

Paper T1

MIND Advisory Group
Shared Synod Panels

United Church 2015
Church 2015
Reformed Church 2015
Church 2015

Paper T1



MIND Advisory Group Shared Synod Panels

Basic Information

Contact name and email address	Dr Jim Merrilees jmerrilees@urcscotland.org.uk
Action required	Accept paper and resolution.
Draft resolution(s)	On the recommendation of the MIND Advisory Group and on behalf of General Assembly, Mission Council approves the changes to the Disciplinary Process shown below (including the Appendix set out at the end) with immediate effect.

Summary of Content

Subject and aim(s)	Changes to Ministerial Disciplinary Process.
Main points	Detail of necessary changes.
Previous relevant documents	Ministerial Disciplinary Process.
Consultation has taken place with...	Members of MIND Advisory Group at its meeting on 28 January 2015 – Group is representative of all aspects of the Process. The five northerly synods affected.

Summary of Impact

Financial	Any financial implications will be for the five northerly synods which have accepted the changes.
External (e.g. ecumenical)	None.

Shared Synod Panels

1. This is a report from the MIND Advisory Group to go before Mission Council at its meeting in May 2015 and it contains a request that Mission Council should consider and, if thought fit, pass the Resolution which appears at the start of this report.
2. Since Mission Council last met the Advisory Group has met once. Also one case has passed through the Disciplinary Process and there is one case currently within the Incapacity Procedure. The Advisory Group keeps both the Disciplinary Process and the Incapacity Procedure under constant review and provides regular training and guidance for those involved with those procedures.
3. The five northerly synods have expressed a request to be allowed to operate a Shared Synod Panel. Following detailed discussion both within the Advisory Group and with the moderators involved, the Group considers the request to be a reasonable one and wishes to recommend changes to the Process to allow groups of three to six synods to appoint shared panels. These are contained in the detailed resolution set out below. The five synods involved have expressed their satisfaction with these proposed changes.
4. If Mission Council does approve these proposals, the Advisory Group envisages the setting up of a Shared Synod Panel to be a three-stage process:-
 5.
 - (i) The Sharing Synods will have informal discussions and agree in principle to set up a Shared Synod Panel.
 - (ii) They will each bring forward to a plenary session of their synod a resolution in the form of Appendix 1.
 - (iii) On the assumption that all the Sharing Synods pass their resolutions, they will need to have further discussions as to the appointment of persons onto the Shared Synod Panel and as to the formation date, allowing enough time to have completed the appointments of the panel members and the co-ordinator prior to that date. To avoid confusion, it would be as well if all the Sharing Synods agreed a joint declaration as to the formation date.
6. The individual synods must maintain their separate panels right up to the formation date, but these panels will cease to exist immediately thereafter.
7. No provision is made for the total number of persons to be appointed onto the Shared Synod Panels. There is no current provision for numbers on the separate Synod Panel (see B.2.1.1). Similarly, the Sharing Synods can be relied upon to make sure that their numbers are up to scratch.
8. The Advisory Group felt that the new sharing procedure should apply to three to six synods. Why not two? Because with the flexibility which is already built into the Process, it would be unnecessarily complicated to switch to the sharing procedure just for two synods. Why not more than six? The Group felt that this would be too cumbersome and would involve too wide a geographical area.
9. The Group approved a few other minor changes to the Process and these are also incorporated in the resolution.

10. So, in conclusion, the MIND Advisory Group formally places before Mission Council the resolution set out below for consideration at its May meeting.

11. **On the recommendation of the MIND Advisory Group and on behalf of General Assembly, Mission Council approves the changes to the Disciplinary Process shown below (including the Appendix set out at the end) with immediate effect.**

12. **A.5** – Add new definitions as follows:

‘Co-ordinator’ shall mean the person appointed by a group of Sharing Synods to carry out the responsibilities ascribed to him/her under paragraph B.2.2.3.”

‘Shared Synod Panel’ shall mean the Panel constituted by a group of Sharing Synods and referred to in paragraph B.2.2, which shall serve the purposes set out in that paragraph.

‘Sharing Synods’ shall mean a group of three, four, five or six synods which all adopt the procedure set out in paragraph B.2.2 and Appendix 1 to constitute a ‘Shared Synod Panel’. A ‘Sharing Synod’ shall mean a synod which is part of such a group.

‘Synod Panel’ – Add the following sentence to the existing definition:

The expression ‘Synod Panel’ shall also be taken to apply to a Shared Synod Panel constituted under paragraph B.2.2 unless such construction is precluded by the context.

13. **AA.1.5.2** – Replace the existing paragraph with the following:

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 two 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 Shared Synod Panel or (b) one person from the Synod Panel(s) of another synod or the Shared Synod Panel of another group of Sharing Synods 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. When making appointments under (ii)(b) above, the moderator of the synod shall, in the case of a single Synod Panel, inform the co-ordinator of that Panel of such appointment and s/he shall in turn inform the moderators of the Sharing Synods in the Group.

14. **AA.2.6** In the final sentence between “not” and “involve” insert the word “normally”.

15. **B.2.1.1** At the beginning of this paragraph add the words:-

“Unless the alternative procedures set out in paragraph B.2.2 shall apply and subject to paragraph B.2.1.2, every Synod ...”

