

# Paper T1

MIND Advisory Group

Ministerial Disciplinary Process:  
Report from MIND Advisory  
Group to Mission Council

United Church 2017  
Church 2017  
Reformed Church 2017  
Church 2017



# Paper T1

## MIND: Ministerial Disciplinary Process

### Basic Information

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<b>Action required</b>	Resolution
<b>Draft resolution(s)</b>	<b>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 with immediate effect:</b>

### Summary of Content

<b>Subject and aim(s)</b>	Changes to the Disciplinary Process
<b>Main points</b>	Detail of necessary changes
<b>Previous relevant documents</b>	Ministerial Disciplinary Process
<b>Consultation has taken place with...</b>	Members of the MIND Advisory Group at its meeting on 8 February 2017 – Group is representative of all aspects of the process

### Summary of Impact

<b>Financial</b>	None
<b>External (e.g. ecumenical)</b>	None

# Ministerial Disciplinary Process: Report from MIND Advisory Group to Mission Council

1. This is the report from the MIND Advisory Group to Mission Council in May 2017 and it contains a request that Mission Council should consider and, if thought fit, pass the Resolution which appears at the end of this report.
2. During 2016 the Advisory Group has met twice. At the start of 2016 there were two cases within the Disciplinary Process and one case reached conclusion in 2016. No new cases entered the Incapacity Procedure during 2016. Three cases under the Disciplinary Process were discontinued in 2016.
3. The Advisory Group keeps both the Disciplinary Process and the Incapacity Procedure under constant review.
4. The Training Team continues to provide regular training days and guidance in the form of Training Packs for those involved with these procedures. Two training events were held for the members of the Joint Panel. Also this year the team held its usual meeting with the Synod Moderators. All these events provide important exchanges of information and this in turn helps the Advisory Group to keep the Disciplinary Process up to date. Training events are being planned for the members of the Assembly Commission later this year.
5. Four important issues have arisen out of cases passing through the Process and discussions at the training events, as a result of which the Advisory Group recommends that certain changes are made to the Disciplinary Process. These relate to:
  - a) **Suspension** At present the Process provides that, once a minister has been suspended, that suspension remains in place until the conclusion of the case. To bring the Church's procedures into line with good practice, changes to the Process are brought forward to provide for all suspensions to be reviewed on an ongoing basis throughout the case.
  - b) **Joint Panels** To ensure that the Mandated Groups have the requisite experience and training to fulfil their key role in the Process, changes are brought forward to increase the number of Joint Panel members on every Mandated Group from one to two and increase the size of the Joint Panel from 26 to 39 members.
  - c) **Assembly Commissions – Authority to issue Directions** Where an Assembly Commission decides to retain the name of the minister on the Roll but with a written warning against the repetition of the conduct which has led to the case being brought, changes are brought forward to allow the Assembly Commission to add to that warning a Direction or Directions to the Synod Moderator setting out the steps to be taken by the minister to ensure compliance with the warning.
  - d) **Mandated Groups – Recommendation that a case be referred back to the Caution Stage** In a case which has bypassed the Caution Stage and proceeded directly with the calling in of the Mandated Group, the Mandated Group may come

to the view that the case should have been commenced at the Caution Stage. At present there is no direct mechanism to deal with that situation, so changes are brought forward to enable a Mandated Group to recommend to the Synod Moderator that s/ he refers the case back into the Caution Stage.

6. The detailed amendments to give effect to these changes and to other miscellaneous changes which are also needed are set out in the five Appendices attached to the resolution set out below.
7. The Guidelines were last reviewed in November 2013, since when important changes have occurred. During 2016 the Group has already carried out substantial work to bring the Guidelines up to date. However, this is simply a “work in progress”, because the Group recognises that the Guidelines will need further amendment if and when Mission Council approves the recommended changes to the Process in May. So, the work on the Guidelines will be resumed after that meeting and the aim is to complete this exercise later this year.
8. So, in conclusion, the MIND Advisory Group formally commends the resolution set out below to Mission Council for approval at its May meeting.

