

## 39. Committee on Methodist Law and Polity (2)

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### SECTION F

#### CREATION OF THE MINISTERIAL CANDIDATES SELECTION COMMITTEE

In adopting resolution 42/7 the 2013 Conference agreed to the creation of a single candidates selection committee to deal with both orders of Ministry. During the course of the year the Committee has consulted with the Ministries Committee to draft standing orders to give effect to this decision.

#### \*\*\*RESOLUTION

#### 39/1. The Conference amended Standing Orders as follows:

##### Section 32 Presbyters, Deacons, Lay Employees

- 320 ~~Presbyteral~~ Ministerial Candidates Selection Committee
- 321 Presbyteral Candidates and Probationers Oversight Committee
- 322 Stationing
- 323 Stationing Advisory Committee
- 325 ~~Diaconal Candidates Selection Committee~~
- 326 Diaconal Candidates and Probationers Oversight Committee
- 326A Appeals
- 327 Lay Employees
- 328 Youth and Children's Workers

##### 320 ~~Presbyteral~~ Ministerial Candidates Selection Committee.

(1) There shall be a connexional ~~Presbyteral~~ Ministerial Candidates Selection Committee appointed annually by the Conference and consisting of:

- (i) two Team members responsible for initial presbyteral **and diaconal** training and candidates, and
- (ii) not more than ~~seventy five~~ **eighty** other persons nominated by the Methodist Council of whom not more than twelve shall be ~~tutors from training institutions~~ **involved in initial ministerial training**.

***In addition, the Warden of the Methodist Diaconal Order shall have the right to attend meetings of the committee but shall have no vote.***

(2) *[revoked]*

(2A) If it becomes apparent that the number of members of the committee appointed under head (ii) of clause (1) above who are able to attend any of its meetings in a particular year will be insufficient for the proper conduct of the committee's business, the council shall co-opt as necessary further members who have appropriate prior experience. Such co-opted members will be members of the committee for the year of co-option only. Any such co-options shall be reported to the subsequent Conference.

**(3) (i) The committee shall recommend to the Conference Diaconal Committee the names of those to be accepted as candidates for the diaconate.**

**(ii) The committee shall recommend to the presbyteral session of the Conference the names of those to be accepted as candidates for the presbyterate.**

~~**325—Diaconal Candidates Selection Committee.**—(1) There shall be a connexional Diaconal Candidates Selection Committee appointed annually by the Conference and consisting of:~~

- ~~(i) the Warden of the Methodist Diaconal Order;~~
- ~~(ii) two other Team members responsible for initial presbyteral and diaconal training;~~
- ~~(iii) not less than twenty other members.~~

~~—(2) The Methodist Council shall bring nominations to the Conference for appointment under head (iii) of clause (1) above.~~

~~(2A) If it becomes apparent that the number of members of the committee appointed under head (iii) of clause (1) above who are able to attend any of its meetings in a particular year will be insufficient for the proper conduct of the committee's business, the Methodist Council shall co-opt as necessary further members who have appropriate prior experience. Such co-opted members will be members of the committee for the year of co-option only. Any such co-options shall be reported to the subsequent Conference.~~

~~(3) The committee shall recommend to the Conference Diaconal Committee the names of those to be accepted as candidates for the diaconate.~~

**326A Appeals.** The council shall appoint an Appeals Panel consisting of persons who are not members of the ~~Presbyteral or Diaconal~~ **Ministerial** Candidates Selection Committee ...

## **Section 71 Presbyteral and Diaconal Candidates**

- 710 Qualifications
- 711 Initial Procedure
- 712 District Candidates Committee
- 713 Connexional Committees
- 714 Overseas Candidates
- 715 Appeals
- 716 The Conference – Presbyteral Session

- 716A The Conference Diaconal Committee
- 717 The Conference – Representative Session
- 718 Change of Order of Ministry

## 710 Qualifications

[...]

(6) The connexional Presbyteral and Diaconal Candidates and Probationers Oversight Committees shall make recommendations as to exemptions from the requirements of clause (5) above to the ~~Presbyteral and Diaconal~~ **Ministerial** Candidates Selection Committees ~~respectively~~, who shall have the power to grant or withhold such exemptions.

(7) A person who was formerly a candidate for the presbyterate or the diaconate may not re-offer for either the presbyterate or the diaconate in the year following that in which his or her previous offer was declined unless advised to do so in writing by the ~~Presbyteral~~ **Ministerial** Candidates Selection Committee ~~or the Diaconal Candidates Selection Committee~~ when communicating the Conference's decision.

## 712 District Candidates Committee

(5) The committee shall meet to consider all the records pertaining to each candidate, and shall interview him or her. A report on the recommendation of the committee and the reasons for it, together with a record of the vote on the recommendation, shall be sent to the Connexional Team member responsible for presbyteral or diaconal candidates who shall forward them ~~as appropriate~~ to the ~~Presbyteral~~ **Ministerial** Candidates Selection Committee ~~or Diaconal Candidates Selection Committee~~. A copy of the report shall be made available to the candidate. A candidate not recommended to continue may nevertheless exercise the right to do so.

For the district Candidates Committee see Section 45 of Standing Orders.

(7) The recommendations of the district committee are made to the ~~relevant~~ connexional Selection Committee, but shall be reported to the Representative Session of the Synod.

