



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.