on International Terrorism currently under negotiations is to be welcomed in this regard. Conventions for the Suppression of Terrorism Bombings (1997), the Suppression of the Financing of Terrorism (1999) and the Suppression of Acts of Nuclear Terrorism (2005) are already functional.

⁹ Authorisation for the Use of Military Force – passed by US Congress on 14, September 2001

¹⁰ *The Year of the Drone*; New America Foundation, <http://counterterrorism.newamerica.net/drones>

1. ¹¹ Harold Koh, Legal Adviser of the U.S. Department of State; (Speech given to the Annual Meeting of the American Society of International Law in Washington, DC, March 25, 2010);

<http://www.cfr.org/international-law/legal-adviser-kohs-speech-obama-administration-international-law-march-2010/p22300>

international law. To do so in this manner risks undermine international order, potentially allowing any regime that might be inclined to act militarily beyond their jurisdiction to claim to be doing so under the guise of international humanitarian law¹².

We urgently require universal agreement on the application of international law to counter-terrorism and counter-insurgency operations. Meanwhile acting with restraint and in conformity with universally agreed legal principles, is a far surer path to security, ‘a far surer way to stem anger and resentment’, than acting without legal justification.¹³

5. Could Remotely Operated Systems Make War More Likely?

A UK Ministry of Defence Joint Doctrine Note on Unmanned Aircraft Systems asks whether by removing the horror of war, or at least keeping it at a distance, we risk losing some of our humanity and make war more likely?¹⁴ War is as old as humanity itself and the Old Testament bears witness to its evils. The essence of war from that time until the present remains unchanged: the desire of one state, tribe or group to impose its political will on another. AUAS present political and military leaderships with the seductive ability to kill enemies at no risk to one’s own pilots. The Ministry of Defence Joint Doctrine Note speculates that the recent extensive use of unmanned aircraft over Pakistan and Yemen may already herald a new era. Without the new capability offered by such weapons systems it is unlikely that these interventions would have been undertaken at all. The use of conventional manned aircraft would have entailed greater risk and amplified the call for more specific national and international sanction for military intervention.

An illustration of the political calculus involved in the authorization of military action can be seen in President Obama’s decision not to seek Congressional approval of the Libya intervention at the requisite 60 days into the conflict, contrary to the advice of the Justice Department, Office of Legal Counsel. This is not the first time that a US President has skirted around the War Powers Act nor is it likely to be the last. What is notable on this occasion is the reasoning behind his decision. US air assets were crucial to the suppression of Libyan Air defences in the early stages of the conflict. 60 days into the conflict the US continued to employ Predator attack UAVs as a part of the ‘unique’ contribution that the US offers to NATO allies. Nevertheless President Obama reasoned that the US operations were distinct from the kind of hostilities envisaged by the War Powers Act as they did not ‘involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof’¹⁵. This re-interprets the War Powers Act in a new and novel fashion implying that it need not be invoked in the cases of US support for a UN sanctioned intervention that uses military force, however deadly, by remote means only.

In assessing a possible military response to crisis we expect our democratically elected leaders to prioritise the requirements of justice while they are also presented with all manner of national and political incentives that cannot lay claim to the pursuit of justice or ‘right intention’. A reduction in the risks associated with the military option will skew the political calculus.

¹² Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary execution; Presentation to the UN General Assembly, 20 October 2011 - “The use of such methods by some States to eliminate opponents in countries around the world raises the question why other States should not engage in the same practices. The danger is one of a global war without borders, in which no one is safe,”

¹³ Mary Ellen O’Connell, ‘The Myth of Preemptive Self-Defense’, *The American Society of International Law* August 2002, <http://www.asil.org/taskforce/oconnell.pdf> (accessed 13.i.12).

¹⁴ *The UK Approach to Unmanned Aircraft Systems*; (Ministry of Defence Joint Doctrine Note 2/11, 30 March 2011)

¹⁵ White House Report, *United States Activities in Libya*, June 2011.

Furthermore in an increasingly risk adverse political culture the urge to adopt a mode of intervention that avoids risk of allied casualties will strengthen. Such thinking necessarily escalates the risk to ‘enemy’ civilians if the option of intervention by conventional forces, such as the use of ground troops, is taken off the table.

C. CONSIDERATIONS SPECIFIC TO ARMED UNMANNED AERIAL SYSTEMS

6. Discrimination and Civilian Casualties

We turn now to questions more closely associated with this relatively new and rapidly developing technology. There is an obligation on parties engaged in war is to take all possible measures to avoid civilian casualties. Is the UAV a precise and discriminatory weapon?

It is likely that in Pakistan, a country that is officially a US ally, many dozens and perhaps many hundreds of civilians have been killed by CIA-operated Predator UAVs. The disturbing number of civilian casualties in Pakistan¹⁶ results from an aggressive CIA policy, unclear rules of engagement and little public accountability.

In Afghanistan the civilian death toll from both airstrikes and night raids by troops inflame national sentiment and add to the political difficulties of the government of President Karzai. It is important to state clearly at this point that the rules of engagement and behaviour of International Security Assistance Forces (ISAF) with respect to the use of air power in Afghanistan is markedly different to that of the CIA operation in northern Pakistan. Nevertheless in 2011 United Nations Assistance Mission to Afghanistan (UNAMA) recorded 187 civilian deaths (representing 55%¹⁷ of all recorded deaths) and 116 civilian injuries resulting from ISAF air strikes carried out by fast jets, helicopters or AUAS.

The imagery available to the crews of Reapers and other UAVs is of relatively good quality (although this is dependent on weather and other factors). The number of available visual inputs through multiple screens provides a level of detail not available to a crew travelling in a fast-jet at high speed. The perspective (usually directly from above) presents challenges and like all aerial imagery requires skilled analysis which relies on good situational awareness and reliable intelligence data. The accuracy of the Hellfire missile combined with a relatively small blast radius enables the operator predict its impact to a reasonable degree. It could justifiably be argued that this does not make the weapon any more valuable from the perspective of ethics – only more useable.

There have been a number of tragic events when civilians have been mistaken for combatants and targeted. It would appear that poor situational awareness and faulty intelligence were key factors. The US Air Force has also acknowledged that operators have on occasions placed an undue confidence in the technology and consequently failed to ask crucial questions.

There is a legal obligation for military forces to report on civilian deaths¹⁸. ISAF¹⁹ investigation teams do not make public the reports of investigations into incidents of civilian deaths. UNAMA suggest that prompt and public release of investigation findings would promote

¹⁶ With thanks to The Rt . Revd. Humprey S. Peters Bishop of Peshawar Diocese, Church of Pakistan, who contributed to the debate on the issue at the 2011 Methodist Conference

¹⁷ During the months July to December 2011

¹⁸ Breau, Prof S, et al *Discussion Paper 2: Drone attacks, international law, and the recording of civilian casualties of armed conflict*; (Oxford Research Group, June 2011)

¹⁹ International Security Assistance Force

transparency, accountability and better relations with affected Afghan civilians and communities²⁰.

7. The AUAS Pilot

It has been suggested that those charged with the control of AUAS might develop an unhealthy familiarity with killing by remote control. A former UK fast jet pilot who now ‘pilots’ a Reaper UAV denies that because he is 12,000 miles from the battlefield he will be detached from impact of his actions.

“We have the capability to see (unlike in a fast-jet) the effect of our weapon strikes in relatively close-up detail. Also, if the troops on the ground take photos of the strike effects they often send them to us as feedback. No matter how explicit these photos are I personally look at them all. Not because of some voyeuristic tendency but because I believe that if you cannot face the reality of what you do in killing a human being then you should not be part of that process.”²¹

RAF operators of AUAS serve at Creech Air Force Base in Nevada for three years at a stretch and are expected to live a strange double life. Whereas, their colleagues in manned aircraft are assigned to a tour of duty and then return home for a period of recuperation, the drone operator will combine at once the horror of war with everyday family life. A British UAV pilot was interviewed by Stephen Sackur for a BBC Radio 4 programme titled “Drone Wars”. He acknowledged the strangeness of being involved in killing and then going home to the family at the end of the day. He was asked whether he can ‘let it go’ even if it has been one of those days when he knows he has killed people.

“You’ve got to. Yeah, OK, it’s going to weigh on your mind. It does. I don’t think that you would be human if it didn’t. But ... I’ve got to be there for my family. So I deal with it Yeah I might be a little bit off, maybe in a bit of a strange mood for a day or so.”²²

These testimonies provoke questions for our churches as we seek to exercise a pastoral concern for those serving in the armed forces. While studies have been and are being undertaken to examine physical, emotional and psychological factors involved in the operation of AUAS, only the passing of time will reveal how many of their crews will develop symptoms associated with combat stress or Post Traumatic Stress Disorder.

The enquiry that we wish to explore further here is how, in the longer term, the unique strangeness of the operating environment might impact on those at the most critical point in the ‘kill-chain’. Whether the need to ‘deal with it’ for the sake of a normal family life might encourage a learned response whereby operators over time protect themselves from the emotional stress of killing and, if so, what impact such psychological conditioning might have on the propensity of the individual to critique the system within which they perform such a crucial role.

8. Increasing Automation

We can expect to see increasing automation built into UAVs, even to the point of full autonomy presenting unprecedented challenges in the areas of accountability and responsibility when

²⁰ Afghanistan, *2011 Civilian Casualties Report* (UNAMA, Kabul, Feb 2012)

²¹ Lee, P., ‘Remoteness, Risk and Aircrew Ethos’, in *Air Power Review*, Vol. 15, No. 1 (Spring 2012).

²² *Drone Wars*, Radio 4, Sunday 25 September 2011

things go wrong. In the near future drones will be able to take-off, navigate to a destination, return and land without operator intervention. This should improve reliability by reducing the impact of a disruption to radio signals between the UAV and control centre. Technology is advancing so fast that some possibilities in the not too distant future sound more like science fiction. The UAVs of the future will come in all shapes and sizes, the smallest possibly resembling a dragonfly or large insect. Within 30 years we could see swarms of drones communicating with each other, performing complementary roles and reconfiguring roles if individual units are taken out of operation, capable of target identification and autonomous weapons delivery and responding to and interpreting mission objectives rather than simple instructions²³.