**“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 with immediate effect:”**

*[Note for members of Mission Council.*

*The changes are set out in the five appendices A to E below. A to D relate to particular aspects of the Process and E contains some miscellaneous amendments. The Advisory Group considered that this would be the simplest way to present the proposed changes. If they are approved, the Group will then re-order them in their correct paragraph sequence for entry into Section O of the Manual.]*

## APPENDIX A

### CHANGES RELATING TO SUSPENSION

**8.1.3** Add a new sub-clause as follows:

**“References in this Section B to the Synod Moderator can also be taken as a reference to the General Assembly Representative except where precluded by the context.”**

**B.3.6** Add the following paragraphs:

**“B.3.6 Any queries of a procedural nature which the minister wishes to raise during the Pre-Commission Stage shall be addressed to the Synod Moderator.”**

**B.7** Replace the whole of B.7 with the following:

**B.7.1** In every case where the Synod Moderator calls in a Mandated Group, s/he may at the same time at his/her discretion, if satisfied that reasonable grounds exist, suspend the minister with immediate effect, such suspension to remain under review. In deciding whether to impose a Suspension or not, the Synod Moderator shall have in mind (i) the nature of the allegations made against the minister and/or any admissions made by him/her which, if proven, would indicate that misconduct of a gross or

otherwise serious nature had occurred, (ii) ongoing risks to individuals or the reputation of the Church, (iii) the risk of interference with evidence or witnesses, (iv) the length of time which has elapsed since the occurrence of such alleged/admitted misconduct and the conduct of the minister during the intervening period and (v) more generally whether it would be reasonable in the particular circumstances of the case to impose a Suspension on the minister.

**B.7.2** During the Pre-Commission Stage and continuing (if a Referral Notice is issued) until the appointment of an Assembly Commission under Section C, the Synod Moderator shall keep the issue of suspension under review and at his/her discretion may take the following steps:

**B.7.2.1** Having in mind the consideration mentioned in Paragraph B.7.1, s/he may impose a Suspension on the minister where one had not already been imposed, applying the criteria specified in Paragraph B.7.1, or

**B.7.2.2** If in all the circumstances s/he deems it reasonable, s/he may remove a Suspension previously imposed on the minister.

**B.7.3** Once an Assembly Commission is appointed, the authority of the Synod Moderator as regards all matters relating to the minister's Suspension shall immediately pass to the Assembly Commission at which point the authority of the Synod Moderator shall cease (see also Paragraph E.1.3.1)

**B.7.4** In suspending the minister, either at the outset or during the period specified in Paragraph B.7.2, the Synod Moderator shall inform the minister immediately of his/her Suspension. This can be done orally or in writing. Suspension given orally must be immediately confirmed in writing. The corresponding procedure shall apply to the removal of a Suspension under Paragraph B.7.2.2. The written Notice of Suspension should contain the following statements: (i) a statement of the reasons for the minister's Suspension, (ii) a statement that Suspension does not imply any view about the correctness of any allegations made concerning the minister and that it does not 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 and (iii) a statement that any conduct on the minister's part during the 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, by the Appeals Commission in reaching its decision under Section F or Section G as the case may be. The Synod Moderator shall also serve on the Mandated Group a copy of any notice served on the minister under this Paragraph.

**B.7.5** The Synod Moderator shall forthwith notify the local pastorate(s) of the suspension of their minister within the Disciplinary Process, or of the removal of their minister's suspension as the case may be.

**B.7.6** 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, the Safeguarding 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. 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.7.7** If a minister entering the Disciplinary Process has already been suspended under the Incapacity Procedure, the authority with regard to that suspension shall pass to the Synod Moderator who shall forthwith give notice of the continuance of the Suspension (or of the removal of the Suspension if such be the case) within the Disciplinary Process to the persons specified in Paragraph B.7.6. Thereafter the Suspension shall be governed entirely by the Disciplinary Process.

**B.7.8** In the event that the Pre-Commission Stage terminates without the issue of a Referral Notice, the minister’s suspension under this Paragraph B.7 (if one has been imposed) shall automatically cease on the issue of a Notice of Non-Continuance under Paragraph B.8.8.2, whereupon the person imposing the suspension under this Paragraph B.7 shall give written notice of the cessation of the suspension both to the minister and to the persons specified in Paragraph B.7.6. That person shall also inform the local pastorate(s) in the manner deemed most appropriate.

