

*an up-to-date copy of the ***Incapacity Procedure***

Copies of the ***Forms in Group E***

a copy of the ***Referral Notice***

copies of any ***Cautions*** except those successfully appealed against (should the Caution Stage be initiated)

copies of ***all the papers in the case*** (please refer to the checklist at Paragraph G.8 of the Disciplinary Process)

*and of course an up-to-date copy of ***these Guidelines***.

www.urc.org.uk.

Note for the General Secretary -

public comment or discuss any aspect of the case with anyone other than your colleagues on the Appeals Commission or the General Secretary in his/her capacity as Secretary of the Appeals Commission. To do so would prejudice the chance of a fair hearing on the Appeal (see Paragraph A.4). Even after the appeal has been concluded unguarded comments can be damaging to people connected with the case and must at all costs be avoided. Paragraph A.11 refers to the relationship between the Church and the media in cases involving the Disciplinary Process, and in particular explains the

How should you communicate amongst yourselves? Conference calls can be helpful. Do not use emails even to one another, unless you are sure that you are using a secure site. only accessible to yourselves.

1.6 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 Disciplinary Process and you must study that Paragraph and make sure that you understand those meanings. Several occur in these Guidelines and

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. (This last term is defined in Paragraph A.5 as: "anybody 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 the minister has a relationship, perhaps directly through the work of his/her 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.)

1.7 The General Secretary, who acts as the Secretary of the Appeals Commission, will have settled with you and with the Minister and the Mandated Group all the arrangements for the Hearing of the Appeal (date, time, venue etc.). S/he will also make sure that everyone involved has copies of all the relevant documents. Apart from these

relating the imposition or removal of a suspension passes from the Synod Moderator to the Assembly Commission. In the event of an appeal, this responsibility passes to you.

1.8.4 If any questions regarding suspension should require your attention, you are referred to Paragraph 3.1.4 of the Guidelines for the Assembly Commission which gives examples of the issues which you might have to consider.

1.8.5 New forms have been drafted to provide for notice to be given of the imposition/removal of a suspension. The General Secretary has copies of these forms

1.9 At any point in the process, whether or not a Hearing has taken place, you may need to consider whether the case ought properly to be dealt with through the Incapacity Procedure. If so, you must study the incapacity criteria set out in Paragraph LP.1 of that Procedure and come to a view as to whether it would be appropriate for the case of the particular minister to be handled within that Procedure, rather than through the disciplinary measures of

conduct is to be judged and the way in which the Assembly Commission should

3.6 If your decision is to refer the case back then the newly constituted Assembly Commission will have the opportunity to rehear all the evidence, including any new

involve additional time and expense and to drag out the whole business for everyone, it is better to take this course than to perpetrate a miscarriage of justice because the procedures before the first Assembly Commission have been flawed and never put right.

3.7 It is of the utmost importance that you should fully understand all the procedures which govern the conduct of the Appeal so at any time during the hearing of the Appeal you are free to seek clarification, guidance or advice on any aspect of the case from the General Secretary and/or the Legal Adviser. This applies even after the parties have left and you are deliberating alone. The General Secretary and the legal adviser will not be in the room with you at this point but they will remain in the building so as to be available for consultation on any aspect of procedure. So, at any time during your private discussion, you can (and indeed are encouraged to) call either or both of them in to ask for clarification and guidance on any particular point.

3.8 You are particularly referred to the whole of Section 5 of the Guidelines for the Assembly Commission which explains how the members of that Commission should conduct their deliberations in order to reach their decision. Although as has been pointed out there are some important differences between your role and that of the members of the Assembly Commission, you must have a thorough understanding of how they have (or should have) gone about reaching their decision so that you can be satisfied as to whether they have followed all the correct procedures.

3.9 That section of the Assembly Commission Guidelines also contains valuable information which will help you as you begin your own deliberations and consider your own decision in the Appeals Hearing. Paragraphs 5.5, 5.6 and 5.7 are the key paragraphs which remind you of the fundamental issues which have to be taken into account in arriving at your decision. Paragraphs 5.8 and 5.9 explain the procedure by which you, as a Commission, can if you wish attach a written warning to the decision and the scope which you have to append guidance to the decision. Paragraph 5.10 describes in detail the scope of the Direction which can now be given to the Synod Moderator whenever a written warning is appended to a decision (see Paragraph 3.4.1 of these Guidelines). Paragraph 5.11 summarises the decisions which are open to the Assembly commission and Paragraph 5.12 explains that, should you decide to delete
nce as to any restrictions
which ought to be placed on the minister becoming involved in any activities after deletion.

3.10 In particular please pay careful attention to Paragraphs 5.13, 5.14 and 5.15 of the Assembly Commission Guidelines which explain both how the d,

occurred but nonetheless the Assembly Commission or the Appeals Commission have concerns about the behaviour of the Minister/CRCW towards a child/vulnerable adult, a **Voluntary Referral** can be made.

3.17.4 Inappropriate behaviour is anything of an emotional, psychological, physical or sexual nature and (in the case of a child) also neglect and (in the case of a vulnerable adult) financial or verbal in nature which is considered to be harmful or whether the Minister/CRCW has caused, attempted to cause or has incited harm to a child or vulnerable adult.

3.17.5 See Paragraph A.14 of the Disciplinary Process and Appendix I of these Guidelines for further details regarding the DBS. If additional information is required refer to the DBS's Referral Guidance which can be accessed on the DBS's website.

DBS Referral Guidance - Referral Policy (re Children)

TYPE OF HARM TO CHILDREN	MEANING	EXAMPLES
Emotional/ Psychological	Action or inaction by others that causes mental anguish	Emotional harm is the emotional ill-treatment of a child such as to cause severe and pe emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. It may involve children witnessing aggressive, violent or harmful behaviour such as domestic violence. Some level of emotional harm is involved in all types of ill-treatment of a child, though it may occur alone. Grooming. Harassment. Inappropriate emotional involvement.
Physical	Any intentional physical contact that results in discomfort, pain or injury	Physical harm may involve assaults including hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are

