

Paper F2

United Reformed Church Ministerial Capability Process

Ministries Committee

Basic information

Contact name and email address	The Revd Paul Whittle (committee convener) moderator@urceastern.org.uk
Action required	Decision.
Draft resolution(s)	Mission Council adopts the URC Ministerial Capability Process as detailed in Appendix 1 of Paper F2

Summary of content

Subject and aim(s)	The URC Ministerial Capability Process needs updating to reflect current best practice.
Main points	<ol style="list-style-type: none">1. The Synod Moderator is now able to start the process.2. The Synod Pastoral Committee or equivalent sets up a Synod Pastoral Committee Capability Panel for any formal hearing if matters cannot be resolved informally.3. Appeals to the process are made to the Ministries Committee.
Previous relevant documents	Capability Procedure and Process 2008.
Consultation has taken place with...	MIND URC Legal Adviser.

Summary of impact

Financial	None.
External (e.g. ecumenical)	None.

Background

1. The United Reformed Church is committed to introducing best practice in relation to terms and conditions of service for Ministers of Word and Sacrament and Church Related Community Workers.
2. The Capability Procedure is designed to provide a clear framework of support to all Ministers of Word and Sacrament and Church Related Community Workers

called to serve in the United Reformed Church, and as such should be set alongside the Incapacity and the Disciplinary Procedures.

3. The current process is out of date and is largely unworkable because it relies on the local church meeting to start the process, something which the local church meeting is reluctant to do. The local church then appeals to the Synod Moderator to 'do something' about a minister or Church Related Community Worker who underperforms but cannot as they are unable to begin the process. The new process allows the Synod Moderator to begin the process.
4. Greater clarity is now given to who conducts the formal stage of the process by the introduction of a Synod Pastoral Committee Capability Panel.
5. Any appeal to the process is now made to the Ministries Committee rather than to the Synod Moderator with details about how the Appeals against action for poor performance will be conducted.

Appendix one

The United Reformed Church Ministerial Capability Process

1. About this process

- 1.1 The primary aim of this process is to provide a pastoral framework to maintain satisfactory performance standards and to encourage improvement where necessary.
- 1.2 It is the Church's policy to ensure that concerns over performance are dealt with fairly and that steps are taken to establish the facts and to give Ministers of Word and Sacraments and Church Related Community Workers of the United Reformed Church (hereafter both referred to as ministers), the opportunity to respond at a hearing before any formal action is taken.
- 1.3 This process applies to all ministers regardless of length of service.
- 1.4 This policy does not apply to cases involving genuine sickness, misconduct or incapacity. Where such issues arise reference should be made to the appropriate policy or procedure.

- 1.5 It is expected that most performance-related matters will be identified and addressed informally without engaging in the formal stages of the procedure.
- 1.6 The doctrinal and institutional framework within which all Ministers of Word and Sacraments and Church Related Community Workers agree to serve is set out in the Basis of Union and Structure of the URC. In performing the duties inherent in their vocation, ministers, being church office holders, relate to the Church through its four principal councils: General Assembly, Synod, Elders' Meeting and Church Meeting. The General Assembly decides stipend levels and terms of service through the Plan for Partnership with local churches. The synod gives support and oversight to the ministers serving within its geographical boundaries and defines the role of any who serve in a synod rather than a local post. The role of ministers in pastoral charge of one or more local churches includes particular tasks and goals identified by the Church Meeting of each church, and co-operation with the Elders' Meeting in leadership, pastoral oversight and conducting their other business. The ethos of the relationship between the councils of the Church and ministers is one of mutual support and accountability.'

2. Scope

- 2.1 The capability process is not a quick fix remedy to address issues of underperformance; it is in place to be used as a tool for working collaboratively with local churches, minister, and synod, where possible, to an agreed process to achieve the best outcome for all concerned.
- 2.2 If managed correctly underperformance issues may take between 3 and 12 months to resolve. This is not to put an unnecessary burden on the minister or pastorate but to demonstrate that the United Reformed Church is committed to addressing capability issues within a system that promotes consistency, impartiality, equality and fairness.
- 2.3 At all times throughout the process pastorates/posts are reminded to respond sensitively respecting the privacy and confidentiality of the minister in question.
- 2.4 This procedure does not form part of a Ministers terms of settlement and it may be amended at any time.
- 2.5 This procedure was adopted by Mission Council acting on behalf of General Assembly on

3. Capability

- 3.1 The United Reformed Church recognises the various roles a call to ministry encompasses not least the sacramental, prophetic, community development and leadership roles set within the context of pastoral relationships and responsibilities. It therefore accepts that when addressing issues of underperformance, these areas will be considered as part of the overall performance level of the minister concerned. It will be for the local churches (or, in the case of a synod post, the synod), together with the minister, with the guidance of the Synod Moderator, to identify and agree, the particular

expectations it requires of its ministers. A role description should be discussed and agreed prior to induction or commissioning; and be consequent to a pastorate/post's objectives and mission and the role description. These should be included in any signed terms of settlement.