A crucial question concerns the circumstances under which we might trust a machine to identify a target and fire a weapon without intervention. There is a great deal of research and ethical discussion on this point. It can be argued that un-distracted by emotions of vengeance or fear and capable of processing information faster than humans, future robot weapons systems could display more consistent ethical behaviour than their human counterparts. In a very different age Augustine (reported by Aquinas) acknowledged the dangers of such human failings, “The passion for inflicting harm, the cruel thirst for vengeance, an unpacific and relentless spirit, the fever of revolt, the lust of power, and suchlike things, all these are rightly condemned in war”²⁴. But while the robots of the future might be able to demonstrate discretion, the capacity to show empathy or mercy is different altogether and maybe for this reason as much as any other the autonomous operation of weapons systems is a red line that should not be crossed. On a more immediate and practical level we acknowledge the very difficult balance of risks and ethical judgements that we expect our forces to make and the skill and expertise brought to this task, sometimes under the most trying circumstances. Thus there is a broad consensus is that for the foreseeable future authority to fire a weapon must involve human interaction – the so-called ‘human in the loop’.

As systems become more automated the crucial question is how the human in the loop perceives and executes their role. With an increasing amount of data available might the operators become swamped? If data gathering becomes more systematised with more people involved in the ‘kill-chain’ does the scope for individual questioning, for example concerning the evidence that a person or object is a legitimate military target, reduce? These are questions that at this stage we raise as matters for further study aware that they are also being asked elsewhere.

D. CONCLUSION

9. Some Key Considerations

Our approach has been to engage with the reality that AUAS are here to stay while remaining committed to biblical teaching that ‘Peacemaking is at the heart of the teaching of Jesus, not an optional extra’.²⁵ The tension that this creates is not easily overcome. The conclusions recorded here are by no means a final destination – much more could be said. But for now we highlight the following aspects: -

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2. ²³ *The UK Approach to Unmanned Aircraft Systems*; (Ministry of Defence Joint Doctrine Note 2/11, 30 March 2011)

²⁴ Thomas Aquinas, *Summa Theologia*, II-II, q. 40, a. 1, c. Citing Augustine, *Contra Faustum*, xxii, 74 (www.newadvent.org/summa/3.htm)

²⁵ The Methodist Church and The United Reformed Church, *Peacemaking: A Christian Vocation* (London: Trustees for The Methodist Church and The United Reformed Church, 2006), 24.

The seductive attraction of AUAS – The ease at which AUAS can be deployed gives rise to real ethical concern. We must constantly project our minds forward a decade or two to a point when the technology is likely to have proliferated with many more States as well as non-State actors having access to it. Our nervousness in this respect is not helped by apparent uncertainties over how to apply national and international legal frameworks that have served hitherto to delineate and limit the use of lethal force by the State. There exists a danger that the ease with which these systems can be deployed, and their future potential to deliver even more precise effect, might encourage the normalization of the use of violence in response to crisis and conflict. We might begin to address this by paying critical attention now to the use of AUAS in the context of insurgency noting that their persistent use in civilian areas tends to inflame sentiment and undermine support for government.

Given the potential for global expansion of the AUAS market is vital that churches and their members are informed and involved in debate of these issues.

International law and targeted killings – The UK’s position on terrorism²⁶ (and indeed that of almost all states members of the UN) is that the rules of armed conflict cannot be invoked to tackle terrorists. Our government is placed in a deeply ambiguous position with respect to the US AUAS attacks in northern Pakistan and Yemen. We work closely with the United States in the operation of AUAS. The US and UK are the two largest contributors to ISAF forces in Afghanistan and cooperate closely in intelligence operations in northern Pakistan.

International law has normative content that remains important in safeguarding the international community from descent into arbitrariness and the uncontrolled use of brute force. The targeted killing of named individuals outside the context of an armed conflict is a form of lawlessness that imperils us all. It is in our national security interests to uphold the basic accepted norms in international law and to work to ensure cohesion in approach among our international partners.

Accountability under law – In Afghanistan AUAS due to their pilotless nature, are often perceived as sinister and have become iconic in Afghan protests over civilian casualties resulting from air strikes. Greater openness and accountability on the part of military forces would help to clear some of the fog that surrounds the systems and their use. We note the recommendation that prompt and public release of ISAF investigations into incidents involving civilian casualties from all air strikes (by manned or unmanned aircraft) would improve relations with affected Afghan civilians and communities²⁷. Greater transparency would also help to resource public understanding and debate. Without public trust and accountability fears may increase that rather than being masters of technology, the technology may come to master us.

Mission Council is asked to commend this report to General Assembly for debate as it raises key ethical questions about future methods of conducting war and carrying out acts of violence on those deemed to be enemies of the State.

NOTE: At the time of mailing, this report was still in a draft form as it is still due to be reviewed by an external reading group. The final report will be available at Mission Council and members will be updated on any significant changes to the report at this meeting.

²⁶ This understanding was stipulated as a part of the UK’s acceptance of the 1977 Additional Protocol 1. O’Connell *Seductive Drones: Learning from a decade of Lethal Operations* .

²⁷ Afghanistan, *2011 Civilian Casualties Report* (UNAMA, Kabul, Feb 2012)

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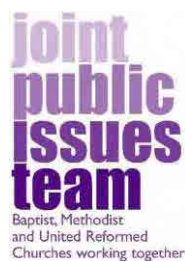
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Disclaimer - It should not be assumed that all aspects of this report have the support of every member of the working group.





Campaign of Radical Welcome

**Update for Mission Committee
February 2012**

1. Liaison Group

The group appointed to liaise with the Steering Group on behalf of the Mission Committee and Communications & Editorial Committee is now in place and met with the Steering Group on 20th January. The members are Tracey Lewis and Nick Stanyon (Mission Committee) and Peter Lyth (Communications & Editorial Committee). It was agreed that the Steering Group would continue submitting written reports to these committees but that the Liaison Group members would add their comments and be available to address questions and concerns.

2. New version of ads

The revised body copy (included in the Review Group report of 31st August which was circulated to Mission Committee and Mission Council) has now been incorporated into five of the six ads. It is now in typewritten font rather than handwriting and is very much more legible. Changing the body copy required changes to the general designs as well, and the agency took the opportunity to update the ads and strengthen them. In presenting them to the 20th January Steering Group meeting they noted how the world had moved on in the 18 months since the posters were first designed. Widespread economic anxiety and protests such as Occupy London had made for a sharper context with more hurting people and a higher awareness of a scrap heap to which many people were being consigned. The ads had been sharpened so that they would speak powerfully into the new context.

3. Film

The Steering Group approved a proposal for a five minute documentary style film. This would be primarily for use on the internet (ZI website, YouTube, Facebook, etc.) with the hope that it would go viral. The agency anticipates that the campaign will draw significant attention from the news media and they noted that the film would be available for television news programmes as a quick introduction to the ethos of the campaign. The film would consist of interviews with people in the primary target group of the campaign (those who perceive themselves as unwelcome in churches) and would explore their attitudes about Jesus and the church. It would also show the reception they received in churches, using actors so that no vulnerable people would be injured in the process.

4. Exploring churches, companions

At last count there were 507 exploring churches. Thirty four of these had requested companions. Fiona Thomas was in touch with each synod contact person and these were the primary points of contact for the churches. She was working with them to simplify the process by which a church could opt in. Several of the synods were actively recruiting and training companions. As indicated in the Review Group report, final responsibility for determining the viability of the campaign prior to launch lies with the Steering Group. The Mission Committee had a discussion at its February meeting about

what sorts of numbers would make the campaign viable. This question will be high on the Steering Group agenda at the next meeting (29 March). There is great reluctance to announce any further postponement of the launch date given that the timetable has already changed several times in response to the plea of the churches that they need more time. Since the six ads represent 18 months worth of advertising material, it is possible to begin with a small group of affiliated churches and continue working to expand the number. However, we have heard the concerns that people have on this matter and we will give the question very serious thought in consultation with the Liaison Group.

5. Launch preparations

The launch date is 9th May. The plan is that the campaign will be launched in several locations across England and Wales centred around participating churches. Discussions with the contact person in the Synod of Scotland indicate that the launch there may be delayed by a couple of months. Precise locations will be chosen nearer the time when the list of covenanted churches is known. Local relaunches can be supported whenever new churches covenant. Media training has been arranged for Steering Group members and various regional supporters.

6. Greenbelt

The Steering Group awaits news as to the role of ZI at Greenbelt. The organisers are concerned about giving ZI a high profile when the URC is not one of the major funders of the festival. Mike Walsh has enquired as to what level of funding would buy ZI a place at the table. Suggestions for ZI participation have included workshops, art projects, Bible study and incorporation into the main Sunday Communion service. The Steering Group has also been in contact with one of the organisers of Solas (a Scottish equivalent of Greenbelt) who has been encouraging.

7. Internal Launch +1

It appears that re-launch events are only needed in a few synods and Fiona Thomas has been in touch with the synod contact people to make arrangements. Three events are planned.

8. Other Review Group requirements

Financial information for local churches Plans were in hand to publish this.

Meeting with FORG

This was being convened by Ray Adams.

Risk assessment This is due to be presented to the next Steering Group meeting.

9. Future staffing

As reported at the last Mission Council, Denese Chikwendu resigned on 11th November and left employment on 7th December. Lucy Berry's role as Strategic Consultant finished in December. This sudden reduction in staffing has been a significant challenge to the Steering Group.

Steering Group members prepared a job description and person specification for a Project Manager, intending to recruit urgently. The Staffing Advisory Group assisted in drafting these documents and the result was a clear list of tasks needed for both the development and delivery of the campaign. Unfortunately, with Christmas holidays adding to the delays inherent in this consultative process, the decision of the Steering Group in January was that it was too late to recruit a Project Manager.

