Section O

The Process for dealing with cases of discipline involving Ministers or Church-Related Community Workers

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	The Framework	Notes
1.	**The Expectations of Ministers** At their ordination or commissioning, Ministers of Word and Sacraments and Church Related Community Workers make affirmations about their Christian belief, the motives leading them to enter their ministry, and their future conduct. It is expected that, during the process of candidature for the ministry in question, they will not have misled the Church or those who, on its behalf, assessed their readiness for that ministry; that they will make the affirmations at ordination or commissioning honestly; that they will serve in the ministry of the URC only so long as they can still with integrity teach and claim to hold the understanding of the Christian faith expressed in the Basis of Union; and that their conduct after ordination or commissioning will accord with the affirmations then made. It is also expected that if they are arrested on a criminal charge, convicted of any criminal offence by a court or accept a police caution in respect of such an offence, they will report that fact to the Moderator of the synod exercising oversight of them.	The affirmations are set out at Appendix A. Throughout this statement of the Process, Ministers of Word and Sacraments and Church Related Community Workers are both referred to as 'ministers'. The expressions 'ministry' and 'Roll of Ministers' should be construed accordingly. Appendix B relates to ministers under other denominational jurisdictions. Arrest, conviction or formal police caution has the same consequences whether within or outside the United Kingdom.
2.	**The Place of the Disciplinary Process** Even if these expectations are not met, in many cases a pastoral approach can be taken and a matter resolved by informal advice or an apology. But there are other cases in which a breach of expectations undermines the credibility of a person's ministry or the Church's witness. Allegations of such a breach (here called 'misconduct') call for a formal process of investigation, following the requirements of natural justice, and possibly for sanctions. It is with allegations of misconduct that this Disciplinary Process is concerned.	A separate procedure exists for cases of possible ministerial incapacity. A Moderator's recorded warning (see Appendix D) may be given as part of the pastoral approach to apparent minor breaches of the expectations. Church Meetings possess a disciplinary competence over their members, but this will not be exercised over a church member whose name remains on the Roll of Ministers.

3.	## Allegations **1: Pertaining to a Minister Under Synod Oversight** Any allegation suggesting a failure to meet the expectations in Paragraph 1 amounting to misconduct within the meaning of Paragraph 2 must be referred to the Moderator of the Synod exercising oversight of the minister concerned. Concerns coming to the notice of the Moderator without a report from any complainant may be treated as allegations of misconduct. A report of a criminal conviction, arrest or police caution is to be treated as though it were an allegation of misconduct. On identifying any allegation as one of misconduct, the Moderator must inform the Assembly Representative for Discipline or their duly appointed deputy. The Assembly Representative for Discipline will appoint two members of the Assembly Standing Panel for Discipline who, with the Moderator, will form the panel for the case. The Moderator must seek safeguarding advice pertaining to the case and share it with the standing panel. **2: Pertaining to a minister under the direct oversight of the General Assembly** Allegations respecting a minister treated under this Process as falling under the direct oversight of the General Assembly are to be referred to the Assembly Representative for Discipline who (if they are identified as allegations of misconduct) is to appoint a case panel of the Assembly Standing Panel for Discipline. The Assembly Representative for Discipline must seek safeguarding advice pertaining to the case and share it with the standing panel. **3: Striking out** The Assembly Standing Panel for Discipline may strike out allegations that are, in its view, patently frivolous, malicious, vexatious or unrelated to the expectations, stating why it considers that to be the case. Otherwise it must pass the allegations and any	Rules on double jeopardy appear at Appendix E. ‘Calling together’ does not necessarily imply a physical meeting. The interplay of the Process with the Church’s Safeguarding Policy, the participation of safeguarding professionals in the work of the Assembly Standing Panel on Discipline, and the circumstances in which early steps in the Process may be deferred during external investigation are explained at Appendix G. The identity of the Assembly Representative for Discipline and the composition of the Assembly Standing Panel for Discipline are set out at Appendix H.