**B.8.2.2** In the text of this paragraph replace “Paragraph B.7.2” with “Paragraph B.7.6” and after the words “....proceedings against the minister...” delete the words “....and the minister’s suspension...”.

**B.9.1** Replace the existing paragraph with the following:

**“B.9.1 Whenever the Mandated Group, having as a result of its Initial Enquiry become aware of any information relating to the minister which might require further disciplinary investigation, concludes unanimously or by a majority that this is indeed so, it shall forthwith in the name of the Synod (or in the name of General Assembly or Mission Council on its behalf where it has been called in under Paragraph B.3.2) initiate the Commission Stage in accordance with Paragraph B.10.”**

**B.9.2** Delete this paragraph as this is now covered by new Paragraph B.7.4.

**B.9.2** Replace the existing Paragraph B.9.3 with the following:

**“B.9.2 The Mandated Group shall forthwith supply a copy of the Referral Notice to the person who called it in and give him/her written notice of the date on which the Referral Notice was served on the minister. The recipient of the Notice 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, the Safeguarding 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.”**

**B.9.4** The existing B.9.4 now becomes B.9.3.

**B.10.1** Replace the words “...under either Paragraph B.7.2 or Paragraph B.9.3...” with the words “under Paragraph B.7.6”.

In (iii) after the word “information” remove the comma and replace the words “reports and documents” with the words “...available at this point, including reports, written statements and other documents...”.



At the end of the Paragraph, add the words **“(iv), if applicable, copies of any notices of suspension or of the revocation of suspension served on the minister under paragraph B.7.4 and...”**.

**B.10.2** Replace the existing paragraph with the following:

**“B.10.2 Serve on the minister notice of the issue of the Referral Notice and supply him/her with a copy thereof.”**

**B.11** Delete this paragraph as this is now covered by new Paragraph B.7.4.

**B.12** The current B.12 now becomes B.11.

**C.1.2** After the words **“...serve on the minister a...”** insert the words **“further copy of”**.

**E.1.3** Add new sub-paragraphs under a new E.1.3 as follows:

**“E.1.3.1 As soon as the appointment of the Assembly Commission has been completed, all matters pertaining to Suspension affecting the minister shall be under the sole authority of the Assembly Commission.**

**E.1.3.2 During the Commission Stage the Assembly Commission shall review the issue of Suspension from time to time to ascertain whether, in the light of the Suspension criteria specified in Paragraph B.7.1, any action should be taken under Paragraph E.1.3.3 or whether the status quo can be maintained. To assist the Assembly Commission in this regard, it may seek further information from the parties and issue any directions which it considers appropriate.**

**E.1.3.3 Consequent upon Paragraph E.1.3.2, the Assembly Commission may at its discretion (i) impose a Suspension on the minister where one had not already been imposed or (ii) remove a Suspension previously imposed on the minister.**

**E.1.3.4 If the Assembly Commission suspends the minister in accordance with Paragraph E.1.3.3, the Secretary of the Assembly Commission shall give written notice to the minister immediately of his/her suspension. The corresponding procedure shall apply to the removal of a Suspension under that Paragraph. The written Notice of Suspension should contain the following statements: (i) a statement of the reasons for the minister’s Suspension, (ii) a statement to the effect that Suspension does not imply any view about the correctness of any allegations made concerning the minister and that it does not 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 and (iii) a statement to the effect that any conduct on the minister’s part during the 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, by the Appeals Commission in reaching its decision under Section F or Section G as the case may be. The Secretary of the Assembly Commission shall also serve on the Mandated Group a copy of any notice served on the minister under this Paragraph.**

**E.1.3.5 The Secretary of the Assembly Commission shall forthwith send or deliver to the person who called in the Mandated Group notice of the minister’s suspension and shall accompany this with a copy of the notice served on the minister. The notice to the recipient shall (i) instruct him/her to notify the local pastorate(s) of the minister’s suspension as specified in Paragraph B.7.5 and (ii) instruct him/her to give written**

notice of the minister's suspension to the persons specified in Paragraph B.7.6 in the terms of that Paragraph.

