

18. With Integrity and Skill

Confidentiality in the Methodist Church

1.1. Summary

This report is written, firstly to respond to changing contexts in the world and the Church, and secondly as part of the Methodist Council's response to Methodist Conference 2003 Memorials 77 and 78¹. The 2007 Conference report regarding the changes to Complaints and Discipline procedures answers some of the points within those Memorials. Recommendations for further work, which include outstanding issues from Memorials 77 and 78, are found in Section 13 of this report.

It is intended that 'With Integrity and Skill' is to be a helpful document that will be reflected upon by the whole Church and used in the training of those involved in pastoral work. Whilst it offers some theological reflection, it is not intended to be a definitive statement on the nature of pastoral care in the Church.

The Introduction and sections 3 – 5 set out changes that have happened in the world and the Church, including legislative change, since the Methodist Church last offered guidance in matters of confidentiality in 1993. This is followed in sections 6 and 7 by a reflection on pastoral care and issues of confidentiality that arise in the pastoral context.

Section 8 offers reflections and descriptions of good practice regarding confidentiality in the context of the whole of the Church's life. Sections 9 and 10 describe Methodist Standing Orders and general legislation that have explicit (and some implicit) implications for confidentiality.

Section 11 offers a description of where individuals' and the Church's responsibilities lie regarding the keeping of records. The Task Group recommends that further work be undertaken regarding the retention of records and the possibility of maintaining personnel files for presbyters and deacons (recommendations 13.7 & 13.8).

Section 12 offers guidance for good practice in matters of confidentiality and is designed to be a 'stand alone' set of guidelines. The Task Group recommends that these guidelines be included in the Guidance section of CPD and be available on the Methodist Church website. The website will also contain training materials to help resource the Church, groups and individuals to implement the recommendations of this report. Scenarios that might be used as part of the training resources are included throughout this report to illustrate, using lived experience, the issues that arise therein.

Section 13 contains the recommendations of the Task Group.

1. See Appendix 1.

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The appendix to the report includes Memorials 77 and 78 mentioned above. The Methodist Church website will include the guidance for good practice, training resources, a glossary of terms used within the report and a book list for further study.

1.2. Membership of the Confidentiality and Pastoral Care Task Group

Clifford Bellamy (Chair), *Presbyter & Circuit Judge*

Helen Caine, *Presbyter & Former Social Worker*

Helen Cameron, *Presbyter, Tutor in Pastoral Theology - The Queen's Foundation for Ecumenical Theological Education*

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David Gamble, *Presbyter, Co-ordinating Secretary for Legal and Constitutional Practice*

Liz Gamble, *Counsellor in private practice & Tutor in Pastoral Skills, Guy Chester Centre*

Peter Howdle, *Consultant Gastroenterologist & Former Vice-President of Conference*

Susan Howdle, *Member of the Law & Polity Committee & Former Vice-President of Conference*

Margaret Jones, *Presbyter, Connexional Secretary for Formation in Ministry*

Pearl Luxon, *Presbyter, Safeguarding Officer for the Methodist Church and the Church of England*

Sylvie Phillips, *Deacon & Pastoral Counsellor*

Michaela Youngson (Convenor), *Presbyter, Connexional Secretary for Pastoral Care and Spirituality*

2. Introduction: The Changing Context of Confidentiality in the Methodist Church

2.1. Since the Methodist Conference agreed a report on Pastoral Care and Confidentiality in 1993 many things have changed in the world and the Church. Christ's calling to love God and to love our neighbours does not change, but the context in which Christians work out that call does not remain the same. Some of those changes shape, or are reflected within, this report.

2.2. The 1993 report, like its 1980 predecessor, has not been widely disseminated within the life of the Church. The Task Group recommends that the guidance section of this report be available on the Methodist Church website and in the Guidance Section of CPD. Training resources, for use with specific groups, will be placed on the Methodist Church website following acceptance of the principles of good practice within this report.

This report features real life scenarios in which pastoral workers find themselves. These include questions to help those who offer care to think about what best practice might be in their context. These scenarios will form part of the online training resource that supports 'With Integrity and Skill'.

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Getting it Right: Scenario 1

A new pastoral co-ordinator is appointed in a church with a well-established pastoral scheme that aims to provide support and care to all who attend. This is structured in such a way to relieve expectation that the minister will always be involved whenever a pastoral need arises.

Does the Co-ordinator need to know everything that is going on?

How does he or she decide when the minister 'needs' to know?

How does he or she pass on this information and at the same time respect confidentiality?

- 2.3. 'A healthy Christian community is a safe place of mutual care, where those within the Body of Christ and those in the neighbourhood and world beyond feel valued, loved and respected. Such valuing contributes to individual wellbeing, which in turn builds strong communities and is a witness to Christ.'²

This report offers reflections and guidance to those who exercise particular pastoral responsibilities in the life of the Church. However the ethos of church as a safe place of mutual care is something for the whole Christian community to work towards. So while much of the focus of the report is on confidentiality in the context of pastoral care, consideration is also given to confidentiality in other church contexts. All Christians are called to love their neighbours as themselves. Jesus said, 'In everything do to others as you would have them do to you; for this is the law and prophets' (Matthew 7:12).

- 2.4. The understanding of confidentiality in pastoral care underpinning this report is that of the Church as a community in which confidential information can be safely shared within known boundaries so that all can 'fully grow up into Christ' (Ephesians 4:15) by both receiving and giving Christ-like care. This report seeks to encourage a fuller understanding of such boundaries within the life of the Church and to enable pastoral workers to offer and receive care in an appropriate context of good practice.
- 2.5. There are many titles for those who offer care in and on behalf of the Church. No one generic term ideally covers each role. Within this report, unless a specific role is being referred to (eg, deacon or church steward) the term 'pastoral worker' will be used to refer to lay, ordained, paid and voluntary people with a recognised role of care in the Church.

3. **The World Context:**

3.1. Post-Modernity and Multi-culturalism

Whilst 1993 was clearly within what is often described as the post-modern era, the 'rise' of the individual has continued since, as the distrust of authority reaches new heights, large institutions face rapid decline in numbers and fewer assumptions can be made about the

2. Encircled in Care, Training Resource for Pastoral Carers, TMCP, MPH 2007.

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nature of the family. Pastoral care remains person centred and so fits in well with a modern ethic of the importance of each person – yet the assumptions made by those who give and receive care need to change. The following extract from the recently published Methodist training resource ‘Encircled in Care’ offers a broader understanding of care.

*Emmanuel Lartey³ argues powerfully for a wider view of care. It is important to emphasize that notions of individual care or the care of individuals in distress do by no means exhaust the subject of care... In the rapidly changing social, economic, cultural and political climate evident in different parts of the world, it is imperative that care is understood not in a paternalistic, doing-good-to-needy-others fashion but rather in a variety of ways, including empowerment, facilitating, support, nurture and liberation with and for persons and communities.*⁴

Getting it Right: Scenario 2

The minister of a rural church with a scattered congregation about 50-60 in number has, for the past 3 years, been supporting a family whose eldest son has been misusing drugs. Thankfully things now seem to be improving. A small number of other people have been part of this support network, but most people in the church are unaware of what has been happening for this family.

A new family start to attend church and it quickly becomes apparent that they are dealing with similar issues. Bearing issues of confidentiality in mind is there anything the minister can do to support the new family, with the knowledge and experience gained within the church from the previous situation?

How could the two families be linked up?

Would this be a good idea?

If so, which family should be approached first?

- 3.2. The models of care offered by churches and individual Christians need to reflect the nature of society and respond to the particular needs and aspirations of individuals, families and communities. The Western cultural model has often focussed on the individual, whilst the experience of care that many people have pays greater attention to the family network or faith community in which a person lives.

Contemporary culture that features a dominant consumerist and individualist mindset has contributed to the understanding of the ‘ownership’ of personal information, based on the individual’s presumed right to that ownership. Stringent and clearly owned rules are deemed necessary to protect the conflicting rights of individuals to privacy and to freedom of information. People want to know who knows what about them, and to control the distribution of that knowledge (while at the same time demanding close public oversight of

3. Emmanuel Y Lartey, Pastoral Theology in an Intercultural World, Epworth, 2006.

4. Encircled in Care, TMCP, MPH, 2007.

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those who might affect their freedom or safety). There is a marked lack of trust in others who may hold information about a person.

The theology of creation and redemption affirms the value of each individual, providing a secure foundation for individuals' 'rights' to what they need to flourish – including the right to personal respect and privacy. The Bible (eg, Psalm 68:5-6, Amos 5:7-15, Luke 4: 18-21) witnesses to God's commitment to the oppressed, implicitly challenging the misuse of information as a source of potentially oppressive power. The contemporary emphasis on personal ownership of information is in some ways consistent with these theological insights.

At the same time Christian theology issues a challenge to a mindset based on a fundamental mistrust of other people. The Church proclaims its belief in God who not only knows everything about us (Psalm 139:1-5) but also can safely be trusted with that knowledge (Psalm 103:1-5). Further, the Church claims to act out God's mission of knowing and caring, being the Body of Christ who when on earth both knew (John 1:48) and could be trusted with knowledge (Luke 19:1-10). Such a claim imposes the highest possible responsibility for the safe holding of knowledge.

This responsibility belongs to the whole Body, not just to selected individuals within it. While the writer of Psalm 139 speaks of God's knowledge of the individual, that knowledge is set within the corporate context of the covenant community. The knowledge of Jesus expressed in relationship with individuals is part of his work of bringing in God's kingdom through healing and making disciples (Luke 19:1-10). And the Holy Spirit gives knowledge and trustworthiness (Acts 3:1-10) for the building up of the Body of that kingdom. The responsibility of 'building up the Body of Christ' is entrusted to all disciples, not just a few (1 Cor 12: 4-13) and the task is precisely to build up a body in which all can attain to the measure of the stature of Christ (Eph 4:12-16) – eg, to be able to play their full part in nurturing others.