**713 Connexional Committees.** (1) The ~~Diaconal~~ **Ministerial** Candidates Selection Committee shall examine all continuing candidates for the **presbyterate and the diaconate** and shall report directly to the **Presbyteral Session of the Conference in the case of presbyteral candidates and the Conference Diaconal Committee in the case of diaconal candidates**. ~~The Presbyteral Candidates Selection Committee shall examine all continuing candidates for the presbyterate and shall report directly to the Presbyteral Session of the Conference.~~

(2) ~~Each~~ **The** committee shall meet on or before the date determined by the Presbyteral and Diaconal Candidates and Probationers Oversight Committees as a whole or in two or more sections. Where ~~a~~ **the** committee meets in sections, each section may act on behalf of the whole committee.

(3) A connexional psychologist shall attend each meeting of ~~a~~ **the** committee or section, who shall consider the assessments received from those appointed under Standing Order 712(3), undertake such further observations or assessments as the committee may require and report fully to the committee.

(4) ~~Each~~ **The** committee or section may be further divided into panels of not less than six members to consider each candidate, conduct an oral examination and make recommendations to the full committee or section. The panel shall not include any person who has previously voted upon the candidate in a Circuit Meeting or district committee.

(5) ~~Each~~ **The** committee or section shall receive the recommendation of its panels, the reports of all interviews, the advice of the connexional psychologist and the medical reports of the specified doctors, and shall consider all records of the candidates. The committee **or section** shall at all times give careful attention to the judgments of the district Candidates Committee, especially in those cases where their own assessment differs.

(6) Where a panel's recommendation is not unanimous or is not in accord with a recommendation of the district committee for acceptance carried by a vote of at least 75% of those present and entitled to vote, the committee shall arrange for further detailed enquiries to be made. These may include personal interviews, meetings with further panels and oral examination as appropriate.

(7) (a) If the report by the specified doctor states there is no medical objection to the acceptance of the candidate the ~~Presbyteral or Diaconal Candidates Selection~~ Committee may recommend the candidate without further medical investigation.

(b) Where there is such an objection and the committee resolves nevertheless to recommend acceptance or conditional acceptance its recommendation shall be subject to the endorsement of the medical committee of the Methodist Council, which shall investigate all such cases and report to the Presbyteral Session of the Conference or the Conference Diaconal Committee, as the case may be.

(8) The selection committees shall report to the Presbyteral Session or the Conference Diaconal Committee, as the case may be, under the classification specified in clause (9) below, the vote for each candidate being recorded and no neutrals being allowed.

(9) The **selection** ~~Presbyteral Candidates Selection Committee and Diaconal Candidates Selection~~ Committee shall ~~each~~ have three classes in which it may report on candidates in accordance with clause (8):

- (i) Recommended: those candidates in respect of whom the committee recommends by a majority of 75% or more that, if accepted on that basis, they may proceed immediately or after deferment to pre-ordination training;
- (ii) Conditionally Recommended: those candidates in respect of whom the committee recommends by a majority of 75% or more that, if accepted on that basis, they must first fulfil a condition but, provided that condition is fulfilled within three years, may then proceed to pre-ordination training;

(iii) Not Recommended: those candidates whom the committee does not recommend by a sufficient majority, or whom it judges to be unsuitable or not called to the form of ministry for which they offered.

The report and the reasons given shall be made available to the candidate in writing.

(10) The committees may also advise on the desirable length and form of pre-ordination training for all candidates who are Recommended or Conditionally Recommended, shall make a judgment on any applications for deferment of pre-ordination training and, if it thinks fit, may for the purposes of Standing Order 710(7) advise a candidate whose offer is declined to re-offer in the following year.

**714 Overseas Candidates.** (1) A candidate for the presbyterate or the diaconate who wishes to be received for service based on the home Districts and who has been recommended by the appropriate committee of an autonomous conference shall appear before the ~~Presbyteral~~ **Ministerial** Candidates Selection Committee or ~~Diaconal Candidates Selection Committee~~ in Britain without first having been examined by the Candidates Committee of a home District.

For bases of ministry see S.O. 770.

**715 Appeals.** (1) The candidate or a Connexional Secretary, or with the candidate's consent the candidate's Superintendent or Chair, may, by notice given in writing to the secretary of the ~~Presbyteral~~ **Ministerial** Candidates Selection Committee or ~~Diaconal Candidates Selection Committee~~ within fourteen days of notification to the candidate in writing of the decision of the committee and specifying the ground(s) of appeal, apply for a review of the recommendation of the ~~relevant~~ committee, on one or more of the following grounds:

- (i) that the procedural provisions of this Section have not been correctly followed;
- (ii) that there are facts which were not available to the committee and which are such as to make its recommendation inappropriate;
- (iii) that the judgment of the committee, as conveyed to the candidate in the official letter informing the candidate that his or her offer has been declined, is questioned in writing by both the Superintendent and the Chair of the candidate.

A reasoned statement to support the appeal shall be supplied by the appellant(s). For (iii) above to be a ground of appeal, the district Candidates Committee must have recorded a majority in favour of the candidate of 75% of those present and entitled to vote.

(3) The **Appeals Committee** shall be supplied at its meeting with copies of the papers considered by the ~~relevant~~ Selection Committee and the secretary of that committee or **of the** section which dealt with the case shall expound its case for its recommendation.