**E.1.3.6** The Secretary of the Assembly Commission shall forthwith send or deliver to the person who called in the Mandated Group notice of the removal of the minister's Suspension (if such be the case) and shall accompany this with a copy of the notice served on the minister. The notice to the recipient shall (i) instruct him/her to notify the local pastorate(s) of the removal of the minister's Suspension as specified in paragraph B.7.5 and (ii) instruct him/her to give written notice of the removal of the minister's Suspension to the persons specified in Paragraph B.7.6."

**E.5.3.17** Replace the words "The suspension of the minister will, however,..." with the words "If the minister is under suspension, that suspension will..."

**G.1.3** The existing G.1.3 becomes **G.1.3.1** and add a new sub-paragraph **G.1.3.2** as follows:

**"G.1.3.2** As soon as the appointment of the Appeals Commission has been completed, all matters appertaining to Suspension affecting the minister shall be under the sole authority of the Appeals Commission and the powers and provisions set out in Paragraphs E.1.3.2 to E.1.3.6 shall thereupon apply to the Appeals Commission as fully as if that Commission had been named in those paragraphs in place of the Assembly Commission."

## APPENDIX B

### CHANGESTO ALLOW AN ASSEMBLY/APEALS COMMISSION TO ISSUE DIRECTIONS

**A.5** Add a new definition as follows in its correct alphabetical position.

**"Direction"** shall mean a direction/directions which an Assembly Commission or Appeals Commission may add to a Written Warning by which it directs the Synod Moderator/General Assembly Representative to set in motion certain steps with regard to the minister/CRCW the subject of the case. For the avoidance of doubt, a Direction can only be issued if appended to a written warning and any such Direction shall (along with the written warning) form part of the decision under Sections E or G as the case may be."

**F.1.2** After the words "written warning" insert the words "(with or without a Direction as defined in Paragraph A.5)".

**F.2.2** Add a new final sentence as follows:

**"It may also issue a Direction as defined inn Paragraph A.5 to the Synod Moderator/ General Assembly Representative."**

**F.3.2** Replace the existing paragraph with the following:

**F.3.2** It shall set out the terms of any written warning issued to the minister under Paragraph F.2.2 and (if such be the case) the terms of any direction issued to the Synod Moderator/General Assembly Representative under that Paragraph. Any such direction shall include a requirement that, should the minister subsequently move from the oversight of one Council to another, the First Council shall pass to the Second Council the written warning and the direction and supply such information



and documents as is necessary to enable the Second Council to take over the monitoring process in respect thereof.

**F.5.2** After the words “**written warning referred to in Paragraph F.2.2,**” replace the words “**...(ii)send a copy thereof...**” with the words “**...including a copy of any direction issued to the Synod Moderator/General Assembly Representative, (ii) send copies thereof...**”.

**G.8.3** Add the words “**...including a copy of any direction issued to the Synod Moderator/General Assembly Representative**”.

**G.11.2** After the words “**to the minister under Paragraph F.2.2**” insert the words “**...(with or without a direction)...**”.

**G.11.3** After the words “**to the minister under Paragraph F.2.2**” insert the words “**...(with or without a direction)...**”.

**G.11.4** After the words “**written warning**” the first time they appear insert the words “**(with or without a direction)**” and after the words “**written warning**” the second time they appear replace the words “**...be withdrawn or...**” with the words “**(and any accompanying direction) be withdrawn or it may itself vary the terms of any written warning issued by the Assembly Commission and/or any direction appended thereto or...**”.

**G.11.6** After the words “**to the minister under Paragraph F.2.2**” insert the words “**... (with or without a direction)...**”

**G.13.2** At the end of the paragraph add the words “**and any direction appended thereto.**”.

**G.14.2** After the word “**Paragraph**” the first time it appears insert **G.11.2,**”.

After the words “**...referred to in those Paragraphs**” insert the words “**...and any direction appended thereto...**” and replace the words “**a copy**” with the word “**copies**”.

