



The
United
Reformed
Church

Section O: The United Reformed Church The ministerial disciplinary process

Guidelines for a minister or church-related community worker (CRCW) who is the subject of the Ministerial Disciplinary Process.

This is an advisory document, made available by the Mission Council's ministerial incapacity and discipline (MIND) advisory group. It does not carry the authority of the General Assembly and, in every respect, it is subject to the disciplinary process. It is intended to provide general guidance to the minister.

The disciplinary process was approved by General Assembly in 1997 in order to provide the Church with a means of resolving issues affecting the conduct of ministers of the United Reformed Church which could not be resolved by any other means. Subsequently church related community workers have been brought within the scope of the process.

The minister's/CRCW's conduct is to be judged applying the standard of proof of 'balance of probabilities' against the promises made at ordination/commissioning.

A flowchart has been prepared which charts the progress of a disciplinary case from start to finish. This can be found at appendix 1 of these guidelines and also on the Church's website www.urc.org.uk

Note that the disciplinary process applies to Ministers of Word and Sacrament and to church related community workers (CRCWs). For brevity these guidelines refer, on the whole, to ministers. You should take it that all such references apply also to CRCWs.

1. You have been told, probably by your Synod Moderator, that you are the subject of a complaint or allegation concerning your conduct. Whether or not this news comes as a shock, you will need to understand the disciplinary process and the roles of all the people involved – and you will need support.
2. If you serve in an ecumenical situation or are not currently holding a church appointment or are retired, you are still, as a minister or CRCW of the United Reformed Church, subject to the disciplinary process.

3. So that you are properly informed about the disciplinary process, please ask your Synod Moderator or synod office for an up to date copy of the disciplinary process. It is also available on the church's website: www.urc.org.uk
4. Forms have been specially prepared to help you at the various stages in the process and they have recently been comprehensively updated. As and when you need to take some step in the procedure you will be supplied with the particular form to complete which is appropriate at that point.
5. Throughout the disciplinary process many words and phrases are used which have special meanings in the context of the disciplinary process. These are all set out in paragraph A.5 of the process and you must study that paragraph and make sure that you understand those meanings.
6. The disciplinary process has been carefully set up to ensure your rights, to recognise the pastoral role of the Moderator and the synod, as well as to establish separate bodies to reach a conclusion about your ministry or service in the light of the complaint or allegation.
7. Because you will need considerable support, you should think carefully about someone who might act as your friend, walking with you throughout the whole process, giving you support and practical guidance in helping you to prepare your case, and perhaps even speaking for you at any hearing. You may of course have someone who, you believe, will be able to help you in this way. However, Mission Council has appointed The Rev David Skitt (his contact details are in the Church's National Year Book) to give general guidance and help to ministers who find themselves in the disciplinary process. You should be aware that he will not be providing legal advice. You may wish to take legal advice which would be at your own expense. If so your solicitor will need to be provided with a copy of the disciplinary process.
8. It is possible that, from the outset, you will be suspended from ministry or, in the case of CRCWs, service. If you are suspended at the outset it is because the synod moderator considers that there may be issues involving gross misconduct. The most obvious examples would be any abusive conduct, conduct with a sexual connotation, fraud or any conduct which could amount to a criminal offence.
9. You will definitely be suspended if you are referred into the commission stage of the disciplinary process.
10. It might not seem like it to you but suspension carries with it no judgement about the rights and wrongs of the case. Its purpose is to remove you from the situation so that the case can be judged fairly and objectively. Suspension does not affect your rights under the Plan for Partnership. If the case is not proved, the suspension will be lifted.

11. One of the requirements designed to protect your rights is that the process is undertaken in a confidential way. Because of the allegation your conduct is under scrutiny and it would be damaging to you if the details were made public, through whatever channel both during and after the case. Local churches, in particular, are anxious to know what is happening. The Synod Moderator may make a general statement to explain the procedure which will not contain any details of the substance of the case.
12. In 2008 General Assembly introduced a procedure (known as the incapacity procedure and to be found at section P of the Manual) to be used as a last resort in the handling of cases of incapacity involving ministers and CRCWs "who are regarded as being incapable of exercising, or of continuing to exercise, their respective ministries on account of; (i) medical and/or psychiatric illness and/or; (ii) psychological disorder and/or; (iii) addiction" (paragraph LP.1 of the incapacity procedure to be found at section P of the Church's Manual). That procedure is quite distinct from the disciplinary process in that it does not imply any blame on the part of the minister/CRCW.