A proposal is under consideration for the secondment of a member of the Communications department to work three days per week on the campaign. This would be a good solution because most of the remaining tasks are related to communications.

Admin support would also be required, again ideally via cooption of a current Church House staff member. The proposal received the blessing of the Communications & Editorial Committee and it is now in the hands of the Human Resources office so that the practical arrangements can be made. Names and details should be confirmed in time to report them to Mission Council in March.

10. Connection with Back to Church Sunday

Francis Brienen and Gill Nichol attended the relaunch of Back to Church Sunday in January. The Steering Group agreed their suggestion that while churches would be invited to participate in Back to Church Sunday regardless of whether they were involved with ZI, the ZI churches should be encouraged to use it as a particular opportunity for invitation and welcome.

11. Looking to the future

It is now over a year since the decision was taken to remove the URC logo from the ads so that in due course the campaign would be fully ecumenical. The ads will refer enquirers to a website where all of the covenanted ZI churches will be listed, with links to their websites for further information. When the campaign goes live on 9th May this list will be almost entirely URC. However, the plan for the past year has been to roll the campaign out ecumenically as a resource for any churches wishing to participate. The General Secretary has made personal visits to over 20 partner denominations and agencies and has received an enthusiastic response from most of them. The Steering Group will soon be actively exploring how ZI could be handed over responsibly to a new body that would enable full ecumenical ownership and participation. The funding from CWM that has paid for the development of the campaign and the staff to deliver it will have been exhausted by the end of 2012, so these explorations are urgent if the campaign is to move smoothly into its next phase of life. Serious fundraising will be necessary to pay for this transition and notice was given to the Mission Committee that there would probably be a proposal at their next meeting that an application should be made to the URC Legacy Fund for the costs of the ecumenical roll-out.

Roberta Rominger
22 February 2012



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Human Sexuality Task Group report (for General Assembly)

Mission Council is invited to decide whether this report, and the draft resolution on the registration of Civil Partnerships in church premises (with its supporting text) should be taken to General Assembly in July.

Introduction

By the time of Assembly the task group will have been in existence for almost four years. It was set up by Mission Council in response to the Commitment on Human Sexuality that was agreed by the Assembly in 2007. Once the group had had time to get to grips with the subject, the immediate task was to address the eleven questions which the Assembly had raised as consequential to the Commitment. Its response to nine of them was included in the Mission Council report to Assembly 2010. The response to the remaining two will be reported later.

Also in this first phase of its life the task group did some work on the connection between unity and diversity in the life of the church. As a result, some ideas and some questions were also included in the report to Assembly and people were invited to respond. Sadly no response was received.

The second phase

In the period 2010-12 the task group has looked to moving the discussion forward and in the process has dealt with the two outstanding issues from 2007. It has placed particular emphasis on how people discuss human sexuality issues, suggesting that the sensitivity of the subject means that it is best discussed in smaller groups where people know and trust each other. In that connection the task group has promulgated the use of some guidelines on good conversation which were copied with permission from the Methodist Church in Norway. They have been put on the URC website.

The task group tested its own understanding of the subject by meeting, on separate occasions, representatives of the Group on Evangelism and Renewal and the URC Gay and Lesbian Caucus.

The task group has kept in touch with the ecumenical discussion of the subject, in particular by following discussions in the General Assemblies of the Church of Scotland and the Presbyterian Church of Ghana. It has been a particular help that Val Morrison (a co-Moderator of Assembly and also a member of the task group) was present in both of those Assemblies.

However, the major concern of the group has been to use all the information, ideas and experience that has come its way to consider whether the 2007 Commitment can still be the basis for the United Reformed Church to continue its life in unity and to resolve current questions on human sexuality. With that in mind the task group got permission to set up a major consultation which was held at Westminster College, Cambridge, in September 2011.

The Westminster College consultation

In addition to the task group members and those asked to help in leadership roles, membership of the consultation was by invitation. Each synod was invited to nominate two people and an effort was made to ensure that all three of the positions defined in the Commitment were represented. FURY also sent a representative. A report on the consultation was sent to every synod and was posted on the website: for that reason it is not repeated here. However, from reflections received from some of the participants as well as discussion in the task group itself, some conclusions can be suggested.

- (a) There is no evidence that anyone changed his or her mind as a result of the consultation. The most that was achieved was a better understanding and appreciation of others' convictions.
- (b) The consultation itself provided plenty of evidence that it is possible for Christian people with strong and diverse convictions on sensitive issues of human sexuality to talk together in an atmosphere of mutual respect and concern. However, that is sometimes very demanding.
- (c) Although the Commitment defines people as falling into one of three categories, in fact within each category there are significant varieties of emphasis. Some people feel sympathy with more than one category. Human sexuality is a very complex subject and attempts to simplify it are unlikely to be successful and may damage fellowship.
- (d) However intractable are our differences of conviction, the grace of God is able to overcome them all. The consultation ended around the Lord's Table where, under the Cross, all the participants shared the Peace and ate from the one loaf. Unity is hard but it is the demand of the Gospel.

The future of the 2007 Commitment

The task group is led to the conclusion that the Commitment remains the best basis for the United Reformed Church to order its life and continue its discussion of human sexuality issues. It would be possible to refine the text in some places but that would not change the essential value of the Commitment itself. The value lies in its honesty in admitting the differences of conviction that exist; in its commitment to journeying on together; and in its recognition of the total dependence of all of us on the grace that is given through Jesus Christ.

There seems no better basis than that with which the Commitment ends: *In love and submission to Christ who holds us together, we therefore commit ourselves to stay together, to work and pray together, to treat one another with respect, and to seek God's gifts of unity, harmony, wisdom and deeper understanding.*

Widening the discussion

The task group has found it difficult to promote any wider discussion of human sexuality issues. Many of the reasons why people are reluctant to enter such discussion have been rehearsed above. However the experience of the consultation has encouraged the task group to produce a booklet and a CD aimed to help people in local churches in their own way and at the right time to discuss issues of our identity and relationships as human beings. It may be difficult but it is also fundamental. The help of the Communications office at Church House and also the Revd Ernie Rea (former head of religious broadcasting at the BBC) in this project is gladly acknowledged.

Towards a theology of same-sex relationships

One of the outstanding requests of the 2007 Assembly was for the provision of a theology of same-sex relationships. The task group invited the Revd Dr John Bradbury to present such a theology at the Westminster College consultation and this was heard alongside a traditional exposition of the theology of sexual relationships presented by the Revd Paul Stokes. The task group subsequently discussed how these papers should be released to a wider audience and it was agreed that they should be issued together with the expectation that they would be read together. The papers were sent to all the synods towards the end of 2011 and were published on the website in January 2012. In both cases a paper from the Church of Scotland summarising the present state of medical science on these issues was appended.

Legal issues

This was the other area which the 2007 Assembly identified as needing further work. In the event the further thinking was focused around the Equality Act 2010 and its consequences in regard to the registration of Civil Partnerships on religious premises. The result of the work done on this in conjunction with the Law and Polity Advisory Group is presented as a separate paper. It will be seen that the resolution presented draws directly on what has been written above about the Assembly Commitment of 2007. The connection is of fundamental importance.



The Registration of Civil Partnerships on religious premises

General Assembly, recognising the considerable differences of conviction held within the church on same-sex relationships and holding to its Commitment on human sexuality passed in 2007, grants its consent for church meetings within the United Reformed Church, if they so wish, to direct the trustees of their church's premises (or to request the trustees of other premises, the use of which their church shares) to apply for approval of those premises for the registration of Civil Partnerships.

The text below only applies in England and Wales. It does not apply in Scotland, the Channel Isles and the Isle of Man where the law on civil partnership registration has not yet changed. The Scottish Government has initiated a separate consultation and the Synod of Scotland has made a submission in response.

1. How the situation has been changed by section 202 of the Equality Act 2010

The section repeals that part of the Civil Partnerships Act 2004 which specifically excluded religious premises as places where Civil Partnerships might be registered and as a result the Government has now brought in regulations that make it possible for Civil Partnerships to be registered in church buildings approved for the purpose and for that registration to take place in association with an act of worship, provided the actual registration is distinguished from any religious language or content. There is a requirement that the Registrar must officiate at the registration but s/he may or may not be present for the worship. ***However no local church can apply for approval unless the governing authority of the denomination (in our case the General Assembly) has agreed that it may do so.***

2. The Church's attitude to Civil Partnerships to date

Following the passing of the Civil Partnerships Act 2004, which came into effect in December 2005, some local churches sought advice as to how they should respond to any request for a service of blessing of a Civil Partnership in church. Mission Council considered this request in the light of a paper that was presented to it and authorised the paper as a resource which could be offered to any local churches seeking advice in future. In essence the paper advised that the response to any request was the responsibility of the local church concerned, taking full account of all the circumstances in each case. This action was reported to General Assembly in 2006.

When the Assembly passed its Commitment on human sexuality in 2007 it asked a new task group, inter alia, to consider whether the paper needed updating. In 2009 the task group advised Mission Council that, apart from a few details, the only change needed was to base the advice on the Commitment so that it remained consistent with Assembly policy. The matter still remained the responsibility of the local church.

3. How should the Church respond to this new situation?

It is clear that many local churches will not want to take any action at all on this matter, that others will decide not to seek approval for registration, and that others will want to seek approval for their premises to be used for the registration of Civil Partnerships. Assembly will need to recognise that there is no common mind on this issue. However, there are some guiding precedents. Given that (a) the Assembly Commitment recognises that different convictions are held within the church on the matter of same-sex partnerships and that the difference should be respected, and (b) the Mission Council advice on blessing of Civil Partnerships was that this was a matter for each local church to decide, it seems logical to advise the Assembly in 2012 to pass an enabling resolution allowing each local church to reach its own decision on whether or not to seek approval for Civil Partnerships to be registered within its buildings.