(8) The Appeals Committee shall report to the Presbyteral Session of the Conference or the Conference Diaconal Committee, as the case may be, with the number of votes cast for and against its recommendation, no neutrals being allowed. Any recommendation at variance with that of the ~~relevant Candidates~~ Selection Committee shall require not less than six votes in favour.

## **718 Change of Order of Ministry**

(7) In the case of a presbyter, deacon or presbyteral or diaconal probationer, the district Candidates Committee shall meet to consider all the records pertaining to the candidate and interview him or her. In the case of a student presbyter or student deacon, the oversight committee of his or her training institution shall perform this function instead of the district Candidates Committee. A report on the recommendation of the committee and the reasons for it, together with a record of the vote on the recommendation and the mark awarded for the interview shall be sent to the Connexional Team member responsible for presbyteral or diaconal candidates as appropriate who will forward them to the ~~relevant~~ **Ministerial** Candidates Selection Committee. A copy of the report shall be made available to the candidate. A candidate not recommended to continue may nevertheless exercise the right to do so.

## **722 Pre-ordination training.**

[...]

(2) In the case of each person who is recommended by the ~~Presbyteral~~ **Ministerial** Candidates Selection Committee ~~or Diaconal Candidates Selection Committee~~ for acceptance as a candidate the Connexional Team member responsible for pre-ordination training shall ensure that any training recommendations made by the district Candidates Committee ~~or the, Presbyteral Candidates Selection Committee or Diaconal Candidates Selection Committee~~ are reviewed by a connexional allocations panel in the discharge of its responsibilities under clause (3) below.

## **730 Ministerial Transfer between Churches**

[...]

(3) So far as judged desirable, in each case, by the ~~Presbyteral or Diaconal~~ **Ministerial** Candidates Selection Committee, ~~as appropriate,~~ the requirements of clauses (4) and (5) of Standing Order 710 shall apply as if the applicant were a candidate offering for the presbyterate or the diaconate.

[...]

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

[...]

- (8) The ~~relevant~~ committee shall not recommend that an application be granted unless
- (i) the applicant has given the signed assurance required in clause (4)(iv) above and has satisfied the ~~relevant~~ committee of adherence to Methodist doctrines and discipline and, if offering for the diaconate, of commitment to the life of the Methodist Diaconal Order;
  - (ii) the Stationing Committee has approved outline provisions for the stationing of the minister including proposals about how she or he will exercise his or her

ministry and the terms and conditions of service under which she or he will serve, and the ~~relevant~~ Selection Committee is satisfied that the applicant is willing and able to fulfil them.

[...]

(13) (a) Notwithstanding clause (11) above, if the ~~relevant Presbyteral or Diaconal~~ **Ministerial** Candidates Selection Committee recommends that an application be accepted even though the applicant's own conference or equivalent authority refuses its consent to a transfer, the recommendation shall be reported to the Methodist Council, which shall consider the implications of the case for the relations between the Conference and the other conference or church, and shall advise the Conference whether the committee's recommendation be accepted.

[...]

(14) The Presbyteral Session of the Conference and the Conference Diaconal Committee shall consider the reports **received from** of the ~~Presbyteral and Diaconal~~ **Ministerial** Candidates Selection Committees ~~respectively~~ and (if applicable) the Appeal Committee on all applications for transfer under this Standing Order and make recommendations to the Representative Session of the Conference. No applicant shall be recommended or conditionally recommended for acceptance except by a vote of three fourths of the members of the recommending body present and voting. A similar majority shall be required for acceptance or conditional acceptance by the Conference in its Representative Session.

### **731 Former Ministers of other Churches applying to be received into Full Connexion.**

[...]

(2) Where such a person applies to be received into Full Connexion then the procedures of Standing Order 730 shall apply with the following variations:

- (i) The ~~Presbyteral or Diaconal~~ **Ministerial** Candidates Selection Committee shall inquire into the reasons why the applicant is no longer regarded as a presbyteral minister or deacon, and shall be satisfied that, if he or she had been applying for reinstatement under Standing Order 761, the application would have been granted.

[...]

## **SECTION G**

### **AMENDMENTS TO SECTIONS 03 AND 04, AND RELATED MINOR CORRECTIONS**

#### **a) Discontinuance under Section 03**

Proposals were brought to the Conference of 2013 jointly by the Ministries Committee and the Law and Polity Committee, to bring the treatment of students and probationers in cases where discontinuance from training or probation is being considered into line, where appropriate, with the treatment of ministers in relation to decisions by discipline and appeal committees under Part 11 (Complaints and Discipline). It was envisaged that in discontinuance cases there would still be an initial Review Committee and a right of appeal

to an Appeal Committee, as currently provided in Section 03 of Standing Orders, with the possibility of a further appeal to the Conference (or Conference Diaconal Committee, in the case of deacons). The proposed change was that in future the Review Committee and the Appeal Committee, as the case may be, would have the authority to make a final decision which would have immediate effect, subject to an appeal being brought, rather than – as at present – these committees simply making a recommendation to the Conference.