You may need to be aware of the incapacity procedure for two reasons. First, it may be that a Review Commission or Appeals Review Commission has been considering your case under that procedure and has recommended the synod moderator to begin the disciplinary process and that the Moderator has acted upon that recommendation. Secondly, if you are already involved as the minister in a disciplinary case and you feel that the incapacity criteria set out above might have any relevance to your situation, you may raise the matter with your Synod Moderator or the mandated group (before the issue of a Referral Notice) or with the Secretary of the Assembly Commission (if a Referral Notice has already been issued). As this is a complicated area, you may wish to refer to The Revd David Skitt for help and guidance (see earlier bullet point).

It sometimes seems as if working through the process takes too long. However, it is carried out as quickly as is possible, remembering that there are different stages to be worked through and time must be allowed for each of these. Also the parties must be allowed reasonable time to prepare their cases. Again, this is to protect your rights. Of course if you are subject to a criminal investigation the length of time required to work through the process is out of the hands of the Church.

13. Although you are free to conduct your own case entirely as you think best, it will always be to your advantage to co-operate fully in the procedural aspects of the process.
14. Your Synod Moderator and the synod will wish to exercise continued pastoral care for you and your family. The synod will also have the needs of the pastorate very much in mind. The disciplinary process has been very carefully drafted so as to ensure that nothing is allowed to interfere with these important pastoral

concerns. This is why, once you have been referred into the commission stage, neither the Moderator nor the synod is involved in the disciplinary process.

a) The steps in the process

References preceding each paragraph are to the relevant paragraphs of the disciplinary process.

A.1.1

1. The object of the process is to reach a decision as to whether there has been a breach of discipline. Under the process you have the opportunity of responding to the allegations made against you. However, if the decision is that there has in fact been a breach of discipline, a further decision has to be taken as to whether to delete your name from the Roll of Ministers or CRCWs or, alternatively, give you a written warning.

A.1.4

2. The standard by which you will be judged will be the ordination/ commissioning promises set out in the Basis of Union, to which you gave your assent at your ordination or commissioning and any subsequent induction. Note that any conduct which occurred before your ordination or commissioning that you did not disclose when candidating and which, if known, might have prevented your ordination or commissioning will be taken into account.
3. Your Synod Moderator will usually be the first to hear of serious concerns about your ministry or of a complaint or allegation against you, although often s/he will have been working alongside the appropriate officers of the synod. The Moderator will talk to you, informing you of the matter, listening to your response and deciding whether s/he should treat what has occurred as a disciplinary matter. However, even if s/he should so decide, the pastoral care and support which will be needed by you and your spouse and family, and the different, but necessary, support needed by your pastorate, will be maintained throughout by the Moderator and those responsible for pastoral care within the synod .
4. If it appears that you may have committed a criminal offence, your Synod Moderator will warn you at an early stage in your conversation that s/he will not be able to maintain confidentiality. Furthermore, s/he will tell you to go to the police immediately and your Synod Moderator will most likely be ready to accompany you as a friend. If you are unwilling to do this, then it is the Synod Moderator's duty to report the matter.

A.5

5. If the Synod Moderator decides to invoke the disciplinary process, s/he must first consider whether there is any issue involving gross misconduct (as alleged or admitted) in which case s/he must call in the mandated group to carry out its

initial enquiry. The most obvious examples of gross misconduct would be any abusive conduct, conduct with a sexual connotation, fraud or any conduct which could amount to a criminal offence.

B.7, B.8

6. Information as to possible gross misconduct might reach the synod moderator either from a voluntary confession on your part or as a result of concerns expressed by the Church Elders or a complaint from a third party which the Moderator considers to be sufficiently reliable and serious to justify disciplinary investigations through the disciplinary process. In such a case, the Synod Moderator would suspend you with immediate effect and call in the mandated group thus moving straight to Section B of the Process.