It almost goes without saying that any local church contemplating considering a resolution to seek approval should only do so after careful preparation. The members need to be given due notice and to be made aware of the basis on which the resolution is brought. Particular note may need to be taken of the views and likely reaction of the minister(s), any minority opinion, other churches in the pastorate, and ecumenical partners. Where a meeting is initially divided, it may be wise to defer a decision in order to give time and prayer to consider the best way forward.

A possible Church Meeting resolution might be: “The Church Meeting directs the Trustee(s) of the church building to apply for approval of the building as a venue for the registration of Civil Partnerships”

4. Some legal issues

The main pieces of legislation to be borne in mind are (a) the Civil Partnerships Act 2004 (as now amended by the Equality Act 2010 section 202), (b) the Marriage and Civil Partnerships (Approval of Premises) Regulations 2005 (as now amended by the Marriage and Civil Partnerships (Approval of Premises) (Amended Regulations 2011)), and (c) the trusts and powers applicable to church buildings under the United Reformed Church Act 1972 (or 1981 in the case of former Churches of Christ buildings), Schedule 1, Part 1.

Because the regulations governing the registration of Civil Partnerships on commercial premises do not easily apply to religious premises, the Government held a consultation process in 2011 with the churches and others with a view to replacing or amending the Marriage and Civil Partnerships (Approval of Premises) Regulations 2005. The United Reformed Church was able to contribute to that process through its Law and Polity Advisory Group, but inevitably not all its comments were acted on.

The process for a local church wishing its premises to be approved would be first a resolution of its Church Meeting, which would be forwarded to the trustees, who would then need to make the application to the local authority. In most cases this would be the responsibility of the synod trust body; in a few cases individual trustees would need to act. The advice given is that trustees appointed under the URC Acts would not have discretion to go against the wishes of a competent Church Meeting in this matter if the Assembly had passed an enabling resolution. Equally, trustees cannot act of their own volition without a Church Meeting direction.

Any Church Meeting contemplating considering such a resolution is strongly advised to get a copy of the necessary forms and a clear explanation of the regulations from its local authority in advance of the decision. In particular, note should be taken of the fact that (unlike marriage services) it will not be possible to incorporate the civil registration into the act of worship. The regulations require a clear separation between the two and there should be no religious element included in the civil registration. Some other examples of the regulations are:

- * a certified copy of the resolution passed by the General Assembly would
 - need to accompany the trustees' application
 - the local authority must give public notice of the application and objections may be registered by anyone who believes the regulations have not been followed
 - it must be specified which part of the building will be used
 - a fee must be paid
 - a responsible person, appointed by the trustees and notified to the authority, must be present in the building for an hour before the ceremony and must ensure compliance with the regulations (this role is not the same as that of an authorised person at marriages and it has no connection with the registration itself).
 - approval will be for a period defined by the authority (not less than 3 years), after which renewal must be sought and a further fee paid.

Concern that the new regulations, when read together with the Equality Act, could expose some churches to claims of unlawful discrimination, has received some publicity. The following advice deals with three easily imagined situations. (a) A church which regularly hosts marriages but which does not seek to be approved for Civil Partnerships to be registered is accused of discrimination against gay and lesbian people. This is not seen as a risk, since the owners of property (religious or otherwise) are not **obliged** to seek approval for the registration of marriages or Civil Partnerships. (b) A church building is approved and then the Church Meeting changes its mind and refuses all couples seeking registration of their Civil Partnerships. This has the potential to be a problem but it would be possible not to seek renewal at the end of the current term. (c) A church is approved for the registration of Civil Partnerships but wishes to reserve the right to consider each application on a case-by-case basis. Most churches operate such a policy in regard to marriages and there is no reason why they should not do so in regard to Civil Partnerships, provided the refusal is not on the grounds of a protected characteristic.

No minister or worship leader can be compelled to preside at a service if, on grounds of conscience, s/he feels unable to do so. A church which wishes such a service to take place must arrange for someone else to lead it.

The above is a summary of some of the legal issues involved. It does not claim to include all relevant legal issues.

5. Shared church buildings in joint use

There are an increasing number of places where a church building is shared with one or more other denominations. The regulations appear to be particularly restrictive in this case, whether the sharing is formal under the Sharing of Church Buildings Act 1969 or the informal giving of hospitality to another congregation. If a building is in United Reformed Church ownership and the Church Meeting wishes to consider a resolution seeking approval for the registration of Civil Partnerships, it will need to provide evidence of consent by the governing authority of all other religious organisations using the building. If the building is in the ownership of another denomination, the initiative will need to come from that denomination anyway; and if a purpose-built shared church is held by trustees for the purpose of a sharing agreement, a URC proposal to seek approval would need to command general support before those trustees could act upon it.

This paper now goes on to look at some wider issues that may need clarifying for those coming new to the subject.

6. Concerning services of marriage and civil partnership

If the advice above is followed, and if a local church decides to seek to be approved for the registration of Civil Partnerships, both kinds of service would contain two distinct elements. On the one hand there is the civil element, in which certain statements and promises required by law are made and documents are signed. The other is the religious element in which the covenant between two people is surrounded by prayer and related to Scripture and in which God's blessing is sought.

In some countries it is not allowed for the two elements to take place at the same time and place. And indeed there are some people in this country who prefer first to be married in a registry office and then to come to church for a blessing.

The distinction is important because it makes clear what is involved in passing an enabling resolution in response to the Equality Act. First it enables local churches to allow the legal part of a Civil Partnership to be registered on their premises. Second, it enables local churches to decide that it is in order to complement the making of a Civil Partnership with prayer and Scripture in church. The approval would only enable such things to happen: it would leave each local church to decide on each occasion whether or not a particular Civil Partnership could be registered on its premises.

7. Inconsistency

There is a significant theological inconsistency in the advice accepted by Mission Council in 2006 and 2009, and now in this paper. The task group believes it should be named. The inconsistency lies in the fact that, while one church may believe that God blesses Civil Partnerships and another may believe the opposite, they cannot both be right. Reflection shows that theological inconsistency is not something new among us. One church may pray for God's blessing on a particular armed conflict while another will not because it believes that the conflict is contrary to God's purpose. One church will as a matter of policy welcome children to Holy Communion whilst another will feel that adult faith is required of those who receive the Sacrament. Of more obvious relevance, one church may allow a couple who have both previously been divorced to marry in church and so offer God's blessing, while another will refuse because it believes God does not bless such a union. Or again, one church may be happy to welcome a cohabiting couple into its fellowship while another will first seek a change of lifestyle. To remove all the inconsistencies would lead to the fragmentation of the church, but the task group believes it is healthy for them to be named, recognised and wrestled with – but not fought over. It is by the grace of God, not by human conflict, that the church finds its way through inconsistencies.

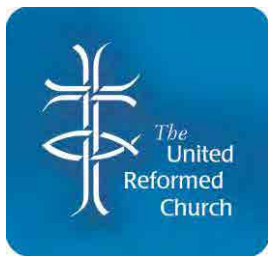
It is also undeniable that an enabling resolution would lead to inconsistency between one church and another. In some places Civil Partnerships would be complemented by worship while in others they would not. That is inevitable so long as the Assembly stands by a Commitment which recognises significant differences of conviction. The hard question has to be faced: which is better, inconsistency, or the sort of pain and sense of injustice which has accompanied previous attempts to find a common mind on same-sex relationships? A further question is, given the variety of human life and relationships, is it not inevitable that sometimes people have to accept things with which they do not agree for the sake of fellowship? That in turn can lead to inconsistency.

8. Common ground

The issue of same-sex relationships divides, not only the United Reformed Church, but the whole of Christendom. Yet this is not an absolute division. There is common ground between those on both sides (and in the middle) of the debate. All agree that at the heart of God's nature, the Trinity, there is relationship. All agree that within God's purpose human beings have a sexual identity. All agree that deep personal relationships can give immense value to human life. All agree that bad personal relationships can be very damaging to human life. All agree that the best relationships are based on love, trust and faithfulness. All agree that such relationships are the best basis for the family and for society. It is easy to follow these statements with the comment, yes, but we don't agree on same-sex relationships. True though that is, the common ground has a significance that cannot be ignored.

9. Is that it?

Yes, so long as we all recognise that adopting this resolution leaves us in exactly the same situation of differing convictions regarding same-sex relationships. Because we have those convictions, some will see this as a step too far, and others as a step not far enough. We can only continue to walk together so long as we trust each other to consider each decision before us in a prayerful and sensitive spirit. We will need to respect one another's integrity as disciples of Jesus.



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The Remit of the Equal Opportunities Committee

The Equal Opportunities Committee has the following definition of its remit:

The remit of the Committee is to develop detailed equal opportunities policies and monitor their implementation, reporting to each General Assembly. They also have oversight of training programmes in equal opportunities.

In view of the United Reformed Church's agreement to the Equal Opportunities Policy in 2008 and the publication of a series of helpful documents to support the Policy, it seemed appropriate for the committee to review its task.

The Committee would now like to propose the following remit:

The remit of the Equal Opportunities Committee is to remind the United Reformed Church that equality is enshrined in its theology, life and work

This includes:

1. Taking action to assist in the development of the life of the United Reformed Church to ensure equal opportunities in a diverse society
2. Monitoring of the equal opportunities policy and updating it when appropriate
3. Promoting training programmes in equality and diversity.
4. Promoting, supporting and encouraging the United Reformed Church's contribution to equality in the wider life of our society
5. Reporting to General Assembly

This remit reflects the recent work of the committee, which has included working with the Assembly Committees to remind them of the importance of equality e.g. Education and Learning and dyslexia (1), checking the equal opportunities policy against the 2010 Equality Act (2), preparing a training programme for the use of Interim Moderators (3) and working with the Joint Public Issues Team on several issues including Sharia Law (4).

The Equal Opportunities Committee does not expect to do all this on their own but will collaborate with others doing inclusion monitoring and working on equality and diversity.

Resolution:

Mission Council resolves that the remit of the Equal Opportunities Committee shall be to remind the United Reformed Church that equality is enshrined in its theology, life and work.

