

Paper R1

Amendments to New Disciplinary Process

MIND (Ministerial Incapacity and Discipline)
Advisory Group

Basic information

Contact name and email address	
Action required	Decision.
Draft resolution(s)	<ol style="list-style-type: none">1. Acting on behalf of the General Assembly, Assembly Executive rescinds resolution 40 2021.2. Acting on behalf of the General Assembly, Assembly Executive adopts the 'Process for dealing with cases of discipline involving ministers and Church Related Community Workers' ('Disciplinary Process') detailed in Paper R1 of the General Assembly Book of Reports 2021 as amended in the document accompanying this resolution.3. Acting on behalf of the General Assembly, Assembly Executive rescinds resolution 42 (a) and (b) 2021.4. Requests the General Secretary to make any necessary consequent changes to lettering/number necessary in the light of these changes.<ol style="list-style-type: none">(a) The provisions of the new Disciplinary Process concerning appointments to the Assembly Standing Panels for Discipline, the Disciplinary Investigation and Commission Panels, the Appeal Commissions List and the posts of Assembly Representative for Discipline, Secretary to Assembly Commissions for Discipline and to Disciplinary Appeal Commissions are to come into force at the close of this session of the Assembly Executive meeting at High Leigh on 22-24 November 2021.(b) The Assembly Executive thanks those who had indicated a willingness to serve on Synod Standing Panels for Discipline and asks synods to release them from this commitment.

Summary of content

Subject and aim(s)	Remove provision of the Synod Standing Panels for Discipline and replace with an Assembly Panel for Discipline.
Main points	
Previous relevant documents	General Assembly 2021 Book of Reports Papers R1, R3 and R5 Papers appended to the report of Mission Council prepared for General Assembly 2020 Papers T1-T4 Mission Council March 2020 Paper T1 Mission Council March 2019 Paper T1 for Mission Council November 2018.
Consultation has taken place with...	MIND Advisory Group Synod Moderators and Synod Clerks.

Summary of impact

Financial	None. The cost of the pre-hearing part of the process shall continue to be borne by synods, and the Commission stage from central funds.
External (e.g. ecumenical)	None.

1. Following the agreement of the General Assembly to the proposed changes to the Disciplinary Process in July 2021, the MIND Advisory Group has met twice. Firstly to 'road test' the new process whereby it explored how the new process might work in practice in respect of several fictitious cases. Secondly within its regular meeting cycle where it reflected further on the outcomes of its earlier meeting.
2. At these two meetings it emerged with further consideration that the proposal that each synod should appoint its own Standing Panel for Discipline (SSPD) is problematic. The issues are sharpened in smaller synods, are practical in nature and include the following:
 - a) Number of volunteers required
 - b) Ensuring consistency across the denomination particularly since SSPDs are likely to be required to serve on an irregular basis giving to rise to insufficient confidence and experience to be able to execute their task.
3. Instead of each synod appointing its own SSPG it is proposed that the Assembly Standing Panel for Discipline (ASPD) be strengthened with its membership increased to six. Synod Moderators retain their role as already agreed and will operate alongside two members of the ASPD rather than a SSPD. Unless there is a conflict of interest or other reason, the members of the ASPD will work on a rotation as new cases arise, e.g. members a and b will work with the Synod Moderator on case 1, c and d on case 2, e and f on case 3, a and b on case 4 etc.

4. The role of the Assembly Representative for Discipline (ARD) is unchanged.
5. The proposals to amend the Structure that are currently in progress are unaffected by these changes.
6. The new Ministerial Disciplinary Process is laid out in a framework document and a series of appendices. The framework and the appendices are of equal standing in respect of the operation of the process.

The proposed amendments to the framework are detailed below. Provisions to be removed are indicated using strikethrough text. The amended provisions are in italics. The lettering of the appendices have not been changed, consequent changes will be made to lettering if the resolutions are passed.