- 3.2 Ministers cannot be expected to improve on performance if they are not aware of what is expected of them. The LMMR process, the Marks of Ministry (Mission Council May 2019), Guidelines for the conduct of Ministers (2010) and the Ministerial working hours (General Assembly 2010) are useful guides.

4. Performance below an expected minimum standard

- 4.1 Underperformance arises where it is believed, by the Church Meeting or the Elders' Meeting of a local church, by the Synod Moderator in conjunction with the Synod Pastoral Committee (or, in the case of a synod post, with the Synod Committee primarily responsible for the work of that post) that the minister is not meeting the role descriptions, individual performance standards and expectations of where he/she is called to serve.

5. Health-related underperformance

- 5.1 If underperformance is due to an identifiable and relatively short term health related matter the minister should be encouraged to take sick leave. The Synod Moderator may ask the Secretary for Ministries for an Occupational Health check and/or may refer the matter to the General Assembly Pastoral Reference and Welfare committee.
- 5.2 Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the minister's working arrangements, including changing their duties or providing additional equipment or training. Consideration may also be given in making adjustments to this process in appropriate cases.
- 5.3 If the minister wishes to discuss this or inform the Church of any medical condition they consider relevant, they should contact their Synod Moderator or the Synod Moderator's deputy.

6. Capability and its relations to the Ministerial Disciplinary and Incapacity Procedures

The Capability Process should be read in conjunction with:

- i) The Ministerial Disciplinary Procedure where it is believed that the poor performance may be due to misconduct;
- ii) the Incapacity Procedure where the problem may be as a result of incapacity on account of (i) medical and /or psychiatric illness or (ii) psychological disorder or (iii) addiction.

7. Performance issues – the informal procedure

- 7.1 In the first instance, performance issues should normally be dealt with informally although if serious issues are involved the formal stage may be initiated.
- 7.2 The main purpose of the informal discussion is to understand the cause of the shortcomings and to find a way to bring performance to the required standard. The procedure must not be used in response to complaints that are found to be frivolous or unsubstantiated.
- 7.3 If the elders or congregation of a local church, or those responsible for the work of a synod post, have concerns with a minister's level of performance over a period of time, this shall initially be dealt with by the Elders meeting and/or Synod Moderator (or their representative) by way of an informal discussion. A trusted friend of both the local church (or the responsible synod committee) and the minister, should be designated by the Elders' Meeting or responsible committee to act as convener for a meeting between their representatives and the minister. This might be an elder or minister/church related community worker from a neighbouring local church, a member of the corresponding committee of a neighbouring synod, or a pastoral advisor.
- 7.4 If the minister serves a group or joint pastorate, the Synod Moderator (or their representative) shall consult with the other churches involved in the pastorate in order to ascertain whether the concerns apply only to one church or are shared by others in the pastorate. If the concerns relate to one church within the pastorate, agreement needs to be reached that in the informal meeting the views of all the churches will be represented.
- 7.5 In an LEP, where concerns are raised about a minister of another denomination, the Synod Moderator will consult with their counterpart from the other denomination about the particular performance issues and agree the process to be used to resolve said issues. Where appropriate structures of another denomination raise concerns about a minister of the URC serving in an LEP, paragraphs [7.2 and 7.3] shall apply with necessary modifications, and a representative of the concerned denomination shall be invited to attend the informal discussion
- 7.6 The convener of the informal discussion will agree a plan of action with the minister to:
- a) clarify the required standards
 - b) identify areas of concern
 - c) establish the likely causes of poor performance and identify any training needs;and/or
 - d) set targets for improvement and a timescale for review (recommended monitoring every three weeks during period and review after three months).

- 7.7 Where appropriate, a note of any such informal discussions may be placed on the minister's file but will be ignored for the purposes of any future capability hearings. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement.
- 7.8 The formal procedure will depend on the circumstances but may involve reviewing the minister's file including any appraisal records, gathering any relevant documents, monitoring the ministry and, if appropriate, interviewing the minister and/or other individuals confidentially regarding the minister's performance.

8. Confidentiality

- 8.1 The Church's aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All must treat as confidential any information communicated to them in connection with a matter which is subject to this capability process.
- 8.2 The minister, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this process.
- 8.3 The minister will normally be told the names of any witnesses whose evidence is relevant to the capability hearing, unless the Synod Pastoral Committee Capability Panel (SPCCP) believe that a witness's identity should remain confidential.

9. Notification of a capability hearing

- 9.1 If the Elders or congregation of a local church, or those responsible for the work of a synod post, have more serious concerns with a minister's level of performance over a period of time, or do not believe that an earlier informal discussion has resulted in satisfactory improvement, they may request the Synod Pastoral Committee to appoint a panel to hold a formal capability hearing. This [the Synod Pastoral Committee Capability Panel or SPCCP] will inform the minister that it has been appointed, providing a written statement of the concerns reported to it regarding the minister's performance, the reasons for those concerns, and the likely outcome if the Committee decides after the hearing that the minister's performance has been unsatisfactory. The notification will also include the following where appropriate:
- a) A summary of relevant information gathered as part of any investigation
 - b) A copy of any relevant documents which will be used at the capability hearing
 - c) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the SPCCP will give the minister as much information as possible while maintaining confidentiality.