This proposal was adopted by the Conference of 2013. To achieve this change amendments to the Deed of Union were required, and the Conference provisionally adopted these amendments. The Conference directed the Law and Polity Committee to prepare the necessary changes in Standing Orders to give effect to these new arrangements. These changes to Section 03 are therefore proposed below, to be moved for adoption if the Conference this year confirms the amendments to the Deed of Union to be found in Report 5 in Agenda volume one.

In general they are intended to lay down the process which needs to be followed in order for committees to reach decisions rather than simply make recommendations. To ensure that such processes are as transparent and fair as possible, certain of the provisions intended to achieve clarity and natural justice in discipline cases have been adapted for use here, whilst accepting that discontinuance often raises very different issues. These proposals include the requirement for any appeal to be made on the basis of certain specified grounds.

One question of principle emerges. Hitherto any appeal rights in the process have only been for the student or probationer to exercise, with no such right for the secretary of the Review Committee or Appeal Committee. That was perhaps understandable in that what was in question was only a recommendation to the Conference or Conference Diaconal Committee, and therefore it was always open for the officer concerned to challenge any recommendation up to and at that final stage. It may be appropriate now to provide explicitly for the officer to have a right of appeal against a decision of the Review or Appeal Committee, and the amendments below offer that possibility.

#### **b) Appeal under Standing Order 040(11) (ministerial competence)**

Two points have arisen for consideration in relation to appeals made under SO 040(11). SO 040(6) provides for a committee to be convened to investigate whether there has been persistent or repeated failure by a minister adequately to fulfil his or her obligations. The committee has the duty to establish whether there has been such a failure, in whole or in part, and if so to determine what should in its judgment be done to remedy this; it has power to require the person concerned to comply with any reasonable conditions it judges may deal with the cause of this failure.

SO 040(11) then provides as follows:

The person concerned may within one week of receiving the written communication under clause (6) above appeal against the action of the committee to the President, and the President or the Vice-President on his or her behalf may appoint a

committee to hear the appeal and advise on a reply. The reply of the President or Vice-President upon the appeal shall be final.

First, should there be a requirement for the person appealing to state the grounds of his or her appeal? Secondly, does the word 'hear' denote the requirement for an *oral* hearing? The Law and Polity Committee would suggest that the answer to the first question should be 'yes'. This would follow what is regarded as good practice in other such processes within our system and would enable those involved to focus more clearly on the salient points at issue.

Secondly, when asked for an interpretation of the word 'hear', a number of legal practitioners on the committee took the view that this did not necessarily require an oral hearing, nor should it. However, it is obviously not a point which is clear to all those who need to operate the system and it should in any case be tested as a matter of policy. It is suggested that the provision should be that an oral hearing should only be held if any committee appointed to deal with the appeal thinks it necessary.

A new form of wording is offered for SO 040(11), which incorporates the committee's recommendations upon these points and clarifies the clause in one or two other respects. Finally, there are other aspects in which the wording of Sections 03 and 04 merits further attention to reflect more recent developments, and it is intended to give attention to these in the forthcoming connexional year. In particular, it is suggested that thought be given as to how the initial or appeal committee dealing with discontinuance, now that its decision to discontinue is capable of taking immediate effect, might make appropriate rulings about consequential arrangements affecting the student or probationer concerned. Meanwhile a provision is proposed to ensure that any such pastoral implications are not overlooked (see SO 036 below).

### **c) Minor corrections**

In drafting the provision about appeals to the Conference in a discontinuance case, it was noted that in the related instance of an appeal to the Conference in a discipline case a corrective amendment is needed in SO 1145(2), to ensure that the wording of sub-clause (b) is consistent with the rest of the clause, and that is proposed below.

A mistaken cross-reference in SO 1134(10) has also been noted, and a correction is proposed below.

### **\*\*\*RESOLUTIONS**

#### **39/2. The Conference adopted the Report.**

*To be moved if the resolution adopting the amendments to the Deed of Union is adopted*

#### **39/3. The Conference amended Section 03 of Standing Orders as set out below:**

##### **030 Scope of this Section.**

(2A) The provisions of Standing Orders 031 to 034 shall also apply ...

- (ii) ...;
- ((iii) the words “the student should cease training or the probationer be not continued on trial (as the case may be) following a request for consideration of such discontinuance made by the complaints team” shall be substituted for the words “accept the recommendation of discontinuance made by the relevant oversight committee” in Standing Order 031(4).**

**031 Initial Committee.** (1) When this Standing Order applies a connexional Review Committee, consisting of five persons, shall be appointed by the Secretary of the Conference, who shall appoint one member of the committee to be its secretary, and that committee shall be convened by its secretary to consider **and make a decision upon** the question of discontinuance ~~and make a recommendation to the Presbyteral Session of the Conference or the Conference Diaconal Committee as appropriate.~~

(1A) The member of the Connexional Team responsible for student presbyters, student deacons, presbyteral probationers or diaconal probationers, as the case may be, shall be responsible with the officers of the relevant oversight committee for collating and presenting a statement of the grounds for recommending discontinuance and any reports or other documents which it is intended to place before the connexional Review Committee. These shall be submitted to the secretary of the committee who shall immediately supply a copy to the student or probationer concerned. **The committee shall not meet until at least fourteen days after the copy or, as the case may require, the last of the copies, has been supplied.**

