

46. Committee on Methodist Law and Polity (2)

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SECTION H QUINQUENNIAL SURVEYS

The Property Development Committee identified the need for quinquennial survey reports (building surveys undertaken every five years) to be sent to the District Property Secretaries. No such requirement is currently set out in Standing Orders but it is considered helpful for District Property Secretaries to see these reports that are undertaken of local church and circuit property every five years. Receiving copies of the reports will help to ensure managing trustees are acting upon the recommendations made.

The Property Development Committee also noted that there is no requirement within Standing Orders for quinquennial reports for connexional or conference property. It is considered prudent for all managing trustees to undertake such surveys and therefore a new Standing Order containing this requirement is proposed.

Amendment to Standing Orders

953 Local Property. In relation to local property the Circuit Meeting shall also:

- (i), (ii) [unchanged];
- (iii) send to the district property secretaries such originals, copies or summaries of the above schedules as may be directed by the Connexional Team, together with **any quinquennial report on local property obtained since the last such return** and a report on matters requiring special attention, especially where work recommended by the quinquennial inspections has not been undertaken.

954 Circuit Property. In relation to circuit property the Circuit Meeting shall also ensure that either the meeting itself or officers or committees appointed for the purpose:

- (i) – (ix) [unchanged];
- (x) send to the district property secretaries annually any quinquennial report on circuit property obtained since the last such return.**

*****RESOLUTIONS**

46/1. The Conference receives the Report.

46/2. The Conference amends Standing Orders 953 and 954 as set out in the Report.

46/3. The Conference adopts a new Standing Order 96A0 as set out below.

Section 96A Connexional and Conference Property

96A0 Quinquennial Reports. (1) All connexional and conference trustees shall, subject to clause (2) below, arrange for an inspection, which shall include an inspection for timber decay, at least once every five years of all property of which they are trustees by professionally qualified persons, who shall report on their inspection to the relevant connexional or conference trustees. The trustees shall ensure that every inspector engaged to carry out an inspection under this clause complies with the requirements set out in Standing Order 952(3). They shall also ensure that any further investigatory inspections shown to be necessary in the initial inspection report are carried out.

(2) Clause (1) above shall not apply to Methodist premises which are no longer required for any purpose within heads (b) to (o) of paragraph 13 of the Model Trusts and are demised on a full repairing lease for a term of 10 years or more.

SECTION I DATA PROTECTION

The Methodist Council received a report at its meeting in April 2018 detailing the requirements of the General Data Protection Regulation being introduced on 25 May 2018. The Council agreed to the principle of managing trustees being required to comply with or adopt data protection policies or procedures that the Trustees for Methodist Church Purposes as the data controller produce. This requirement of managing trustees is necessary in light of the additional requirements within the Regulation for data controllers and data processors to be able to demonstrate accountability.

Amendment to Standing Orders

019 Data Protection. (1) [unchanged]

(2) [unchanged]

(3) In England and Wales, and in Scotland, any such body may **shall** be registered separately by giving the required notification directly to **with** the relevant authority (the Information Commissioner's Office ('**ICO**')), and shall do so **if and only if inclusion within** the notification **registration** by the Trustees for Methodist Church Purposes ('the Board') is not sufficiently comprehensive for its purposes. Every such body which is thus registered directly with the Commissioner **ICO** shall notify the Board in writing of that fact **and of the reasons why**

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separate registration has been necessary. Every such body which has not so notified the Board will be registered under **included within** the Board's notification **registration**. In other jurisdictions, any such body must register separately with the appropriate authority as required by the relevant legislation.

(4) The **Every** Synod, Circuit Meeting, **and** Church Council or other responsible authority of each body registered under **included within** the Board's notification **registration shall adopt and comply with such data protection policies and procedures as the Board may properly require as data controller and shall** indemnify the Board, as **D**data **C**controller, against the consequences of any breach of the Data Protection legislation, regulations or orders; **clause (1) above or of this clause** committed by any officer (ministerial or lay), meeting or committee of that body or by any other person or persons holding data relating to its affairs.

***RESOLUTIONS

46/4. The Conference receives the Report.

46/5. The Conference amends Standing Order 019 as set out in the Report.

SECTION J REPETITIVE COMPLAINTS

The Law and Polity sub-committee that keeps under review the complaints and discipline process has noted that there are occasions when a complainant makes repeated complaints of a similar nature against the same or different people. Such repeated complaints can absorb a significant amount of time of the Connexional Complaints Panel members and the relevant Connexional Team member. Repeated complaints cannot be dealt with under the existing persistent complainant procedures within Standing Order 1155 as this only addresses persistent complaints about the Part 11 process. A new Standing Order is therefore set out below in order to address repeated complaints more effectively.

