

The Ministerial Disciplinary Process (see Section O of the Manual)

GUIDELINES FOR CHURCH SECRETARY, ELDERS' MEETING, INTERIM MODERATOR (and others as appropriate) of a local church/pastorate whose minister is the subject of the 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. It takes into account all changes made to the Disciplinary Process up to and including May 2017.

It is intended to provide general guidance to the officers of a local church/pastorate.

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 on the Church's website www.urc.org.uk. You will need to include the word "Manual" to access any document relating to the Church's Disciplinary Process.

Note that the Disciplinary Process applies to ministers of Word and Sacrament and to Church-Related Community Workers (CRCWs). For brevity these notes refer, on the whole, to ministers. You should take it that all such references apply also to CRCWs.

1. If you wish to be fully informed about the Disciplinary Process, you will need an up-to-date copy, which is available on the church's website: www.urc.org.uk, see the Disciplinary Process (Section O).

2. The Disciplinary Process has been carefully set up to ensure the minister's rights, to recognise the pastoral role of the Synod Moderator and the Synod, as well as to establish separate bodies to reach a conclusion about his/her ministry in the light of the complaint or allegation.

3. Four general principles about the Disciplinary Process:

- ministers are judged against the promises they made at ordination (or, in the case of CRCWs, commissioning), as to which see the Basis of Union, Schedule E, Paragraph 2 for ministers and Schedule F, Part II, Paragraph 2 for CRCWs;
- the disciplinary procedure is separated from pastoral care. Therefore those involved in the Disciplinary Process are not the same people as those responsible for pastoral care;
- the rules governing discipline have been drafted to ensure that the principle of natural justice is preserved;
- all cases are dealt with in strictest confidentiality. Primarily this is to protect the minister. Local churches, in particular, are anxious to know what is happening and, on occasion, a minister has wished to waive his/her right to confidential treatment. This aspect of the Process has been reviewed and, on balance, it has been agreed that, for the minister's own protection, confidentiality must be maintained. The minister may of course wish to talk in confidence to potential witnesses who might assist in countering the allegations and any such persons must in turn preserve the confidentiality of the Process. The minister is warned not to go further than that and talk to people generally about the case but, if s/he chooses to do so, there is nothing which can be done to prevent this, although it is unlikely to serve the minister well. At the very least the congregation and elders are entitled to expect the minister to maintain the strictest confidentiality about every stage of the Process until its conclusion.

4. Unless you made or passed on the initial complaint you have been told, probably by your Synod Moderator, that your minister is the subject of a complaint or allegation concerning his/her conduct or that there are serious concerns about his/her ministry. Whether or not this news comes as a shock as an officer of the local church you will need to understand the Process, the roles of all the people involved and your pastorate will need support.

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. Should the allegation(s) of abuse involve children or vulnerable adults, the Synod Moderator will seek the advice of the Synod Safeguarding Officer. Even in the absence of Gross Misconduct the Synod Moderator might decide to call in a Mandated Group if s/he considered that the alleged misconduct was serious enough to justify this course of action.

6. Information as to possible Gross Misconduct or other serious misconduct as just mentioned might reach the Synod Moderator from a voluntary confession by the minister or as a result of concerns expressed by the Church Elders or (in the case of a joint pastorate) by one of the other ministers or by a complaint from a third party which the Moderator considers to be sufficiently reliable and serious to justify disciplinary investigation.

7. But what if there is no Gross Misconduct or other serious misconduct which would justify the immediate calling in of the Mandated Group? Can disciplinary issues still arise? The answer is: yes, they can, where you, as the responsible officers within the local church, 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, the minister is failing to live up to the promises which s/he made at ordination and that this in turn is causing significant damage within your pastorate and/or other areas of his/her ministry (as to the ordination promises, see the Basis of Union, Schedule E, Paragraph 2 (in the case of ministers) or Schedule F, Part II, Paragraph 2 (in the case of CRCWs)).