3.3. Advances in technology

It is difficult to overstate the importance of the Internet and the difference it has made to the type and quantities of information available to people and about people. The Methodist Church itself has an Internet prayer forum where people can leave prayer requests and a number of web pages that invite comments. Such open access is a feature and benefit of technological developments but raises questions about the ownership of and permission to share personal information. Some people choose anonymity, others are happy to bare their own souls and some are willing to share information about third parties in a way which breaches confidentiality. Church websites may disclose contact details for church officers – it is important that rigour is applied in seeking appropriate permission for the use of personal information.

The way in which mobile phones are used has changed society in many ways. These can be used helpfully in a pastoral context – a supportive text message being sent to someone when the minister, pastoral visitor

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or friend knows they are in need. There are other implications, however. The ease of passing on and storing personal details can carry risk. Wireless transmission of information through, for example, Bluetooth technology, can result in the wrong people receiving information. Pictures can be taken of people without their permission and distributed or used inappropriately. People talk openly and loudly whilst using mobiles in public places, with apparently little regard for the sensitive nature of their conversation. Old boundaries and limitations no longer exist - particularly within the experience of young people - and this has a direct impact, both positive and negative, on the pastoral relationship.

The Guidelines for Good Practice section of this report offers practical advice for dealing with the implications of modern technology in relation to confidentiality.

3.4. Language

The use of language and the meaning of words and concepts change over time and between contexts. Understanding of what we mean by terms like ‘confidential’ and ‘pastoral care’ has evolved. In the pastoral relationship it is important to clarify that we understand what is being shared and that the way any information is recorded is as accurate and unambiguous as possible.

4. The Legal Context

4.1. Litigiousness

There is a popular perception that in recent years there has been an increase in litigation against individuals and corporate bodies. This can create an atmosphere of caution within church communities, raising concerns about what is ‘allowed’ or what risks are worth taking in the care of people. Corporate bodies are increasingly exercised with the need to comply with a range of legislation.

4.2. Data Protection

The introduction of the Data Protection Act 1998 has significance for the way we obtain, store and use information. (See Section 10.1)

Getting it Right: Scenario 3

A deacon has been told by a 15-year-old girl that she has been sexually assaulted by her 20-year-old ex-boyfriend. The girl does not want her parents to know. The deacon went to Children’s Services to discuss the situation but chose on that occasion not to reveal any names.

What are the issues here?

Was the deacon right?

What should happen now?

4.3. Safeguarding

Levels of awareness and resourcing to support the safeguarding of children and vulnerable adults have increased significantly since 1993. Guidance about when it is appropriate to break confidentiality in order

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to protect vulnerable people is available, recognising that best practice invites the person concerned to share their story with appropriate bodies, offering support, seeking permission to tell if they cannot do so themselves and, only in extreme circumstances, telling without their permission. Training and resources are in place to enable the Church to meet its obligations in this area. The Church's attention has been increasingly drawn to matters of domestic violence and abuse and to the need for both child and adult protection. These are now recognised to form part of the pastoral landscape and need to be reflected in the policies of the Church⁵.

5. The Church Context

5.1. Styles of Worship

Increasingly informal and intimate styles of worship reflect a less formal way of relating in wider society. It is often the case that the only places surnames are used are in a doctor's surgery, a school, a court of law and now less frequently in church. This might be seen from a positive point of view, to represent a reduction in the barriers of class and status in society; others, however, might argue it is a reduction in standards of respect.

An apparent increase in intimacy within relationships can blur the boundaries of a pastoral relationship. The increase of public extempore prayer by the worshipping people (as well as the preacher) is a development in personal and corporate discipleship but also increases the risk of people sharing in a public arena information that is not theirs to share.

5.2. Training

The context for training in the Methodist Church is changing. Extending Discipleship, Exploring Vocation and the introduction of Training Officers offers possibilities for training those involved in pastoral care. The 'Encircled in Care' training pack for pastoral workers offers good practice guidelines that encourage people to put into practice the Church's policy on confidentiality. It is therefore important that the policy be available in a format that enables its implementation. The guidelines offered within this report will form a stand-alone resource available on the Methodist Church website.⁶

5.3. Professionalism

There can be tension between those in the Church convinced of a need to be more 'professional', including the introduction of job descriptions for clergy and lay workers, supervision, quality assurance and accountable appraisal, and those who believe the Church to be a different kind of organisation. There need not be a clash between the

5. 'Sharing Safeguarding Information in the Methodist Church' guidance document (web based resource www.methodist.org.uk Church Life - Safeguarding, Other Resources - or http://www.methodist.org.uk/downloads/ch_sharinginformation_1105.pdf) This is based on statutory guidance found under 'Information Sharing' on the 'Every Child Matters' web site <http://www.everychildmatters.gov.uk/deliveringservices/informationsharing/> and statutory guidance 'Working Together on Safeguarding the Welfare of Children'.

6. www.methodistchurch.org.uk

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‘professional’ view and the ‘covenantal’ view. Regardless of personal preference about which perspective is most appropriate in a Christian pastoral context, the need for good practice and appropriate boundaries remains the same. This report recommends the use of supervision for those who offer pastoral care - lay, ordained, paid and voluntary - and suggests a range of models to choose from.

5.4. Interface of Church and World

The media view of religion as problematic is part of the context in which care is offered today. It is important for the Church to ensure that care is offered in a way that is both authentic and open to scrutiny. Good pastoral care should be part of our strategy for mission and we can improve the quality of our care when we are open to learning from best practice that is offered in sectors other than our own.

5.5. Authority and Trust

The Church retains a high level of trust in its ministers and lay pastors, but this is counter-cultural. An automatic giving of trust that has not been earned, or is not offered within a safe, professional structure, has been abused in the past. However, those who enter the church for help, comfort or sanctuary continue to expect high standards of care and may assume that their story will be held and shared appropriately in confidence.

There are people who hold the view that ordained persons are more able to hold matters confidential than lay people. The Confidentiality and Pastoral Care Task Group would refute this view entirely. Breaches of confidentiality are made both by ordained and lay persons and the very best pastoral practice is offered by ordained and lay persons alike. Any suggestion that a lay person is less reliable than an ordained person is unacceptable and contrary to the Methodist understanding of the priesthood of all believers.

The appropriate retention and passing on of information about individuals (eg, a lay-worker requiring a reference or a presbyter or deacon moving between Districts) is an important part of establishing or retaining the trust of people within the Church and beyond. The media’s portrayal of churches and church leaders is often one of a closed shop, where those in the ‘know’ move people who behave inappropriately from one place to another. The corporate nature of oversight within the Methodist Church should prevent the model of a single individual who holds in their head all there is to know about particular clergy/lay workers. The difficulty can arise where shared oversight leads to important information not being held appropriately - if it is held at all - because there is a lack of clarity as to who is responsible. This is discussed further within Section 11 of this report and it is recommended (13.7 & 13.8) that further work be done to explore the use of personnel files for ministers and to offer advice about record keeping in general.

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6. Pastoral Care

‘God fed them according to the integrity of his heart; and guided them by the skilfulness of his hands’.⁷

- 6.1. Integrity should be a mark of trust within those called to exercise pastoral care because such activity reveals the nature of God to others. Care, in which the whole Christian community shares, embodies the presence of the divine within the particularity of lives and communities and has the potential to reflect the glory and fullness of God at work in the world. It is therefore vital that the acquisition of skilfulness be encouraged as part of the equipping and resourcing of all who train for pastoral care within the life of the Church. Those who receive care from and within the Church need to be able to trust the quality of caring relationships expressed in the life of the church community.
- 6.2. Seeking good for humanity and seeking good pastoral care are not, of themselves, the sole preserve of the Christian community. The experience of good models of care outside the church community may increase expectation of church members and visitors that they will receive equally good care within the Christian community. Such expectations are not always met and sometimes can be seriously violated
- 6.3. Values and Pastoral Care
All pastoral care and practice is influenced by and flows from the pastoral worker’s personal values and beliefs.⁸ All forms of therapeutic practice such as pastoral visiting, counselling, and bereavement work, seek human flourishing and wellbeing, and seek to alleviate human suffering and deprivation. Underlying that therapeutic practice are assumptions about what constitutes human wellbeing and flourishing. These underlying ideas are in essence value-statements regarding what is important about life. So, for example, ideas that are culturally embedded will dictate what is perceived in that particular context as best practice.

For example, a pastoral practitioner working in an African context may hold involvement with the extended family and the wider community central to best pastoral practice but a pastoral practitioner working within a more Western cultural context may view an individual care model as central, prioritising individual wellbeing and self expression over a need to seek reconciliation with wider family and community.

While some Christians nurtured in the Western tradition would reject the exercise of authority in ways that are characterised as ‘patriarchal’, not all would do so, and in some cultural contexts the question would not be raised. The right of a parent, a teacher, or a pastor to share, obtain or withhold knowledge is exercised within different boundaries in different societies and households. If the Church is to exercise the charism of hospitality and live out its commitment to diversity, it is

7. Psalm 78.72.

8. Gordon Lynch, *Pastoral Care and Counselling*, Sage, London, 2002, p.9.

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important to engage in sensitive dialogue about these issues and avoid imposing any one viewpoint inappropriately.

- 6.4. Values provide the compass bearings by which to make sense of, critique and judge pastoral care. This is significant when considering confidentiality within pastoral care. Lynch suggests that, ‘consciously, or unconsciously, our values provide a framework by which we may decide what is the most appropriate, helpful and therapeutic way in which we can work with the people that we encounter’.⁹

If values are so significant a factor in determining pastoral practice, then ethics or ‘moral reflection’ is also a factor. Stephen Pattison suggests that, ‘where pastoral practice ignores ethics it is in peril of promoting values or dealing in practices which, on reflection, it might find rather undesirable, dubious or harmful’.¹⁰

- 6.5. Pastoral care is a ‘bottom-up’ privilege, task and responsibility, not a ‘top-down’ one. The model of Jesus washing his disciples’ feet demonstrates the nature of care Christians are called to. Such care carries the responsibility to challenge, to act prophetically and to demand accountability in order to build up the kingdom community: Matthew chapter 18 presents a model of corporate pastoral responsibility far removed from ‘being nice to individuals’.
- 6.6. This report recommends that pastoral workers be trained in an awareness of the need for clear boundaries and best practice regarding confidentiality within pastoral practice in and on behalf of the Church. Recommendation 13.5 calls for further work to be done in developing an ethical code of conduct for all who offer pastoral ministry on behalf of the Church.
- 6.7. **Worship as Pastoral Care**
For William Willimon, early Christian worship was more a family occasion and table fellowship than cultic ceremonial of the temple cult.¹¹ To be the leader of the community’s worship was to stand on behalf of and with the authority of the community and lead them in their table fellowship. Those who minister and feed in worship, nourish and sustain the community in order that they might be strengthened to live out their calling as human beings, disciples and servants of Christ.