<p>3. Allegations (1) Convening the Synod Standing Panel for Discipline Pertaining to a Minister under Synod oversight Any allegation suggesting a failure to meet the expectations in paragraph 1 amounting to misconduct within the meaning of paragraph 2 must be referred to the moderator of the synod exercising oversight of the minister concerned. Concerns coming to the notice of the Moderator without a report from any complainant may be treated as allegations of misconduct. A report of a criminal conviction, arrest or police caution is to be treated as though it were an allegation of misconduct.</p> <p>On identifying any allegation as one of misconduct, the Moderator <i>must inform the Assembly Representative for Discipline (ARD) or their duly appointed deputy. The Assembly Representative for Discipline will appoint two members of the Assembly Standing Panel for Discipline who, with the Moderator, will form the Assembly Standing Panel for Discipline for the case. The Moderator must seek safeguarding advice pertaining to the case and share it with the standing panel.</i> call together the Synod Standing Panel for Discipline ('SSPD') and seek safeguarding advice, which must be passed on forthwith to the remaining members of the SSPD.</p> <p>(2) The Assembly Representative for Discipline and Assembly Standing Panel for Discipline Pertaining to a minister under the direct oversight of the General Assembly.</p>	<p>The synod which exercises oversight of a minister is to be identified in accordance with Appendix C.</p> <p>Rules on double jeopardy appear at Appendix E.</p> <p>The composition of the SSPD is set out at Appendix F.</p> <p>'Calling together' does not necessarily imply a physical meeting.</p> <p>The interplay of the Process with the Church's Safeguarding Policy, the participation of safeguarding professionals in the work of the SSPD ASPD, and the circumstances in which early steps in the Process may be deferred during external investigation are explained at Appendix G.</p> <p>The identity of the ARD and the composition of</p>
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<p>Allegations respecting a minister treated under this Process as falling under the direct oversight of the General Assembly are to be referred to the Assembly Representative for Discipline ('ARD') who (if they are identified as allegations of misconduct) is to call together two members of the Assembly Standing Panel for Discipline ('ASPD'), who, with the ARD, will form the Assembly Standing Panel for Discipline for the case. The ARD must seek safeguarding advice pertaining to the case and share it with the standing panel.</p> <p>(3) Striking out</p> <p>The SSPD ASPD may strike out allegations that are, in its view, patently frivolous, malicious, vexatious or unrelated to the expectations, stating why it considers that to be the case. Otherwise it must pass the allegations and any supporting evidence on for further consideration in the Investigation Stage.</p> <p>(4) Decisions of suspension</p> <p>As soon as it is aware of the allegations the SSPD ASPD may suspend the minister, with the consequences set out in the Basis of Union. The Moderator may suspend, acting alone, on first receiving the allegations if there is delay in calling together the SSPD ASPD and the Moderator considers immediate suspension necessary. However, neither the Moderator <i>acting alone</i> nor the SSPD ASPD should proceed to suspension without <i>first</i> considering whether an alternative course of action is available. If the SSPD it is believed such an alternative could be considered appropriate but and an interview with the accused minister would assist the decision, the minister must be offered the opportunity to meet with at least one member of the SSPD ASPD before the suspension decision is taken. Decisions to suspend or not to suspend must be accompanied by reasons and reviewed by the SSPD ASPD on first convening and regularly thereafter: they may be revised at any time.</p>	<p>the ASPD are set out at Appendix H. References to a Synod Moderator and to the SSPD apply equally to the ARD and ASPD.</p> <p>Rules concerning suspension and extracts from Schedules E and F to the Basis of Union, listing its consequences, are set out at Appendix J.</p> <p>In a case concerning a minister under the discipline of the General Assembly, references to the Moderator in this framework apply to the ARD throughout the case.</p>
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<p>4.</p>	<p>Pastoral care (1) of the accused minister When a minister is suspended (or, if there is no suspension, when allegations of misconduct are passed on to the Investigation Stage) the Moderator must arrange as soon as possible for another experienced person to offer ongoing pastoral care to the accused minister. The role of the pastor so appointed is only to offer pastoral care and support. They are to operate independently of the Moderator, to have no involvement in any aspect of the Process and to observe the Church's normal practice regarding the confidentiality of pastoral conversations. The Moderator's own pastoral responsibility for the minister is suspended so long as the case remains under the authority of the SSPD ASPD. The Moderator must also inform the accused minister of the contact details of the person appointed to give guidance under paragraph 8.6.</p> <p>(2) of others The Moderator must also consider what pastoral care is available to the accused minister's dependants, the complainant(s) and others directly affected by the case, including the members of local churches within the accused minister's pastorate, and must seek safeguarding advice if it appears possible that children or adults at risk may be involved.</p>	
<p>5</p>		
<p>5.1</p>	<p>(1) Investigation and report The purpose of the Investigation Stage is for the original allegations (and any further allegations of misconduct which this stage may bring to light) to be fairly and expeditiously investigated by an Investigation Team, whose findings are to be reported to the SSPD ASPD. At this stage, the Team is concerned with three issues: (i) the facts of the case, and in particular whether there is a <i>prima facie</i> case for full investigation; (ii) the seriousness of the allegations if proven, and (iii) whether the case can be appropriately disposed of by a caution. It may also, at any time, recommend the suspension of the accused minister or the lifting of a current suspension.</p>	<p>The composition of an Investigation Team, and of the Disciplinary Investigation Panel from which it is drawn, are set out at Appendix K.</p> <p>The work of the Investigation Team is explained at Appendix L.</p>