8. Examples of behaviour falling short of Gross Misconduct but nevertheless coming into the disciplinary realm would include failure to attend to pastoral care, laziness, slipshod or superficial preparation for worship, failure to participate in the life of the Church, unwillingness to address obvious faults and weaknesses, stubbornness, intransigence in the face of attempts to guide and counsel and persistent interference in areas outside the minister's remit and control. These are just some instances, but the list is not exhaustive.

9. Such behaviour, whilst not amounting to Gross Misconduct, may nevertheless damage the Church's unity, purity, peace and well-being. If the problems persist and can be attributed to a blatant disregard or refusal or unwillingness to change, this could amount to a breach of ministerial discipline, albeit one which would have occurred over a period of time and, quite likely, be based on a number of related factors building up cumulatively.

10. Should you, as an elders' meeting, have concerns about your own minister and feel that, despite your best efforts to resolve these with the minister, there are disciplinary issues which should be looked into, you should request a meeting with the Synod Moderator. The Moderator will then look into the matter and, if s/he feels that your concerns are justified, s/he will 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". (Note: if there is any suggestion of Gross Misconduct, the Caution Stage would not be invoked and the Moderator would call in the Mandated Group straight away – see Paragraphs 5 and 6).

11. During the Caution Stage the Synod Appointees will be considering with the minister what have been perceived as shortcomings in his/her ministry. It is likely that the Synod Appointees will also wish to meet with you as elders and with others in the congregation who may have helpful information, since you are the people meeting the minister on a regular, week-by-week basis and, as such, you will clearly have the best overview of what has been happening to give rise to the concerns.

12. This investigation is to be regarded as a constructive piece of work designed to identify the existing problems and, hopefully, with the minister's co-operation, to find ways of addressing these. However, although it is primarily designed to help the minister, both you and the minister 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 put the minister on notice that, unless the Cautions are heeded and the expected improvements are made, s/he is putting his/her ministerial status at risk as the Process will move inevitably forward to a final hearing before an Assembly Commission.

13. If, with the co-operation of the minister, the Synod Appointees are able to work out a satisfactory solution for the benefit of everyone concerned, they will most likely recommend to the Synod Moderator that no further disciplinary action is required.

14. If, on the other hand, they remain unsatisfied, they will almost certainly recommend that the Synod Moderator should call in the Mandated Group to carry out their own Initial Enquiry. This moves the Disciplinary Process on to the next stage and the Mandated Group may then decide to refer the case into what is known as the "Commission Stage" at the end of which there will be a formal Hearing before an Assembly Commission, whose task is to decide whether or not to remove the minister's name from the Roll.

15. **Suspension – the definition**

"A minister under suspension whether in pastoral charge or not, shall not present himself/herself as a minister and shall not preside at communion. The minister shall refrain from all activity which may lead others to believe that he/she is a minister of religion. Suspension also means that the minister may not exercise the ministerial rights of membership of any council of the Church. Suspension does not remove any of the rights accorded by the process of determining the disciplinary matter which had led to the suspension."

(Extract from "The Basis of Union Schedule E Paragraph 4")

(For CRCWs, the corresponding paragraph is Schedule F, Part II, Paragraph 4).

In May 2017 the Rules on suspension were changed to provide a more flexible procedure. Under the new Rules there is no automatic suspension at any part of the Process, although it is very likely that if there is an allegation or admission of Gross Misconduct, the Synod Moderator will suspend the minister at the outset. That being said, a minister can be suspended at any time during the progress of a case, should circumstances warrant this. The reverse is also true, namely that an existing suspension can be reconsidered and removed if this would be appropriate. The Synod Moderator is responsible for issues relating to suspension up to the time when an Assembly Commission is appointed and, from then, the responsibility passes to the Assembly Commission.

Note: In the case of a stipendiary minister the stipend will still be paid and the right to live in the manse is not affected during suspension.