	supporting evidence on for further consideration in the Investigation Stage. **4: Decisions on suspension** As soon as it is aware of the allegations the Assembly Standing Panel for Discipline may suspend the minister, with the consequences set out in the Basis of Union. The Moderator may suspend, acting alone, on first receiving the allegations if there is delay in calling together the Assembly Standing Panel for Discipline and the Moderator considers immediate suspension necessary. However, neither the Moderator acting alone nor the Assembly Standing Panel for Discipline should proceed to suspension without first considering whether an alternative course of action is available. If it is believed such an alternative could be considered appropriate but an interview with the accused minister would assist the decision, the minister must be offered the opportunity to meet with at least one member of the Assembly Standing Panel for Discipline before the suspension decision is taken. Decisions to suspend or not to suspend must be accompanied by reasons and reviewed by the Assembly Standing Panel for Discipline on first convening and regularly thereafter: they may be revised at any time.	Rules concerning suspension and extracts from Schedules E and F to the Basis of Union, listing its consequences, are set out at Appendix J.
4.	## Pastoral Care **1: Of The Accused Minister** When a minister is suspended (or, if there is no suspension, when allegations of misconduct are passed on to the Investigation Stage) the Moderator must arrange as soon as possible for another experienced minister to offer ongoing pastoral care to the accused minister. The role of the pastor so appointed is only to offer pastoral care and support and to operate independently of the Moderator, to have no involvement in any aspect of the Process and to	

	observe the Church's normal practice regarding the confidentiality of pastoral conversations. The Moderator's own pastoral responsibility for the minister is suspended so long as the case remains under the authority of the Assembly Standing Panel for Discipline. The Moderator must also inform the accused minister of the contact details of the person appointed to give guidance under Paragraph 8.6. **2: Of Others** The Moderator must also consider what pastoral care is available to the accused minister's dependants, the complainant(s) and others directly affected by the case, including the members of local churches within the accused minister's pastorate, and must seek safeguarding advice if it appears possible that children or adults at risk may be involved.	
5.	**The Investigation Stage And Its Outcomes**	
5.1	**1: Investigation And Report** The purpose of the Investigation Stage is for the original allegations (and any further allegations of misconduct which this stage may bring to light) to be fairly and expeditiously investigated by an Investigation Team, whose findings are to be reported to the Assembly Standing Panel for Discipline. At this stage the Team is concerned with three issues: (i) the facts of the case, and in particular whether there is a *prima facie* case for full investigation; (ii) the seriousness of the allegations if proven, and (iii) whether the case can be appropriately disposed of by a caution. It may also, at any time, recommend the suspension of the accused minister or the lifting of a current suspension.	The composition of an Investigation Team, and of the Disciplinary Investigation Panel from which it is drawn, are set out at Appendix K. The work of the Investigation Team is explained at Appendix L.

	2: Decisions by the Assembly Standing Panel for Discipline Based on the Team's report and the accused minister's response to this report, the Assembly Standing Panel for Discipline (acting in the name of the General Assembly) decides, giving reasons, whether to end the Process, initiate proposals for an agreed caution, or send the case to the Hearing Stage. The role of the Assembly Standing Panel for Discipline during this stage is judicial. As such it takes no part in the investigation but weighs impartially the facts and arguments presented by the Investigation Team and by the accused minister.	
5.2	If the Investigation Team concludes that the allegations against a minister do not amount to a prima facie case, or that even if proven they would not merit formal disciplinary sanctions, the Team will report accordingly to the Assembly Standing Panel for Discipline. On receiving such a report, the Assembly Standing Panel for Discipline must take safeguarding advice and may refer the report back to the Team on one occasion for reconsideration. It must then send the report to the minister for comment. The ASPD will then consider the report, any response from the minister, and then declare the Process and any suspension terminated from that point.	
5.3	If the Investigation Team believes its investigation into allegations against a minister reveals a *prima facie* case, on the basis of which, if the allegations were proven, it would seek the imposition of a disciplinary sanction, the Team will report accordingly to the Assembly Standing Panel for Discipline. The Assembly Standing Panel for Discipline is to send the accused minister a copy of the Team's report and to advise the minister of the time allowed for a written answer. On considering the report and any answer the Assembly Standing Panel for Discipline must do one of the following:	The time allowed for the minister's answer is to be 14 days unless another period is set by the Assembly Standing Panel for Discipline

	(i) refer the report back to the Team on one occasion for reconsideration and further investigation, (ii) declare the Process and any suspension terminated from that point, if (after receiving safeguarding advice) it does not agree that the report supports the Team's conclusions, (iii) (after receiving safeguarding advice) propose an agreed caution in accordance with paragraph 5.4, or (iv) pass the report, any answer and all supporting evidence on for consideration at the Hearing Stage.	
5.4	An agreed caution may be an appropriate outcome in disciplinary cases where ministers accept the allegations against them (other than any allegations which the Investigation Team would not pursue for the reasons in Paragraph 5.2), display convincing remorse and are willing to undertake appropriate precautions against recurrence. A caution may be considered at the close of the Investigation Stage if the Investigation Team recommends this in its report, or if the Assembly Standing Panel for Discipline, on receiving that report and the minister's answer, proposes a caution on its own initiative. Safeguarding advice must be taken on the terms of a caution as finally negotiated. A caution is not appropriate where a minister denies allegations being pursued by the Investigation Team; nor, normally, in the case of allegations similar to allegations found proved on an earlier occasion under this Process or an earlier version of the Disciplinary Process. If a caution is agreed by the minister, the Investigation Team and the Assembly Standing Panel for Discipline, delivered formally by the Assembly Standing Panel for Discipline and acknowledged by the minister, the Process and any suspension are terminated from that point.	Appendix M sets out how a caution is to be drafted, negotiated and finalised.

