

# Paper T4

## MIND

### Amendments to T1, T2 and T3

#### Basic information

<b>Contact name and email address</b>	The Revd Chris Copley <a href="mailto:chrismvivan@gmail.com">chrismvivan@gmail.com</a>
<b>Action required</b>	Take note, and decision.
<b>Draft resolution(s)</b>	<b>Mission Council agrees that the Clerk and General Secretary may, if so advised by the Convenor of MIND, bring to General Assembly within the report of Mission Council further amendments to the redrafted Ministerial Disciplinary Process and Incapacity Procedure, subject to the agreement of the Moderators of Assembly that these do not substantially distort the proposals that have already been approved by Mission Council.</b>

#### Summary of content

<b>Subject and aim(s)</b>	1) To set out some amendments to T1 and its appendices. 2) To provide for the possibility that the need for further changes may be identified before the matter comes to General Assembly.
<b>Main points</b>	
<b>Previous relevant documents</b>	Paper T1 and its Appendices
<b>Consultation has taken place with...</b>	Synod Moderators' Meeting, DGS (Discipleship), Secretary for Ministries, Safeguarding Adviser.

#### Summary of impact

<b>Financial</b>	None.
<b>External (e.g. ecumenical)</b>	One amendment seeks to make sure that we do not get in the way of the work of the police or of other statutory authorities.

## 1. Amendments to T1 and its appendices in T2

Following recent discussions with representatives of the Safeguarding Advisory Group and Ministries Committee, and suggestions from the Synod Moderators' Meeting, MIND would like to make the following amendments to its resolutions and the Disciplinary Process Framework in paper T1, and to the Disciplinary Process Appendices in paper T2:

### Paper T1

#### **p.88 Basic information – action required**

'redrawn Process to come into effect on 13 July' to read 'redrawn Process to come into effect at the close of that Assembly'.

#### **p.90 Ministerial Incapacity Procedure – paragraph seven of Report**

'MIND's current proposals are contained in Appendix to the draft Process' to read 'MIND's current proposals are contained in Appendix W to the draft Process'.

#### **p.92 The resolutions and the timing of their implementation – paragraph 19 of Report**

'from 13 July 2021, the day after the General Assembly's 2021 session closes' to read 'from the close of the General Assembly's 2021 session'

#### **paragraph 22 of Report**

'deferred until 13 July 2021' to read 'deferred until the close of the meeting of Assembly in 2021'.

#### **p.94 Assembly resolution one**

'Functions (xxi) to (xxiv) – delete existing text and replace with the following' to read 'Functions (xxi) to (xxvii) – delete existing text and replace with the following'.

#### **p.95 Assembly resolution four**

'come fully into force on 13 July 2021' to read 'come fully into force at the close of the meeting of Assembly in 2021'

'take effect from 13 July 2021' to read 'take effect at the close of the meeting of Assembly in 2021'.

#### **p.97 Framework paragraph three, right-hand column**

For 'The interplay of the Process with the Church's Safeguarding Policy and the term 'safeguarding advice' are explained at Appendix G' substitute 'The interplay of the Process with the Church's Safeguarding Policy, the participation of safeguarding professionals in the work of the SSPD, and the circumstances in which early steps in the Process may be deferred during external investigation, are explained at Appendix G'.

## **p.98 Framework paragraph 5.3**

‘On considering the report and any answer the SSPD must either’ to read ‘On considering the report and any answer the SSPD must do one of the following:’.

## **p.99 Framework paragraph 5.4**

‘proposes a caution of its own motion’ to read ‘proposes a caution on its own initiative’.

## **p.100 Framework paragraph 6.4**

‘The Commission may call witnesses of its own motion’ to read ‘The Commission may call witnesses on its own initiative’.

## **Paper T2**

### **Appendix C – Oversight – paragraph three**

After ‘If a minister is not a member of any local church, the Synod under whose oversight he/she last fell for disciplinary purposes shall continue to have such oversight’, insert ‘... unless the Moderator of that Synod, after consulting the other members of the SSPD, agrees with the Moderator of the Synod of the province or nation where the minister concerned resides (before a case concerning that minister is referred to an Investigation Team) to transfer oversight for disciplinary purposes to the latter Synod.’