A.5, AA.1.1/2, AA.2.1

7. Alternatively where there is no evidence of gross misconduct, those responsible for pastoral care within the synod, working with the Synod Moderator, may nevertheless come to realise, possibly after a period of increasing concern and anxiety, that, either due to deliberate intent or a blatant lack of care and concern, you are failing to live up to your ordination promises and that this in turn is causing significant damage within your pastorate and/or other areas of your ministry. In such a case, the Synod Moderator would begin the disciplinary process by calling in two persons known as 'synod appointees' to carry out an investigation under what is described as the 'caution stage'. So you must realise that, should you be referred into the caution stage, you have become the subject of disciplinary proceedings.

AA.4, AA.6, AA.7

8. During this investigation they will be considering with you what have been perceived as shortcomings in your ministry. This is to be regarded as a constructive piece of work designed to help you but you must be aware that it is part of the disciplinary process and that the synod appointees have the authority to back up their proposals by a series of cautions (initial and final). The purpose of these cautions is to warn you that, unless the cautions are heeded and the expected improvements are made, you are putting your ministerial status at risk as the process will move inevitably forward to a final hearing before an Assembly commission. It is therefore very much in your interest to co-operate with the synod appointees and to help to work out a satisfactory solution which will be to the benefit of everyone concerned.

AA.5.1, AA.6.4.1, AA.7.4.1

9. Thus it is to be hoped that at the end of the caution stage the synod appointees will recommend to the Synod Moderator that no further disciplinary action is required.

AA.5.3.1, AA.6.3.1, AA.6.4.3.1, AA.7.3.1, AA.7.4.2

10. If, however, they remain unsatisfied, they may decide to recommend that the Synod Moderator should call in the mandated group to carry out their own initial enquiry (as to which see paragraph 12). This moves the disciplinary process on to the next stage.
11. There are therefore two situations in which the Synod Moderator might call in mandated group to commence its initial enquiry. The first is if s/he believes that there might be an issue of gross misconduct (as to which see paragraph 4 above) and the second arises as a result of a recommendation from the synod appointees at the end of the caution stage (as to which see the previous paragraph).
12. The members of the mandated group have no pastoral role and their responsibilities lie entirely within the disciplinary process. In calling in the mandated group, the Synod Moderator is not making any judgment. S/he is simply setting the enquiries in motion, to enable the matter to be resolved through the disciplinary process.

B.7.1/5, B.9.1/3

13. Suspension means that you will remain on the Roll of Ministers or of CRCWs and continue to receive support due under the Plan for Partnership. However you will not be allowed to act or present yourself as a minister or CRCW. (See also the Basis of Union schedule E paragraphs 3 and 4 and schedule F part II, paragraphs 3 and 4).

B.8.1/2

14. The first task of the mandated group is to carry out an Initial Inquiry during which you should expect to be interviewed. You may have a friend present with you at that interview. The purpose of the enquiry is to decide if the matter merits fuller investigation under the disciplinary process. If not, then it would be ended there and then or dealt with as a pastoral matter.

B.8.3, B.9.1/4, D

15. If the matter is not ended with the initial enquiry and is referred into the next stage of the disciplinary process, it enters the commission stage. If you have not already been suspended this must occur at this point. The complaints will be shown on the Referral Notice a copy of which you will receive. When you are suspended the Local Church, the Synod Clerk, the General Secretary, The URC's Press Officer, the secretary for ministries and any relevant outside organisation(s) will be informed, but they will not be told the reason for it. The mandated group will now make a fuller investigation.

A.5

16. You may be concerned about some of the people and groups who will be informed about your suspension. In this context 'outside organisation' means: 'any body or organisation outside the Church by which the minister is employed or with which

the minister holds any position or post or has any involvement, paid or unpaid, where such body or organisation would have a reasonable and proper expectation of being made aware of the particular step(s) being taken'. This will be an organisation with which you have a relationship, perhaps directly through the work of your church or because you are, for example, chaplain to a hospital, school or prison or are involved with any of the uniformed organisations such as Scouts or Guides. The reason for informing the Press Officer at Church House is so that s/he is able to respond appropriately to any approaches from the media. S/he will not initiate contact with the press about your case.

At the same time, preparations will be made to set up an Assembly commission. This consists of five persons from a panel chosen by the General Assembly. These members will not have any personal connection with you or your synod and you will be consulted in case you have any objections to any person chosen.