	If a caution is recommended by the Investigation Team or proposed on the Assembly Standing Panel for Discipline's own initiative, but the Assembly Standing Panel for Discipline is satisfied it will not be possible to reach agreement on a caution in appropriate terms and within a reasonable time, then the Assembly Standing Panel for Discipline must pass the Team's report, any answer and all supporting evidence on for consideration at the Hearing Stage. Correspondence entered into (subsequent to the Team's report) in connection with the proposal and attempted negotiation of a caution is not to be passed on, and will not be admissible at the Hearing Stage.	
6.	**The Hearing Stage**	
6.1	As soon as the Assembly Standing Panel for Discipline passes a case on to the Hearing Stage, an Assembly Commission for Discipline is constituted to oversee and hear the case. Once a Commission is in being for a particular case, authority over that case passes from the synod to the General Assembly, in whose name the Commission acts. Any procedural directions, or decisions regarding suspension of the accused minister, are thereafter to be given by the Commission (after receiving safeguarding advice in respect of any lifting of suspension).	The composition of an Assembly Commission for Discipline, and of the Commission Panel from which it is drawn, are set out at Appendix N.
6.2	Having satisfied the Assembly Standing Panel for Discipline of a *prima facie* case against the accused minister at the close of the Investigation Stage, the task of the Investigation Team in the Hearing Stage will be to present the evidence in such a way as to assist the Assembly Commission for Discipline in determining the truth of the allegations on a balance of probabilities, and to make submissions regarding the seriousness of the case and an appropriate sanction. Unless the Team abandons the allegations, its investigation will continue for this purpose until the date for submitting case material.	Rules for the timetable of the Hearing Stage (including a date for submission of the Investigation Team's case material) are set out at Appendix O. Abandonment of allegations during the Hearing Stage is governed by Appendix P.
6.3	If, at any time after the appointment of an Assembly Commission for Discipline, the accused minister notifies the Secretary of Assembly Commissions for Discipline of a desire to admit some or all of the	Rules for the admission of allegations are set out at Appendix Q.

	allegations under investigation and to submit to the imposition of a sanction, the Commission may accede to the request after considering a response from the Investigation Team.	
6.4	The Assembly Commission for Discipline is to hear the case presented by a single member of the Investigation Team or by another person appointed by the Team for that purpose. The accused minister has the right to be present and to reply. Witnesses may be called on behalf of the Team and by the minister, and cross-examined by them or by any member of the Commission. The Commission may call witnesses on its own initiative on theological questions, issues of discrimination, disability or cultural sensitivity, safeguarding issues or other matters on which it considers impartial specialist testimony to be essential.	Rules concerning procedure at hearings, reception of evidence given other than verbally, representation, persons permitted to accompany the accused minister or witnesses and the role of Commission witnesses are set out in Appendix R.
6.5	At the conclusion of the hearing the Assembly Commission for Discipline is to determine, on the balance of probabilities, whether any or all of the allegations made against the minister have been proved. In respect of any proven allegation, it must decide either to impose no sanction, or that the accused minister should receive a written warning, or that any pastoral tie or appointment should be curtailed, or that the Minister's name should be deleted from the Roll of Ministers. If the accused minister is the subject of an earlier written warning which remains current, the Assembly Commission for Discipline must take that into account. A written warning, or curtailment of any pastoral tie or appointment, may be accompanied by directions regarding the minister's future ministry, conduct or remedial steps to be taken. The Assembly Commission for Discipline may direct that, in the event it curtails a pastoral tie or appointment, the minister does not return to their existing post save for the purposes of farewell and handover.	Rules for written warnings and directions, and concerning deletion from the Roll are set out in Appendix S. Any extension of housing and stipend, normally for a period of between 3 and 6 months for a new Call to be sought, is the concern of the Pastoral Reference and Welfare Committee.
6.6	If the Assembly Commission for Discipline determines that none of the allegations made against	