**(1B) The student or probationer concerned shall send to the secretary of the committee any material which he or she wishes to be put before the connexional Review Committee not less than seven days before the date fixed for its meeting, unless the person appointed to chair the meeting permits a late submission of such material upon being satisfied that such material could not have been sent earlier.**

**(1C) If, after making further inquiries in respect of the material supplied by the student or probationer under clause (1B) above, the person presenting the case for discontinuance (as determined by clause (2) below) wishes to put before the meeting the result of those inquiries, the committee shall not meet until at least seven days after the student or probationer has been informed of such result and sent any additional documents intended to be relied on. The date of the meeting shall, if necessary, be adjourned for this purpose. It may also be adjourned at the request of the person presenting the case where the chair of the committee has permitted a late submission of material by the student or probationer under clause (1B) above.**

**(1BD)** The secretary of the connexional Review Committee shall ensure that students and probationers are aware of their right to be accompanied each by a friend and shall

encourage and assist them to avail themselves of that right. To that end the President shall maintain a list of persons, including senior presbyters and deacons, willing to act as friends.

(2) At the meeting of the committee the case for discontinuance shall be presented by the appropriate member of the Connexional Team or officer of the oversight committee concerned, ***as may be agreed with the person appointed to chair the meeting***. The student or probationer shall have the right to attend and respond and to be accompanied by a friend, who shall also have the right to speak. ~~The committee shall not meet until at least fourteen days after the secretary has supplied to the student or probationer the statement of grounds and any other documents obtained in accordance with clause (1A) above.~~

(3) Members of the committee who wish to raise any matter not referred to in the written statement of grounds shall do so before the student or probationer leaves the meeting and both the person presenting the case for discontinuance and the student or probationer shall be given an opportunity to deal with it (for which purpose the meeting shall be adjourned if necessary); no fresh matter shall be raised after the student or probationer has left.

***(3A) The secretary of the Review Committee shall make the student or probationer aware of the importance of attending the meeting. If he or she then refuses or fails to attend, the committee must consider the reason for his or her absence and may adjourn for that purpose. The committee may then, if it thinks fit, hear the case for discontinuance and reach a decision in the absence of the student or probationer.***

~~—(3A) The meeting may also be adjourned at the request of the person presenting the case for discontinuance to enable him or her to make further inquiries in respect of material put before the meeting by the student or probationer of which less than seven days' notice has been given and to report the result of those inquiries to the meeting. Copies of any additional documents relevant to those inquiries shall be supplied to the student or probationer concerned not less than seven days before the adjourned meeting.~~

***(4) The committee shall decide whether to accept the recommendation of discontinuance made by the relevant oversight committee, solely on the basis of the documents supplied in accordance with this Standing Order, the submissions presented at the meeting and any other documents which both the person presenting the case for discontinuance and the student or probationer agree that the committee may consider, and shall record its reasons for its decision. Where the committee decides to accept the recommendation, the decision shall take effect as soon as the period within which an appeal can be made has expired without the giving of a notice of appeal.***

(4A) The secretary shall take notes of the proceedings ***which, together with the original*** written statement of grounds, ***any documents brought in evidence and the committee's***

**decision and reasons for it**, shall form the basis of the committee's report in the case of an appeal.

(5) The ~~recommendation~~**decision** of the committee shall be communicated to the student or probationer in writing.

**032 Right of Appeal. (1)** A student or probationer may appeal against a **decision in favour** ~~recommendation~~ of discontinuance from the connexional Review Committee to a connexional Appeal Committee **on one of the grounds set out in clause (2) below.'**

A student or probationer may appeal against a **decision accepting the** recommendation of discontinuance from the connexional Review Committee to a connexional Appeal Committee **on one of the grounds set out in clause (2) below.**

**(2) The grounds of appeal for the purpose of this Standing Order are:**

**(i) that there was a material procedural irregularity in how the matter was dealt with by the Review Committee;**

**(ii) that the Review Committee failed to take into account all relevant matters or took into account irrelevant ones;**

**(iii) that the decision of the Review Committee was against the weight of the evidence (proper regard being had to the need for the Review Committee to exercise its own judgment in reaching its decision);**

**(iv) that in the light of events occurring since the decision, or of evidence of which the person appealing could not reasonably be expected to have been aware at the time, substantial doubt has been cast upon the correctness of the decision.**

**033 Procedure on Appeals. (1)** A student or probationer who wishes to appeal shall within fourteen days of receiving notice of the ~~recommendation~~**decision of the connexional Review Committee** give notice of appeal in writing to the Secretary of the Conference. **The notice shall be accompanied by a written statement indicating on which of the grounds In Standing Order 032 the appeal is brought and the specific nature of any error, omission or other matter relied on.** ~~who~~**The Secretary** shall transmit it to the convener of the connexional Panel responsible for Appeal Committees under Standing Order 231(1). The convener shall arrange for the appeal to be heard ~~and for the committee's recommendation to be brought to the relevant body for decision under Standing Order 034~~**by a committee of three persons from the connexional panel appointed under Standing Order 231(1), chaired by a person qualified to do so under Standing Order 231(3).**

**(1A) The appeal will be by way of report and there will be no rehearing or further evidence, except evidence admitted under clause 032(2)(iv) above. Any such evidence not already supplied with the notice of appeal shall be provided by the student or probationer**

**to the convener no later than 14 days before the date of the meeting and copies shall be provided by the convener to the secretary of the connexional Review Committee and the members of the Appeal Committee no later than seven days before the date of the meeting.**

(2) At the meeting of the committee the secretary of the connexional Review Committee shall first present that committee's report.