This shall include:

1. Taking action to assist in the development of the life of the United Reformed Church so as to ensure equal opportunities in a diverse society
2. The monitoring of the Assembly's equal opportunities policy and proposing updates when appropriate
3. The promoting of training programmes in equality and diversity.
4. Promoting, supporting and encouraging the United Reformed Church's contribution to equality in the wider life of our society
5. Reporting to General Assembly

Elizabeth Nash

18 February 2012



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Guidelines for responding to allegations of bullying or harassment

N.B. This paper will be revised before Assembly in light of comments received.

Introduction

This document is offered to local churches, all people with ministries, or holding office, in the United Reformed Church, including those exercising the Ministry of Word and Sacraments and the Ministry of Church Related Community Work (hereafter, both referred to as ministers) and those who have responsibility for caring for them.

The United Reformed Church acknowledges that bullying and harassment do occur within local churches and the wider councils. It is important that people should know where to find help if they believe themselves to have been bullied, and that those responsible for pastoral care should be vigilant for signs that bullying may be occurring. These guidelines are offered to enable the parties concerned to respond appropriately.

Conflict is a reality in every human organisation. It can be positive when it presses us to confront difficult issues and disagreements that we might prefer to avoid. It can be creative. However, abuse against individuals or groups within the church is unacceptable.

This paper relies upon two more comprehensive booklets which are highly recommended:

Dignity at Work: Working together to reduce incidents of bullying and harassment, Church of England 2008, available online at www.churchofengland.org.

Dignity at Work: Unacceptable Behaviour, Bullying and Harassment, a comprehensive guide for Workplace Representatives in the 'Not for Profit' Sector of Unite the Union, 2007, available to order from Unite, Hayes Court, West Common Rd, Hayes, Bromley BR2 7AU, 020 8462 7744.

Harassment is also addressed in the United Reformed Church Policy And Procedure In Response To Alleged Incidents Of Sexual Harassment And Abuse Against Adults. This is not yet available on the new URC website.

Definitions

“Any behaviour, always involving a misuse of power, which an individual or group knows, or ought reasonably to know, could have the potential effect of offending, humiliating, intimidating or isolating an individual or group should be regarded as unacceptable ... ‘Unacceptable behaviour’ changes its label to ‘bullying’ or ‘harassing behaviour’ when it causes actual harm or distress to the target(s), normally, but not exclusively, after a series of incidents over a prolonged period of time. Lack of intent does not diminish, excuse or negate the impact on the target or the distress caused. The degree of intent is only relevant in terms of how the behaviour should be challenged and the issues subsequently resolved.” [Fergus Roseburgh, Unite].

It is not always easy to distinguish between harassment and bullying and it is not necessarily important to do so. Harassment attacks people because of their social identity, such as being female, black or gay, and is intended to disturb or upset. Aggression that is personal is bullying.

Bullying is persistent. It exploits imbalances of power, as between stronger and weaker children on a playground – or between a church treasurer and a minister claiming expenses. It is sometimes intentional but may also be unconscious. Sometimes it comes as a great shock to be accused of bullying, but being made aware of how others perceive particular behaviour can help self reflection. Individual incidents may seem trivial while the cumulative effect is what causes the damage. It includes online and text/telephone bullying. Both of the reports mentioned above contain long lists of behaviours which can legitimately be regarded as bullying, and these may be helpful to an individual seeking confirmation that the treatment s/he has been receiving does indeed constitute bullying. (See Appendix 1)

Ministers are sometimes the targets of bullying. They can also be bullies themselves. Elders have a duty of care to both ministers and church members.

Churches may unwittingly bully a minister or member. There may be a situation where one person is singled out for public criticism, as in the case of a fabric committee convener, organist or youth leader being “reviewed” by an elders or church meeting. Individuals may find themselves isolated because they have expressed an unpopular opinion. Where a church is in pain it will sometimes look for a scapegoat and bullying becomes the oppressive tool.

Churches can also be the victims of a bully. It is not uncommon for someone with an aggressive personality to intimidate an entire congregation.

In the context of the United Reformed Church there is accountability and mutual responsibility for leadership especially in the Elders Meeting. This means that Ministers and Church officers should expect healthy debate and sometimes correction about the way they function. Bullying only starts when that proper discussion gets seriously out of hand.

Theological Reflection

Every person is made in the image of God and reverence should undergird all our relationships. This is an easy thing to say but a lifelong challenge to live. The very fact of our diversity puts us at odds with one another: this has been the human experience from Cain and Abel to the present day.

The domination of the weak by the strong is a dynamic built into the natural world of which we are a part. But we believe that we are called to a better way. In Christ we see a God for whom no one is expendable. Indeed, it is precisely in "the least of these" that we are invited to encounter Christ in our own lives. To follow Christ is to treat each person with respect and to negotiate disagreements honourably.

This challenge is not merely a matter of individual discipleship. It is also the basis for a calling which rests upon the church as a community seeking to follow Jesus command "Love one another as I have loved you". The church must constantly strive to reflect the highest standards in personal and corporate behaviour.

Consequences of Harassment and bullying

A person who is harassed or bullied may experience any number of stress responses: tears, anxiety, low morale, vulnerability, lack of confidence, anger, shame or depression. S/he may want to withdraw in self-protection. S/he may also find it impossible to pray, with a resulting crisis of faith. Destructive behaviours may develop: a victim-like refusal to engage, a loss of sensitivity to others, aggressiveness, self-harming or alcohol or drug misuse, to name a few. There may be physical symptoms such as asthma, hypertension, sleeping or eating disorders, sexual dysfunction or migraine.

Congregations that are bullied may develop a bullying culture with “no-go areas” to avoid discussion of painful issues. They may allow destructive behaviour to continue because they do not have the strength to confront it. A minister or member may find him/herself continually rushing around soothing ruffled feathers and persuading others not to resign in the face of behaviour which goes unchallenged. Where such dynamics operate, church meetings cannot do their work and worship may begin to feel hollow. The church may also acquire a negative reputation in the community.

These effects may be serious and long-lasting. It is essential that cries for help be taken seriously. It is also important to recognise that a person who is the victim of bullying may be reluctant to seek help, either because his/her confidence has been undermined, because s/he feels ashamed or responsible, or because s/he believes that objecting to inappropriate behaviour will cause unacceptable disruption to important relationships. In such cases it may fall to a third party, whether an elder, another minister, a friend, etc. to call the attention of the wider church to what is happening.

In the United Reformed Church there are distinctions between those who are subject to grievance and disciplinary procedures and those who are not and this has consequences in dealing with bullying.

Prevention

Identifying bullying is not always easy, but the best prevention is the church’s determination not to tolerate unacceptable behaviour. While all of us have bad days and say or do things that we later regret, a healthy community will be a place where apologies are offered and forgiveness is expressed. However these are difficult issues and apologies may not bring peace to either party, without support to discuss the pain experienced and space to work through the conflict constructively.

The United Reformed Church has structures in place which offer the foundation for good relationships and mutual understanding:

- ⤴ Separate Guidelines on Conduct and Behaviour for Ministers of Word and Sacraments, Church Related Community Workers and elders (General Assembly 2010)
- ⤴ Role descriptions for ministers and other leaders through LMMR – the Local Mission & Ministry Review – so that expectations are clear
- ⤴ Terms of settlement for ministers, which should be explicit on such matters as holiday entitlement, working hours and claimable expenses

Given that money and conflicting role expectations, as well as power and position, can be frequent triggers for bullying behaviour, clarity on these matters provides a framework for good relationships. Not everyone is covered by these guidelines so it is helpful to remind everybody that treating others with respect and dignity is an essential part of life in the church.

Ministers should take responsibility to ensure that they have the pastoral support they need. It is not realistic for the synod moderator to be the sole provider of support. Ministry is demanding, particularly in a time of change and uncertainty, and it is inevitable that ministers will sometimes find themselves at the receiving end of someone’s distress or strong disagreement. While intimidating behaviour is always undesirable, a one-off loss of control can be forgiven in the context of a relationship of trust. It is important that every minister has people to turn to in times of stress and difficulty both for personal and pastoral support and also for technical support to help them change the environment by working through the processes available.

Making an allegation

Someone who believes that s/he has been the target of harassment or bullying, or a third party witnessing such behaviour, should not hesitate to seek help. The sooner this is done the better, even if they are not certain that it is bullying, but they feel that someone's conduct displays unwanted behaviour. Such request for help should always be treated seriously. In a local church, the minister, church secretary or chair of the local CRCW committee, would normally be the first port of call. Where that is inappropriate, the synod moderator may be contacted. An allegation against a synod moderator should be directed to the General Secretary.

The following steps will assist others in addressing the problem, and support should always be provided so that an adequate disclosure can be made.

- ▲ Assemble the facts. Keep a log with the date of each incident and a description of what happened. Keep a record of emails and letters, as well as notes of conversations and telephone calls.
- ▲ Where possible, note the names of witnesses.
- ▲ Provide a copy of whatever role description may exist if the bullying or harassment has been about the performance of duties.
- ▲ Record consequences as well as actions, including any impact on health, emotional well-being, role performance and/or other relationships.
- ▲ If other people have been affected, note this too. Consult them as to whether they would be prepared to disclose their experiences as well.
- ▲ Make sure that you have the personal support you need. Put this in place yourself if it is not adequately forthcoming from the church.

Intervening on behalf of someone else

Where bullying is suspected to be occurring, it is important not to remain silent. In the first instance a witness should speak privately with the person(s) perceived to be the victims of bullying. Several questions should be explored:

- ▲ Is the behaviour untypical and associated with a contained situation of conflict or is it part of an ongoing pattern? (Remember that each separate incident may appear trivial. The bullying may lie in the persistent nature of the harassment.)
- ▲ What action, if any, has the recipient taken to challenge the aggressive behaviour?
- ▲ If no action has been taken, what is the reason for this?
- ▲ If action has been taken, what effect has it had?