*** RESOLUTIONS

46/6. The Conference receives the Report.

46/7. The Conference adopts a new Standing Order 1155A as set out below.

1155A Repetitive Complainants. (1) In this Standing Order:

(i) **"a repeated complaint" means a complaint which is the same or substantially**

similar to another complaint made by the same complainant against the same person or a different person or persons in respect of which consideration is being given or has been given in accordance with this Part;

- (ii) *“a multiple complainant” means a person who makes or has made two or more repeated complaints;*
 - (iii) *“a repetitive complainant” means a multiple complainant in respect of whom it has been decided in accordance with the provisions of this Standing Order that any future complaint by him or her should be dealt with immediately by a team convened from the connexional Complaints Panel, which would be required before taking any further steps to consider whether in all the circumstances of the case, including the apparent merits of the particular complaint, that complaint should or should not be allowed to proceed;*
 - (iv) *“the referee” means the person to whom a matter has been referred under clause (4) below.*
- (2) *This Standing Order shall apply when the relevant connexional Team member is aware or is informed that a person is or may be a multiple complainant.*
- (3) *Any person receiving a complaint which he or she believes may be a repeated complaint shall, before taking any steps in respect of such complaint, inform the relevant connexional Team member of the details of the complaint and the grounds on which he or she believes it to be a repeated complaint.*
- (4) *If the relevant connexional Team member considers that the complainant may be a multiple complainant he or she may refer the matter to a person falling within Standing Order 231(3) for consideration whether the complainant should be declared to be a repetitive complainant.*
- (5) (a) *The relevant connexional Team member makes a reference under clause (4) above by writing to the referee setting out the reasons for which the reference is being made and supplying him or her with the relevant documents.*
- (b) *If the relevant connexional Team member refers a matter to a referee, he or she must inform the complainant that the reference had been made and what would be the effect if the complainant is declared to be a repetitive complainant. A copy of the reference must be sent to the complainant, together with a list of the documents supplied. The relevant connexional Team member must also state that he or she will not in future communicate further with the complainant in relation to the complaints made while the referee is considering his or her decision.*
- (c) *The relevant connexional Team member must further inform the complainant that if he or she wishes to make representations to the referee, those representations must be sent in writing to the relevant connexional Team*

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member within 14 days from the day on which the complainant is so informed.

- (d) *The relevant connexional Team member must pass any representations received to the referee, who must not make a decision until the time for making representations has expired.***

- (6) *The referee must consider the documentary material supplied to him or her and decide whether there is such a risk that the complainant will make repeated complaints that fairness requires that all future complaints by the complainant should be considered at a connexional level by a team which is aware of the history of the complainant as respects the complaints and discipline process. The referee must record his or her decision in writing, giving reasons, and send the record to the relevant connexional Team member for safe custody.***

- (7) *The relevant connexional Team member must inform the complainant of the decision of the referee. If the decision is that the complainant should be declared a repetitive complainant, the relevant connexional Team member must also inform the Chair of District and the Superintendent or other person who is the local complaints officer of the Circuit in which the complainant is stationed or a member or with which he or she (if not a member of the Methodist Church) appears to have the closest connection.***

- (8) *Any person who becomes aware that a repetitive complainant is making a complaint under this Part must take all necessary steps to ensure that the complaint is dealt with in accordance with the provisions of this Standing Order.***

- (9) *No appeal lies against a decision that a complainant is a repetitive complainant.***

SECTION K TRANSFERRING MINISTERS

The 2017 Conference received a report from the Ministries Committee and adopted its recommendation that sought to provide clarity as to the requirements for a minister who is seeking to transfer between churches. Where Standing Order amendments are required, the proposed amendments have been set out below and other recommendations contained within the report shall be addressed through guidance or footnotes to Standing Orders.

- a) The report recommended that there should be a requirement for any applicant applying to transfer between churches to have engaged in preliminary conversations with senior people in their own Conference/Church prior to making their application.
- b) The report also recommended that a minister who has already undergone a discernment process to become Recognised and Regarded need not repeat that process but should nevertheless be subject to the requirements of the Ministerial Candidates Selection Committee.