	<p>(2) Decisions by the SSPD ASPD Based on the Team's report and the accused minister's response <i>to this report</i>, the SSPD (acting in the name of the synod) ASPD (acting in the name of the General Assembly) decides, giving reasons, whether to end the Process, initiate proposals for an agreed caution, or send the case to the Hearing Stage.</p> <p>The role of the SSPD ASPD during this stage is judicial. As such it takes no part in the investigation but weighs impartially the facts and arguments presented by the Investigation Team and by the accused minister.</p>	
<p>5.2</p>	<p>If the Investigation Team concludes that the allegations against a minister do not amount to a <i>prima facie</i> case, or that even if proven they would not merit formal disciplinary sanctions, the Team will report accordingly to the SSPD ASPD. On receiving such a report the SSPD ASPD must take safeguarding advice, and must then declare the Process and any suspension terminated from that point, save that it may refer the report back to the Team on one occasion for reconsideration.</p>	
<p>5.3</p>	<p>If the Investigation Team believes its investigation into allegations against a minister reveals a <i>prima facie</i> case, on the basis of which, if the allegations were proven, it would seek the imposition of a disciplinary sanction, the Team will report accordingly to the SSPD ASPD. The SSPD ASPD is to send the accused minister a copy of the Team's report and to be advised the minister of the time allowed for a written answer.</p> <p>On considering the report and any answer the SSPD ASPD must do one of the following: (i) refer the report back to the Team on one occasion for reconsideration and further investigation, (ii) declare the Process and any suspension terminated from that point, if (after receiving safeguarding advice) it does not agree that the report supports the Team's conclusions, (iii) (after receiving safeguarding advice) propose an agreed caution in accordance with paragraph 5.4, or (iv) pass the report, any answer and all supporting evidence on for consideration at the Hearing Stage.</p>	<p>The time allowed for the minister's answer is to be 14 days unless another period is set by the SSPD ASPD.</p>

<p>5.4</p>	<p>An agreed caution may be an appropriate outcome in disciplinary cases where ministers accept the allegations against them (other than any allegations which the Investigation Team would not pursue for the reasons in paragraph 5.2), display convincing remorse and are willing to undertake appropriate precautions against recurrence.</p> <p>A caution may be considered at the close of the Investigation Stage if the Investigation Team recommends this in its report, or if the SSPD ASPD, on receiving that report and the minister's answer, proposes a caution on its own initiative.</p> <p>Safeguarding advice must be taken on the terms of a caution as finally negotiated.</p> <p>A caution is not appropriate where a minister denies allegations being pursued by the Investigation Team; nor, normally, in the case of allegations similar to allegations found proved on an earlier occasion under this Process or an earlier version of the Disciplinary Process.</p> <p>If a caution is agreed by the minister, the Investigation Team and the SSPD ASPD, delivered formally by the SSPD ASPD and acknowledged by the minister, the Process and any suspension are terminated from that point.</p> <p>If a caution is recommended by the Investigation Team or proposed on the SSPD's ASPD's own initiative, but the SSPD ASPD is satisfied it will not be possible to reach agreement on a caution in appropriate terms and within a reasonable time, then the SSPD ASPD must pass the Team's report, any answer and all supporting evidence on for consideration at the Hearing Stage. Correspondence entered into (subsequent to the Team's report) in connection with the proposal and attempted negotiation of a caution is not to be passed on, and will not be admissible at the Hearing Stage.</p>	<p>Appendix M sets out how a caution is to be drafted, negotiated and finalised.</p>
<p>6.</p>	<p>The Hearing Stage</p>	
<p>6.1</p>	<p>As soon as the SSPD ASPD passes a case on to the Hearing Stage, an Assembly Commission for Discipline ('ACD') is</p>	<p>The composition of an ACD, and of the Commission Panel from</p>