It is therefore unhelpful to emphasise subjective, purely intuitive, psychological, individualistic, pastoral care of people to the exclusion of any reference to the more objective, theological-historical, and ethical context in which that care is exercised. Such an approach substitutes secular therapy for Christian ministry.

9. Gordon Lynch, p.10.

10. Stephen Pattison, *A Critique of Pastoral Care*, SCM, London, 1998.

11. William Willimon, *Worship as Pastoral Care*, Abingdon, Nashville, 1979, p.26.

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Thomas Oden¹² and Edward Thurneyson¹³ have both suggested that pastoral care of the individual is the direct conveying to the one of the message given to all in the sermon.

Getting it Right: Scenario 4

A Pastoral Visitor knows that one of the people he is linked with is going into hospital for minor surgery the following week. The visitor mentions this in public prayer in Sunday morning worship, and is surprised by the angry response of the person he 'brought to prayer'.

What are the issues here?

How could this situation, which was distressing for both parties, have been avoided?

- 6.8. Care is needed with public prayer, particularly observing confidentiality regarding specific details about individuals. Privacy should be respected whilst holding a person's needs before God, and with prayer in one-to-one pastoral encounters, and also in preaching itself.
- 6.9. The use of personal illustration from one's own family circumstances, one's own circle of friends and family, and the pastoral encounters and activities from the previous week often find their way into sermons. Over a period of ministry the risk of appearing in a sermon may make members wary of sharing intimacies with a preacher in case they too appear in next week's sermon. There is a need for serious consideration to be given to how much self-revelation and anecdotal story telling is appropriate in a sermon and talks to groups. It is important to exercise wisdom about the kind of material which could legitimately give rise to such concerns and whether it is necessary to state permission has been given where content relating to another's story is being shared.

7. Confidentiality in Pastoral Practice

- 7.1. The sharing of confidences between human beings within bonds of trust and friendship can still be a natural occurrence within community but the changes in perception and understanding about the care required over personal information, data protection, and legal rights to privacy within the whole of society must impinge on our understanding of good pastoral practice within the Church.
- 7.2. People's expectations can be violated when they assume the same clarity of role, boundaries and values within the Church that are often found in professional agencies outside the Church. Many such agencies hold confidentiality within a team, including the use of supervisors. It would be convenient to assume that good practice prevails, in the main, and that there is no need to scrutinise the standards of the Church as regards the keeping of confidentiality within pastoral relationships using a 'professional model' or code of ethics. Even in an ideal pastoral context, where breaks in confidence are rare, the wider context is of

12. Thomas Oden, *Care of Souls in the Classic tradition*, Fortress, 1984.

13. Edward Thurneyson, *A Theology of Pastoral Care*, 1963.

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rapid change in expectations and patterns of behaviour; change in values within personal relationships and changing attitudes to privacy, individual identity, and the setting of boundaries. The Church needs to respond to this wider context and offer suitable guidance for those who offer pastoral care.

Getting it Right: Scenario 5

A presbyter, also a qualified counsellor, is approached by a church member whose GP has suggested counselling. The church member wants 'Christian counselling free of charge', and assumes the minister will provide this.

What are the issues here, especially regarding dual roles?
How could the presbyter be of most help to the church member?

7.3. Dual roles

An area of difficulty can be relationships where dual roles are a feature, for example, a child's head-teacher is a member of a church where the child's parent ministers. Care around boundaries is needed, in particular to set ground-rules of confidentiality, when spouses work within the same ministry team or context so that everyone involved is clear about the extent and limits of shared knowledge. Without such clarity church members may assume anything they tell one of the spouses will be passed on and this may provoke reluctance to confide, or confusion when such an assumption is wrong. In such situations it is vital that both the congregations and the members of the ministry team are clear about the setting of boundaries, and the need for monitoring them and re-visiting them when necessary. Clearly adequate structures of support, oversight and appraisal are part of the mechanism for promoting best practice in such a situation.

8. Confidentiality in the Church

8.1. Those persons exercising pastoral ministry within the Church and hearing confidential information about people's lives are many and varied. Some, but not all, will have received training in self-awareness and understand the power present in all relationships, the unequal power present in every 'helping' relationship, the potential for abuse, and the need for care and sensitivity. Some will see intimate sharing as a feature of the nature of the Christian community that reflects the love and trust Christians have in God. Holding of confidences can be part of being held by God and God's grace. The Trinitarian community of giving and receiving may be modelled within the life of the Church and shows to the world that Christian community can be the 'space of justice and joy'¹⁴

8.2. Such a view needs to be nuanced with awareness that, for some, complete trust without the setting of boundaries assumes a safety that cannot be guaranteed. For example, it is possible to sit in worship and hear the name of an individual prayed for during the intercessions, with

14. Martin Luther King.

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a reference given to the ward where the patient currently is located, and the medical condition, diagnosis and prognosis outlined within the prayer even though the individual concerned has not asked for her name to be mentioned in public worship or printed on the news sheet. Perhaps her medical condition is not yet known to all her friends and family. Such a scenario amounts to a major breach of confidence.

Getting it Right: Scenario 6

A church member tells their pastoral visitor that they have been diagnosed with Parkinson's disease.

At the pastoral committee, is it appropriate to share specific pastoral concerns?

How can the visitor ensure that the person is cared for while also respecting confidentiality?

- 8.3. On occasion it is necessary to share a limited amount of confidential information with a wider group, such as when someone has to stop exercising a particular office in the local church or Circuit, temporarily or permanently, because of severe illness or because they are in a situation which makes the exercise of that office unwise or untenable. An understanding of the limits of the information shared and to whom it will be given needs to be established and agreed by all present. From time to time it may be appropriate to challenge a holder of information about the fact that other people need to be aware of what is known because light needs to be shed in order to seek resolution or justice in a situation. This may arise in a matter to do with the Church's complaints and discipline procedures.
- 8.4. What to one person is chatting about news is to another the sharing of an important confidence. The setting and marking of boundaries and ground-rules that is common within professional relationships is often not replicated in how these things are handled within the life of the Church where boundaries can be more fluid. There is resistance to the 'professionalisation' of pastoral care, particularly in a context where many offering the care do so in a voluntary way. Fluid boundaries exist where one person may hear information at the school gate in one sphere of their life and know the person concerned in another sphere, the local church. Good practice requires that confidences shared in one geographical sphere should remain there and not be referred to.
- 8.5. Who cares for the carers?
Supervision of pastoral practice for presbyters and deacons beyond, and sometimes within, probation is patchy. Supervision of lay employees is largely but not solely the responsibility of presbyters, few of whom are trained adequately in that task. There are questions around the accountability before God and for one another to which all in public ministry are involved in, which can be described as covenantal. Richard Gula has explored the differences between contract and covenantal relationships.¹⁵ He suggests that secular models of professional

15. Richard Gula, *Ethics in Pastoral Ministry*, Paulist Press, NY, 1998.

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relationships are increasingly defined by explicit contract, specifying the rights and duties of the parties involved and the service offered. In contrast to that, what is asked of all those who minister pastorally cannot be asked in advance and defined by contract.

- 8.6. Pastoral care is rooted in the biblical model of covenant, exemplified by the covenant relationship between God and God's people. 'This is a relationship of gracious love in which God, who loves us freely and infinitely, calls us to be generous in our loving service to others'.¹⁶ Such a covenant relationship demands that the pastoral worker must develop their own moral discernment in distinguishing between loving and unloving behaviour and attitudes in pastoral care and activity. Such relationships demand a high level of self-awareness of personal limitations and capabilities. It suggests also a need for transparency about one's own motivations, needs, vulnerabilities and trigger points. Pastoral care must always be directed primarily towards another's well-being and human flourishing and not the pastoral worker's need to be needed.
- 8.7. One important result of formal supervision of practice can be the enabling and developing of a sense of internal supervision. Such a sense leads to a professional judgement about what should not be repeated, about what can be shared within a ministry team or leadership team in a model of shared confidentiality. Such reflective practice helps increase clarity about confidentiality in complex issues and ensures that, through another perspective, more light is shed on a pastoral situation. Effective supervision avoids the pitfalls of transference and counter-transference that can be harmful to the pastoral worker and their relationships.
- 8.8. Clear and explicit boundaries
Phrases that are used too frequently in church life are, 'within these four walls', or 'in band', which seems to invite confidential disclosure within the context of that group or meeting but which is not qualified as to how long the confidence needs to be maintained, who else knows etc. and therefore the keeping of confidence cannot be guaranteed or monitored.

There may be occasions when the terms of confidentiality on a particular issue may need formally recording as a contract and signed by both parties. This might be how a particular ministry team of lay and ordained agree best practice on the sharing of information, for example. If ministry in one location is the shared responsibility of a number of persons a common policy or code might be agreed and recorded.
- 8.9. Formal pastoral relationships, where the pastoral worker is representing the Church, should be supported by structured supervision. This is distinct from line management and is a means of allowing reflective practice to take place. Supervision enables lessons to be learned and disturbing or complex pastoral information appropriately to be shared. When offering care and being asked to keep information confidential it

16. Kate Lichfield, *Tend my Flock*, Canterbury, Norwich, 2006, p.19.

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is important to explain to the person that the pastoral worker operates in a supervised way. Being clear about how much information would be shared with a supervisor or fellow pastoral worker, is important, i.e. how much detail would be passed on and to what purpose. In most cases it will be possible and appropriate for the situation to be described to a supervisor in a way that maintains the anonymity of the person or persons whose situation is being discussed.