16. Should the minister be suspended, the question arises as to how the elders/members of the local pastorate should be kept informed. This is the Synod Moderator's responsibility. You can expect him/her to establish regular contact, normally through the Church Secretary(ies). Also s/he will probably wish to meet with you as an elders' meeting. Statements may have to be made to the congregation, but the Synod Moderator will be limited in what s/he can tell you. S/he will be able to guide you on procedure, but will be unable to give you any information about matters which form the substance of the case. S/he will give guidance about the media and initiate a discussion about an acceptable Interim Moderator, who will be appointed by the Synod. Most local churches only encounter the term "Interim Moderator" during a period of pastoral vacancy when the primary task of an Interim Moderator is to assist in the calling of a new minister. However Interim Moderators also have a pastoral and

administrative role and it is this for this reason that the Synod makes such appointments when ministers are suspended or on long term sick leave. The appointment of an Interim Moderator does not mean that any decisions about the minister under suspension or about the pastorate's future have been made!

17. Your Interim Moderator will also assist you in making application for the Pulpit Supply fee grants available to local churches whose ministers are under suspension and for any other assistance that may be available from the Synod or the central funds of the Church.

18. **Informing others.** When the minister is suspended others besides the local church will be informed. These are: the Synod Clerk, the General Secretary, the United Reformed Church's Press Officer and Assembly Safeguarding Officer, the Secretary for Ministries and the responsible officer of any relevant Outside Organisation. 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" (Disciplinary Process, Paragraph A.5). You may well know of such an organisation with which the minister has a relationship - perhaps directly through the work of your church or because s/he is, for example, chaplain to a hospital, school or prison or is involved with any of the uniformed organisations such as Scouts or Guides. If you think such an organisation should be informed, but that the Synod Moderator may not be aware of it, please let the Moderator know. Remember that suspension does not imply any judgment about the minister or his/her conduct. However, because while suspended the minister may not present him/herself as a minister it will often be necessary that Outside Organisations are made aware of the position. In order that confidentiality is preserved those informed about the suspension will not be given any details of the reasons.

19. The reason for informing the Press Officer at Church House is, of course, to ensure that s/he is able to respond appropriately to any approaches from the media. S/he will not initiate contact with the press about a case. The Press Officer is responsible for dealing with the media, both national and local, on all matters affecting the Church, including the Disciplinary Process (Disciplinary Process, Paragraph A.11). This is a task which demands a high degree of skill and experience. Therefore, please do not be prevailed upon to offer any comments about any case in which you are or have been involved. If the media should approach you simply refer them to the Press Officer.

20. Your Synod Moderator and Synod have the responsibility of exercising continued pastoral care for the minister and his/her family. This will normally be done through the appointment of a local minister who, like the Interim Moderator, has no involvement with the Disciplinary Process. However the Elders may wish to continue with their pastoral care of the minister and his/her spouse and family and no doubt other friends within the Church will wish to be involved in this as well. The Synod will also have the needs of the pastorate very much in mind and you should stay in close touch with your Interim Moderator or the person appointed by the Synod to give you support.

21. However you need to remember that, once the minister has been referred into the Commission Stage (i.e. the stage in the proceedings during which the Mandated Group carries out its investigation and the formal Hearing takes place before the Assembly Commission), neither the Moderator nor the Synod is involved in the Disciplinary Process and therefore they may know little more than you about the progress of the Process. Having said this, you should not hesitate to consult the Moderator at any stage since, even if s/he may not be able to give you a precise progress report, s/he should certainly be able to answer any specific questions which you might have on matters of procedure – or, if s/he doesn't know the answer, s/he will find out for you.

22. 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 the minister's rights. If the minister is subject to a criminal investigation the length of time required to work through the Process is out of the hands of the Church, because of the need to adjourn the proceedings pending the outcome of the criminal issue. The upshot is that, despite the best efforts of everyone involved, a case might well take many months – even more than a year - to resolve.

The above guidance is no substitute for the careful study of the Basis of Union,
(Schedule E for the ministers and Schedule F for CRCWs)
and the Disciplinary Process.