- 9.2 The SPCCP will give the minister written notice of the date, time and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but the minister will be given a reasonable amount of time to prepare their case based on the information the SPCCP has given the minister.

10. Right to be accompanied at hearings

- 10.1 The minister may bring a companion to any capability hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a fellow minister. The minister must tell the Convener of the hearing panel who their chosen companion is in good time before the hearing.
- 10.2 If the minister's companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days, the SPCCP may require the minister to choose someone else.
- 10.3 The SPCCP may, at its discretion, allow minister to bring a companion who is not a fellow-minister or union representative (for example, a member of their family) where this will help overcome a particular difficulty caused by a disability.

11. Procedure at capability hearings

- 11.1 If the minister or their companion cannot attend the hearing, they should inform the Convener of the Synod Pastoral Committee Capability Panel (SPCCP) immediately and an alternative time will normally be arranged giving at least seven working days' notice. The minister must make every effort to attend the hearing and failure to attend without good reason (e.g. health reasons) may result in a decision being taken in the minister's absence. It may also be treated as a failure to fulfil the duties of the minister's charge or post, as promised in the affirmations made at ordination or induction, which could result in disciplinary action.
- 11.2 The minister may bring a companion with them to the hearing (see paragraph 15.3). The companion may make representations, ask questions, and sum up the minister's case, but will not be allowed to answer questions on the minister's behalf. The minister may confer privately with their companion at any time during the hearing.
- 11.3 The minister may ask relevant witnesses to appear at the hearing, provided the minister gives the SPCCP sufficient advance notice to arrange their attendance. The minister will be given the opportunity to respond to any information given by a witness and to ask them questions.
- 11.4 The aims of a capability hearing will usually include:
- a) Setting out the required standards that the SPCCP believes the minister may have failed to meet and going through any relevant evidence that they

have gathered.

- b) Allowing the minister to ask questions, present evidence, call witnesses, respond to evidence and make representations;
 - c) Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement;
 - d) Identifying whether there are further measures, an improvement plan, such as additional training or supervision, which may improve performance;
 - e) Where appropriate, discussing targets for improvement and a timescale for review;
 - f) Establishing whether underperformance requires a referral into the Ministerial disciplinary process or Ministerial Incapacity process.
- 11.5 A hearing may be adjourned if the SPCCP needs to gather any further information or give consideration to matters discussed at the hearing. The minister will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 11.6 The SPCCP will inform the minister in writing of its decision and its reasons for it, usually within ten days of the capability hearing. (Where possible the SPCCP will also explain this information to the minister in person).

12. Stage one capability hearing: [first written warning and improvement plan]

- 12.1 Following a stage one capability hearing, if the SPCCP decides that the minister's performance is unsatisfactory, the SPCCP will give the minister a warning and an improvement plan setting out:
- a) the areas in which the minister has not met the required performance standards
 - b) targets for improvement
 - c) any measures, such as additional training or supervision, which will be taken with a view to improving performance
 - d) a period for review
 - e) the consequences of failing to improve within the review period, or of further unsatisfactory performance. (This could include a warning regarding the pastorate /scoping).
- 12.2 The warning and improvement plan will normally remain active for six months from the end of the review period. After the active period the warning will remain permanently on the minister's file but will be disregarded in deciding the outcome of any future capability proceedings.

- 12.3 The minister's performance will be monitored during the review period and the SPCCP will write to inform the minister of the outcome:
- a) If the SPCCP is satisfied with the minister's performance, no further action will be taken
 - b) If the SPCCP is not satisfied, the matter may be progressed to a stage two capability hearing: or
 - c) If the SPCCP feels that there has been a substantial but insufficient improvement, the review period may be extended.

13. Stage two capability hearing

13.1 If the minister's performance does not improve within the review period set out in the improvement notice, or if there is further evidence of poor performance while the improvement notice is still active, the SPCCP may decide to hold a stage two Capability Hearing. The SPCCP will send the minister written notification as set out in paragraph 13.2.

13.2 Following the hearing, in accordance with the process in paragraph 15, if the minister's explanation, for their continued gaps in performance levels, is are found to be unacceptable, the SPCCP may consider a range of options:

- a) a period of further training/retreat/sabbatical for the minister;
- b) a recommendation to both the local churches and the minister that the minister should seek a call elsewhere;
- c) to ask the Synod Moderator to provide advice and assistance to the minister to seek another pastorate/post more suited to their abilities;
- d) a recommendation that the Synod Moderator initiate either the Ministerial Incapacity Procedure or the Section O Process on the grounds that non-attainment of performance levels may be as a result of mental or physical incapacity or misconduct.

13.3 The minister and the church secretary will be notified of the decisions of the meeting within ten days of the hearing.

14. Recurrence of underperformance

In the event of unsatisfactory performance after the improvement notice has ceased to be active a new reference into the capability process must be made.

15. Appeals against action for poor performance

- 15.1 If the minister feels that a decision about poor performance under this process is wrong or unjust, they should appeal in writing, using the Assembly Appeals Process.