The necessary Standing Order amendments and new Standing Orders are set out below:

730 Ministerial Transfer between Churches

[....]

(4) **Subject to clause (5A) below** the appropriate Connexional Team member responsible for presbyteral or diaconal candidates shall obtain:

- (i) particulars of the applicant's ordination, if any, and ministry or service to date;
- (ii) references from two referees nominated by the applicant, one of whom shall be a lay person;
- (iiA) evidence that before applying under clause (2) above the applicant held a conversation or conversations about the proposed application with the appropriate senior officer in his or her conference or church, and of their content and outcome;**
- (iii) reports by a responsible representative of the applicant's existing denomination and by a Methodist presbyter or deacon who knows the applicant, neither being one of the referees in (ii) above;

- c) The Ministries Committee recommended that clarity was provided in Standing Orders as to the requirements for a psychological assessment when a minister is transferring between churches and the implications of the assessments. The necessary Standing Order amendments are set out below:-

730 Ministerial Transfer between Churches

[....]

(5) Subject to clause (5A) below the Team member shall also:

- (i) [unchanged]
- (ii) appoint and obtain a report from a connexional assessor, who shall meet the applicant and make such other enquiries as to the applicant's effectiveness in ministry as he or she thinks fit;
- (iii) obtain a 'fitness to minister' assessment covering both physical and psychological wellbeing conducted by a provider of occupational health services.**
- (5A) The results of this assessment shall be disclosed to the Ministerial Candidates Selection Committee only after it has made its recommendation. The medical committee of the Methodist Council shall be consulted if the recommendation of the 'fitness' assessor contradicts a 'recommended' or 'conditionally recommended' report from the committee.**

(5B) In the case of an applicant who is recognised and regarded as a presbyter or a deacon under clause 43(b), 44(b), 45(a) or 45A(a) of the Deed of Union the requirements of clauses (4) and (5) above shall apply only to the extent determined by the Ministerial Candidates Selection Committee.

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(6) The application shall be considered by the Ministerial Candidates Selection Committee, meeting specially, if necessary, for the purpose. Clauses (1) to (9) of Standing Order 713 shall apply with any necessary modifications and, in particular, substituting 'applicant' for 'candidate' throughout, **adapting clause (3) in the light of clause 5(iii) above**, and adapting clause (9) as set out in clause (7) below.

- d) The report recommended a 'cap' should be agreed each year by the Stationing Committee on the number of ministers being stationed who are seeking to transfer from other conferences or churches. Appropriate Standing Order amendments are set out below:-

322 Stationing

[....]

(4) The committee shall, [...] It shall keep under review the stationing code of practice **and it shall determine the number of stations available to ministers of other Conferences and Churches not already serving the Church.**

- e) The report recommended that the date for receiving applications for transfers under SO 730(2) and for applications in respect of recognised and regarded status under Standing Order 732(3), should be set annually by the Ministerial Candidates Selection Committee rather than being fixed at 15 January. The Standing Order amendments are set out below:-

730 Ministerial Transfer between Churches

[....]

(2) (a) Persons ordained to the ministry of word and sacraments in other conferences or other Christian churches, [...] as accepted candidates for presbyteral ministry shall apply in writing before the 15th January to the President, **by the date annually determined by the Ministerial Candidates Selection Committee**, and the President or the Vice-President on his or her behalf shall arrange for the application to be considered as set out in the following clauses.

(b) Ordained deacons of other conferences or Christian churches, [...] as accepted candidates for diaconal ministry shall apply in writing before the 15th January to the President, **by the date annually determined by the Ministerial Candidates Selection Committee**, and the President or the Vice-President on his or her behalf shall arrange for the application to be considered as set out in the following clauses.

732 Persons Recognised and Regarded as Presbyters or Deacons

[....]

(3)(d) All such applications shall be made in the case of ministers to the Secretary of the Conference, and in the case of deacons to the Warden of the Methodist Diaconal Order and the Secretary of the Conference, **and in either case by the date annually determined**

by the Ministerial Candidates Selection Committee under Standing Order 730(2)(a) or (b), as applicable. The Secretary shall ensure that the applications are assessed by the same connexional bodies as deal with those offering for reception into Full Connexion by transfer, and according to similar criteria, and shall bring them to the Presbyteral Session of the Conference or the Conference Diaconal Committee, as the case may be, with recommendations.

*****RESOLUTIONS**

46/8. The Conference receives the Report.

46/9. The Conference amends Standing Orders 322, 730 and 732 as set out in the Report.