	constituted to oversee and hear the case. Once a Commission is in being for a particular case, authority over that case passes from the synod to the General Assembly, in whose name the Commission acts. Any procedural directions, or decisions regarding suspension of the accused minister, are thereafter to be given by the Commission (after receiving safeguarding advice in respect of any lifting of suspension).	which it is drawn, are set out at Appendix N.
6.2	Having satisfied the SSPD ASPD of a <i>prima facie</i> case against the accused minister at the close of the Investigation Stage, the task of the Investigation Team in the Hearing Stage will be to present the evidence in such a way as to assist the ACD in determining the truth of the allegations on a balance of probabilities, and to make submissions regarding the seriousness of the case and an appropriate sanction. Unless the Team abandons the allegations, its investigation will continue for this purpose until the date for submitting case material.	Rules for the timetable of the Hearing Stage (including a date for submission of the Investigation Team's case material) are set out at Appendix O. Abandonment of allegations during the Hearing Stage is governed by Appendix P.
8.	Miscellaneous provisions	
8.7	The costs incurred in the work of a SSPD ASPD prior to any hearing stage shall be charged against funds of the United Reformed Church under the control of the synod. The costs incurred by an ASPD or by any Commission or Secretary of Commissions in operating the Process and the reasonable expenses of any witness attending a Hearing shall be charged against funds of the Church under the control of the General Assembly. After a case is referred into the Hearing Stage and an ACD appointed, the accused minister and the Investigation Team may each apply to the Commission for the approval of costs to be incurred in connection with that Stage, and any costs so approved may also be charged against funds of the Church under the control of the General Assembly. If this includes the fees of one or more experts, the parties are required to consult with a view to calling (if possible) a single expert by agreement.	Necessary travel and meeting expenses of the Investigation Team will normally be allowable; but neither party shall be entitled to claim the cost of professional advice in formulating their position at any stage of the Process, nor costs of preparing the case for Hearing or professional representation at that Hearing.
8.8	(1) Restriction of simultaneous appointments	Further provision about the Panels, List and Secretaries to which this paragraph refers is made in Appendices F, H, K, N, U and V.

	<p>Save as permitted by Paragraph 8.8(2), no person may simultaneously do more than one of the following:</p> <p>(a) be included on the Disciplinary Investigation Panel (b) serve on a SSPD (b) serve on the ASPD (c) be included on the Commission Panel (d) be included on the Appeal Commissions List (e) serve as SACD, or (f) serve as Secretary of Disciplinary Appeal Commissions ('SDAppC').</p> <p>(2) Exceptions</p> <p>(a) A person may be included simultaneously on the Disciplinary Investigation Panel and on the Commission Panel, but may not be appointed to any ACD hearing a case against a minister after having, in that or any previous case, served on an Investigation Team regarding allegations made against that minister.</p> <p>(b) The same person may be appointed as SACD and SDAppC.</p>	
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Appendix B	Ministers under other denominational jurisdictions
<p>Allegations against such a person which would, in the case of a minister of the United Reformed Church, lead to the calling together of the SSPD ASPD may be reported to the Moderator of the Synod of the province or nation where the person serves. The Moderator is to transmit that report to the officer of the home denomination competent to initiate proceedings under that denomination's disciplinary procedure. The Moderator may recommend to that officer that the person concerned should be suspended from ministry pending investigation of the allegations.</p>	
Appendix C	Oversight – deleted in its entirety as the Council of oversight for all disciplinary cases is now the General Assembly. Synod Moderators serve for cases in their synod, but do so as members of the ASPD.
Appendix D	Moderators' recorded warnings
<p>3. The issue of such a warning is to be recorded locally (that is, in a form to which only the Moderator or ARD and any successor or deputy to that person will have access). Should misconduct on the part of that minister later be alleged, of a nature to which the recorded warning is relevant, the Moderator or ARD may inform the Investigation Team that such a warning was issued, and of the reasons for it. The mere giving of such factual information will not</p>	