E.7

17. However, if you are subject to a criminal investigation, the commission will delay hearing the case until the police and courts have completed their work. During this time, you will remain under suspension.

E.3

18. While this investigation and preparation goes on, you should be preparing your case in readiness for the Hearing and, if you wish, arranging to bring witnesses. To ensure that you have the chance to prepare adequately, the mandated group's case will be disclosed to you. The same of course applies in reverse and your case will be disclosed to the mandated group. The secretary for the Assembly commission will be responsible for receiving, copying and sending out all papers.

E.5.3.1 - E.5.3.21

19. During the commission stage it might happen that the Assembly commission or appeals commission decides to refer your case back to whoever called in the mandated group with a recommendation that the incapacity procedure should be commenced. If this happens you will have the opportunity to appeal against the reference back if you so wish.

E.10, E.12.1

20. The hearing is private and confidential. You may contact the Secretary of the Assembly commission for guidance on procedure. You may wish to bring a friend (see bullet point seven on page one of these guidelines) who may not only support you but speak on your behalf at the hearing. You should remember, however, that only one person can speak for you. If it is your friend, then you must remain silent (and vice versa). The friend could be your legal adviser.

E.12.1

21. There will be present at the hearing the five members of the commission, one of whom will act as convenor, the secretary of the commission, who makes all the arrangements, the church's legal adviser, the mandated group and their spokesperson, you and your friend. There may also be a technician who will record the proceedings. If there are witnesses, they will normally be present only for the time they give evidence. It is important that you check the procedure well in advance of the day. For a better understanding of the procedure which will be followed at the hearing, please see appendix II of these guidelines.

F.7.2, G.1

22. If you or the mandated group decide to appeal, notice must be given within 21 days. There is no discretion to allow any extension of this time. Only when the 21 days is up without an appeal, or when the decision of the Appeals commission is made, is the matter finally resolved. There is no further appeal to the General Assembly. Where the decision is to allow your name to remain on the Roll of Ministers and no written warning has been issued, if both you and the mandated group choose you can waive the right to appeal, which means that the matter can be resolved sooner.

G.9, G.11

23. The Appeals commission is limited in what it may consider and, normally, new evidence is not admitted. Appeals are heard in another hearing with a different commission membership and with the General Secretary acting in place of the commission secretary. The range of decisions open to the Appeals commission is fully set out.

J.3

24. The costs of your incidental expenses and those of your witnesses will be met but the Church will not be responsible for any professional costs which you incur.

J.1

25. A final report is made to the General Assembly. It is extremely brief and, unless the decision is to delete your name from the Roll, neither your name nor an identifying synod will be mentioned.

Appendix I – Flowchart (see the opening section of these guidelines)

Section O: Ministerial disciplinary process flowchart through the process

a) Appendix II – Procedure at the hearing (see paragraph 22)

Here follow several extracts from section 4 of the **Guidelines for the Assembly commission** which explain the procedure at the hearing in detail:

[You will appreciate that the words 'you' and 'your' in the extracts quoted below refer to the members of the Assembly commission for whom the guidelines were written.]

- 4.2 The case proceeds in a set order. After introducing him/herself and you as the other members of the Assembly commission and explaining the roles of the secretary and the legal adviser, the convenor will invite the spokesperson for the mandated group to make the opening statement and the hearing will continue as laid down in paragraph E.13. The convenor will decide at what point any person attending the hearing under paragraph E.5.2.1 shall give evidence.
- 4.6 Here are some procedural issues which might arise. The secretary and the convenor will in the main be responsible for handling them, but you too need to be aware of them:
- 4.6.1 The minister may decline to give evidence. If so, s/he or his/her spokesperson may address you by way of argument and may comment on the mandated group's evidence. However s/he loses the right to 'prove' any matters on which s/he wishes to rely. The reason for this is that s/he can bring facts to support his/her defence only if prepared to give evidence and thus to submit to questioning by the spokesperson for the mandated group.
- 4.6.2 If the minister refuses to give evidence and tries to assert facts the convenor must intervene to exclude those assertions and to explain why. If the minister should then decide to give evidence s/he may assert those facts and then be open to questioning about them.
- 4.6.3 What happens if the minister maintains his/her refusal to give evidence? S/he cannot be compelled to do so. However if s/he continues to assert facts after intervention by the convenor, not only will the convenor rule these out of order but may, after consultation with you as the other members of the commission, refer the minister to paragraph E.8.3 and warn him/her that the continued assertion of facts coupled with the refusal to give evidence will amount to an obstruction of the procedure, a factor which you can take into account in considering your decision later.
- 4.6.4 Even when the minister chooses not to give evidence him/herself s/he may still call witnesses to challenge the mandated group's case. Those witnesses would of course be subject to questioning by the spokesperson for the mandated group.

