



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.

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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.