(3) The student or probationer shall have the right to attend **and put forward his or her case on the basis of the grounds of appeal specified**, and respond and to be accompanied by a friend, who shall also have the right to speak.

(4) Members of the committee who wish to raise any matter not referred to in the report given under clause (2) above shall do so before the student or probationer leaves the meeting and both the secretary of the connexional Review Committee and the student or probationer shall be given an opportunity to deal with it (for which purpose the meeting shall be adjourned if necessary); no fresh matter shall be raised after the student or probationer has left.

**(4A) The convener of the Appeal Committee shall make the student or probationer aware of the importance of attending the meeting. If he or she then refuses or fails to attend, the committee must consider the reason for his or her absence and may adjourn for that purpose. The committee may then, if it thinks fit, hear the appeal and reach a decision in the absence of the student or probationer.**

**(5) The committee shall decide whether to uphold or dismiss the appeal solely on the basis of the documents supplied in accordance with this and the preceding Standing Order, the submissions presented at the meeting and any other documents which both the secretary of the connexional Review Committee and the student or probationer agree the committee may consider, and shall record its reasons for its decision. Where the committee decides to dismiss the appeal, the discontinuance shall take effect as soon as the period within which a further appeal can be made has expired without the giving of a notice of appeal.**

(6) [revoked].

(7) The ~~recommendation~~ **decision** of the committee shall be communicated to the student or probationer in writing.

**034 ~~Decisions upon Appeals~~ Reports upon Decisions. The secretary of the Review Committee or, if there has been an appeal, the reporting officer of the Appeal Committee, shall report to the next ensuing Conference in its Presbyteral Session, or to the Conference Diaconal Committee, as the case may require, any decisions made under this Section. ~~the recommended grounds for discontinuance, the ground of appeal, if any, and the Review~~**

~~Committee's recommendation. The Presbyteral Session or Conference Diaconal Committee shall consider the case in closed session and may uphold or vary the Review Committee's recommendation. Subject to the foregoing it shall determine its own procedure and its decision shall be final.~~

**035 Further appeal. (1) Either the secretary of the connexional Review Committee or the student or probationer concerned may, within fourteen days of receiving notice of the decision of an Appeal Committee, appeal against the decision by giving notice of appeal in writing to the Secretary of the Conference.**

**(2) An appeal may be made on any of the grounds set out in Standing Order 032(2), but so that references to the proceedings of the Review Committee are to be understood as including additionally or alternatively those of the Appeal Committee. When the person appealing gives notice under clause (1) above he or she must supply to the Secretary a written statement indicating on which of those grounds the appeal is brought and the specific nature of any error, omission or other matter relied on.**

**(3) Before bringing an appeal, the person appealing must obtain permission from the Appeal Committee to appeal against its decision. The committee may only give permission if one of the conditions set out in clause (4) below is satisfied.**

**(4) The conditions upon which permission to appeal may be given are that:**

**(i) the committee was evenly divided or reached its decision by a margin of one vote;**

**(ii) the committee in its discretion considers that there is some substantial matter to be resolved.**

**(5) The provisions of clauses (7), (8) and (9) of Standing Order 1144 apply, with the necessary modifications, to the seeking of permission from the Appeal Committee and to the receipt of a notice or statement under clause (2) outside the specified time limit.**

**(6) The appeal shall be heard by a committee of 15 persons appointed by the President or the Vice-President and comprising:**

**(i) in cases involving presbyteral probationers and students, 15 persons appointed from among the members of the Presbyteral Session of the preceding Conference, and, if it proves impractical to find 15 such persons qualified and able to hear the appeal, from among the members of the Representative Session;**

**(ii) in cases involving diaconal probationers and students, the Conference Diaconal Committee constituted in accordance with clause 25A(b) of the Deed of Union, supplemented, if the number of members of this body qualified and able to hear the**

***appeal is fewer than 15, by persons appointed from among the members of the Representative Session of the preceding Conference.***

***The persons appointed shall, in the judgment of the President or Vice-President, as the case may be, represent the diversity of the Conference and include such of the officers specified in Standing Order 101 as he or she determines.***

***(7) The committee shall include as the person presiding the President or a past President or, in a case falling under clause (6)(ii), the Vice-President or a past Vice-President. Any past President or Vice-President presiding shall, if possible, be a member of the preceding Conference.***

***(8) The committee shall meet at a time determined by the President or Vice-President making the appointment.***

***(9) The appeal will be by way of report and there will be no rehearing or further evidence, except evidence admitted under Standing Order 032(2)(iv).***

***(10) The process to be followed in preparation for, and during, the hearing of the appeal shall be within the discretion of the person presiding, having taken the necessary procedural advice from the appropriate Conference officers and subject always to the overriding requirement that all persons involved should be treated fairly and receive a fair hearing.***

***(11) The findings of the committee have the effect of findings of the Conference and shall be recorded in the Journal.***

***036 Pastoral care. It is the responsibility of the Secretary of the Conference to ensure that the student or probationer and those connected with him or her are entrusted to appropriate pastoral care both during the discontinuance process and at its conclusion, and in particular to ensure, where a Review Committee or Appeal Committee decides upon discontinuance, that any consequential steps requiring to be taken are taken with appropriate pastoral regard to the implications of any discontinuance occurring part way through a connexional or academic year.***

***037 Notice Provisions. The provisions of Standing Order 1156 as to the giving of notice of decisions apply to any notice required to be given under the provisions of this Section.***

**39/4. The Conference amended Standing Order 040(11) as follows:**

**040 Failure to Fulfil Obligations**

...