8.10. A written record should support formal supervision of pastoral practice and in most cases the record of supervision should have a confidentiality clause within it. There may be a need to re-visit and re-define the boundaries of confidentiality if circumstances alter with regard to the way in which ministry is offered across a Circuit or team.

8.11. Sources of Supervision and Support

The Task Group recommends that all those in a recognised pastoral relationship be supported through a structure of formal reflective practice (called ‘supervision’) and that work be done to bring such a system into effect and to make this compulsory for presbyters, deacons and lay-workers with pastoral responsibilities. (Recommendation 13.4.) A variety of methods of supervision are offered below.

Individual Supervision

The pastoral worker is allocated a person with whom to reflect about their pastoral practice.

It is best practice for each church or Circuit to have a supervision system in place for their pastoral visitors, providing someone they can talk to, seek advice from and share with in confidence, issues and concerns about a visit or a series of visits. This may be a more experienced visitor, the pastoral secretary, a lay pastoral worker, a presbyter, deacon or a professional supervisor. The availability of such support is important in helping the visitor to reflect and to develop and can be an excellent support if a visitor feels uneasy about an element of a visit or their relationship with the person being cared for. The exact role will differ from place to place and it is helpful if the Circuit Meeting approve a job description that such a person would fulfil. A cross-circuit approach to the provision of pastoral care is worth exploring, particularly in identifying supervisors, as well as broadening the range of pastoral skills and gifts than might be available in a church.

In the case of a presbyter, deacon or lay pastoral worker it may be the Circuit Superintendent or another colleague within the Circuit who acts as supervisor. A colleague from a neighbouring Circuit may supervise the Superintendent in his or her reflective practice. A Circuit may choose to appoint someone from outside the pastoral context to act in the role of supervisor. Paying a professional counsellor or non-managerial supervisor to act in such a role might be considered a good use of circuit resources.

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Peer Supervision or Team Supervision

A pastoral system within a Church might include the setting up of small consultancy groups. These have the advantage of offering more than one perspective, whilst being better able to meet the requirements of confidentiality than a larger group. It is beneficial for presbyters and deacons to share both positive and difficult experiences of ministry in a general way, however, supervision or reflective practice needs to be separate from the staff meeting. Peer consultancy can provide structured supervision within existing teams, or bring together a small group from across a District for example.

Another model would be for a group of peers to work with an external supervisor. These afford the opportunity to explore issues that cannot be shared within the circuit team.

Foskett and Lyall offer a model of a pastoral support in which the aim of the group is: 'To provide the participants with opportunities to share and explore their practice of pastoral care, and the effect that has on them and those for whom they care; encourage the development of each member's own pastoral identity; contribute to each member's understanding of working in and with a group of pastoral carers.'¹⁷

8.12. Other Models

Information about mentoring, spiritual direction, consultancy and other models of support including those listed above, which help to support and give a focus to reflection for individuals in pastoral work and ministry are available in the Grove publication *Finding Support in Ministry* by Nick Helm and Philip Allin (Eds.), Grove, 2002.

8.13. Recommendation 13.6 requires that information about models of supervision be included in the information pack that the Formation In Ministry office issues to all Probationers upon their being stationed in a Circuit.

8.14. Vulnerability

Ministry is in itself a sacred trust. God calls ministers, ordained and lay, and entrusts to them the care of God's people. Pastoral workers are often in situations where people are vulnerable, where they can be at emotional, physical, and spiritual risk, times of bereavement, ill health, joy and celebration; times of guilt and remorse. Pastoral workers may be allowed privileged access to people when access to others (even family) is limited, for example, in prison or hospital. It is only the vital element of trust that makes this opportunity to offer care possible. Such trust is a great privilege and the betrayal of this through careless gossip, the desire to be powerful in hinting how much more we know than someone else, the illusion of self-importance when knowledge is power, can result in damage to the individual concerned and also to the Church which can last for generations.

Self-disclosure to a pastoral worker makes the sharer of the confidence vulnerable and can increase the pastoral worker's power in relation to

17. Foskett & Lyall, *Helping the Helpers: Supervision and Pastoral Care*, SPCK 1994.

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the person disclosing information. Breaches of confidentiality, even minor leaks in confidentiality, prevent the person controlling what information is known about them. Information shared in confidence should not normally be passed on without the other person's properly informed consent.

Holding information about abuse, or information which may ensure that further harm is prevented, can make the pastoral worker vulnerable and place them under additional stress. Not sharing this information at the right time and to an appropriate person can cause lasting harm in the Church, both to victims or those at risk and also to the church community itself. It is important that those who offer care in and on behalf of the Church know where to go for support and guidance.

Getting it Right: Scenario 7

A pastoral worker is asked to establish a prayer network in a local church, whereby people pray in turn in their own homes when alerted to a particular need.

What ground rules might be drawn up to ensure the confidentiality of individuals prayed for?

How is informed consent to be given?

Should prayer requests be monitored, if so, what records should be kept?

8.15. Prayer Support

The caring ministry of the Church includes and is supported by a ministry of prayer. Individual prayer offered for a person in a time of need is one expression of the prayer ministry of the whole people of God. There are times when it is entirely appropriate for public prayer in church or in prayer groups to include mention of the needs of individuals. However this is only appropriate if the person in question has given permission for their situation to be prayed for – they should always be able to dictate the boundaries of information offered in prayer. They may be happy to have their name mentioned but not the details of their situation. When seeking permission for prayer to be offered for an individual the pastoral worker should identify to that individual the group within which prayer will be offered.

- 8.16. It is increasingly the case that when a preacher or worship leader leads intercessions they ask the congregation for prayer concerns. This can be an occasion when it is difficult for confidentiality to be maintained unless boundaries are suggested to the congregation (eg, topics for prayer are welcome but not named individuals). Written prayer requests in books that are brought forward during the service can also be a means of breaching confidentiality. Some people offer prayer support to individuals through prayer 'chains' or networks. Such an extended community of prayer, whilst an important ministry, is a place where the boundaries of confidentiality can be unclear. A member of the network may know an individual that they are asked to pray for even though that person would not wish their story to be known. A pastoral worker should ensure that the permission of the person is sought before their

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story is passed on and should give a clear description of the nature of the prayer network.

8.17. If people have given clear permission that they and their situation can be named in church or to a prayer network that is acceptable. In any other situation we might assume that God knows our needs and the needs of others in more detail than we ever can and that to offer themes of prayer without naming names is an effective prayer. When inviting participation in intercessory prayer, the practice of praying for our own concerns in silence allows a corporate context for the offering of personal prayer.

8.18. Shared Responsibility

Pastoral care in Methodism is shared, an expression of that being the increasing occurrence of ‘team’ ministry in Circuits. The corporate nature of pastoral care is also seen in the local church Pastoral Committee. People who share responsibility need information relevant to the exercise of that responsibility in order to function. The limits of confidentiality within any church meeting need to be identified and kept to – not by implicit assumption but by explicit and agreed policy. It is all too easy for a caring confidential conversation to become a place where confidentiality is broken and at worst descends to gossip. Applying the general principles that information is only passed on when permission is given and that the person involved knows the context in which it will be shared will enable meetings to remain in good order.

8.19. Shared Oversight

There are contexts within Methodism when information needs to be passed on that is to do with a person’s standing in relation to the Church rather than their need for supportive care. For example superintendents making reports about probationers, college tutors making reports to principals, district Chairs hearing reports about vocational candidates. Best practice, as already required for all oversight of and reporting on candidates, student ministers and probationers, requires that the person concerned should see any information about himself or herself. Forms for reporting to vocational and similar committees have space for comments by the person being reported on, so they are able to contradict or add to what is contained within the report. Groups discussing the status of an individual need to be reminded of the confidential nature of their business.

Disciplinary proceedings of the Church operate under strict rules of confidentiality. These are fully explained in ‘Complaints and Discipline in the Methodist Church: A Step by Step Guide to the Standing Orders on Complaints and Discipline’¹⁸.

18. Clifford Bellamy, *Complaints and Discipline in the Methodist Church: A Step by Step Guide to the Standing Orders on Complaints and Discipline*, Third Edition, MPH, To be published September 2008.

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8.20. Dual Roles

There are a number of ways in which the boundaries of a pastoral relationship can be blurred. A pastoral visitor may also be a former nurse and a volunteer visitor at the local hospital. This may give her access to church members as patients, in which case it is important that she and the church member are both clear about which ‘hat’ she is wearing. Frank conversations about which role a person is exercising in a particular context will help to clarify where the boundaries are. It may be that pastoral support would need to be offered by a different member of the church or Circuit.

Sometimes the person offering care has dual responsibilities on behalf of the Church (eg, a Chair of District who is responsible for pastoral care of ministers as well as their discipline and their stationing). Pastoral care that is faithful to Christ must involve both support and discipline. Both are implied in discipleship. From time to time any person offering care on behalf of the Church may have to ask the complex question ‘which has priority, care of the person or duty to other people or to the Church’?

In such situations the status of the conversation should be made as clear as possible from the outset. The speaker should be asked to state what his or her expectations are. The listener should make it clear whether he or she is willing to be bound to complete confidentiality in advance and explain in what circumstances they would feel an obligation to share or use the information given.

Where a speaker is not able to accept the responsibility that the dual role places on the listener then he or she should be directed to another confidant who is not under similar obligations. It should be expected that in certain circumstances a more impartial person is the appropriate person to speak to about a matter of discipline, eg, if the speaker is a long time friend of the Chair. This way collusion is avoided and elements of transparency and accountability are preserved.

If during the course of a pastoral conversation a listener realises that there is material that might need to be used in a context beyond pastoral support, the speaker should be told and, if possible, the speaker should be supported in telling their own story in the wider context, otherwise his or her consent should be obtained. It should only be in extreme circumstances that material should be passed on without the speaker’s permission.