**G.14.6** Add a new G.14.6 as follows:

**“G.14.6 If the Appeals Commission decides to confirm a written warning issued by the Assembly Commission (Paragraph G.11.2) or to issue a written warning where the Assembly Commission has not already done so (Paragraph G.11.3 or Paragraph G.11.6) to which, in any of those cases, it adds a direction to the Synod Moderator/General Assembly Representative, the General Secretary shall, at the time of compliance with paragraph G.14.3, send copies of the written warning and the direction to the Synod Moderator/General assembly Representative, who shall take the necessary steps to comply with the terms of the direction.”**

**G.14.7** The existing G.14.6 shall become G.14.7.

## APPENDIX C

### CHANGES TO JOINT AND SYNOD PANELS

**A.5** In the definition of “**Joint Panel**” change the paragraph reference in the text from “**B.2.2**” to “**B.2.3**” and remove the words “**which shall serve the purposes set out in that paragraph**”.

**AA.1.5.2** After the words “**...the second Synod Appointee...**” at the end of the penultimate sentence, add the words “**...(but see Paragraph AA1.5.5)**”.

**AA.1.5.4** Replace the words “**...this would not be appropriate in any particular case...**” in the final sentence with the words “**...it would not be appropriate in the case concerned to adopt either the procedure outlined above or the procedure set out in Paragraph AA.1.5.5...**”.

**AA.1.5.5** Add a new Paragraph AA1.5.5 as follows:

**“AA.1.5.5 Should there be a vacancy which is required to be filled by appointment from the Synod Panel, whether arising under Paragraph AA1.5.2 or Paragraph 1.5.4, the Synod Moderator may, if s/he considers that any delay in making such an appointment would unduly retard the progress of the case, appoint as the second Synod Appointee either a member of the Joint Panel or another United Reformed Church member considered suitable by him/her but, in the latter case, only if reasonable attempts have first been made to appoint the second Synod Appointee from one or other of the Panels.”**

**AA.1.5.6** The existing AA.1.5.5 shall become AA.1.5.6.

**B.2.1.1 and B.2.2.1** In both these Paragraphs replace the words “**...(i) the appointment of two persons in accordance with Paragraph B.3 to act as members of...**” with the words “**(i) the appointment of one person in accordance with Paragraph B.3 to act as a member of...**”

**B.2.3** In the first sentence replace the number “**twentysix**” with the number “**thirtynine**” and the number “**two**” with the number “**three**”.

After the words “**on account of some legal, tribunal....**” Replace the word “**or**” with the words “**...safeguarding or other...**”

**B.3.1** Replace this paragraph in its entirety with the following:

**“B.3.1 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, if the Moderator of that Synod either (i) believes that there may be a disciplinary issue involving Gross Misconduct or misconduct of a sufficiently serious nature as to justify his/her taking action under this Paragraph without first initiating the Caution Stage or (ii) resolves (where the case has already passed through the Caution Stage) to act on the 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 Joint panel, as provided in Paragraph B.2.3, and one person from the Synod Panel or Shared Synod Panel (or in an emergency from the Synod Panel or Shared Synod Panel of another Synod or Group of Sharing Synods), as provided in Paragraph B.2.1 or paragraph B.2.2, to constitute the Mandated Group for the particular case. The Synod Moderator may depart from the strict terms of the preceding sentence if**

s/he considers that any delay in making an appointment from the Synod Panel or Shared Panel would unduly retard the progress of the case and, in such a situation, s/he may appoint the third member of the Mandated Group from the Joint Panel. As soon as the appointments have been made, the Synod Moderator shall inform the minister of this and follow the procedure laid down in Paragraphs B.6.1/4.”

**B.3.2** After the words “...Gross Misconduct...” insert the words “...or misconduct of a sufficiently serious nature as to justify his/her taking action under this Paragraph without first initiating the Caution Stage...”.