(11) The person concerned may within ~~one week~~ **two weeks** of receiving the written communication under clause (6) above appeal against the action of the committee to the President ***in writing, setting out the reasons for the appeal.*** ~~and the~~ **The** President or the Vice-President on his or her behalf ***shall consider the documentary evidence before the committee including any notes of meetings and the committee's record of its decision and the reasons for it, or*** may appoint a committee ***of not more than three persons from the connexional Panel established under Standing Order 231(1) to consider the appeal on his or her behalf (holding a hearing for the purpose if the committee thinks it necessary)*** ~~to~~ ~~hear the appeal~~ and advise on a reply. The reply of the President or Vice-President upon the appeal shall be final.

**39/5. The Conference, by way of corrections, amended Standing Orders as follows:**

**a) SO 1134(10)** In all cases the committee must also deal with the matters specified in Standing Order ~~1151~~ **1150**.

**b) SO 1145 Proceedings on a Further Appeal**

...

(2)(a) All other appeals must be heard by a committee of 15 persons (in this Standing Order referred to as 'the committee') appointed by the President or the Vice-President in accordance with sub-clause (b) below.

(b) The committee shall comprise:

- (i) in cases against presbyters, presbyteral probationers and presbyteral students, 15 persons appointed by the President from among the members of the Presbyteral Session of the preceding Conference, and, if it proves impractical to find 15 such persons qualified and able to hear the appeal, from among the members of the Representative Session;
- (ii) in cases against deacons, diaconal probationers and diaconal students, the Conference Diaconal Committee constituted in accordance with clause 25A(b) of the Deed of Union, supplemented, if the number of members of this body qualified and able to hear the appeal is fewer than 15, by persons appointed by the President ***or the Vice-President*** from among the members of the Representative Session of the preceding Conference;
- (iii) in other cases, 15 persons appointed by the President ***or the Vice-President*** from among the members of the Representative Session of the preceding Conference.

## SECTION H

### SAFEGUARDING

#### Report

1. The Safeguarding report to the Plymouth Conference (Agenda page 177ff.) contained six resolutions, all adopted by the Conference. Resolutions 19/1 to 19/5 contained immediately effective directions of the Conference and so did not require any changes to Standing Orders to give effect to them. Resolution 19/6 was in the following terms:

“The Conference supports the matters of principle highlighted by the Safeguarding Advisory Panel and directs that they be referred to the Law and Polity Committee for guidance on implementation.”

2. The matters of principle upon which “guidance on implementation” was sought are to be found in section 4 of the Safeguarding report (Agenda page 182 ff.) and are as follows:
  - (1) Safeguarding issues are present in other processes not covered by the Safeguarding Advisory Panel, such as complaints and discipline, suspension, reinstatement and appeals. In such processes there should be consideration of whether safeguarding concerns are present and there should be a mechanism so that, if so, the matter is referred to the Safeguarding Advisory Panel for consideration.
  - (2) There is currently no route into the complaints and discipline process for a matter under consideration by the Safeguarding Advisory Panel other than by referral to a local complaints officer. In such matters there ought to be the possibility of referral directly to the connexional Team member responsible for matters of complaints and discipline as if the Safeguarding Advisory Panel were acting as “the initial inquiry team”.
  - (3) Where a previous complaint or discipline process has left a situation where a safeguarding risk remains or where a risk recurs after the process has ended, or where new information comes to light which requires a reassessment of risk, there should be a mechanism whereby the matter can be referred back for reconsideration within the complaints and discipline process.
  - (4) Standing Order 010 refers to new appointments but does not cover the situation of someone already in post for whom SO 010 would in all other respects have applied had they been entering a new appointment.
3. More recently, the Law and Polity Committee has been asked to consider revision of Standing Order 010 to include vulnerable adults within its scope as well as the specific concern raised in the report to the 2012 Conference.
4. The Connexional Safeguarding Officer has commented that it will not always be necessary for a full panel to be convened from the Safeguarding Advisory Panel in

order to address the issues raised by a particular case. It is therefore appropriate that any amendments should provide for appropriate flexibility.

