

Paper M2

Clerk

Changes to procedure
from the Peel Commission
recommendations

United Church 2016
Church 2016
Reformed Church 2016
Church 2016



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Basic Information

Contact name and email address	The Revd Michael Hopkins clerk@urc.org.uk
Action required	Decision
Draft resolution(s)	<ol style="list-style-type: none"> 1. Acting on behalf of General Assembly, Mission Council resolves to insert a new Standing Order 12, as specified in paper M2 of Mission Council March 2016, Section D, and re-number subsequent Standing Orders, with immediate effect. 2. Acting on behalf of General Assembly, Mission Council resolves to insert the words specified in paper M2 of Mission Council March 2016, section F, into the Rules of Procedure, with immediate effect. 3. Acting on behalf of General Assembly, Mission Council resolves to amend the Rules of Procedure as specified in paper M2 of Mission Council March 2016, Section I, with immediate effect.

Summary of Content

Subject and aim(s)	Changes to procedure as instructed by Mission Council
Main points	Spelling out procedures for closed sessions and for electing a Moderator outwith the normal pattern. Introducing a process for suspending and removing volunteers serving at Assembly level.
Previous relevant documents	Paper P1 of Mission Council, November 2014
Consultation has taken place with...	Law and polity advisory group

Summary of Impact

Financial	None
External (e.g. ecumenical)	The original instructions originated in a need to codify our practice better. This should reduce the risk of reputational damage.

Changes to procedure from the Peel Commission recommendations

A. In November 2014, Mission Council, in responding to paper P1 from the Law and Polity Advisory Group (Minute 14/54), instructed the Clerk to draft:

- a) amendments to the Standing Orders of General Assembly establishing a formal procedure for moving in or out of closed session (para 7);
- b) amendments to the Rules of Procedure establishing panels to consider the suspension and removal of volunteers serving the church at denominational level (on the principles set out in paras 31-33), with special provisions for removal of a Moderator, Moderator-elect, immediate former Moderator, or Clerk of Assembly, or the General Secretary (paras 14, 20) (if necessary with supporting amendments to the Structure of the United Reformed Church);
- c) amendments to the Rules of Procedure allowing for the replacement of a Moderator-elect of Assembly who resigns or is removed from that position when there is insufficient time for the current provisions of Rule 3.14 to be followed (para 22);

and d) a written disciplinary procedure for denominational staff (para 35).

B. Part d) requires professional HR knowledge, and is in the hands of the DGS (Administration and Resources). I understand that such a policy has been in place for some time, and is regularly updated, along with all other HR policies

C. Reference is made to closed sessions in two places in the existing Standing Orders:

Changes of order include:

2.9.2 Closed session – that the matter in hand is sensitive and should be conducted in private. This is voted on immediately without discussion. It can be raised more than once during a discussion. If it is agreed, all those who are not members of the council must leave. Members must treat the subsequent discussion in the strictest confidence and must not divulge its content or process to non-members.

10. Admission of public and press

Members of the public and representatives of the press shall be admitted to the Assembly *unless the Assembly otherwise decides*, and they shall occupy such places as are assigned to them.

D. In order to establish a procedure to formalise closed sessions, I propose to insert a new Standing Order 12, and re-number subsequently:

12. Closed Session

- 12.1 A closed session is one in which the business is highly sensitive. Only members of Assembly, the legal adviser, and any technical or venue staff required to enable Assembly to meet safely may be present. Neither content nor process may be divulged to non-members, save specific information authorised by the Moderator in consultation with the Clerk and the legal adviser. No social media in any form may be used during a closed session, nor to report upon such closed session. Any live streaming must be switched off. Minutes will be taken, but these will be held *in retentis* by the Clerk, and shall not be made available to non-members.
- 12.2 A closed session may be called for at any time in any decision-making mode, and voted upon by the Assembly, requiring a simple majority. This motion takes precedence over every motion before the Assembly. As soon as the member has given reasons for proposing it and it has been seconded, and the proposer of the motion or amendment under consideration has been allowed opportunity to comment on the reasons put forward, the vote upon it shall be taken, unless it appears to the Moderator that an unfair use is being made of this rule. Should the motion be carried the business shall immediately pause while non-members leave the room.
- 12.3 If a matter is known to be highly sensitive in advance, then the Assembly officers, consulting the legal adviser if necessary, may announce in advance that a certain piece of business will be conducted in a closed session giving their reasons.
- 12.4 Where possible a closed session will begin after a break, in which event everyone must leave the hall. Once the hall is empty, only those entitled to be present shall be admitted. Members of Assembly may leave the hall during a closed session, but if they do so they may not be re-admitted.

E. To effect this, this resolution is proposed:

Acting on behalf of General Assembly, Mission Council resolves to insert a new Standing Order 12, as specified in paper M2 of Mission Council March 2016, Section D, and re-number subsequent Standing Orders, with immediate effect.

F. The wording proposed for panels on the suspension and removal of volunteers, is as follows.

New clauses to the Rules of Procedure, to be added to the end of the current section 3:

1. For the avoidance of doubt, the following rules apply only to those who are serving in a voluntary capacity, and only to employees or Ministers of Word and Sacrament or Church Related Community Workers in so far as they undertake any additional voluntary work which is not part of any employment or scoping. For work which is employed or scoped, the relevant disciplinary processes apply in place of these rules.
2. Anyone with a concern about someone serving at denominational level should report that to the Clerk of the Assembly, or to the General Secretary. The officer receiving the concern shall conduct a preliminary enquiry as necessary to establish sufficient facts as to whether or not there is a prima facie case to

- answer. S/he shall report all of this to the two former Moderators of General Assembly who are members of General Assembly in that capacity, and the three together shall decide whether or not it is necessary to take the matter further.
3. In the case of those other than current officers of Assembly, or Moderator-elect, or immediate past-Moderator, there shall be a standing panel of three persons, consisting of the two former Moderators of General Assembly who are members of General Assembly in that capacity, and either the Clerk of the Assembly or the General Secretary. The legal adviser may be in attendance at any meetings of the panel. The former Moderator who served most recently shall convene the panel.
 4. The panel shall investigate any complaint, and following consideration of evidence, are empowered:
 - (a) to suspend a volunteer where the nature of the concerns raised require this, and
 - (b) to consider whether the individual concerned should be permitted to remain in office in cases where no other disciplinary procedure is appropriate or, where other procedures, if pursued to a conclusion, would leave this question unresolved.
 - (c) to recommend removal to a closed session of Mission Council or General Assembly, whichever meets first.
 5. The normal order of proceedings before initiating the standing panel shall be first, any criminal investigation; second, any employee disciplinary proceedings; third, any procedure that could lead to deposition from ordained or commissioned office.
 6. The standing panel shall be empowered to accept any resignation offered, which therefore terminates their work.
 7. In the case of Assembly officers, Moderators-elect, and immediate past Moderators, there shall be a standing panel of five persons, consisting of the two former Moderators of General Assembly who are members of General Assembly in that capacity, and the convenors of the equalities committee, the faith and order committee, and the ministries committee. Where one individual holds more than one of these offices, or is unable to serve, the panel may co-opt any member(s) of General Assembly to fill the space(s), always providing that there shall be five members. The General Secretary, Clerk, and legal adviser, may be in attendance at any meetings of the panel, unless they are the subject of the process, but shall not be members of the panel. The former Moderator who served most recently shall convene the panel.
 8. The panel shall investigate any complaint, and following consideration of evidence, are empowered:
 - (a) to suspend a Moderator-elect or serving Moderator (or an immediate past Moderator in respect only of his/her automatic membership of Assembly and Mission Council) or other officer where the nature of the concerns raised require this, and
 - (b) to consider whether the individual concerned should be permitted to take (or, if already serving, remain in) the Chair of the General Assembly or continue in their office in cases where no other disciplinary procedure is appropriate or, where other procedures, if pursued to a conclusion, would leave this question unresolved.

