



## MISSION COUNCIL

13 – 15 MAY 2013

# J2

# Ministerial Disciplinary Process

Mission Council, acting in the name of General Assembly and on the advice of the MIND Advisory Group, agrees to make the following changes to the Disciplinary Process:

**A.5** Add the following definitions at Paragraph A.5:

**“General Assembly Appointees” shall mean the persons appointed under Paragraph AA.2.1.2 to examine a disciplinary case within the Caution Stage and, if considered appropriate, to impose Cautions upon the minister.”**

**“General Assembly Representative” shall mean the person appointed (whether individually or as the holder of a particular office) to act in the name of General Assembly (or Mission Council on its behalf) in carrying out the responsibilities assigned to that person within this Disciplinary Process.”**

*In the event, for whatever reason, of there not being a Deputy General Secretary, then Mission Council will need to appoint someone to assume the DGS’s position within the Disciplinary Process. That person will be defined within the Process as “the General Assembly Representative” and will include the DGS while still in post. This paper makes the necessary changes to the paragraphs referring to the DGS.*

At the end of the definition of **“Independent Safeguarding Authority”** at Paragraph A.5, add the words **“...and its intended successor body the Disclosure and Barring Service or any other body which in the future may assume the functions of either of these bodies”**.

*Section 87 of the Freedom of Information Act 2012 states that there is to be a body called the Disclosure and Barring Service (DBS). Section 88 (1) states that the Secretary of State may by order transfer the functions of the ISA to the DBS and Section 88(4) states that he/she may by order provide for the dissolution of the ISA.*

In the definition of **“Synod Appointees”** at Paragraph A.5, after the words **“persons appointed”** insert the words **“under Paragraph AA.2.1.1”**.

**A.5<sup>^</sup>, A.8\*,  
AA.1.4,  
AA.2.1.2,  
AA.2.2,  
B.3.2\*, B.3.3,  
B.3.4, B.3.5,  
E.4.2, E.5.3,  
F.6.1, G.1.2.2,  
G.10.2**

In all of these paragraphs replace the words **“Deputy General Secretary”** with the words **“General Assembly Representative”**. <sup>^</sup>*In Paragraph A.5 the expression occurs in the definition of “Gross Misconduct.* \**In Paragraphs A.8 and B.3.2 the expression occurs twice. The DGS is also referred to in Paragraphs F.2.3, G.13.4 and G.14.5 – but see later as to those paragraphs.*

- AA.2.1.1, AA.2.1.2** Add the following words at the beginning of Paragraphs AA.2.1.1 and AA.2.1.2 of the Process to bring those paragraphs into line with B.3.1 and B.3.2:-
- AA.2.1.1** **"In disciplinary 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,...."**
- AA.2.1.2** **"In disciplinary cases arising under Paragraph 2(6)(A)(xxiii) of the Structure General Assembly (or Mission Council on its behalf)...."**
- Also at the end of Paragraph AA.2.1.2 replace the words **"Synod Appointees in that case"** with the words **"General Assembly Appointees in that case. As their functions will be the same as those of the Synod Appointees in a case arising under Paragraph AA.2.1.1, the expression "Synod Appointees" shall in a case arising under this Paragraph be taken to include General Assembly Appointees."**
- The persons appointed under this paragraph are not appointed by Synod but by General Assembly. Hence the need to change the wording as above.*
- AA.2.4** Replace the words **"both the Synod Appointees and the minister"** with the words **"the Synod Appointees"**.
- AA.2.6** Replace the words **"It should also be noted that..."** at the beginning of the second sentence with the word **"Also...."**.
- AA.9.3** Insert the word **"a"** before **"Mandated Group"**.
- AA.12** Insert the following additional paragraphs at the end of Section AA:-
- "AA.12.1** **Where the Synod Appointees become 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 or (ii) information has been laid before the Police which may result in a criminal charge being brought against him/her, in either such event the Synod Appointees shall adjourn their own enquiry and consult the Synod Moderator or other person who initiated the Caution Stage who may, on the basis of such information, conclude the Caution Stage in accordance with Paragraph AA.1.3 and call in a Mandated Group whereupon the case would be governed by the later Sections of this Process. In the event that the Caution Stage is not so concluded, the Synod Appointees' enquiry will remain adjourned pending the verdict of the criminal courts (whether or not on appeal) on the charges brought against the minister 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).**
- AA.12.2** **In cases where Paragraph AA.12.1 applies but where Paragraph AA.1.3 is not invoked, the Synod Appointees may themselves monitor the criminal proceedings, but shall otherwise for the period specified in Paragraph AA.12.1 suspend their own enquiry."**
- B.3.1, B.3.2** Insert the word **"disciplinary"** before **"cases"** at the beginning of these paragraphs.
- B.3.2** On the second line alter **"))"** to **"")"**.
- B.7.1** Replace the existing paragraph in its entirety with the following:-

**"In every case involving an allegation of Gross Misconduct and in other cases where the Synod Moderator or the General Assembly Representative as the case may be considers that he/she has strong and urgent reasons for so doing, he/she shall suspend the minister with immediate effect either orally or in writing and shall forthwith call in the Mandated Group in accordance with Paragraph B.3.1 or Paragraph B.3.2, whichever applies. Suspension imposed orally shall be immediately confirmed in writing to the minister."**

**F.2.3** Remove the words **"the Deputy General Secretary,"**

*Should the Assembly Commission or the Appeals Commission decide to delete the name of a minister from the Roll, it may append guidance to that decision. Paragraphs F.2.3, G.13.4 and G.14.5 all deal with the passing on of that guidance to persons on a "need to know" basis. In the light of his/her wide-ranging responsibilities the DGS is currently included in the list of such persons. However the role of the "General Assembly Representative" will simply be to carry out the specific functions set out in the Process. Once the case in which s/he has been concerned is concluded, his/her involvement comes to an end and s/he will have no future monitoring responsibilities. Consequently s/he should not be included in the list of persons in these paragraphs.*

**F.6.1** Replace the reference in the text to **"Paragraph B.9.3"** with a reference to **"Paragraph B.3.2"**.

**G.13.4** Remove the words **"the Deputy General Secretary,"**

**G.14.5** After the words **"the Press Officer"** remove the comma and insert the word **"and"**. Also remove the words **"and the Deputy General Secretary"**.

In the following cases, the main paragraph numbers occupy a separate line: **A.4, A.6, A.7, B.1, B.2, B.5, B.6, B.9, C.2, C.3, C.4, C.5, C.7, D.2, E.1, E.2, E.3, E.5, E.6, E.7, E.9, E.10, E.12, E.13, E.14, E.16, F.1, F.5, F.6, F.7, G.1, G.3, G.4, G.5, G.7, G.10, G16 and H.2**. This uses up space unnecessarily. Those numbers can be removed so that the numbering of the relevant paragraph would begin with the first sub-number, e.g. A.4.1, A.6.1 etc.