Getting it Right: Scenario 8

Following a midweek service, a presbyter is approached by a visitor asking her to hear his confession.

What boundaries should be established about what information would remain confidential?

8.21. Ministry of Reconciliation

‘The ministry of reconciliation is one of God’s gifts to the Church. According to the Gospel of John, on the evening of Easter Day, Jesus breathed on his disciples and said, ‘Receive the Holy Spirit. If you forgive the sins of any, they are forgiven them; if you retain the sins of any, they are retained’ (John 20:22-23). In response to this gift, the Church recognizes that an act of confession and declaration of forgiveness may be an important step towards reconciliation, spiritual growth and wholeness.’¹⁹

Occasionally a minister or lay employee may be asked to receive someone’s formal confession and it is important to be clear before such an act is embarked on that full and complete confidentiality cannot be entered into where safeguarding issues may arise. The extent of the boundaries of such confidentiality will need to be acknowledged and agreed, especially in Methodism where formal confession and absolution are not used in the same sacramental way as in some other traditions. Confession may simply be a way to enable the person confessing to feel better, without taking responsibility for their actions.

Absolution can be withheld or conditional in some instances, such as when a crime has been committed.²⁰ Knowledge and responsibility go together and the implications of likely consequences to the receiving of such confidences need to be considered.

9. Confidentiality and Standing Orders

The Standing Orders of the Methodist Church, within the context of the Methodist Church Act and the Deed of Union, provide the rules that govern the organisation and administration of the life of the Church, in the Local Church, Circuit, District and connexionally.²¹ In some areas of the life of the Church, Standing Orders expressly provide that there shall be a duty of confidentiality.

9.1. Complaints and discipline

Section 02 highlights the importance of confidentiality in the context of the procedures for dealing with complaints and discipline.²² There is a general duty on all those involved in considering and investigating complaints and hearing disciplinary charges, including the person making the complaint and the person complained against, to observe at all times the confidentiality of the process.²³ This duty of confidentiality applies not only to things said during the process but also to

19. Methodist Worship Book page 422, A Service of Repentance and Reconciliation.

20. The Church of England House of Bishops Policy ‘Protecting All God’s Children’, 2004 page 20. Catholic Office for the Protection of Children and Vulnerable Adults (COPCA) ‘Creating a Safe Environment’ 2005, page 31 and ‘Responding to Allegations’ 2004 Appendix 2, page 43 (web based resources at www.copca.org.uk).

21. The Standing Orders of the Methodist Church are to be found in volume 2 of The Constitutional Practice and Discipline of the Methodist Church.

22. A similar duty of confidentiality is included as part of the lay employment grievance procedures – see page 7 of the booklet ‘The Methodist Church Lay Employment Advisory Information’ available on the Methodist Church website (www.methodist.org.uk).

23. See Standing Orders 024(6) and (7).

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documents²⁴ that may be disclosed or created during the course of the process, including the record of the process.

9.2. The Church and sex offenders

Section 69 of CPD sets out procedures that must be followed if a known sex offender seeks to be involved in the life of a local church. Standing Order 690 requires the minister in pastoral charge to set up a small group to support the person concerned and to undertake a risk assessment in order to minimise the risk to others and to determine on what terms that person may attend worship and become involved in the life of the local church. The rules set out in this Standing Order are supplemented by guidance²⁵, including the following guidance on confidentiality:

‘There is much to be said for explaining the circumstances to the whole congregation, to promote understanding and support for the individual but also to ensure that church members do not unwittingly allow children contact with the individual concerned. However, this needs to be weighed against any need for confidentiality or pastoral sensitivity. It will be important to obtain advice from the statutory agencies and the risk management panel. The need to know must be balanced with the danger that the offender may be hounded out of the community (to his detriment and to the greater danger of other children if he decides to maintain a lower profile next time around).’

In addition to the risks identified in that guidance there is also the risk of putting the person concerned in physical danger if the fact that he is a sex offender becomes a matter of common knowledge. Striking the balance between child protection and confidentiality will be an important but difficult task.

9.3. Stationing

The process of stationing can be an anxious time for ministers, deacons and their families. Confidentiality is important at every stage of this process. SO322(6) makes it explicitly clear that so far as the Connexional Stationing Committee is concerned,

‘Discussion in the committee about particular ministers, deacons and appointments shall be absolutely confidential.’

24. In English law, confidentiality attaches to documents disclosed by one party to another during the course of civil court proceedings. For this purpose ‘documents’ includes anything on which information is recorded, including paper documents, pictures, photographs, computer files and discs, e-mails, audio recordings and videos. Rule 31.22(1) of the Civil Procedure Rules 1998 provides that ‘A party to whom a document has been disclosed may use the document only for the purpose of the proceedings in which it is disclosed, except where (a) the document has been read to or by the court, or referred to, at a hearing which has been held in public; (b) the court gives permission; or (c) the party who disclosed the document and the person to whom the document belongs agree’. It has been suggested in *Complaints and Discipline in the Methodist Church: A Step by Step Guide to the Standing Orders on Complaints and Discipline* [see paragraph 8.19 above] that the same principles should apply to documents disclosed during the course of the Church’s procedures for dealing with complaints and discipline.

25. The guidance can be found in volume 2 of CPD.

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The Code of Practice for the Stationing of Ministers²⁶ provides that ‘At all stages of the stationing process, District Chairs and District Lay Stationing Representatives must comply with Paragraph J ‘Confidentiality’ of the Guidance on Stationing ... Circuit Stewards must be made aware that all involved in the stationing process must observe the guidance on confidentiality.’

Paragraph J of the Guidance on the Stationing of Ministers and Deacons provides that

‘Everyone concerned in discussions about invitations should at all times be sensitive to the duty to balance the need to give adequate information to those affected, and especially to committees and meetings responsible for decisions, against the principle that where disclosure is unnecessary, the presumption should be in favour of confidentiality. As in all situations a promise to keep a particular confidence must not be broken, but for that reason should not be lightly given, and an unconditional undertaking will rarely be possible in this context. Detailed or rigid rules are inappropriate, but it should be understood that reports, formal or informal, of the reasons for or against the recommendations or decisions of a committee or meeting should not in general ascribe particular views to identifiable persons, and never without their consent; nor should they contain clues from which such an ascription can be inferred. Nothing personally detrimental should ever be disclosed except to persons who need to know it for the purpose of reaching a decision for which they are responsible and who therefore have a duty to take it into account.’

9.4. Ministers and Deacons with Impairment

The 2007 Methodist Conference approved a Guide to Good Practice when dealing with ministers and deacons affected by impairment.²⁷ The Guide emphasises the need for ‘good communication between the relevant Church authority and the person so affected and their family, friends and carers. All should be encouraged to be open about the issues arising, and be able to be confident that they will be dealt with sensitively and positively, in accordance with disability legislation, with due regard to considerations of confidentiality and in the light of current best practice.’

9.5. Benevolence Funds

The purpose of local churches includes the relief of poverty and distress in the congregation and neighbourhood. To that end, Standing Order 651(3) requires local churches to maintain a local benevolence fund. Payments out of the fund may be made ‘at the confidential discretion’ of the minister or probationer exercising pastoral responsibility in relation to the Local Church, in consultation with the communion stewards, if appointed, or if not then with the church stewards.

26. The Code of Practice can be found in volume 2 of CPD.

27. The Guide can be found in volume 2 of CPD.

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9.6. Implicit Duty of Confidentiality

Although the Standing Orders and guidance referred to above make explicit provision for a duty of confidentiality in those specific areas of the life of the Church, it is not to be assumed that the duty of confidentiality is restricted to those specific areas. The need to respect confidences exists in other areas of the Church's life, most obviously in the many pastoral relationships that are the hallmark of being the Methodist Church. The historical commitment to mutual pastoral care is embodied in the fact that to date the only mandatory committee locally is the Pastoral Committee and that Class Leaders/Pastoral Visitors are amongst the few mandatory offices.

In any situation where a duty of confidentiality exists, whether explicitly or implicitly, breach of that duty could amount to a breach of the discipline of the Church and give rise to a formal complaint and conceivably to the bringing of a disciplinary charge.

10. Confidentiality and the General Law

Some aspects of the general law also have implications for the Church so far as issues of confidentiality are concerned. Regard should be had, in particular, to the matters below.

10.1. Data Protection Act 1998²⁸

The Data Protection Act 1998 (referred to in the following paragraphs as 'the Act') applies to the way in which personal data is processed.²⁹ It is beyond the scope of this guidance to give a detailed explanation of the Act, which is a long and complex piece of legislation. Helpful guidance can be found in the booklet 'Managing Trustees and the Data Protection Act 1998' produced by the Trustees for Methodist Church Purposes.³⁰ The following paragraphs set out in simple terms some of the Act's basic requirements.

10.2. The following definitions should help determine when the Act will be relevant to particular situations that arise within the life of the Church:

'Data'

For the purposes of the Act, 'data' is information processed electronically (eg, by word processor or e-mail) or manually³¹ in a

28. The Act is available online at www.opsi.gov.uk/ACTS/acts1998. The Information Commissioner has published a booklet called 'Data Protection Act 1998 – Legal Guidance' This can be obtained from the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (tel: 01625 545745). It can also be downloaded from the Information Commissioner's website at www.ico.gov.uk

The Data Protection Act 1998 applies equally to Scotland. Data Protection is listed as a 'reserved matter' in Schedule 5 of the Scotland Act 1998. This means that the Scottish Parliament does not have legislative competence to make amendments to the Data Protection Act 1998 or to limit its application in Scotland (see sections 29 and 30 of that Act).

29. Standing Order 019(1) provides that 'All connexional, district, circuit and local bodies shall comply with the Data Protection Acts for the time being in force and with any regulations or orders made or having effect under those Acts.'

30. Copies can be obtained from The Methodist Property Office at Central Buildings, Oldham Street, Manchester M1 1JQ.

31. This is an important development. The predecessor to the Data Protection Act 1998 (the Data Protection Act 1984) applied only to data held electronically and not to data held manually.