- (c) to recommend removal to a closed session of Mission Council or General Assembly, whichever meets first.
- 9. The normal order of proceedings before initiating the standing panel shall be: first, any criminal investigation; second, any employee disciplinary proceedings; third, any procedure that could lead to deposition from ordained or commissioned office.
- 10. The standing panel shall be empowered to accept any resignation offered, which therefore terminates their work.

G. To effect this, this resolution is proposed:

Acting on behalf of General Assembly, Mission Council resolves to insert the words specified in paper M2 of Mission Council March 2016, Section F, into the Rules of Procedure, with immediate effect.

H. It is not always possible to follow the procedure described in paragraph 3.14 of the Rules of Procedure on urgent replacement of the Moderator, because there is simply not enough time for that procedure to be followed, and some accepted conventions are not spelled out.

I. It is proposed to change the Rules of Procedure by deleting the words struck through, and inserting the words in italics.

- 3. Moderators
 - 3.1 The Moderators of the General Assembly shall be elected by ballot in accordance with these Rules. Each Moderator shall *normally* serve for two years commencing at the Assembly following the Meeting at which the report of the election is received in accordance with Rule 3.10. The period of office shall be deemed to begin with the induction of each Moderator and shall continue until that Moderator's successor is inducted into office. *A Moderator will continue as immediate past Moderator until their successor ceases to be Moderator and therefore replaces them as immediate past Moderator.*
 - 3.2 The Moderators of the General Assembly shall be two in number, a minister or a Church Related Community Worker and an elder. The elder may be serving or non-serving but in all cases the names of those persons nominated to serve as Moderator must be included on the membership roll of a local church for that person to be eligible for nomination.
 - 3.3 A nomination for election as Moderator of the General Assembly shall be made by a synod, the consent of the nominee not being required. The nomination shall be in writing under the hand of the clerk of the synod and received by the General Secretary not later than the 31 March immediately preceding the annual meeting of the Assembly.
 - 3.4 The General Secretary shall forthwith send to each person nominated a list of the nominations. Any nominee may, within ten days of the receipt of this list, withdraw from nomination by notice in writing to the General Secretary.

- 3.5 If after 31st March or after the period for withdrawal there shall be no nominations, in either or both categories, the General Secretary shall forthwith notify the clerks of the synods and invite them to request nominations from the executive committees or equivalent of their synods. Such nominations, accompanied in each case by a note of the consent of the person nominated and a brief biography, must be in the hands of the General Secretary by 15th May.'
- 3.6 In either category if after the period for withdrawal there is only one nomination, this nomination shall be placed before the Assembly and voted upon by secret ballot.
- 3.7 If the number of those who have been nominated in either category and have not withdrawn is or exceeds two, the election shall be by a secret ballot according to the principle of the single transferable vote. All members of the Assembly shall be entitled to vote. They shall vote by indicating their preference by figures 1, 2, 3 and so forth, but no voting paper shall be invalidated by the absence of alternative choices. If the tellers find that no name has an absolute majority of first choices, the second choices of those who gave as their first choice the name securing the smallest number of such choices shall be added to the first choices for other names. If necessary this process shall continue until one of the names has an absolute majority of votes cast. If the process continues until only two names remain, the person who then has the larger number of votes shall be elected.
- 3.8 Members of the Assembly shall vote by means of a voting paper containing the name, the usual designation and the church of membership, of each of those accepting nomination which shall be sent by the General Secretary by ordinary post to each such member before the commencement of the Ordinary Meeting of the Assembly. Brief indication of the reasons for the nomination, as supplied by the synod, may be circulated with the ballot paper. The General Assembly may in any case authorise further means of informing the members about those accepting nomination.
- 3.9 Normally, the General Assembly shall vote to elect the Moderators of the Assembly by secret ballot as an item of business following prayer ~~on either the second or third day of~~ *during* the meeting of the Assembly. The ballot boxes shall be delivered to the tellers by whom alone they shall be opened. They shall report the result of the ballot to the Assembly at a later session.
- 3.10 As soon as the voting papers have been examined and the result of the poll ascertained, the voting papers shall be closed up under the seal of the tellers or any two of them, and shall be retained by the General Secretary for one month after the election, and shall then be destroyed.
- 3.11 At each Ordinary Meeting the Assembly shall appoint, upon the nomination of the Nominations Committee, three tellers to be responsible for the ballot for that year. The counting of the votes cast shall take place in secret under their supervision and control and they shall:
- 3.11.1 inform the General Secretary of the names of the persons elected and the General Secretary shall thereupon individually inform those nominated whether or not they have been elected.
- 3.11.2 report to the Assembly the names of the persons elected, the number of papers received and the number of papers which were invalid.