**B.3.3** After the words “three persons” replace the remainder of the sentence with the following wording: “of whom two shall be appointed from the Joint Panel and one from any of the Synod Panels or Shared Synod Panels, as provided in Paragraph B.2.1 or Paragraph B.2.2, to constitute the Mandated Group for the particular case. The General Assembly Representative may depart from the strict terms of the preceding sentence if s/he considers that any delay in making an appointment from a Synod Panel or Shared Synod Panel would unduly retard the progress of the case and, in such a situation, s/he may appoint the third member of the Mandated Group from the Joint Panel. As soon as the appointments have been made, the General Assembly Representative shall inform the minister of this and follow the procedure laid down in Paragraphs B.6.1/4.”

## APPENDIX D

### CHANGES TO ALLOW THE REFERENCE OF A CASE BACK INTO THE CAUTION STAGE

**AA.2.1.1/2** At the beginning of these paragraphs insert the words:

“Subject only to Paragraph B.8.4 and its sub-paragraphs (if applicable),...”

**AA.2.6** In Paragraph AA.2.6 continue the first sentence as follows:

“, save only in a case which has been referred into the Caution Stage as a result of a recommendation of the Mandated Group under the Paragraph B.8.4 procedure, in which case Paragraph B.6.3 applies.”

**AA.2.7** Add a new Paragraph AA.2.7 as follows:

“In pursuing their enquiry in a case referred to them under the Paragraph B.8.4 procedure, the Synod Appointees shall have no direct personal contact of any kind with any member of the Mandated Group in that case.”

**AA.2.8** The existing Paragraph AA.2.7 to become Paragraph AA.2.8.

**AA.2.9** “The initiation of the Caution Stage will not normally involve the suspension of the minister.”

**AA.2.10** “Cases being considered by the Synod Appointees after referral under the paragraph B.8.4 procedure shall be subject to the provision of this Section AA in the same manner as other cases, save only as regards any differences mentioned in any of the preceding sub-paragraphs of this Paragraph AA.2.”

**AA.5.3.1, AA.6.4.3.1 and paragraph AA.7.4.2**

Add the following sentence at the end of all three of these paragraphs:

**“In cases entering the Caution Stage after referral under the Paragraph B.8.4 procedure, see also Paragraph AA.12.3.”**

**AA.12.3** Add a new paragraph as follows:

**“In a case which entered the Caution Stage after referral under the Paragraph B.8.4 procedure, a recommendation made by the Synod Appointees in accordance with the Caution Stage procedure that the person calling them in should appoint a Mandated Group and move the case into Section B of the Process shall, even though the notice does not state so specifically, be construed as a recommendation that, should it be accepted, the recipient of the Notice should in turn give notice to the existing Mandated Group that the Caution Stage has been concluded and that it is required to resume its Initial Enquiry forthwith.”**

**B.8.1** At the end of this Paragraph, continue with the following wording:

**“...or it may, so long as the case has not already passed through the Caution Stage, adjourn its own Initial Enquiry in accordance with the Paragraph B.8.4 procedure.”**

**B.8.4** Add a new Paragraph B.8.4 as follows:

**“B.8.4 This paragraph B.8.4 and its sub-paragraphs sets out a procedure (“the paragraph B.8.4 procedure”) which shall apply to cases which commence with the calling in of a Mandated Group, where that Mandated Group, during the course of its Initial Enquiry but not once a Referral Notice has been issued, reaches the conclusion that on the information presently before it, although there appears to be prima facie evidence that a breach of discipline has or may have been committed by the minister, the case should have first of all been initiated within the Caution Stage.**

**B.8.4.1** In such a case, the Mandated Group may, if it deems it appropriate so to do, adjourn its own Initial Enquiry and give written notice with reasons to the person who called it in recommending that that person should initiate the Caution Stage in the same case by calling in Synod Appointees in the manner and for the purpose prescribed in Section AA of this Disciplinary Process.

**B.8.4.2** On receipt of such a Notice the person who called in the Mandated Group may choose either (i) to act on the recommendation and initiate the Caution Stage in the prescribed manner and, in so doing, shall pass on to the Synod Appointees all statements, papers, information, correspondence and other documentation received from the Mandated Group to assist the Synod Appointees in their enquiry or (ii) give written notice to the Mandated Group rejecting its recommendation and calling upon the Mandated Group to continue with its Initial Enquiry.