16. **B.2.2 – Insert a new paragraph B.2.2 as follows:-**
- B.2.2.1 It shall be open to three, four, five or six synods (“the Sharing Synods”) To join together to appoint, maintain and share a panel (“the Shared Synod Panel”) of persons who are in current membership of a local church within the province or nation of any of the Sharing Synods and, in considering persons for appointment, regard shall be had for achieving as wide a geographical representation as possible within the provinces or nations of the Sharing Synods. The purposes of the Shared 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.**
17. **B.2.2.2 In order to adopt the procedure set out in paragraph B.2.2.1, each of the Sharing Synods shall pass an enabling resolution in the form set out in Appendix 1.**
18. **B.2.2.3 Every group of Sharing Synods shall appoint a co-ordinator (who may also be a Panel member) who shall co-ordinate and administer their Shared Synod Panel, keep up-to-date records thereof and carry out the duties ascribed to that person under this Disciplinary Process.**
19. **B.2.2.4 A moderator of a Sharing Synod wishing to appoint a member of the Shared Synod Panel as a synod appointee or a member of a Mandated Group in a particular case shall first consult with its co-ordinator, who shall in turn inform the other Sharing Synods.**
20. **B.2.2.5 It shall be open to the Sharing Synods by resolution of each and every one of them to disband their Shared Synod Panel in which case they must each appoint a separate Synod Panel forthwith so as to enable paragraph B.2.1 to apply.**
21. **B.2.2.6 It shall be open to any Sharing Synod by resolution of that synod to withdraw from involvement in the Shared Synod Panel in which case it must appoint a separate Synod Panel forthwith so as to enable paragraph B.2.1 to apply to that Synod. Panel members from that synod would be eligible to remain as members of the continuing Shared Synod Panel, so long as the provisions of paragraph B.2.1.2 are observed.**
22. **B.2.2.7 Should the withdrawal of a Sharing Synod under the preceding subparagraph reduce the number of Sharing Synods to less than three, the Shared Synod Panel would be automatically disbanded and each of the Sharing Synods would have to appoint a separate Synod Panel forthwith so as to enable paragraph B.2.1 to apply to that synod.**
23. **B.2.2.8 Should any uncertainty or dispute arise regarding the operation of paragraph B.2.2, the default provisions of paragraph B.2.1 shall apply, whereupon, should a moderator of one of the Sharing Synods wish to initiate the Disciplinary Process in respect of a minister, that synod may constitute a separate Synod Panel so as to ensure that there shall be no delay in the appointment of synod appointees or members of a Mandated Group for that case.**

24. **B.2.3** The existing paragraph B.2..2 becomes B.2.3. After the words “**of whom**” remove the words “**one or**”.

Change the paragraph reference in the text from AA.1.5(i) to AA.1.5.2(ii).

Add the following at the end of the paragraph:-

“It shall be open to a group of Sharing Synods to decide among themselves as to the number of persons which each synod within the group shall appoint onto the Joint Panel so long as the total number so appointed from the group is equal to twice the number of Sharing Synods in the group. Synods and Sharing Synods who fail to maintain the required number must use their best endeavours to make up the deficit. As regards a group of Sharing Synods, the co-ordinator is expected to keep a close control over this and, if necessary, to remind the group when the number falls below the stated requirement.”

25. **B.3.1** Replace the words “...**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)**” with the words “**appoint one person from the Joint Panel as provided in paragraphs B.2.1.1 and B.2.1.2 and two persons from the Synod Panel or Shared Synod Panel representing that synod (or in an emergency one person from such Synod Panel or Shared Synod Panel and one person from the Synod Panel of another synod).**”
26. **B.10.1** At B.10.1(iii) replace the words “**any other documents which the Mandated Group wishes to lodge with the Referral Notice**” with “**copies of all other information, reports and documents which the Mandated Group intends to produce in support of its case at the Hearing**”.
27. **E.10.1.3** Add a new paragraph E.10.1.3 as follows:-
- “The Assembly Commission may at its discretion depart from the strict application of paragraphs E.10.1.1 and E.10.1.2 but only so long as the accompanying person does not act both as the minister’s spokesperson and as a witness giving evidence or as a person giving or purporting to give expert opinion on the minister’s behalf.”**
28. **H.4** Replace the words “**paragraph B.8.2.1 or F.7**” with “**paragraph B.8.2.1, F.7 or G.16**”.

Appendix 1 – see paragraph B.2.2

Enabling resolution for synods wishing to set up a Shared Synod Panel

The Synod of, meeting in plenary session on the ... day of 201.., resolves as follows:-

- To join with (*here specify the other synods involved*) in constituting a Shared Synod Panel in accordance with paragraph B.2.2 of the Ministerial Disciplinary Process, which said Panel shall come into being when all the Sharing Synods have passed an enabling resolution in the form contained in this Appendix and at a date to be agreed by the Sharing Synods (the formation date), at which date the Shared Synod Panel shall come into existence.**

2. In conjunction with the other Sharing Synods and no later than the formation date, to appoint persons onto the Shared Synod Panel in compliance with paragraph B.2.2.1 and one person (who may be a Panel member) to act as co-ordinator in compliance with paragraph B.2.2.3.
3. To continue to maintain its separate Synod Panel until the formation date, following which it shall cease to meet.