- 3.12 If any of the tellers appointed by the Assembly shall become incapable of acting the Moderator shall fill any such vacancy or vacancies and report that action to the Assembly.
- 3.13 Upon receipt of the report of the tellers by the Assembly the persons elected shall thereupon become the duly elected Moderators for the two years commencing at the next Ordinary Meeting of the Assembly.
- 3.14 Where the previous General Assembly at its ordinary meeting has failed to elect, or in the event of either or both of the persons elected to serve as Moderator becoming unable to serve,¹ *more than 120 days before the first day of the meeting of the General Assembly at which they were to have been inducted, then* the General Secretary shall seek nominations from synods in the manner prescribed in clauses 3.3 to 3.5 for persons available to serve as Moderator for the coming Assembly. On receipt of those names, the General Secretary will inform all those whose names appeared on the Roll of the previous Assembly of the nominations and send them a ballot paper. Those ballot papers shall be returned by post within five working days of receipt. Thereafter, the General Secretary shall deliver these ballot papers unopened to the tellers for the election of the Moderator who shall open and count the votes cast and report the result of this election to the General Secretary in the same form as would have been reported to the General Assembly had this election been held during the Assembly.
- 3.15 If a Moderator is unable to take office fewer than 120 days and more than 60 days before the first day of the meeting of the General Assembly at which they were to have been inducted, then the Moderator currently in office shall continue in office until a successor is inducted. The General Secretary shall seek nominations from synods in the manner prescribed in clauses 3.3 to 3.5, and an election shall be held at the General Assembly in the manner prescribed in clauses 3.7 and 3.8, and the Moderator so elected shall be inducted during that meeting of Assembly.
- 3.16 If a Moderator is unable to take office fewer than 60 days before the first day of the meeting of the General Assembly, or resigns from office after induction, or is removed from office after induction, then the General Secretary shall forthwith initiate a postal ballot as described in clause 3.14, and the person so elected shall be inducted at the next meeting of the Mission Council, save that if this clause comes into effect less than nine months before the planned meeting of General Assembly, then the remaining Moderator shall serve alone until the next meeting of General Assembly.
- 3.17 During the temporary absence of a Moderator, the other Moderator may serve alone. In the event of a conflict of interest with the business under discussion, the most recent former Moderator without such conflict of interest, who is present and willing to serve, shall serve. If neither Moderator is present, the most recent former Moderator present and willing to serve shall serve.

1 A Moderator may be unable to serve for any number of reasons, including, but not limited to ill health, bereavement, or family circumstances. Such a situation should not be assumed to be anything disciplinary.

J. To effect this, this resolution is proposed:

Acting on behalf of General Assembly, Mission Council resolves to amend the Rules of Procedure as specified in paper M2 of Mission Council March 2016, Section I, with immediate effect.

M2

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