- 4.6.5 If the minister fails to attend the hearing without offering a satisfactory explanation, you may proceed with the hearing. The minister's non attendance is a factor which you can take into account when considering your decision (see paragraph E.8.2). If the hearing proceeds without the minister you should weigh the allegations carefully against any documentary evidence submitted by him/her, bearing in mind of course that the mandated group were unable to question the minister about it.
- 4.6.6 Written statements, videos, transcripts etc can in exceptional circumstances be admitted as evidence at your discretion, but always with the important proviso that you would need to consider how much weight to attach to them if the person providing that evidence is not present to be questioned directly.
- 4.6.7 As well as oral evidence from individual witnesses the parties may produce documentary evidence such as certified copy minutes of meetings, letters, receipts, etc. These are acceptable so long as they have been disclosed to you and to the other party beforehand.
- 4.6.8 Sometimes new issues may be introduced during the hearing. If these are irrelevant to the subject matter of the case the convenor should rule that they be disregarded, unless they tend to reveal an underlying serious situation previously undisclosed, such as some indication that a criminal offence might have been committed. In that case the convenor will immediately adjourn the hearing and seek advice from the secretary and the legal adviser.
- 4.6.9 If the new issues do have a bearing on the case, the convenor should adjourn the hearing to give the other party the chance of considering them. S/he should consult you about this, so that you can decide whether the case can continue after a short break or whether, exceptionally, the hearing should be adjourned to a later date.
- 4.6.10 You should not lightly interfere in the questioning of the minister or of any of the witnesses. However the convenor may sometimes disallow questions which are put to the minister or any of the witnesses. S/he should do so where the questions are irrelevant to the matters in issue or offensive in the way they are framed or unnecessarily repetitive.
- 4.6.11 There is often a temptation for the minister or his/her spokesperson or the spokesperson for the mandated group to 'lead' witnesses who are there to give evidence in support of their case. This arises when a question is framed in such a way as to give a broad hint to the person being questioned as to the reply which the questioner is anticipating and hoping to receive. The convenor should immediately disallow the question and insist that the questioner rephrases the question in a neutral way so as not to give any indication of the answer which s/he is hoping to receive. You must all be alert to this and be prepared to call the convenor's attention to any question which you believe falls foul of this or the preceding paragraph.
- 4.6.12 You must disregard any information based on allegations against the minister which were considered at an earlier Assembly commission unless at the hearing of the previous case a written warning was issued relating to those issues (see paragraph E.16.2). Otherwise the convenor should rule out of

order any attempt to introduce any such matter at any stage of the proceedings.

- 4.7 It is understandable that the parties will wish to know the decision as quickly as possible but it is even more important that you as the members of the Assembly commission *[or the appeals commission in the event of an appeal]* should have as much time as you need to weigh the evidence fully and meticulously and reach your decision. Too much is at stake for you to be hurried! So, immediately following the closing speeches, the convenor of the Assembly commission *[or the appeals commission in the event of an appeal]* will announce to the parties that the decision will not be given that same day but that written notification will be issued to both parties within 10 days of the decision being reached. S/he will then ask the parties to leave. You as the members of the Assembly commission *[or the appeals commission in the event of an appeal]* will then deliberate in private in order to reach your decision.
- 4.8 The secretary and the legal adviser will also leave the room at this point to enable you to consider your decision in complete privacy. They will however remain on hand in the building to assist with any explanations as to procedure or as to the wording of the disciplinary process. However their function, if they are consulted in this way, is purely advisory and they do not play any part in the reaching of the decision.

The Assembly commission guidelines are on the Church's website at www.urc.org.uk should you wish to access them.

The above guidance is no substitute for the careful study of the Basis of Union, (schedule E for ministers and schedule F for CRCWs) and the disciplinary process.

Effective from November 2013