disqualify a Moderator or ARD from exercising his / her role on the SSPD / ASPD.	
Appendix E	Double jeopardy
<p>1. A minister may not be subjected to the Disciplinary Process a second time in respect of allegations which were previously made against him or her, if those allegations were disposed of by an agreed caution or were passed to the Hearing Stage (whatever the outcome in that Stage). If the SSPD ASPD or any Commission is satisfied that all allegations referred to it are excluded from consideration by this paragraph, it is to terminate the Process and any associated suspension forthwith.</p> <p>3. If allegations were made against a minister but did not pass beyond the Investigation Stage because the Investigation Team or the SSPD ASPD was not satisfied of a prima facie case or that formal disciplinary sanctions would be warranted, the same allegations may only be considered again within the Process if new evidence is offered and the SSPD ASPD is called together on the renewed allegations within six years of the termination of the earlier proceedings.</p> <p>4. References in this Appendix to an agreed caution, the Hearing Stage and the SSPD ASPD apply respectively to a caution, the Commission Stage and the Synod Moderator in proceedings brought under an earlier version of the Disciplinary Process.</p>	
Appendix F	Composition of the synod Standing Panel for Discipline
Delete in entirety. The amended process will not include Appendices F or I.	
Appendix G	The Disciplinary Process and Safeguarding
<p>2. c) the Church's safeguarding professionals are involved as detailed below in the deliberations of the SSPD ASPD on a particular case;</p> <p>4. Where the Disciplinary Process requires safeguarding information or advice to be given to a SSPD ASPD, it is to be given first to the Moderator and transmitted by the Moderator to the other members of the Panel with as little delay as possible. If the Moderator is for any reason not serving on the SSPD ASPD in a particular case the person who replaces the Moderator for the purposes of this Process under paragraph 8 of Appendix F G is to notify his / her contact details to safeguarding professionals, and all subsequent references to the Moderator in this Appendix are to be read as meaning that person.</p> <p>6. The Process begins when one or more allegations coming to the notice of a Synod Moderator are identified as allegations of misconduct as defined in paragraph 2 of the Framework. The SSPD ASPD is then convened (paragraph 3 of the Framework) and considers whether the allegations should be struck out as patently frivolous, malicious, vexatious or unrelated to the expectations. The SSPD ASPD (or in case of urgency the Moderator) also decides whether it is necessary to suspend the accused minister pending investigation. The SSO is to participate in the discussion on these questions by whatever communication method the SSPD ASPD adopts, seeing the same papers as the Panel members see, and having the chance to express a view before they come to any decision. Safeguarding professionals may offer any</p>	

information or advice which appears, in the light of the allegations made, relevant to those decisions. Information regarding the accused minister which is not relevant in the light of the allegations made should not be sought or given at this stage, in order not to prejudice the Panel against the accused.

7. If the SSO, in the discussion of a case with the police or other external statutory authorities, is advised that those authorities wish their initial investigation to proceed without the minister being aware of the situation, the SSO is to report this to the ~~SSPD~~ ASPD, which can defer suspension or reference to an Investigation Team until the external authorities are ready for the minister to be informed.
9. If it appears to safeguarding professionals that none of the allegations made against a minister raise any issue of safeguarding within the scope of the Church's Policy, they may advise the ~~SSPD~~ ASPD accordingly. Subsequent requirements of the Framework to seek safeguarding advice need not then be followed, unless additional facts coming to light during the investigation suggest to the Panel or the Investigation Team that (a) the minister's behaviour could after all raise a safeguarding concern or (b) advice is needed on the treatment of a vulnerable complainant, witness or other person affected by the case.
10. After the appointment of an Investigation Team, the ~~SSPD~~ ASPD is to notify both the Team and the accused minister of any information or advice received from safeguarding professionals. The Team may at any time seek further advice from safeguarding professionals, but any advice included in the Team's report to the ~~SSPD~~ ASPD must also be copied to the accused minister.
11. The SSO is to participate (in the same sense as in paragraph 6 above) in the deliberations of the ~~SSPD~~ ASPD before it a) lifts a suspension previously imposed (Paragraph 3 of the Framework); b) terminates the Process after receiving an Investigation Team report that allegations are not susceptible of proof or do not merit formal sanctions (Paragraph 5.2); or c) terminates the Process, overruling an Investigation Team's submission of a prima facie case (Paragraph 5.3)
12. If the ~~SSPD~~ ASPD gives permission for negotiation of an agreed caution (Paragraph 5.4), the Investigation Team must liaise with safeguarding professionals on the terms of such a caution. If the Team reports to the SSPD that agreement has been reached with the accused minister, it must also report the safeguarding advice received regarding the submitted terms.
13. Any safeguarding advice or information received by a ~~SSPD~~ ASPD (except advice given during negotiations for a possible caution which did not in fact result) is to be included in the material passed to an ACD at the beginning of the Hearing Stage.