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relevant filing system³² or information recorded on video (including CCTV footage).

‘Personal data’

‘Personal data’ means data that relates to an identifiable living individual. An individual is identifiable if he or she can be identified³³ from the data being processed or if a connection can be made between the data and the individual (for example by a reference number where another source identifies the individual).

‘Sensitive personal data’

The Act distinguishes between ‘personal data’ and ‘sensitive personal data’. ‘Sensitive personal data’ includes:

- the racial or ethnic origin of the data subject;
- his or her religious or other beliefs of a similar nature;
- his or her physical or mental health or condition;
- his or her sexual life;
- the commission or alleged commission by him or her of any criminal offence;
- any proceedings for a criminal offence committed or alleged to have been committed by him or her, the disposal of such proceedings or the sentence of any court in such proceedings.

‘Processing’

‘Processing’ means obtaining, recording or holding data or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval of, consultation on and use of the data and also disclosure, erasure or destruction of the data. It is difficult to envisage any activity involving data that does not amount to ‘processing’.

‘Data controller’

A ‘data controller’ is a person who (either alone or jointly or in common with other persons) determines the purpose for which and the manner in which any personal data is, or is to be, processed’.³⁴

32. A relevant filing system is one that is structured by reference to the individual or by reference to criteria relating to the individual. The question of which manual records are covered by the Act is complex. More detailed discussion of this point can be found in the Legal Guidance referred to in footnote 28 above.

33. Whether an individual can be ‘identified’ from data that is being processed is a matter of fact. Guidance on interpretation can be found in the ‘Legal Guidance’ referred to in footnote 28 above.

34. The Act requires a data controller to notify the Information Commissioner, on an annual basis, if he or she is holding personal data. It is a criminal offence for those who are required to give such notification to process data without giving such notice. There are provisions in the Act for a corporate body to act as a data controller. The Information Commissioner has accepted that The Board of the Trustees for Methodist Church Purposes is a corporate body and that it may therefore act as a data controller. Those who process information on behalf of a data controller are referred to in the Act as ‘data processors’. The Board of Trustees for Methodist Church Purposes has notified the Information Commissioner that all Methodist Churches, Circuits and Districts are holding ‘personal data’ in various categories. The full entry can be viewed on the Commissioner’s website (see footnote 19 above). The registration number is Z5439898. Anyone who is uncertain whether the Board’s notification is adequate for his or her own purposes should contact the Information Commissioner. Advice can also be obtained from The Board of Trustees for Methodist Church Purposes.

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‘Data processor’

Those who process data on behalf of a ‘data controller’ are referred to in the Act as ‘data processors’. All Methodist Churches, Circuits and Districts come within the description ‘data processors’.

10.3. The Act does not necessarily prohibit the collection or disclosure of data. It does, though, set out eight principles of good data handling.

These are that:

- the data shall be processed lawfully and fairly;
- the data shall be obtained only for one or more specified purposes and shall not be further processed in any manner incompatible with that purpose;
- the personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is being processed;
- the personal data shall be accurate and, where necessary, kept up to date;
- the data shall not be kept for longer than is necessary for the purpose for which it is being processed;
- the data processed for any purpose shall not be kept for longer than is necessary for that purpose;
- any data processed shall be processed in accordance with the rights of the data subject (i.e. the person to whom the data relates) under the Act;
- appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

10.4. Personal data must be processed in accordance with the eight data protection principles set out at paragraph 10.3 above. Extra conditions must be met before sensitive personal data can be considered to have been processed fairly and lawfully.³⁵

10.5. A person to whom personal data relates is entitled to request access to such data (referred to as a ‘subject access request’).³⁶ In particular, the Act gives the data subject a right to be informed by a data controller whether the data controller is processing personal data relating to him or her.³⁷ If he or she is processing such data, the data subject is entitled to a description of

- the personal data concerned;
- the purposes for which that personal data is being processed; and
- the recipients or classes of recipients to whom the personal data may be disclosed.

35. Where personal data is processed at least one of the conditions in Schedule 2 to the Data Protection Act 1998 must be satisfied. Where sensitive personal data is processed then, additionally, at least one of the conditions in Schedule 3 to the Act must also be satisfied. *It is very important that the conditions set out in Schedules 2 and 3 are considered with care.*

36. It should be noted that the purpose of the Data Protection Act is essentially to protect the privacy of data subjects and to ensure that information is not being unlawfully processed. Data subject access rights are not intended as a means for data subjects to obtain information they would not otherwise be entitled to have.

37. See section 7(1) of the Act.

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A person making such a request is also entitled to know what information ('personal data') is being held and, if known to the data controller, the source of that information. The person making the subject access request is entitled to have this information communicated in an intelligible form.

A 'subject access request' must be in writing but does not have to state that the request is being made pursuant to the provisions of the Act.

A 'subject access request' must be responded to promptly and in any event within 40 working days. The data controller can charge a fee of £10 for responding to the request. If the person making the request provides insufficient information in his or her request, the data controller may ask for more information. In those circumstances the 40 days does not begin to run until that further information has been provided and the fee paid.

The data controller does not have to provide information in response to a subject access request if to do so would involve disproportionate effort.

In any case in which compliance with a subject access request would mean disclosing personal data relating to a third party from which that third party could be identified, the data controller does not have to comply with the request unless either the third party concerned gives his or her consent or the circumstances are such that it would be reasonable to comply with the request even without the third party's consent.³⁸

10.6. A person who suffers damage as a result of the contravention of any requirements of the Act by a data controller is entitled to compensation and can bring court proceedings to recover compensation.

10.7. If data is inaccurate in the sense of being incorrect or misleading as to any matter of fact, a data subject may apply to the Court for an order requiring the data controller to rectify, block, erase or destroy that data.

10.8. Freedom of Information Act 2000³⁹

The Freedom of Information Act 2000 applies only to the disclosure of information by a public authority. The Methodist Church is not, at present, designated as a 'public authority' for the purposes of this Act. The Freedom of Information Act 2000 does not, therefore, apply to the Methodist Church.⁴⁰

38. See section 7(4) to (6) of the Act. The Information Commissioner has stated that it is good practice to seek the consent of the third party concerned in all cases.

39. The Freedom of Information Act 2000 is available online at www.opsi.gov.uk/ACTS/acts2000

40. The Freedom of Information (Scotland) Act 2002 makes similar provision in respect of Scottish public authorities. The definition of 'public authorities' is to be found in Section 3 and a list of the authorities designated as 'public authorities' is to be found in Schedule 1 to that Act. Section 5 gives Scottish Ministers power to add to the list in Schedule 1. There is always a possibility, therefore, that the Methodist Church in Scotland could be added to that list at some stage in the future.

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10.9. Breach of Confidence

Everyone is entitled to respect for their private and family life.⁴¹ The fact that a person may willingly share confidential personal information with a third party (in a pastoral situation, for example) does not mean that she would want that confidential information to be shared with anyone else. A duty of confidence will arise whenever the party subject to the duty is in a situation where he knows or ought to know that the other person has a reasonable expectation that her privacy will be protected. There does not need to be any special kind of relationship (eg, that between a minister and member of the church over which she has pastoral charge) for such a duty to arise. Breach of a duty of confidence may give rise to a civil claim for damages.⁴²

10.10. Defamation

A false, misleading or inaccurate statement made about another person which causes unjustified injury to the reputation of that other person may be defamatory and may entitle the victim to bring a civil claim for damages. Defamation may be either spoken (slander) or written (libel). Although pastoral situations may arise in which it is appropriate to disclose information given in confidence (under the safeguarding procedures, for example) it is extremely important that any such disclosure is accurate. When disclosing information received from a third party it is essential that the information be reported without gloss, 'spin' or any attempt at interpretation. Where possible that information should be verified. It is no defence to say that one was merely passing on information. Should there be any doubt as to its accuracy, it is better to err on the side of not disclosing until it can be verified (this is not the case where a child or other vulnerable person is at risk of harm, in which case verification should be the business of the appropriate agency, eg, police or social services). In an extreme case it may be appropriate to obtain specialist legal advice before disclosing. If the information is untrue and therefore defamatory, it is no defence to say that one was just passing on information.

10.11. Disclosure Ordered by a Court

Even though a record may have been made with the intention that its contents remain confidential to the person making the record, the criminal and civil courts have wide powers to order the disclosure of documents for the purpose of criminal and civil proceedings. The court has the power to compel disclosure even if the maker of the record and/or the person to whom the information contained in the record object.

41. See Article 8(1) European Convention on Human Rights and Fundamental Freedoms.

42. Reference to the availability of a claim for damages for breach of confidence is made simply for the sake of completeness. This is a developing area of the law and there remains uncertainty as to the legal scope of this remedy. Furthermore, the cost of bringing such a claim is likely to be considerable. That, perhaps, is one reason why recent developments in this area of the law have involved people of celebrity status (eg, Michael Douglas, Catherine Zeta Jones, Naomi Campbell). So far as the life of the Methodist Church is concerned, whilst it is perhaps unlikely that someone aggrieved about a breach of confidence would consider applying to the courts for an award of damages, it is nonetheless appropriate to be aware of the possibility of such a claim being made.