Following such exploration there will be a judgment to be made. If the person on the receiving end of aggressive behaviour sees it as an isolated incident or otherwise feels in control, it is possible that the situation should simply be monitored over an agreed period to determine whether further action is needed. However, a witness should not hesitate to report the situation to the synod moderator, pastoral committee convener or General Secretary (if the moderator is perceived to be the bully) as an act of intervention if s/he believes that persistent bullying is occurring and that the person being bullied is unable or unwilling to act in his/her own defence. This decision must be taken with sensitivity as it could be experienced as compounding the

bullying. However, the United Reformed Church can only act if those who witness harassing behaviour do not conceal or deny it.

Responding to an allegation of harassment or bullying

Whenever an allegation is made, the person receiving it should take it seriously. Such accusations are often hard to make, but care needs to be taken that the accusation is not malicious. Steps should be taken to ensure that pastoral support is made available to the complainant, the alleged perpetrator (as appropriate), and any others who may be affected, such as the family of the complainant or other people involved in the situation.

Confidentiality should be carefully maintained for the protection of all concerned: the complainant, the alleged perpetrator, innocent bystanders, and the church itself. Where there is any danger of reputational damage to the church, particularly if there is the possibility of media interest, the URC media office, Gill Nichol, is available to offer guidance (020 7916 9865, media@urc.org.uk).

The following strategies are recommended as good practice.

1. An exploration of whether there is anything to investigate further. It is not always easy to tell who is at fault in the situation. It might be a malicious complainant or an alleged perpetrator.
2. Informal approach. Sometimes a complainant may simply want support in confronting someone with the expectation that the person who has acted inappropriately will be prepared to hear and apologise. (See Matthew 18:15-17, which indicates that when one person has been unable to make an offender take notice, two people should then go.)
3. Mediation. After an informal approach and if both parties want to find reconciliation and healing of the relationship, a trained mediator can lead them through a process of listening, extending and accepting apologies, and identifying solutions for the future. Mediation is future-oriented: it is not concerned with past grievances as much as future well-being. This mediation should be exercised by someone other than the synod moderator so that they remain available for oversight of the broader picture and care for all concerned. It may be appropriate to use a mediator from another Synod and it is always important that the mediator is well trained and experienced.
4. A complainant should never be pressured to confront an alleged perpetrator.
5. Formal procedure.
 1. In the case of an allegation against a minister, the caution stage of the Ministerial Disciplinary Process offers a suitable procedure (see The Manual, Section O, section AA). Very serious cases might warrant the bypassing of the caution stage and implementation of the Disciplinary Procedure itself.
 2. In the case of an allegation by a minister against a church member or members, a local church/post, a ministerial colleague, the synod moderator or synod officers, the grievance procedure pertains.
 3. The right of appeal exists in these procedures.
 4. It is always essential that those using the procedures should be well trained in using them.
6. Outcomes. Where bullying or harassment has taken place, successful resolution of the situation includes an acknowledgement on the part of the perpetrator, identification of

any underlying causes with strategies for addressing them where possible, the offering and receiving of apologies, and the willingness of the perpetrator to accept help in changing his/her behaviour. A formal mechanism to review the situation in an appropriate time frame should be agreed.

7. Legal action. Where there has been physical violence or serious psychological or sexual abuse, it is a police matter. The church should encourage and support contacting the police in this situation.
8. False allegations. Where investigation reveals that an accusation has been made maliciously, this is a disciplinary offence. There may be issues of mental illness or other mitigating circumstances to take into account. However, given the damage to the reputation of the person accused, some form of public exoneration may be appropriate.
9. Evaluation. There will always be lessons to be learned from intervention in a situation of bullying or harassment. Time should be set aside for serious consideration of what has been learned and how new insights might be shared, including the suggestion of amendments to URC guidelines and procedures.

If accused of bullying or harassment

- ⤴ Take the matter seriously. Consider your behaviour and do not be too quick to dismiss an accusation as a sign that the other person has a problem.
- ⤴ Where apologies are due, offer them. But recognise that an apology might not be enough to restore right relations.
- ⤴ Allegations must be proven and there is no automatic assumption that you are guilty. However, denials will not be taken at face value. Bullying and harassment are serious matters and require investigation.
- ⤴ Do not hesitate to seek help and support from the wider church where you fear that local church processes are not strong enough to address serious accusations. Trained mediators are available to advise and assist: these may be recruited from outside the synod if necessary.
- ⤴ If formal procedures are instigated, give them your full cooperation.
- ⤴ Make sure that you have the personal support you need. Put this in place yourself if it is not adequately forthcoming from the church.

Appendix 1 Examples of bullying behaviour

(from Dignity at Work produced by the Church of England)

This list of behaviours is not exhaustive but gives a clear indication of the sorts of actions that constitute bullying or harassment

- ⤴ removing areas of responsibility without discussion or notice
- ⤴ isolating someone or deliberately ignoring or excluding them from activities
- ⤴ consistently attacking someone's professional or personal standing
- ⤴ setting out to make someone appear incompetent
- ⤴ persistently picking on someone in front of others

- ⤴ deliberate sabotage of work or actions
- ⤴ deliberately withholding information or providing incorrect information.
- ⤴ overloading with work/reducing deadlines without paying attention to any protest
- ⤴ displays of offensive material
- ⤴ use of e-mails to reprimand, insult or otherwise inform someone of their apparent failing, either to the individual or to third parties
- ⤴ Cyber bullying including on social media such as facebook
- ⤴ repeatedly shouting or swearing in public or in private
- ⤴ spreading malicious rumours to third parties
- ⤴ public humiliation by constant innuendo, belittling and ‘putting down’
- ⤴ personal insults and name-calling
- ⤴ aggressive gestures, verbal threats and intimidation
- ⤴ persistent threats about security
- ⤴ making false accusations
- ⤴ aggressive bodily posture or physical contact
- ⤴ talking/shouting directly into someone’s face
- ⤴ direct physical intimidation, violence or assault

Equal Opportunities Committee
23 February 2012



The Remit of the Equal Opportunities Committee

The Equal Opportunities Committee has the following definition of its remit:

The remit of the Committee is to develop detailed equal opportunities policies and monitor their implementation, reporting to each General Assembly. They also have oversight of training programmes in equal opportunities.

In view of the United Reformed Church's agreement to the Equal Opportunities Policy in 2008 and the publication of a series of helpful documents to support the Policy, it seemed appropriate for the committee to review its task.

The Committee would now like to propose the following remit:

The remit of the Equal Opportunities Committee is to remind the United Reformed Church that equality is enshrined in its theology, life and work and to challenge practice where appropriate.

This includes:

1. Taking action to assist in the development of equal opportunities throughout the United Reformed Church, within the context of a diverse society
2. Monitoring of the equal opportunities policy and proposing updates when appropriate
3. Promoting training programmes in equality and diversity.
4. Promoting, supporting and encouraging the United Reformed Church's contribution to equality in the wider life of our society
5. Reporting to General Assembly

This remit reflects the recent work of the committee, which has included working with the Assembly Committees to remind them of the importance of equality e.g. Education and Learning and dyslexia (1), checking the equal opportunities policy against the 2010 Equality Act (2), preparing a training programme for the use of Interim Moderators (3) and working with the Joint Public Issues Team on several issues including Sharia Law (4).

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Resolution:

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5. Reporting to General Assembly.

Elizabeth Nash

18 February 2012



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Resourcing Ministry

The report of a Ministries Committee working party 2011-12

The United Reformed Church

1. The unions of 1972, 1981 and 2000 have created a church which is not merely c. 1500 local churches in a union but a wider gathering of the body of Christ which is grounded in 1500 local communities. It is the tension between whether we regard ourselves primarily as a local church or a denomination which can lead to misunderstanding, disillusionment and frustration with how we relate to one another and our interconnectedness.
2. The Ministry and Mission Fund (M&M) reveals something significant about who we believe ourselves to be and how we relate to each other. The object of M&M is to provide in partnership with local churches and Synods, the financial resources needed to train, equip and remunerate ministry, to support centralised services, and the world-wide work of the Church. Congregations share in the financial cost of the programmes agreed by the General Assembly by making an annual commitment to the fund. Underlying the fund is the belief that the whole ministry of the URC is to be made available to the whole of the Church and the financial responsibility for this ministry is to be shared throughout the whole of the Church. The Ministers of Word and Sacraments and Church Related Community Workers (CRCWs) of the Church are deployed by synods in ways that respond to the many different mission opportunities in different places unconstrained by the availability of local finance.¹ For this to happen local churches contribute to the costs of the whole Church's ministry according to the congregation's means. Put simply, we all put into the central pot out of our riches and the resources of that pot are used to support ministry and mission where opportunities are identified.
3. This is a very different model to that of the world around us where society largely operates on a contracted service model – you get what you pay for – and where the dominant voices talk about rights and entitlements, rather than this way of giving and serving.
4. It is challenging to live in this way if we do not recognise that all we have, whether as individuals, local churches or a denomination, is a gift from God, and get caught up in the secular understanding of buying a service. Furthermore, if we are seduced by the latter understanding it is not difficult to understand the complaints of those churches that are contributing vast sums to M&M and sharing an ordained minister with one or more other congregations.
5. Our model for living is defined by Grace, Abundance and Mission.
We are who we are because of God;

¹ For the sake of coherence Ministers of Word and Sacraments will be referred to as Ministers, Church Related Community Workers as CRCWs, and minister or ministers shall refer to those exercising either ministry throughout this document.

We have what we have because of God;
We do what we do because of God.