Appendix H The Assembly Representative for Discipline and the Assembly Standing Panel for Discipline – The whole original appendix is replaced by the below.

1. *The Assembly Representative for Discipline ('ARD') discharges the functions in the Disciplinary Process normally assigned to the Moderator of a synod, in*

cases where the accused minister is treated under Appendix C as falling under the Assembly's direct oversight.

- 2. The General Assembly appoints the ARD for a period of five years and may renew the appointment. The ARD must be a member of the United Reformed Church but may not be a person who would, under Appendix C, be treated as falling under the Assembly's direct oversight.*
- 3. The ARD convenes the Assembly Standing Panel for Discipline (ASPD) appointing members of the Panel to Panels to serve in particular cases.*
- 4. The Assembly Standing Panel for Discipline ('ASPD') comprises: a) the ARD, b) six members of the United Reformed Church appointed by the General Assembly, three of whom must be elders and three ministers or CRCWs and c) the Moderator of each Province or Nation. It is desirable, but not essential, for one member of the ASPD in each case to have a legal qualification or comparable experience.*
- 5. The appointment of the ARD and of the other two members should for preference be made by the Assembly in plenary session or by the Assembly Executive, but in case of urgency may be made by the Officers of General Assembly.*
- 6. It is not necessary for the members of the ASPD to be members of General Assembly. Paragraph 8.8 of the Framework restricts simultaneous appointments of one person to different roles in connection with the Process.*
- 7. The appointed members serve on the ASPD, for renewable terms of five years.*
- 8. If the ARD or an appointed member of the ASPD dies, resigns or ceases to be a member of the United Reformed Church before the end of the term of office, a fresh appointment for a fresh term of five years is to be made at the next session of the Assembly Executive, or in cases of urgency by the Officers of General Assembly. However, if the ASPD is convened to consider an actual case and the term of office of a member (including the ARD) ends by expiry before the case is disposed of under paragraph 5.3 of the Framework or an agreed caution administered under paragraph 5.4, the member concerned may continue to serve on the ASPD (in respect of that case only) pending such final disposal. An ARD member in this situation must inform the Clerk of the General Assembly within seven days of his/her term of office ending whether he is willing to continue to serve on the ASPD in this way.*
- 9. For each case referred to the ARD they will appoint one Synod Moderator and two other members of the ASPD to serve for that case. The panel for each case will always contain at least one Elder or lay member. The Moderator with pastoral responsibility for a minister under synod oversight will serve as a member of the ASPD for that minister's case.*
- 10. Where there is doubt as to which Synod Moderator should serve in a case involving a minister under synod oversight, the Assembly Representative for*

Discipline will determine the matter in consultation with the relevant Synod Moderators.

- 11. No member of the ASPD is to serve in a case in which his / her relationship with the accused minister or a complainant could give rise to a reasonable suspicion of bias. However, such disqualification shall not follow merely by reason of a person knowing the accused minister or the complainant or by residence in the same province or nation. A member of the ASPD holding relevant Church responsibilities may provide to an Investigation Team verifiable factual statements regarding the accused minister and his or her record of ministry, without being considered as taking part in the investigation. These must be provided in writing and copies supplied to the accused minister. If the Investigation Team requires expressions of opinion on such matters, it should if possible seek them from a source not connected with the ASPD. However if it appears to the Investigation Team essential that a member of the ASPD provide opinions or evidence in the case going beyond a written factual statement, that person shall not serve on the ASPD in connection with the case. Where a Synod Moderator cannot serve for these reasons in a case, the ARD will appoint an alternative Synod Moderator to serve for the case.*
- 12. If, for a reason mentioned in the foregoing paragraph or because of prolonged absence or other incapacity, a Synod Moderator is unable to serve as such for a particular case, or to continue until the case passes out of the hands of the Panel, a replacement for that case shall be made as follows:*