**B.8.4.3** On receipt of a Notice under Paragraph B.8.4.2 (ii), the Mandated Group shall after due consideration respond either by giving written notice that it is continuing with its Initial Enquiry or by serving a Notice of Non Continuance.

**B.8.4.4** If, in a case to which the Paragraph B.8.4 procedure applies, the person who called in the Mandated Group receives a recommendation from the Synod Appointees at the conclusion of the Caution Stage that the case should proceed further and

resolves to act on that recommendation, s/he shall direct the Mandated Group to proceed with its Initial Enquiry and s/he shall also make available to the Mandated Group such additional papers, information, correspondence and other documentation, including Cautions (if any), as s/he may have received from the Synod Appointees arising out of their enquiry at the caution Stage.

**B.8.4.5** If, in any of the situations provided for in Section AA of this Disciplinary Process, the case does not proceed beyond the Caution Stage, the person calling in the Mandated Group shall notify that Group of the discontinuance of the case, whereupon its Initial Enquiry shall come to an end and the Mandated Group shall forthwith be discharged from further involvement in the case, save only as to compliance with Paragraph H.4.

**B.8.4.6** The Paragraph B.8.4 procedure shall not be capable of repetition in the same case.”

## APPENDIX E

### MISCELLANEOUS CHANGES

**A.4.2** Replace the words “Independent Safeguarding Authority” with “Disclosure and Barring Service”.

**A.5** Replace the existing definition of “Gross Misconduct” with the following:

““Gross Misconduct” shall carry the following meaning: Since the criteria for ministerial discipline are the vows taken at ordination, in particular the commitment to a holy life, gross misconduct would be (a) conduct that undermines the credibility of that commitment so gravely that the Church’s confidence in the integrity of that person’s ministry is called into serious question, and therefore (b) conduct that requires a formal scrutiny for that serious question to be addressed.

This would not mean that the person could never recover a viable ministry. But it would reflect a concern so serious that the consultative and constructive process of the Caution Stage (Section AA) could not reasonably expect to restore the Church’s proper confidence in that minister.”

**A.5** Remove the definition of the Independent Safeguarding Authority in its entirety and replace it with the following definition at its correct alphabetical position:

““Disclosure and Barring Service” shall mean the Disclosure and barring Service established in accordance with the Safeguarding Vulnerable Groups Act 2006 and the Protection of Freedoms Act 2012 or any other body which in the future may assume the statutory functions of the Disclosure and Barring Service and shall be taken to include any corresponding body operating in accordance with Scottish law.”

**A.5** Insert the following definition at its correct alphabetical position:

““Safeguarding Officer” shall mean the person appointed to act for the Church in the overall discharge of its safeguarding responsibilities.”

**A.6.1** After the words “mental health” insert the word “safeguarding”.



**A.6.2** Add the following sentence at the end of the Paragraph:

**“A person who has stood down having served for two consecutive periods of five years shall be eligible for re-appointment at the end of twelve months from the date of termination of his/her second term.”**

**A.6.3** Add the following sentence at the end of the Paragraph:

**“They shall have the following responsibilities, namely (A) to monitor the periods of service of the members of the Commission Panel regularly and advise the Church’s Nominations Committee as to (i) the number of prospective new appointees required to keep the Commission Panel up to strength, and (ii) the areas of expertise required to replace those of the retiring members and (B) to act as Appointors in appointing members of the Commission Panel to serve on Assembly Commissions in accordance with Paragraph C.2.”**

**A.14** Replace the words **“Independent Safeguarding Authority”** with **“Disclosure and Barring Service”** and replace the word **“Authority”** (the second time it appears in that paragraph) with the word **“body”**.

**AA.1.4.1** The existing Paragraph AA.1.4 shall become AA.1.4.1

**AA.1.4.2** Add a new paragraph AA.1.4.2 as follows:

**AA.1.4.2 All written notices required to be given by the Synod Appointees to the Synod Moderator and/or the minister under the provisions of this Section AA shall set out the reasons for the giving of such notice.**

**B.8.2.1** After the words **“...notice to that effect...”** insert the words **“...which shall set out the reasons for its decision...”**.