### **Appendix G – The Disciplinary Process and Safeguarding**

#### **Paragraph two – Insert new point (c) and renumber the two following points:**

‘(c) the Church’s safeguarding professionals are involved as detailed below in the deliberations of the SSPD on a particular case;’

#### **Paragraph three – reword as follows:**

‘The rules in this Appendix refer generally to ‘safeguarding professionals’, a term which includes Safeguarding Officers or Advisers whether appointed in the name of a Synod or in that of the General Assembly. In some places they refer specifically to the Synod Safeguarding Officer (SSO), but this is subject to any provision in the Safeguarding Policy calling for the denominational Safeguarding Adviser to discharge a function instead of the SSO. The denominational Safeguarding Adviser also acts in place of the SSO when a minister is subject to direct Assembly oversight, or where a Synod currently has no Safeguarding Officer of its own, and references to the SSO should be understood accordingly. The Safeguarding Policy governs all sharing of information between safeguarding professionals.’

#### **Paragraph six**

After ‘suspend the accused minister pending investigation’ insert ‘The SSO is to participate in the discussion on these questions by whatever communication method the SSPD adopts, seeing the same papers as the Panel members see, and having the chance to express a view before they come to any decision.’ Delete ‘During this initial

stage the Moderator informs safeguarding professionals that the case has arisen, and', and continue from 'Safeguarding professionals may offer ...'.

### **Insert new paragraph seven and renumber following paras**

7. 'If the SSO, in the discussion of a case with the police or other external statutory authorities, is advised that those authorities wish their initial investigation to proceed without the minister being aware of the situation, the SSO is to report this to the SSPD, which can defer suspension or reference to an Investigation Team until the external authorities are ready for the minister to be informed.'

### **Paragraph eleven (formerly ten)**

Delete 'the SSPD is itself required to seek safeguarding advice before it' and replace by 'The SSO is to participate (in the same sense as in para 6 above) in the deliberations of the SSPD before it'.

### **Insert new paragraph 17**

'A safeguarding professional (who may be the SSO involved during the Investigation Stage, unless that person is called as a witness) is to be invited to attend an Assembly Commission or Appeal Commission Hearing to advise on the same basis as the representative of the denominational Legal Advisers. This does not apply when safeguarding professionals have advised that none of the allegations made against a minister raise any issue of safeguarding within the scope of the Church's Policy.'

### **Appendix K – Investigation Teams – paragraph four**

In 'transmitting to the Senior Member of the Disciplinary Investigation Panel three copies of the allegations received' delete 'three copies of'.

### **Appendix R – Disciplinary Hearings – paragraph one**

Insert the following in the list and renumber following entries:

'(d) a safeguarding professional invited by the Commission to advise'

### **Appendix S, part one – written warnings – paragraph two**

After 'are informed of the directions and of their obligation to monitor their observance' insert 'as soon as possible and certainly before the minister begins the new sphere of ministry'.

### **Appendix U – Appeal Stage Timetable and Procedure – paragraph 12**

Insert the following in the list and renumber following entries:

'(d) a safeguarding professional invited by the Commission to advise'

### **Appendix X – non-co-operation – paragraph seven**

After 'A failure on the part of an accused minister to co-operate with the Process in any of the respects set out in paragraphs one, three, four or five above' insert 'or to observe the restrictions imposed by a suspension as set out in the Basis of Union and appendix J'.

## **Appendix Y, part three – response to media interest**

After 'Each notified Church Secretary' insert 'under guidance from the Press Officer or from the Moderator of the Synod'.

### **2. Provision for further amendments**

Because of the need to consult further regarding effects on the Incapacity Procedure, and because further small matters that require correction or amendment may yet be spotted, the draft resolution provides for any such changes to be made in the Assembly papers in the name of Mission Council. Such changes would only be made if there is: (i) a request from the Convenor of MIND; (ii) support from the Clerk and General Secretary; (iii) ruling by the Assembly Moderators that the changes involve 'no substantial distortion' of what we have agreed at Mission Council.