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## MIND Advisory Group

### Proposed Changes to Part II of the Disciplinary Process

*The Advisory Group will be presenting to Mission Council next year major changes to both the Disciplinary Process and the Incapacity Procedure in order to compress Parts I and II into one single document. This is partly for simplification but also to enable the whole of both the Disciplinary Process and the Incapacity Procedure to be dealt with by Mission Council. This will replace the cumbersome procedure which exists at present whereby the Parts I have to pass through General Assembly and are then subject to ratification at the next General Assembly two years hence. In addition to that major piece of work, there will be some other amendments to Part II which will be presented at the same time.*

*However, amendments are needed as a matter of urgency to the procedure within the Disciplinary Process for appointing persons as Synod Appointees. At present, both Synod Appointees are appointed from the Synod Panel. Under the proposed changes, which are set out below, one will be appointed from the Joint Panel and the other from the Synod Panel. The Advisory Group asks Mission Council to implement these at its meeting in November 2011.*

#### Proposed Changes to Part II of the Disciplinary Process

- A.5.22** Replace the existing wording with: " **'Joint Panel' shall mean the Panel referred to in Paragraph B.2.2 which shall serve the purposes set out in that Paragraph.**"
- AA.1.5.1** Replace the words "Each Synod is required to appoint from its Synod Panel two persons ..." with "Acting in accordance with Paragraph AA.1.5.2, each Synod shall appoint two persons (known as "the Synod Appointees") ...". The words "from its own Synod Panel" do not appear in the replacement wording.
- AA.1.5.2** Replace the existing paragraph in its entirety with the following:-
- "The Moderator of the Synod in consultation with such officers of the Synod as s/he considers appropriate shall forthwith appoint 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
  - (b) one person from the Synod Panel(s) of another Synod with the consent of the Moderator of that Synod, 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."

AA.1.5.3 No change required.

AA.1.5.4 Delete the current paragraph (now covered at AA.1.5.1) and substitute the following:-

**"In the event that one of the Synod Appointees is obliged to withdraw during the Caution Stage, the reserve appointed from the same Panel may, subject to the approval of the Moderator of the Synod following consultation with such officers of the Synod as s/he considers appropriate, take over his/her position and, jointly with the other Synod Appointee, continue with the enquiry, join in issuing Cautions (if considered necessary) and bring the Caution Stage to its conclusion. Should the Moderator of the Synod, following such consultation as stated above, consider that this would not be appropriate in any particular case, s/he will discharge the Synod Appointees and appoint two new ones in accordance with the above procedure."**

AA.2.3 Delete the current paragraph in its entirety and substitute the following:-

**"AA.2.3.1 Should both the principal and reserve Appointees under Paragraph AA.1.5.2(i) be unable to act in a particular case, the Moderator of the Synod shall, following such consultation as stated above, appoint two other members of the Joint Panel to act as Synod Appointee and reserve Synod Appointee respectively."**

**AA.2.3.2 Should both the principal and reserve Appointees appointed under paragraph AA.1.5.2(ii) be unable to act in a particular case, the Moderator of the Synod shall, following such consultation as stated above, appoint two other persons to act as the other principal and reserve Synod Appointee respectively in accordance with the provisions of that Paragraph.**

**B.2.1.1 After the words "and (ii) the appointment of," replace the words "two persons in accordance with Paragraph AA.1.5 to act as" with "one person in accordance with Paragraph AA.1.5.2(ii) to act as one of".**

**B.2.2 Replace the words "assuming a role as part of a Mandated Group" with "(i) appointment in accordance with Paragraph B.3 as a member of a Mandated Group or (ii) appointment in accordance with Paragraph AA.1.5(i) 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." The final sentence of Paragraph B.2.2 remains unchanged.**

- B.3.1** Replace the words at the beginning of the paragraph up to “....under the authority of that Synod,” with the following:-
- "In 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 is or may be a disciplinary issue involving Gross Misconduct or (ii) resolves (where the case has already passed through the Caution Stage) to act upon a recommendation from the Synod Appointees to call in a Mandated Group,...."**
- B.3.2** Replace the words "believes that there is or may be a disciplinary issue in respect of any Minister" with "(i) believes that there is or may be a disciplinary issue involving Gross Misconduct in respect of any Minister or (ii) resolves (where a case has already passed through the Caution Stage) to act on a recommendation from the Synod Appointees to call in a Mandated Group,...."
- B.3.4** After the words "justify the calling in of" insert the words "the Synod Appointees under the provisions of Section AA or".

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