Stipendiary Service

6. In recent months the Ministries Committee have considered the United Reformed Church's practice of paying ministers a stipend rather than a salary, and the principle that the level of that stipend is the same regardless of age or time in ministry. The committee accepted three principles presented to it by the Maintenance of the Ministry Sub-Committee:
 - a. Parity of Status
There is one order of ministry of word and sacraments without any ranking, grading or distinction between the value of work done by different ministers.
 - b. Reimbursement to all ministers
All ministers should be fully reimbursed for expenses incurred in the work of ministry.
 - c. The Stipendiary Principle
Whole-time stipendiary ministers devote their working lives to a calling dependent on the support of the Church. They are to be enabled to maintain a reasonable standard of life by the provision of regular stipend income which is intended to free them from depending on other earnings, fees, stipend supplements, compensation payments or remuneration for their ministry from any other sources.
7. In the light of this we underline the United Reformed Church's practice of providing ministers who are supported by the whole church and who are enabled to go where the church, through its councils, recognises ministry is needed.
8. However ministry is not merely, or even primarily, about ordained or commissioned ministers offering themselves in stipendiary service. The United Reformed Church is truly blessed by those who serve in ministry in a non-stipendiary capacity. There are currently over 120 ministers who operate in this way, not to mention the many ministers who although 'retired' continue in an active capacity to serve the church and its mission.

Ministry of the whole people of God

9. Even as we recognise this we are in danger of missing the fact that we sincerely believe that all God's people are engaged in ministry and that the community of the church has a role in encouraging individuals to exercise their ministry whilst supporting and resourcing that ministry.
10. Previous Ministries Committee reports to General Assembly² have encouraged synods and local pastorates to consider alternative ministries alongside Ministers and CRCWs. Although progress has been made with regard to this there is a recognition that the potential for this is limited in many places by the lack of resources.
11. Whilst some individual churches or group pastorates may have the financial resources to pay for alternative ministry and leadership on a part-time, or even full-time, basis (i.e. youth or children's worker or pastoral visitor) this is beyond the means of most churches, for whom the first call on their financial resources rightly remains the M&M fund. In

² Patterns of Ministry (1995), Equipping the Saints (2004), Challenge to the Church (2008)

some places lay people can be identified to exercise such ministries in a voluntary capacity but very often the lack of available volunteers thwarts such enterprises.

12. Some synods have been able to provide funding to support local ministry and leadership. This money has come from investments, legacies or through a synod levy on local churches in addition to their contributions to the M&M fund pledge, but it should be recognised that not all synods have been in a position to provide such funding.
13. It is believed that providing synods with funds that can be used to support lay ministries will enable such ministry to happen in settings that would otherwise be impossible and would encourage the development of multi-skill teams as envisaged in Challenge to the Church and Equipping the Saints.
14. The Ministries Committee also recognises that there is currently an imbalance in the apportioning of Special Category Ministry (SCM) and CRCW posts, and in the distribution of higher education chaplaincy and workplace ministry grants. In the case of SCM and CRCW posts the current system does appear to favour those synods with additional resources available to fund manses and meet local expenses. The situation with regard to grants seems arbitrary with the need to have access to other funding, whether synod or ecumenical, as well as someone locally being aware that such grants may be available from the United Reformed Church through the Ministries Committee.
15. Recognising that there is no extra money within the United Reformed Church budget available to resource this the Ministries Committee is convinced of the need to change the way the money used to fund stipends and associated costs is allocated across the church if resources are to be released.

How could it change?

16. At its meeting in March 2011 The Ministries Committee considered three scenarios for apportioning the funding available.
17. The first proposed no change to the current arrangements whereby there is a total number of stipends payable out of a central pot which are shared out among the 13 synods to be used for Ministers of Word and Sacraments, and used to support up to CRCW posts and SCM posts. Synods and local churches are free to employ other workers but the full cost of this must be met by the synod or local church.
18. The second suggested a ‘mixed economy’ whereby each synod would be given a number of stipends to be deployed which would be less than the current deployment target. The stipendiary posts would still only be open to those on the roll of United Reformed Church Ministers, holders of a Certificate of Eligibility or a Certificate of Limited Service. The SCM scheme would continue to run as now with an agreed maximum number for the scheme with the possibility of an agreed maximum per synod. The CRCW scheme would continue with the maximum number of 26. In all these cases the stipends would be met out of the central funds of the URC, but the provision of a manse and the local expenses would be borne by the pastorate, project, synod or other local body (e.g. a chaplaincy) or a combination of more than one of these.
In addition to the scoping the synod would be given a grant from central funds which it could use to spend on further ministry. The level of this grant will be determined by the agreed reduction in the deployment quota. The synod could choose to use this to fund further stipendiary URC ministry or use some or all of this money to pay for lay ministry as it saw appropriate, either through synod appointments or by making a grant to a local church, pastorate or project in order that they can make such an appointment.

19. The third option would be for M&M pledges from the synods to still be collected centrally but then a block grant would be made to each synod to be used to fund ministry (meaning people serving in ministry) in the way they chose.
- This money could be used to pay the stipends of ministers serving in ‘traditional’ pastorates, chaplaincies, synod roles or other areas of work that the synod deems important. This would do away with the denominational SCM scheme and place responsibility for deciding on this type of work within each synod.
- The funding could also be used to pay for others offering ministry in a variety of roles either listed by the General Assembly or at the discretion of the synods. These roles could include evangelist, youth worker, schools worker, elderly support worker, lay chaplain, local leader, community worker.
- The provision of housing and the meeting of local costs would continue to be the responsibility of the pastorate, synod or other local arrangement and denominational funds would still be used to meet church pension fund contributions, provide in-service training and pay loans and grants agreed under the Plan for Partnership for URC accredited ministers.

Working Party

20. After exploring the possibilities the Ministries Committee agreed to set up a small working party with the following terms of reference:
- To outline what an alternative scheme for resourcing ministry in the 13 synods of the United Reformed Church might look like (as suggested by Scenario 3 of Paper B1b considered at the Ministries Committee meeting 28th Feb - 1st Mar 2011). (The third option described above.)
 - To consider in detail the implications of such a scheme on United Reformed Church identity, ministerial accountability and movement, ecumenical engagement and any other areas of the church’s life that would be affected by such a change.
 - To recommend to the Ministries Committee whether such a scheme should be presented to the General Assembly for adoption or not.
21. The working party comprising Revd Ruth Whitehead, Revd Adrian Bulley, Ms Catherine Lewis-Smith and Revd Craig Bowman first met on 27th September 2011 and on three subsequent occasions.
22. As part of the working party’s consideration of the matter the original paper outlining the three scenarios was shared with Mission Council in November 2011 and the council members invited to comment on what they found to be a positive in each of the scenarios, what was a negative and what was ‘interesting’ (i.e. noteworthy but not necessarily clearly negative or positive). In this they were undertaking the same exercise that the Ministries Committee had carried out in early 2011.
23. Reflecting on the responses and having heard the strong feelings expressed at that first Ministries Committee meeting the working party are convinced that a shift from a scheme which gives a total number of deployed posts to each synod to one that deploys financial resources to each synod which can be used for the ministry identified by that synod, is a move that would be widely welcomed.

Observations

24. In support of this we believe such a system has the following advantages.
25. It promotes flexibility:
- Pastorates can articulate specific ministry needs to be met within their scoping. e.g. 15% youth worker, 50% Minister of Word and Sacraments or 20% elderly peoples' worker, 30% Minister of Word and Sacraments.
 - Where synods identify a role that does not specifically call for the gifts and skills of a Minister or CRCW they will be able to resource someone other than a minister to do it.
 - Synods would not need to mould work into work for an ordained minister if it really wasn't, thereby promoting honesty.
 - The formation of self-sustaining Fresh Expressions often requires a nurturing of lay leadership. Deployment of sessional lay workers may be appropriate in some such contexts.
 - The ability to create posts which meet mission and need and which may not resemble traditional patterns of ministry may release more fully the talents and creativity of some Ministers of Word and Sacraments.
26. It encourages accountability:
- Synods would be given greater responsibility in relation to Special Category Ministry projects since they would need to consider the value of that work compared with the other priorities of the synod. Current arrangements, whereby SCM posts are accredited through a sub-committee of the Ministries Committee and the stipend is counted against a denominational total, do not have an effect on the rest of a synod's mission and can therefore be seen as a bonus. However this is a bonus that can favour those synods with access to other resources to meet expenses and housing costs whilst not assisting those synods without such resources.
 - The Ministries Committee would cease to have a grant-making responsibility and transfer the responsibility to synods who will have to weigh the value of such work against other mission priorities. The current arrangements can encourage the perception that there is a large pot of other money to be tapped into.
 - Moving accountability for the use of all resources to the synod means all decisions regarding the use of those resources are made closer to the location of mission (i.e. local churches). This should encourage more active participation in the decision making processes at synod level rather than it being viewed, at least in part, as others remote from the local context funding their pet projects. The principal of mission decisions being made as close as reasonably possible to their context is one we would want to encourage.
 - If there was greater flexibility as to where and when synods fund ministry then churches would expect greater clarity as to what criteria are being used for making these decisions so promoting fairness.
 - Unused resources in one synod (for example from having no SCM posts) would still be available for use in that area in a different way.

Constraints

27. As stated above we believe the intention should be to move to a system where the decisions regarding the support of ministry should be made at synod level. However the more we explored how to release resources for other ministry we continually found ourselves confronted by other large consequential issues which tended to fall into three areas.

28. Ministers:

Whilst we understand the primary purpose of the United Reformed Church is not to look after ministers but to be active in mission, we cannot ignore the effect such changes may have on our ministers.

- What if a significant number of synods decide CRCW is not a priority for them, or even the Ministry of Word and Sacraments?
 - What do we do with those competent ministers who can't be used due to lack of posts or those who for family reasons are stuck in an area where there are no suitable posts?
 - What happens when a minister cannot find 'employment'?
 - Will this require planned redundancy spending each year and transitional support?
- Does the URC have a moral commitment to those who have responded to the call to stipendiary service but who are now not offered 'employment'?
- Ministers not exercising ministry cannot be contributing members of the URC Ministers Pension Fund.
- If there are more part-time ministers does this mean more manses will be needed?
- What are the tax implications for part-time ministers serving less than 50% and living in a manse?
- Will such changes increase fear and disillusionment in ministers?

29. Ecumenical:

- Many Local Ecumenical Partnerships have an alternating ministry: what will this mean if in the URC's turn it feels alternative ministry (not Ministry of Word and Sacraments) is more appropriate?
- Churches together groupings can find it difficult to relate to a church that doesn't have ordained leadership and an increase in such models may complicate local relationships.