	the minister has been proved on the balance of probabilities, it must so declare. If there is no appeal, the Process and any suspension imposed as a consequence of those allegations will terminate from the end of the last day for lodging an appeal under Paragraph 7.1.	
6.7	The Assembly Commission for Discipline is to prepare a written statement of reasons for reaching its decision. The decision and reasons are to be circulated. In this statement it may make recommendations concerning the future activity of any accused person whose name is deleted from the Roll, or (if allegations are not proved) for precautions which might reduce the risk of future allegations of a similar nature. Such recommendations are of an advisory nature and not subject to appeal.	Appendix T also sets out rules for the circulation of written reasons.
7.	**The Appeal Stage**	
7.1	Notice of any appeal must be lodged, with a summary of the appeal grounds, within 24 days of posting of the Assembly Commission for Discipline's written statement of reasons.	If the accused minister lives abroad the Commission may (but only when the statement of reasons is sent) direct an extension of the time for appealing to allow for postal delays.
7.2	Either the accused minister or the Investigation Team or both may appeal, but only on the ground of (i) a material failure to comply with rules of the Disciplinary Process, (ii) a breach of the rules of natural justice, (iii) a serious misunderstanding by the Assembly Commission for Discipline of the facts before it, or (iv) new evidence which could not reasonably have been presented to the Assembly Commission for Discipline and could credibly be expected to affect the outcome. In addition, where some or all of the allegations against a minister are found proven, an appeal may be lodged against the decision on sanction. In such an appeal the Investigation Team may present the case for a sanction or for additional or varied directions to accompany a written warning; the accused minister may present the case against a	Rules concerning the timetable for, and procedure and evidence at appeal hearings, are set out in Appendix U.

	sanction or for variation or cancellation of directions accompanying a written warning. No appeal may be lodged in respect of allegations abandoned by the Investigation Team under Paragraph 6.2. If a sanction is imposed after allegations are admitted by the accused minister under Paragraph 6.3, the only appeal either party can lodge is one against the sanction.	
7.3	As soon as an appeal is lodged, a Disciplinary Appeal Commission is constituted to oversee and hear the case. Once a Commission is in being for a particular case, authority over that case remains with the General Assembly, but the Disciplinary Appeal Commission now acts in the Assembly's name and gives any procedural directions, or decisions regarding suspension of the accused minister.	The composition of a Disciplinary Appeal Commission is set out at Appendix V.
7.4	An appeal is normally heard in the presence of both parties, the cases for the appellant and respondent being heard in that order. There is to be no rehearing of the case as a whole. Fresh evidence may not be received unless the Disciplinary Appeal Commission is satisfied (i) that there is new evidence which could not reasonably have been presented to the Assembly Commission for Discipline and could credibly be expected to affect the outcome, and (ii) that it can hear such evidence fairly, and that this would be more convenient than for a fresh Assembly Commission for Discipline to hear it.	
7.5	At the conclusion of the appeal hearing, the Disciplinary Appeal Commission may dismiss the appeal, may substitute its own decision for any decision which the Assembly Commission for Discipline could have made (including varying directions or recommendations), or may quash the previous decision and remit the case for full re-hearing by a fresh Assembly Commission for Discipline. Unless it remits a case for re- hearing, the decision of the Disciplinary Appeal Commission is final, the Process and any suspension terminating when it is announced.	The rules in Appendix O set out the procedure if a case is remitted for rehearing; in which case the rules in Appendices R-T also apply.

8.	**Miscellaneous Provisions**	
8.1	The Process may be halted by a reference into the Ministerial Incapacity Procedure, and rules governing that Procedure may provide for a case commenced under it to be referred into this Process. A notice of reference into this Process from the Incapacity Procedure will have the status of an allegation of misconduct and be acted upon as provided in Paragraph 3.	Appendix W provides in detail for the transfer of cases from this Process to the Incapacity Procedure
8.2	Should a minister resign from the Roll of Ministers, or from their particular office, after a concern has been raised but before it has been considered by the Assembly Standing Panel for Discipline, the resignation will be accepted but the process will continue as if the resignation had not been tendered. After the Assembly Standing Panel for Discipline sends a matter to be investigated the Process shall continue notwithstanding an accused minister declining to cooperate, failing to appear at a Hearing, declaring (or implying by conduct) their desire to resign from a particular office, the Roll of Ministers, or from the United Reformed Church, and also notwithstanding the non-appearance of any potential witness.	Appendix X sets out the consequences of non-co-operation and similar conduct, and of a potential witness declining to appear.
8.3	Where this Process requires any document or written notification to be delivered to the accused minister, it must be delivered by hand or sent by First Class post or an equivalent method addressed to the minister's last known address. A postal address for any officer or group to which the accused minister may need to deliver material is to be supplied to the accused minister either at the outset of the Process, or before the time at which the need for such delivery may arise, and the minister must deliver such material by hand or send it by First Class post or an equivalent method addressed to that address. No method should be used which requires a recipient's signature before delivery. Directions under Paragraph 8.4 may vary these requirements, and must set a period for deemed delivery if an accused minister lives outside Europe.	Documents and notifications are deemed to arrive three days after posting (First Class) or seven days after posting (Republic of Ireland or Continental Europe).