11. Record Keeping

- 11.1. Standing Orders contain few requirements for the keeping of records of personal information relating to members of the Methodist Church. The two main areas in which there is a requirement for records to be kept are to be found in Section 02 of Standing Orders (which deals with complaints and discipline) and in Section 05 (which deals with records relating to those who are members of or on the community roll of the local church).
- 11.2. Section 02 requires that a record be kept of the outcome of each stage of the procedures for dealing with complaints and discipline. Those records are forwarded to the Secretary of the Conference.
- 11.3. With respect to records of a confidential nature (including correspondence, papers and machine-readable records containing personal details of a sensitive nature relating to individuals in respect of complaints, disciplinary procedures, interviews, invitations, stationing, pastoral matters, case studies and assessment files) there is a restriction of access of seventy five years from the date of the last entry in the record.⁴³
- 11.4. Section 05 requires that the Pastoral Committee of each local church must record in a book or roll the names of the members of the Methodist Church belonging to that local church. The Pastoral Committee must examine the roll, name by name, at least once a year (Standing Order 053(5)). If a member moves to a new Circuit then her record should be forwarded to that new Circuit. It is important to note that Standing Orders only require that the record should contain the name (and presumably also the address) of the member concerned. This record should not be used as a vehicle for storing other personal information concerning that member.
- 11.5. Section 05 also requires that the Church Council of each local church should maintain a community roll or card-index system recording the names of all those who are within the pastoral care of the local church (Standing Order 054(7)). As with the membership roll, this record should not be used as a vehicle for storing other personal information.
- 11.6. Although the membership roll and the community roll should not be used to store personal information other than names and addresses, it is likely to be the case that in the interests of providing good pastoral care other records will be kept containing more detailed personal information about church members and others who are within the pastoral care of the local church. In maintaining such records the legal issues set out earlier in this report (eg, the requirements of the Data Protection Act 1998) should be kept firmly in mind.

⁴³ Standing Order 015(3A)

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- 11.7. When a minister moves from one Circuit to another, difficulties may arise concerning the information he or she ought to pass on to the new minister. On the basis that such records contain only recordings of matters of fact and not of opinion, from a pastoral perspective it is normally likely to be in the interests of the person to whom the record relates for that record to be passed on to the incoming minister.
- 11.8. The Methodist Church does not maintain individual personnel files for ministers, deacons and probationers in circuit appointments. Although there is no requirement that District Chairs should maintain personal files relating to each minister, deacon and probationer stationed within their District there is equally no prohibition against maintaining such records. The keeping of such records gives rise to the need to consider issues such as:
- how should those records be kept – i.e. electronically or manually;
 - what information should those records contain;
 - should the person to whom the record relates be consulted about what is recorded;
 - who is entitled to access to those records;
 - what should happen to those records when the District Chair's appointment ends – i.e. what information should be passed on to the incoming District Chair;
 - what information from those records may/ought to be passed on when the person to whom the record relates moves to a new District.
- 11.9. In answering questions such as those just set out, not only must regard be had to the legal issues discussed earlier in this report (eg, the requirements of the Data Protection Act 1998), but also to the pastoral needs of the individual to whom the record relates and of his or her immediate family and also to the needs of the local churches in the Circuit in which she is or is to be stationed. The cloak of confidentiality should not be used as a justification for failing to disclose (for example to a receiving District Chair) relevant factual personal information where disclosure is likely to be in the best interests of the minister, deacon or probationer and/or the local church and Circuit.
- 11.10. When decisions fall to be made in the circumstances outlined at 11.7 and 11.8 above, it will be important to avoid the risk of confusing secrecy with confidentiality.

12. Guidelines for Good Practice in Confidentiality and Pastoral Care

Within these Guidelines the expression 'Pastoral Worker' refers to lay, ordained, paid and voluntary persons who exercise a pastoral role within or on behalf of the Methodist Church.

- 12.1. In order to establish a relationship of trust within a pastoral relationship and within the wider church community, it is important that the things

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people share are treated in confidence. There are three exceptions to this.

- If someone specifically gives the pastoral worker permission to pass on something they have said (eg, they give permission for a situation they are facing to be mentioned in the intercessions at church).
- If a person discloses information that leads a pastoral worker to think that that person or another person is at risk.
- If a person indicates that he has been involved in or is likely to become involved in the commission of a serious criminal offence.

12.2. In the second and third cases information should be passed on to the appropriate person or agency. Wherever possible the person disclosing information should be supported in sharing that information himself or herself. If that is not possible they should be encouraged to give permission for the information to be passed on.⁴⁴ Only if this is not possible should the pastoral worker disclose the information to the appropriate third party without permission. A child would not necessarily be expected to disclose information themselves, but they should be carefully consulted.

Guidance on the safeguarding of Children, Young People and vulnerable adults can be found on the Methodist Church website.⁴⁵

12.3. When a person indicates that what he or she is saying is to be kept confidential, it should be understood that it will remain so, subject to the circumstances outlined above. There is a further responsibility on behalf of the person offering care in the pastoral context to assume confidentiality even without this being explicitly raised. Seeking the permission of the person disclosing information as to whom it might be shared with and in what circumstances is an important part of building up trust and demonstrating that they and their story are valued. A trust that is born of a community in which confidentiality is normally maintained will lead to confidence that those who offer care are able to exercise proper judgement on those rare occasions when confidentiality needs to be broken.

12.4. Supervision

All those in a recognised pastoral relationship should be supported through a structure of formal reflective practice (called ‘supervision’). Each church or Circuit should have a supervision system in place for their pastoral workers, providing someone they can talk to, seek advice from and share with, in confidence, issues and concerns about a visit or a series of visits. This may be an experienced pastoral visitor, pastoral secretary, a lay pastoral worker, a presbyter, deacon or a professional

44. Care must be exercised to not prejudice or risk prejudicing any possible police investigation. See, for example, SO 022A(7B) for guidance.

45. www.methodist.org.uk

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supervisor. Details about possible models of supervision can be found on the Methodist Church website.⁴⁶

12.5. Self-Awareness

If the pastoral worker has an urge to pass on information, what is their motivation? Has the information shocked, alarmed or offended them? Has the information caused painful memories to surface from their own history? Is there a sense of power connected to knowing this information when others do not? On the other hand, would it help the person or people in the midst of a pastoral situation to pass the information on? If so, the person disclosing should be encouraged to share their own story, or give permission for it to be told. Three simple headings can help those in a pastoral relationship to develop their self-awareness in regard to confidentiality.

12.6. **When to tell**

When permission has been given by the 'owner of the story'.

When an individual/individuals will be at risk of harm if the information is not passed on.

When information has been disclosed about a serious criminal offence that has taken place or is planned.

In the context of supervision, with the prior knowledge of the individual that this may take place.

12.7. **What to tell**

What are the facts of the story? These need to be told without gloss or 'spin'. Only sufficient information should be passed on to enable the giving of support, practical help or informed prayer. Avoid sharing more than is needed.

In a supervision context it would be usual practice not to give details of names, but an outline of the situation and the pastoral worker's response.

12.8. **Who to tell**

Identify the most appropriate person (if any) to pass the information on to. Who can help or has the resources or access to support for the person concerned? Who will most appropriately support the pastoral worker in reflecting on what they have heard?

Identify any persons or groups who should not be told. It should not be assumed that the person concerned has told their family or friends.

It is not good practice for pastoral workers to share pastoral information about third parties with members of their family. People would not expect a GP to pass on to her spouse confidential medical information, yet often assumptions are made that to tell a pastoral worker information will lead automatically to their partner knowing. Boundaries of confidentiality need to be made clear to all concerned, and the family members of the person offering care should not be expected to carry the responsibility of holding such information.

46. Ibid.

12.9. Prayer Support

People's names and situations should only be mentioned in public worship and contexts of open prayer if they have given express permission. This applies to prayers written in books, hung on prayer trees and passed on to prayer chains and networks.

Care should be taken when a worship leader or preacher invites topics for intercessory prayer that people understand that they should only share information about people that is given with their permission.

12.10. Church Meetings

The limits of confidentiality within any church meeting need to be identified and kept to – not by implicit assumption but by explicit and agreed policy. Applying the general principles that information is only passed on when permission is given and that the person involved knows the context in which it will be shared will enable meetings to remain in good order.

Groups discussing the status of an individual need to be reminded of the confidential nature of their business.

Disciplinary proceedings of the Church operate under strict rules of confidentiality, which are fully explained in 'Complaints and Discipline in the Methodist Church: A Step by Step Guide to the Standing orders on Complaints and Discipline'.⁴⁷

12.11. Dual Roles

The boundaries of a pastoral relationship can be blurred. A pastoral visitor may also be a former nurse and a volunteer visitor at the local hospital. This may give her access to church members as patients, in which case it is important that she and the church member are both clear about which 'hat' she is wearing. It may be that pastoral support would need to be offered by a different member of the church or Circuit.

Sometimes the person offering care has dual responsibilities on behalf of the Church (eg, a Chair of District who is responsible for pastoral care of ministers as well as their discipline and their stationing). In such situations the status of the conversation should be made as clear as possible from the outset. The speaker should be asked to state what his or her expectations are. The listener should make it clear whether he or she is willing to be bound to complete confidentiality in advance and explain in what circumstance they would feel an obligation to share or use the information given.

47. Clifford Bellamy, *Complaints and Discipline in the Methodist Church: A Step by Step Guide to the Standing Orders on Complaints and Discipline*, Third Edition, MPH, to be published September 2008.

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If during the course of a pastoral conversation a listener realises that there is material that might need to be used in a context beyond pastoral support, the speaker should be told.

12.12. Multiple Contexts

A pastoral worker may have privileged knowledge of an individual from another context (eg, barrister, GP, counsellor). Best practice is that information disclosed by an individual remains within the geographical or professional context in which it was disclosed.

If a person has given permission for their situation to be prayed about by a prayer group and a member of that group has contact with them in another pastoral setting, it is not appropriate for that information to be shared in that other setting without permission being sought.

12.13. Multiple Needs

Where there are multiple parties within the church or within a family with a range of needs, different sources of pastoral support for those parties will need to be offered. This is particularly the case in a situation of abuse, where victim and perpetrator should not have the same pastoral supporter. It may also be that a church's pastoral system has visitors that care for particular groups within the life of the church, such as young people.

Confidentiality and Technology

12.14. Data storage

When a computer is passed on, sensitive and confidential data from the hard drive should be permanently deleted. Security software can be purchased to do this. Alternatively hard drives should be removed from equipment being disposed of.

Where data is stored in such a way that there is shared access, proper use of passwords should be made to limit access to appropriate persons. This is true of those whose computers are based at home and used by family members, as well as those who work in an office.

When data is stored on portable media, including: CD and DVD ROMs, floppy discs, USB drives, mobile phones and laptops, care needs to be taken to password protect files and machines.