30. The synod:

- A move to a more devolved pattern will mean more responsibility for the synod and the need for people to operate such a system in the synods. There is a real concern that the smaller synods (with fewer people and less resources) may not have the capacity to run such a system.
- Will moving to such a pattern lead to a further imbalance as those synods with less resources find they need to pay people out of this devolved funding to enable the system to work?
- Where are these decisions going to be made in a synod?
- Who has the imagination/strategic vision?
- Is there a need for denominational guidance or a scheme or do we need to trust the synods?
- This could strengthen the perception that we do things in 13 different ways – reducing mobility amongst ministers as people stick with what they know.

31. In changing to a block grant system the practical question arises of why not simply move to a system where each synod retains the money it raises for the M&M apart from sending a proportion on to Church House to meet the non-ministry central costs?

32. Here we return to the point we made at the beginning. The Ministry and Mission Fund is not simply a means of the local church buying ministry (whether ordained, commissioned or lay) but a sharing of the riches God has given to us, as individuals and congregations, to support the work of the church. Committing our resources into a central pot that is then shared out in response to the demands of mission, rather than resourcing mission out of our own local pots, affirms that we are a people in covenant with one another, offering

out of the riches we have been given for the work of the body of Christ of which we are a part.

Proposal

33. The Ministries Committee wants to explore the possibilities of the block grant arrangement but, in light of concerns regarding the effect on the movement of ministers, ecumenical engagement, synod capacity, ministerial morale and other matters recorded above, believes this needs to be a two stage process.
34. General Assembly 2012 will be asked to agree the allocation to the synods of the resources previously used to support the Special Category Ministry programme and to end the practice of grants being available to support higher education chaplaincy or workplace ministry from the Ministries Committee. This will enable each synod to receive a modest 'block grant' for some ministry in addition to the present deployment figure. The present scheme of centrally accredited Special Category Ministry posts would be wound down.
35. A period of monitoring will follow at the end of which the Ministries Committee will consider whether it is now practical and desirable to move to a complete block grant scheme, and advise Mission Council accordingly, in order that a proposal for change could be brought to General Assembly when it meets in 2016.
36. The following timetable is planned
 - March 2012 The outline of the scheme is presented to Mission Council.
 - July 2012 General Assembly is asked to support the changes identified above.
 - January 2013 Implementation begins of the change of responsibility for SCM posts and the availability of funding for other ministry.
 - January 2015 Ministries Committee reviews the progress so far made.
 - November 2015 Mission Council discusses moving to a total block grant system.
 - July 2016 General Assembly considers any proposal from the Ministries Committee and Mission Council.
37. There is the question of how the interim funding would be allocated to the synods. Would it be divided equally between the 13 synods or rationed out according to the number of members, the number of churches and the population as is used to determine deployment targets? We believe that in this first stage it should be an universal allocation to each synod, not pro-rata. To do otherwise would mean that the potential ministerial numbers for the smaller synods is effectively reduced immediately.
38. There remains the crucial question of how much funding would be available through this first change. That is a matter where further discussion is needed with the Finance Committee, not least in the light of the proposal agreed at Mission Council in November 2011 to produce a scheme which ties ministerial numbers to the cost of ministry, not merely to the changing membership of the United Reformed Church. However it seems to us that considering the current number of SCM posts a sensible level of funding to make available in this way would be the central church costs of 2.5 SCM posts.

Transitional arrangements

39. Naturally such a change could have an effect on existing SCM posts. If the 2.5 figure is accepted then any synod that has more than that number of posts will not be eligible for extra funding until they have dropped below that level. A deadline needs to be agreed at

which point any SCM posts above the 2.5 figure will be considered to be coming out of a synod's deployment figure. (This may lead to an increase in some synod's already 'over deployment'.) Setting this deadline at 2 years after implementation seems reasonable.

40. Discussions will need to take place with the Accreditation Sub-Committee and with those synods where there is currently approval for more than 2.5 SCM posts to determine how many of those posts are already planned to end during the transitional period. Currently 8 synods could be affected by this but only 1 synod actually has more than 2.5 SCM posts filled.
41. In this matter the 3 SCM evangelist posts would be regarded in the same way as any other SCM post.

Monitoring

42. In order to ascertain the value of this process and to consider more fully the effect a change to a full block grant may have the two years from January 2013 would be seen as a monitoring period.
43. Besides the evidence that will naturally be gathered through the processes of the Ministries Committee and office (e.g. any increase in the number of requests for Certificates of Limited Service) specific information will be requested from synods, including:
 - Of the amount of money available how much has been used to support local pastorate ministry, synod ministry, special ministries, chaplaincy, lay ministry, etc?
 - Has this process enabled resources to be used to meet the focus of Equipping the Saints and Challenge to the Church?
 - Have local churches felt closer to decision making through this process?
 - How have synods managed the process? (Helping to identify capacity and organisational issues)
 - How prepared does each synod feel for the move to the extension of the scheme and what help would they need to move forward?
 - Of those synods that are still over deployed at that stage what plans are being made for change as the scheme is extended?
 - What impact has been noted that would have implications for the extension of the scheme?

Oa

N.B. Paper O as originally submitted is confidential. These are the conclusions of the Mission Council discussions on the 2013 budget.

MISSION COUNCIL RESOLUTIONS

23 March 2012

A. Mission Council, noting the budget priorities discussions at its November 2011 and March 2012 meetings, which all Committee Conveners have heard, recommends to General Assembly that:

- i) the Education and Learning Committee reduces its net expenditure by at least £200K for its 2013 budget;
- ii) the Ministries Committee reduces its net expenditure by at least £60K for its 2013 budget;
- iii) the Mission Committee reduces its net expenditure by at least £150K for its 2013 budget;
- iv) the Assembly Arrangements Committee reduces its net expenditure by at least £50K for its 2013 budget;
- v) the Youth and Children's Work Committee reduces its net expenditure by at least £100K for its 2013 budget;
- vi) the Communications and Editorial Committee reduces its net expenditure by at least £40K for its 2013 budget.

B. Mission Council thanks the Assembly Committees for the careful and professional work undertaken so far and requests them to continue work towards producing a draft 2013 budget based on the recommendations in Resolution A by the beginning of July 2012.



P

Participation of those aged Over 26 in the URC

Provision for young People aged 11-25

Since its beginning 39 years ago, FURY has provided young people aged 11-25 within the United Reformed Church the opportunity to become involved in the Church, to meet other young Christians and to represent themselves and other young people to the wider Church.

At an Assembly level, FURY provides 3 events each year and the opportunity to organise and lead these events. In addition, young people are able to gain experience, for example in writing for and editing a magazine and running a website. These are all important provisions to aid the development the young people, but even more important is the way that FURY enables young people to remain engaged with the Church, at a time in their lives when this may not happen in their local church to such an extent.

Many people say that FURY has become their church, whilst some go as far as admitting that without FURY, they would no longer be a Christian.

After FURY

When people reach the age of 26, this provision ceases. It is to be hoped that by this age, people are properly integrated within the life of the Church in other ways and that there will not be a void left in their lives through no longer being involved in FURY.

However, by looking at our churches, the absence of the people aged 20-40 is only too apparent.

Along with the Youth and Children's Work Committee, FURY has identified this issue and believes the Church needs to act on this. The Church at every level should aim to use young people's talents and allow them to grow; churches should aim to properly integrate people at a local level, particularly from the age of 20 upwards. To develop the spirituality of young people, and in the interests of moving the Church forward, the United Reformed Church at every level should act towards this now.

Resolutions

The General Assembly of the United Reformed Church accepts the recommendations laid out in the report from FURY Executive and resolves to work towards solutions of the issues surrounding the lack of integration in the Church of people aged 26 upwards.



Q

Staffing Advisory Group Report

There is no routine work to report at this meeting.

In November 2011 Mission Council remitted the SAG with a two-fold task of ensuring adequate interim Human Resources provision following the resignation of the Head of Human Resources and of secondly reviewing the overall church house management processes and procedures with a particular emphasis on the respective roles in the General Secretariat department which currently comprises the general secretary, the deputy general secretary and the head of human resources.

SAG has worked to develop with current human resources staff a matrix of work that needs to be undertaken and have identified those who hold key responsibilities against each task. With support from Carmilla Legarda, a senior person in the Methodist Church House SAG is satisfied that the temporary provisions now in place are adequate; although they require regular monitoring to ensure support is in place especially in the case of emergencies. SAG is grateful to Ruth Pullen, Human Resources Officer in particular for her cooperation and support in this period. Individual members of SAG are providing back up and support to Ruth.

As is clear from the agenda of this Mission Council there are many issues being discussed in different places that will impact on the nature and scope of the General Secretariat in Church House – budget, review of synod moderators, the ecumenical dimension to cite just three. SAG has wrestled with keeping within the bounds of the remit given to it by November's Mission Council and yet seeking to do the best piece of work possible for the future working of church house.

At this point SAG would ask Mission Council to be patient if the exercise takes longer than initially anticipated as it may be important for some other areas to become clearer first. An initial step is to consult with senior staff, synod moderators and others as to the model of church house that is most appropriate – asking 'What is church house for?' Only then does SAG believe will it become clear what the General Secretariat and wider management structures need to be to best serve that purpose. David Goodbourne, formerly of Luther King House in Manchester has been co-opted to help SAG in its reflective processes as the consultation proceeds.

However SAG is also aware that there are real issues and a need for clarity in lines of accountability and management in church house. The second term of reference in the paper 'Review of Church House Management processes' (Paper R November 2011) reads 'To consider the overall line management requirements of church house employees and post holders and ways in which these might be met'. SAG is hoping as a second interim measure to try and assess the number of direct reports and to see if these can be lessened for key staff. SAG hopes to work with church house and especially the current HR staff to provide training and support in matters of line management. SAG hopes to take this forward without having to wait for the final outcome of the full church house management review and trust that this will be acceptable to Mission Council.

Rowena Francis
Convenor SAG

March 2012