	All documents required to be served shall be placed in a sealed envelope addressed to the addressee and marked 'Private and Confidential'.	
8.4	Directions may be given by the Panel or Commission under whose authority a case currently falls, either on application or of its own motion, covering matters of evidence, timing or procedure not otherwise provided for, if it considers this conducive to the fair, effective and expeditious operation of the Process. But the time allowed for lodging an appeal may only be extended if an extension is sought before the current time limit expires.	
8.5	Information about a case heard or investigated under the Disciplinary Process is confidential, save as the Process itself provides.	Appendix Y sets out rules regarding sharing of information and retention of records.
8.6	A consultant unconnected with the case against an accused minister is to be appointed to offer him/her guidance through the steps of the Disciplinary Process. It is no part of the consultant's duty to carry out investigative work or advocacy, nor to offer legal advice, nor to attend a Hearing.	So long as it exists, the Ministerial Incapacity and Discipline Advisory Group (or, in cases of urgency, its Convenor) is to appoint the consultant.
8.7	The costs incurred in the work of an Assembly Standing Panel for Discipline in respect of allegations against a minister serving under oversight of a Synod shall be charged against funds of the United Reformed Church under the control of that Synod. Any other costs incurred by an Assembly Standing Panel for Discipline, by any Commission or Secretary of Commissions in operating the Process, the fees and expenses of any qualified person appointed under Appendix K as an additional member of an Investigation Team, and the reasonable expenses of any witness attending a Hearing shall be charged against funds of the Church under the control of the General Assembly	Necessary travel and meeting expenses of the Investigation Team will normally be allowable; but neither party shall be entitled to claim the cost of professional advice in formulating their position at any stage of the Process, nor costs of preparing the case for Hearing or professional representation at that Hearing save as allowed for in Appendix K.
8.8	**Restriction of simultaneous appointments** **1 Principles** Save as permitted by Paragraph 8.8(2), no person may simultaneously do more than one of the following:	Further provision about the Panels, List and Secretaries to which this

	i. be included on the Disciplinary Investigation Panel ii. serve on the Assembly Standing Panel for Discipline, iii. be included on the Commission Panel, iv. be included on the Appeal Commissions List v. serve as Secretary of Assembly Commissions for Discipline, or vi. serve as Secretary of Disciplinary Appeal Commissions. **2 Exceptions** i. A person may be included simultaneously on the Disciplinary Investigation Panel and on the Commission Panel, but may not be appointed to any Assembly Commission for Discipline hearing a case against a minister after having, in that or any previous case, served on an Investigation Team regarding allegations made against that minister. ii. The same person may be appointed as Secretary of Assembly Commissions for Discipline and Disciplinary Appeal Commission.	paragraph refers is made in Appendices F, H, K, N, U and V.
8.9	Both columns of the text of the Framework, and the Appendices to which the Framework refers, are integral parts of the Disciplinary Process and carry equal weight.	Guidance Notes and diagrams published from time to time to assist those engaged in or affected by the Process are not to be considered part of the authoritative text, and in any conflict with the Framework or Appendices, the Framework and Appendices are to prevail.
8.10	If, in the Investigation Stage, there is any need for an interpretation of the process, the procedure to be followed in a particular case, or if a complaint is raised by any party to the process, such matters shall be referred to the Executive Group of the Disciplinary Process. The Executive Group of the Disciplinary comprising the Convenor of the Ministerial Incapacity and Discipline Advisory Group, the Assembly Commission for Discipline Panel, and the Senior Member of the Disciplinary Investigation Panel or (if the Convenor or Senior Member are involved in the case concerned their Deputies) who, having taken such legal advice as considered necessary, may issue a definitive ruling on the	

	matter. The Executive Group of the Disciplinary Process may also be a source of advice to the Assembly Commission for Discipline who assume all authority for the case in the Hearing Stage or the Disciplinary Appeal Commission during any appeal.	
8.11	Cases still pending under the previous Disciplinary Process at the date determined by the General Assembly for this Process to come into force are to be dealt with in accordance with transitional provisions.	The transitional provisions appear at Appendix Z

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