

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

GUIDELINES FOR SECRETARY AND CONVENER OF THE ASSEMBLY COMMISSION

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 takes into account all the changes made to the Disciplinary Process up to and including May 2017.

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 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.

send to the parties a duly completed form to provide them with information or to notify them of something which is required from them at that particular point in the proceedings. In the latter case, you should also send to each of the parties a blank of the relevant response form for completion by the recipients and return. You should study these forms carefully, so that, as soon as you receive a copy of the Referral Notice in any case, you will be aware of exactly what is required from you at each point. In this way you will be able to keep the Process moving expeditiously and be ready to assist the parties with any procedural queries.

- 2.2 When you send Form B3 to the minister with a copy of the Referral Notice, it is suggested that you ask for his/her preliminary response within 21 days in order to keep the Process moving along in a timely manner. The Guidelines for the Minister also draws attention to this.
3. Once the members of the Assembly Commission have been appointed, the Secretary is involved with them and with the parties under the procedure set out in Paragraphs C.3, C.4 and C.5 of the Disciplinary Process.
4. It is important for each member of the Assembly Commission to be provided with a copy of the latest versions of both the Disciplinary Process and the Guidelines for the Assembly Commission. As these people are all volunteers, it is not reasonable to expect them to print out these lengthy documents from the church's website and the Secretary should request the Disciplinary Process contact at Church House (currently Vivienne Williams) to supply each member with a copy of these documents.
- 5.1 **Venue for the Hearing.** At an appropriate point in the process and after consultation with all parties the Secretary will arrange a venue, date and time for the Hearing.
- 5.2 The venue ought to be such as to preserve the confidentiality of the Hearing. This means that it should not be on URC premises within the Synod in which the minister is serving, nor, probably, at Church House.
- 5.3 Currently the normal venue is in central London. There may on occasion be exceptional circumstances when the Hearing has to be held outside London - for example when an imprisoned minister wishes to be present.
- 5.4 Wherever the Hearing takes place, there must be available on the premises:

A good sized room for the actual Hearing.

Two smaller rooms, one for the use of the Mandated Group and the other for the use of the minister and friend. In the more complex cases, these rooms will need to be big enough to accommodate the witnesses called by the two parties.

Facilities for morning coffee, a light lunch and afternoon tea.

- 5.5 The special needs of people with disabilities must be taken into account when you plan and administer hearings. The Council on Tribunals has published a Checklist and Code of Practice called *'Access for Disabled People Using Tribunals'* which you should consult.
6. The Assembly Commission Guidelines deal in detail with the procedural steps between the issue of the Referral Notice and the Hearing. Experience has shown that in almost every case some unusual factor will arise which may not sit easily with the Rules of Procedure. So here are four golden rules to help you:

Do not be pressured or panicked into agreeing a course of action which you have not fully thought through and which might have unexpected, and possibly unpleasant, consequences. It is very rare that the answer to any question has to be given instantaneously without a period of at least 24 hours for reflection and consultation. Unless therefore the point is a simple one and you feel very confident that you can give an immediate answer, tell the enquirer that you will consider the matter and promise to contact him/her again as soon as you are able to provide a clear response.

This leads on to the second golden rule about the importance of consultation. The Secretary and Convener should never feel alone and unsupported

Fourthly you need to be aware of a hidden danger. Sometimes one of the parties will consult you about what seems at first to be an innocuous point of procedure. However, as the discussion proceeds, you begin to realise that you are being invited to express opinions about the merits of the case. You may even find yourself offering some advice as to how that party should best present the case, (e.g. choice of witnesses or mode of presentation).

Do not fall into this trap! Always remain completely objective and restrict the help which you provide to the purely procedural. Why is this so important? Because the very essence of the Disciplinary Process is natural justice and a fair hearing for both parties. So for the Secretary or the Convener to offer help over and above the purely procedural gives one party a distinct advantage over the other and seriously jeopardises the prospect of a fair hearing.

To assist persons/bodies who will be critically involved in the process, Mission Council has appointed the following persons to give appropriate guidance on

9. In cases where there has been little or no response from the minister in the preliminary stages and in particular where the minister has not confirmed that s/he is aware of the Hearing date, the Secretary should attempt to contact the minister before the Hearing date. If you still cannot obtain a response, you should consult with the Convener who will need to consider (possibly after discussion with the other members of the Assembly Commission) whether to postpone the Hearing for further enquiries to be made.
10. If the Assembly Commission should decide to refer the case back to the person who initiated it with the recommendation that the Incapacity Procedure should be invoked, the Secretary should pay particular attention to Paragraphs E.5.3.1/21 of the Disciplinary Process which set out the detailed procedure to be followed. S/he will also find Paragraph 3.16 of the Guidelines for the Assembly Commission helpful.

The Hearing

11. Setting up the room for the hearing

There must be along one wall a table long enough to accommodate the five members of the Assembly Commission.

Depending on the size and shape of the room, tables for the other participants must be arranged in a circle or rectangle around and facing the Commission. Take care to avoid an unduly adversarial lay-out.

On the left of the Commission, there should be a table for two, to accommodate the Secretary and the legal adviser.

On the left of the Secretary and legal adviser, there should be a table for the minister and his/her friend.

There should be a table for the three members of the Mandated Group.

Between the two parties and opposite the Convener of the Assembly Commission, there should be a small table for each witness to sit at when called into the room to give evidence (each witness should only be present in the room whilst presenting his/her evidence).

A further small table will probably be required in the middle of the room, on which to set up the recording equipment.

If the Assembly Commission has agreed to allow a child or other vulnerable person to present his/her evidence behind a screen or by videolink or telephone, you must ensure that the required furniture/equipment is in place.

12. At the beginning of the Hearing, the Convener should:

Explain housekeeping arrangements, such as fire escapes, health and safety matters, bre

15. When the Hearing is concluded and the parties have been dismissed, the Convener and the other members of the Commission must retire to consider their decision **in the absence of the Secretary and Legal Adviser**. The Assembly Commission Guidelines go into considerable detail at Section 5 to explain the Commission's role at this stage and the decisions open to it.
16. It cannot be stressed too strongly that **the Convener in particular** must fully understand all of t