 - a) if the Moderator is generally prevented from acting as Moderator of the synod (or if there is no Moderator) and arrangements are in place for another person to serve as Acting Moderator, that person shall also replace the Moderator on the ASPD.*
 - b) if the Moderator is otherwise prevented from serving on the ASPD (or if there is no Moderator and no current arrangements for an Acting Moderator) a replacement shall be appointed by the Officers of General Assembly, being either a minister resident in the province or nation or the Moderator of another synod.*
- 13. If, for a reason mentioned in paragraph 12 or because of prolonged absence or other incapacity, any member of the ASPD for a particular case is unable to serve as such for a particular case, or to continue until the case passes out of the hands of the Panel, a replacement for that case shall be appointed by the ARD from other members of the ASPD.*
- 14. If the ARD fails to call together the ASPD as required by paragraph 3 of the Framework, either of the other members of the ASPD may notify the General Secretary or the Moderator of the Assembly. That person, if satisfied that the ASPD ought to be called together, is to call upon the ARD to do this. Should the ARD not call together the ASPD within 48 hours of this requirement, the Officers of Assembly are to appoint a replacement for the ARD under paragraph 9 above and that replacement is to call together the ASPD.*

15. *If an Officer of the General Assembly is the accused minister, the complainant or an essential witness in the case, decisions required to be made by the Officers of Assembly shall be made without that person.*

16. *Decisions of the ASPD may be made by a majority if consensus cannot be achieved.*

Appendix J Rules and consequences of suspension for a minister

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

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

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

Appendix L The work of Investigation Teams

1. The material transmitted by the SSPD ASPD to the Senior Member of the Disciplinary Investigation Panel is to be passed on to the members of the Investigation Team as soon as they have accepted appointment. At the same time the accused minister is to be notified in writing by the SSPD ASPD of the nature of the allegations to be investigated.

6. If the Team becomes aware that criminal charges (or any other statutory investigation) are pending against an accused minister which cover the same facts as, or are otherwise relevant to, the disciplinary allegations, it shall suspend its work (subject to paragraph 7) until the outcome of the criminal prosecution or statutory investigation is known, save for monitoring any court proceedings and securing a certificate of conviction or acquittal when they conclude, or a concluding report from any other investigating body. Suspension of an investigation for this reason is to be reported to the SSPD ASPD if it happens during the Investigation Stage, or to the SACD if it happens during the Hearing Stage.

7. Criminal charges are considered pending from the time when a minister is arrested or remanded on such a charge or receives a summons from a court of criminal jurisdiction, or if the Team reasonably believes that the minister is a suspect in an investigation by the police or comparable public authority from which criminal charges or charges under another statutory procedure may follow. They remain pending during the currency of any appeal against conviction, though not in the event of an appeal against sentence only. Charges in Northern Ireland or abroad have similar effect to those pending in Great Britain or the Islands. A statutory investigation is considered pending from the time when the allegations about a minister are passed to a statutory authority (whether its functions are adjudicatory or investigative), until all statutory authorities have concluded their work or indicated that the Church's disciplinary process can proceed. However, the SSPD ASPD or Commission under whose authority the case is proceeding may authorise earlier resumption of the investigation or other steps under this Process if it is satisfied (a) that such steps would not unreasonably prejudice the statutory or criminal proceedings, and (b) that delaying in the Disciplinary Process until the conclusion of such proceedings would itself be prejudicial to the complainant, the accused minister or the Church.
8. The Team may at any time recommend to the SSPD ASPD or Commission under whose authority the case is proceeding that the accused minister be suspended or that any current suspension be lifted.
9. The report submitted by the Team to the SSPD ASPD at the close of the Investigation Stage will be in accordance with either Paragraph 5.2 or 5.3 of the Framework. A report in accordance with Paragraph 5.3 may include a recommendation for negotiation of an agreed caution, and the Team's initial position on what this caution should contain. If, after receiving safeguarding advice, the SSPD refers a report under Paragraph 5.2 back for reconsideration, the Team is to consider any comments made by the SSPD ASPD and any safeguarding advice available to it, before resubmitting the report.