**C.1.4** Change the paragraph reference in the text from **“A.5.2”** to **“A.5”**.

**C.1.5** After the words **“the Press Officer”** insert the words **“the Safeguarding Officer”**.

**E.3.1 and E.3.2** Replace the period of **“14 days”** in these two paragraphs with the period of **“28 days”**.

**E.3.3** Replace the period of **“14 days”** with the period of **“21 days”**.

**E.5.1.1** After the words **“compliance with such directions,”** insert the words **“...including, if thought necessary, the imposition of a timetable for the carrying out of procedural actions through to the Hearing,...”**.

**E.5.3.16** After the words **“the Press Officer”** insert the words **“,the Safeguarding Officer”**.

**F.2.2** After the words **“disciplinary matters”** replace the words **“complained of”** with **“considered by the Assembly Commission to have been proven to its satisfaction.”**

At the end of the paragraph add the words **“or Appeals Commission”**.

**F.2.3** After the words **“the Press Officer,”** insert the words **“the Safeguarding Officer,”**.

**F.6.1** After the words **“the Press Officer,”** insert the words **“the Safeguarding Officer,”**.

**F.7.2** At the end of these two paragraphs, add the words “(see also Paragraph H.4.3)”.

**G.1.2.2** After the words “the Press Officer,” insert the words “the Safeguarding Officer.”.

**G.11.3 and G.11.6** At the end of each of these paragraphs before the word “or” insert the following words: “(the words “the Assembly Commission” at the beginning of Paragraph F.2.2 being construed for the purpose of this paragraph as a reference to the Appeals Commission)”.

**G.13.4** After the words “the Press Officer,” insert the words “the Safeguarding Officer.”.

**G.14.5** After the words “the Press Officer” insert the words “, the Safeguarding Officer”.

**G.16.2 and G.16.3** At the end of these two paragraphs, add the words “(see also Paragraph H.4.4)”.

**H.4** Remove the existing Paragraph H.4 and replace it with the following:

**“H.4.1** In cases which have bypassed or have proceeded beyond the Caution Stage, within one month of the conclusion of each case the Mandated Group shall, pursuant to its reporting obligation noted at Paragraphs B.8.2.1, F.6.3 or G.17, whichever is applicable, lodge a written report of the case with 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 the individuals involved in the case.

**H.4.2** In cases which have been discontinued at the Caution Stage, the Synod Moderator shall lodge a written report of the case with 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 the individuals involved in the case.

**H.4.3** In all cases, whether concluded under Paragraph F.7.1 or F.7.2 or Paragraph G.16.2 or G.16.3, the Convener of the Assembly Commission shall, after consulting the other members thereof and within one month of the case, lodge a written report of the conduct of the hearing and of any other issues relating to the case which s/he deems appropriate with 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 the individuals involved in the case. The General Secretary shall notify the Secretary of the Assembly Commission when a case under appeal has been concluded to enable compliance with this paragraph.

**H.4.4** In cases which have been concluded in accordance with Paragraph G.16.2 or G.16.3, the Convener of the Appeals Commission shall, after consulting the other members thereof and within one month of the conclusion of the case, lodge a written report of the conduct of the appeal and of any other issues relating to the case which s/he deems appropriate with 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 the individuals involved in the case.

**H.4.5** The purpose of the reports is to help those charged with the review of the ongoing operation of the Disciplinary Process to monitor the performance of those involved with the case and to highlight issues arising for consideration by the MIND Advisory Group and thus to ensure that all appropriate training, assistance and guidance are provided and that the highest standards are maintained.”

**J.4** After the words “concluded cases” insert the words “(including any which were discontinued at the Caution Stage or the Pre-Commission Stage)”.

**Appendix 1, Paragraph 1** Replace the words “in the form contained in this Appendix” with the words “in the format set out in Appendix 1 to the Ministerial Disciplinary Process”.

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