If using a Wireless Local Area Network (WLAN) to store, send or receive confidential information, it is important to ensure that a high level of security encryption is enabled.

12.15. Social Networks and Websites

Sites such as Facebook and MySpace are increasingly popular and are used by many people as a source of support and friendship. People are often quite relaxed about the amount of information they disclose about themselves and possibly about others. It is important to apply the principle about 'who owns the story' in what is shared about others online.

12.16. Remote printing and faxing

If using fax machines or printers that are networked from a computer into another room, in a busy office for instance, it should be ensured that sensitive information is not left unattended.

12.17. Photocopiers

Originals of sensitive material should not be accidentally left on the photocopier; the next person to use the machine may not understand the confidential nature of what has been left for all to see. Some copiers retain a scan of a document until the next document has been copied. If a print run is interrupted (due to lack of ink or paper) it may be that the next person to use the machine finds that the outstanding copies print out when they have stocked up the paper or ink.

12.18. Email

In families and in offices it is not unusual for people to have shared mailboxes allowing general access. Where possible, in-boxes should be password protected.

Any email that contains personal data about a third party should only be sent with their permission and should be treated with the same care and attention as any other written information being passed on. It is important to take care not accidentally to 'reply to all' if the contents of your reply to an email should not appropriately be seen by the wider group. When emailing a group, if the members have not given permission for their details to be circulated within the group they should be mailed using the 'blind carbon copy' (ie bcc) facility.

12.19. Protecting contents

When sending documents, secure the contents against accidental or deliberate alteration by converting documents into a secure format such as PDF.

12.20. Mobile Technology

The same care should be taken in passing on texts as when using any other method of passing on information. It is important not to discuss personal details of individuals whilst using a mobile phone in a public place.

Documents, images, sound recordings and videos can easily be made and passed on using various kinds of mobile technology. If sending data by Bluetooth it is important to remember that unintended people may have their Bluetooth connectivity set to 'on' and be able to receive information. When sending confidential or potentially sensitive data it is important to target a particular device (phone or laptop), rather than use a general broadcast, which may be picked up by other devices within range.

12.21. Shredding

The increase in cases of identity theft has brought to light the need for careful disposal of sensitive or personal information. Documents containing personal details or confidential information should be shredded before binning or recycling.

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13. Recommendations

- 13.1. That this report be commended to the Methodist people, particularly pastoral committees, circuit staff and leadership team meetings and Synods, for reflection and as a resource to aid in the development of local pastoral policies.
- 13.2. That Section 12: **Guidelines For Good Practice in Confidentiality and Pastoral Care** be included in the Guidance section of CPD.
- 13.3. That Section 12: **Guidelines For Good Practice in Confidentiality and Pastoral Care** be made available on the Methodist Church Website and be accompanied by training resources targeted to those in the Church offering particular pastoral ministries.
- 13.4. That the Methodist Council be directed to prepare a scheme whereby presbyters, deacons and lay workers with pastoral responsibilities shall enter into formal arrangements for supported reflective practice.
- 13.5. That the Methodist Council in consultation with the Ordained Ministries Committee be requested to establish a working party to develop a suitable code of ethics for those involved in recognised pastoral roles (lay and ordained) in the life of the Church.
- 13.6. That information about models of pastoral supervision (such as that contained in the publication *Finding Support in Ministry* by Nick Helm and Philip Allin (Eds.), Grove, 2002) be included in the information pack that the Formation In Ministry office issues to all Probationers upon their being stationed in a Circuit.
- 13.7. That the Methodist Council be directed to explore the development of the use of personnel files for ministers.
- 13.8. That the Methodist Council be directed to arrange for a short guidance document of best practice in retaining records to be drawn up for churches and Circuits and made available by Methodist Conference 2009.
- 13.9. That the Pastoral Issues Resource Group of the Faith and Order committee be invited to consider whether now is the time to develop a theological statement on the nature of Pastoral Care in the Methodist Church, and report back to the Methodist Council.

*****RESOLUTION**

- 18/1. The Conference receives the report and adopts the recommendations contained within it.

Appendix 1: Memorials 77 & 78 from the Methodist Conference 2003

M77 COMMITMENT TO GOOD PRACTICE IN PASTORAL OVERSIGHT (1)

The Manchester (19/1) Circuit Meeting (Present: 91. Vote: unanimous) notes that the Methodist Church has an impressive record of commitment to principles of good practice in areas such as racial and gender relations, and over sexual harassment and the safeguarding of children. This Memorial asks the Conference to recognize that there is a need to clarify our commitment to good practice over the pastoral oversight of ministers and others who, because of their office, are in a special way under the Church's discipline. Experience suggests that there is a lack of consensus amongst us as to what constitutes good practice. We ask the Conference to recognize the anger and disaffection that results when there is a perception of malpractice. In consequence we urge the Conference to direct the Formation in Ministry office to convene a small working group to bring to the Conference for its adoption a **Statement on our Commitment to Good Practice in Pastoral Oversight**. It would be helpful if principles hidden in past Conference Agendas or in the minutes of connexional committees are brought together in one document and reaffirmed. In particular, through this statement:

- 1 We ask the Conference to reaffirm a fundamental principle embodied in the 1993 Statement on *Confidentiality and Pastoral Care*. This states concerning a confidence: **'If disclosure is to be made ... the prior permission of the person concerned should always be sought.'** (Paragraph 35.) The principle is more fully expounded in the earlier 1980 Statement: **'A confidant who feels obliged in conscience to divulge confidential information should first discuss the matter with the one who has divulged it, endeavouring to reach agreement on the course of action to be followed. Only in the most extreme cases should a breach of confidentiality be contemplated. Even then the one who has divulged the information should be informed, adequate reasons should be given, and his or her permission should be sought before any breach of confidence is contemplated.'** *Confidentiality and Pastoral Care (1980) 2(d)*.
- 2 We ask the Conference to affirm that if a minister's resignation is to be sought this should be the outcome of the due process of our disciplinary procedure with its safeguards and commitment to representation and justice. It is not the prerogative of any member of the Church to urge a minister to resign, thus pre-judging the outcome of the Church's processes. (*Conference Agenda 1997 Volume One, page 76.*) If it is judged that there may be such occasions then a clear code of practice needs to be clarified. Such a code of practice should explicitly exclude the use of any form of intimidation.
- 3 Further to the above we ask the Conference to affirm that disciplinary matters should be dealt with according to our procedures and that it is unacceptable for anyone to try to circumvent these procedures or to prejudge the outcome.
- 4 We ask the Conference to declare if and when it may be acceptable practice to initiate formal disciplinary proceedings against anyone without first attempting a pastoral conversation.

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- 5 We ask the Conference to declare whether or not it is ever acceptable to put pressure upon a minister, or indeed anyone else, to testify against another through breaking a confidence, and especially without that person's knowledge. If there are circumstances in which this is acceptable an appropriate code of practice needs to be defined.
- 6 We ask the Conference to declare that holders of connexional offices have a legitimate role in offering advice over disciplinary procedures, and that this may include offering the advice that there is a *prima facie* case to be answered. Beyond that they must allow the matter to be dealt with by the due processes of the Church and (unless they declare themselves to be speaking on behalf of the complainant or the respondent) maintain strict impartiality. This is so for their own protection. It is so because our procedures require at points connexional involvement and all parties need to be assured of the strict impartiality of those involved. (Eg, S.O. 022(B) 5.)
- 7 We ask the Conference to affirm as a general principle for the whole Church that embraced by the *Ministerial Candidates and Probationers Oversight Committee* (MCPOC) that no document which is critical of a minister, or anyone else in the Church, shall be placed in an official file without that person's knowledge and without that person being given the opportunity to respond. The Code of Practice determined by MCPOC states regarding **'any reports written on the student minister or probationer'** that **'they should already have been shared with the student minister or probationer in such a way that he or she can add comments.'** The principle is later affirmed **'Nothing should be said about a ... student minister... which is not said to that ... student minister...in such a way that he or she can respond to it.'**
- 8 More generally the Church needs to have a clear code of practice on what is kept on file about a minister, and others within the Church. It used to be the practice to shred all files on student ministers after their ordination. This practice was discontinued some five years ago but the Conference has yet to determine what is retained, in what place, for what purpose, and who might have access and for what reason.

We believe the principles outlined above express a commitment to transparency, openness and dialogue, and to maintaining personal relationships of respect and trust. All this belongs to the essence of pastoral oversight. The principles also express a commitment to basic fairness and justice within the common life of the Body of Christ.

Reply

The Conference understands that the Formation in Ministry Office has already instigated discussions about issues of good practice in pastoral oversight, confidentiality in pastoral relationships, and the keeping of records. These have been linked with discussions elsewhere about the need to clarify the links between pastoral, disciplinary, complaint and grievance procedures, and to review the terms and conditions of service of ministers and deacons. The Conference further understands that the Formation in Ministry Office has commissioned a writing group to produce a draft statement about these matters.

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The Conference therefore refers the Memorial to the Methodist Council for consideration and report in the light of that statement.

M78 COMMITMENT TO GOOD PRACTICE IN PASTORAL OVERSIGHT (2)

The Sheffield Synod (R) (Present: 175. Vote: for 150, against: 0) notes that the Methodist Church has an impressive record of commitment to principles of good practice in areas such as racial and gender relations, and over sexual harassment and the safeguarding of children. This Memorial asks the Conference to recognize that there is a need to clarify our commitment to good practice over the pastoral oversight of ministers, deacons and others who, because of their office, are in a special way under the Church's discipline. Experience suggests that there is a lack of consensus amongst us as to what constitutes good practice. We ask the Conference to recognise the anger and disaffection that results when there is a perception of malpractice. In consequence we urge the Conference to direct the Formation in Ministry Office to convene a small working group to bring to the Conference for its adoption a **Statement on our Commitment to Good Practice in Confidentiality issues in Pastoral and Disciplinary situations**. It would be helpful if principles that are already contained within past Conference Agendas or in the minutes of connexional committees are brought together in one document and reaffirmed.

Reply

The Conference makes the same reply as to M77.