Appendix M Cautions

1. An agreed caution is a possible outcome of the Investigation Stage in the circumstances set out in Paragraph 5.4 of the Framework. It may be recommended by the Investigation Team in its report to the SSPD ASPD, or proposed by the SSPD ASPD of its own motion after considering the report. Accused ministers cannot themselves initiate consideration of a caution as a procedural step, though an Investigation Team can pursue a minister's proposal if it thinks fit.
2. On the part of the accused, there are three elements involved in disposing of disciplinary allegations by a caution: he / she must admit the facts to which it relates, must satisfy the Investigation Team and SSPD ASPD of an appropriate level of remorse, and must undertake to observe the precautionary steps set out in the caution to obviate or minimise the risk of such conduct ever being repeated. The term 'negotiation' in the Disciplinary Process refers to a 'without prejudice' discussion (in the sense of paragraph 9 below) between the Investigation Team and the accused, designed to make clear whether these elements are present, and if so to agree the wording of the written caution to be proposed to the SSPD ASPD.

3. Before opening the possibility of a caution to formal negotiation, and again before settling the final form of any caution, the SSPD ASPD is to consider safeguarding advice. The SSPD ASPD must not allow negotiation of a caution if it considers at least one of the allegations so serious, for any reason, that a caution could not be an appropriate outcome if it were admitted or proved.
4. If the SSPD ASPD allows negotiation of a caution, it is to decide whether it will take the lead in proposing a caution text, seeking the agreement of the accused minister and the Investigation Team, or whether the Investigation Team is to take the lead, seeking the agreement of the accused minister and the SSPD ASPD.
5. Negotiation is then to proceed accordingly, with a view to drafting a written text which expresses the extent of the accused minister's admission of the allegations made (or such as the SSPD ASPD considers necessary to be disposed of before the Process can be ended) and the steps to be taken or conditions to be observed to remedy any harm and ensure the admitted misconduct is not repeated. Time limits may be attached in the caution text to these steps or conditions. The text should also express some degree of remorse, although this should be in the minister's own words and not the subject of negotiation.

Appendix O Hearing Stage Timetable

3. After the period for objections has expired, the members of the Commission shall agree amongst themselves for one member to serve as Convenor of the Commission. At the same time the SACD is to send to the ACD members the material transmitted by the SSPD ASPD and seek an indication from them of possible dates for the Hearing of the case. The SACD shall then select and notify a date from that range (not less than 35 days from the date of notification) on which a suitable venue will be available. The accused minister and the Investigation Team are to be consulted regarding a convenient date, with particular reference to the availability of any witnesses, but neither side shall be permitted to exclude any date absolutely. The availability of a representative of the professional legal advisers to the denomination shall also be taken into account.

Appendix X Non-co-operation and resignation

3. The minister must also not attempt to influence any complainant or potential witness through contact prior to any Hearing. It is preferable that any contact with potential witnesses which is necessary for the preparation of the minister's defence should take place through a neutral intermediary. If the SSPD ASPD (or, after reference to an ACD, the SACD in consultation with the Commission members) believes there is a serious danger of such interference or that safeguarding grounds exist to prohibit any direct contact with a given person, they may issue a written direction to the minister to that effect; in which case contact may only take place through a neutral intermediary.
4. If proposals for an agreed caution are opened to negotiation the accused minister may indicate that he or she is not prepared to take that route and would prefer the case to pass directly to the Hearing Stage. However if the minister enters into negotiation for a caution, it is expected that this will be done in good faith and that proposals by the SSPD ASPD or the Investigation Team will be responded to without delay.

7. A failure on the part of an accused minister to co-operate with the Process in any of the respects set out in paragraphs one, three, four or five above or to observe the restrictions imposed by a suspension as set out in the Basis of Union and Appendix J may, in an extreme case, amount to a contempt for the authority of the Church sufficient to found a fresh disciplinary allegation. If the Investigation Team takes this view it may include such conduct during the Investigation Stage in its report to the ~~SSPD~~ ASPD. Fresh allegations concerning conduct during the Hearing or Appeal Stage must be made in the same way as disciplinary allegations on an unrelated charge. Alternatively, without making an accused minister's conduct the subject of fresh allegations, the Investigation Team may refer to that conduct during its final submissions at the Hearing or appeal hearing, and the Commission may take it into account in any decision made regarding a sanction.

Appendix Y Confidentiality, dissemination of information, and retention of records

Table one [relevant content only]

a suspension is imposed before the SSPD or ASPD is called together	the Moderator
any decision of a SSPD or ASPD	the Moderator or ARD serving on that panel ...