5. The Committee's guidance on implementation is set out in paragraphs 6 to 11 below.
6. The Committee agrees that there should be a mechanism by which safeguarding issues arising in the course of other processes can be referred to the Connexional Safeguarding Adviser or the Safeguarding Advisory Panel, as appropriate, in order to obtain the benefit of their expertise. This will require amendments to the Standing Orders governing suspension generally (SO 013), reinstatement (SO 761) and complaints and discipline (SO 1102) to provide for referral and to SO 232, which establishes the Safeguarding Advisory Panel. We do not think that any separate provision is required for appeals, if the appeals referred to are appeals in the course of the complaints and discipline process. It was subsequently suggested that candidating and probationers' committee processes should also contain such a mechanism, which will require amendments to SOs 713 and 725. Draft amendments are set out below.
7. The Committee agrees that it should not be necessary for the Safeguarding Advisory Panel to proceed through a local complaints officer. Instead, the work of the Panel should take the place of the work of the local complaints officer. This issue is addressed by the draft amendment to SO 1102(10).
8. The point set out in paragraph 2(3) above raises difficult issues. In principle, once the complaints and discipline process is completed, it would not normally be expected that a matter should be referred back and the process be reopened. The Committee therefore takes the view that where new information comes to light it should form the basis of a new complaint if a complaint could properly be made. Where a risk recurs or new information points to the need for reassessment, the matter is one for the Safeguarding Advisory Panel rather than the complaints and discipline process, unless it arises from a failure to comply with the terms of penalty already imposed. An identified risk which has not been dealt with as part of the complaints and discipline process (possibly because the person presenting the risk is neither the complainant nor the respondent) should similarly be referred to the Panel or dealt with by a fresh complaint. The new SO 1102(9) and (10) are intended to cover the various situations within the complaints and discipline process which the Committee understands may arise.
9. The Safeguarding report was written before the amendments to SO 010 adopted by the Conference of 2012 were available in draft form. Those amendments were intended to address the problem of the office holder or employee who is convicted or accepts a caution after appointment in circumstances in which he or she would have been barred if the appointment had not yet been made. As the Committee understands it, the Panel felt that some immediately effective provision was required despite the existing availability of suspension, as well as the complaints and discipline process and the terms of the contract of employment, if any. The new SO 010(6) to (8) attempted to tackle that but also to provide a route by which

authorisation to continue in office could be obtained in a manner similar to the provisions for authorisation before appointment. The Committee's view is that no further amendments to address this particular issue are required.

10. From subsequent discussion, however, it appears that there remains a concern that, whether or not the complaints and discipline process has previously been followed, information may come to light as a result of which the Safeguarding Advisory Panel takes the view, following an assessment of the risk posed by a particular office-holder, that that office-holder should not be permitted to continue to exercise his or her office. Such situations present great difficulty for the Church. They are not appropriately dealt with under the complaints and discipline process when the information was not known at the time, since the concern is primarily based not on what has been done in the past but on an assessment of future risk.
11. The way in which this concern should be addressed is a matter of policy and not one for the Committee, except in so far as the Committee may express views on whether or not any proposals are consistent with the polity of the Methodist Church. On the footing, however, that the Safeguarding Advisory Panel believes that as a matter of policy some provisions to deal with this concern are required and that those provisions should be analogous to the complaints and discipline process, the draft amendments set out below include a new Standing Order 013C which contains a power for the Secretary of the Conference, on a recommendation of the Safeguarding Advisory Panel, to direct a minister, local preacher or member to cease to exercise the functions of an office. There are provisions for appeal against such a direction to a Pastoral Committee and for applications for review which may lead to the withdrawal of a direction. The Committee offers this draft to the Conference for its consideration.

### \*\*\*RESOLUTIONS

**39/6. The Conference adopted the Report.**

**39/7. The Conference amended Standing Orders as follows:**

#### **SO 010(2)**

- (i) "... or who otherwise poses a risk to children, ~~or~~ young people **or vulnerable adults** shall undertake work with children, ~~and~~ young people **or vulnerable adults** in the life of the Church;"
- (ii) "... sexual offences against children **or vulnerable adults** shall be appointed **or re-appointed** to any office, post or responsibility or engaged **or re-engaged** under any contract..."

#### SO 010(5)

- (i) "... to undertake work with children, ~~and~~ young people **or vulnerable adults** in the life of the Church ..."
- (ii) "... the granting of the permission will not expose children, ~~or~~ young people **or vulnerable adults** to the risk of harm."
- (iii) "... the entry into the contract will not expose children, ~~or~~ young people **or vulnerable adults** to the risk of harm."

#### SO 010(6)

- (d) ***Nothing in this sub-clause (6) prevents the exercise of the power to suspend contained in Standing Order 013.***

#### SO 013

- (3)(a) "... is subject to an insolvency process as defined in sub-clause (c) below, **or where a safeguarding issue has arisen**, or that for the preservation of good order ..."
- (d) ***Where the power given by sub-clause (a) above is exercised on the ground that a safeguarding issue has arisen, the responsible officer shall immediately refer the matter to the safeguarding officer (as defined in Standing Order 232(1A)), who may offer advice or refer to the matter to the Safeguarding Advisory Panel for its advice and recommendations.***

#### SO 013C Safeguarding and the Exercise of Office.

- (1) ***The Methodist Church believes that it has a particular responsibility to children, young people and vulnerable adults to take all reasonable steps to protect them from the risk of harm.***
- (2) ***In order to discharge that responsibility the Secretary of the Conference may, on a recommendation to that effect of the Safeguarding Advisory Panel made under Standing Order 232(2)(iiiC), give to any minister, local preacher or member a direction that he or she shall cease to exercise any or every office in the Church, or shall cease to exercise particular functions, powers or responsibilities of any such office, until such time (if any) as the direction may be withdrawn in accordance with the provisions of this Standing Order.***
- (3) ***A direction under clause (2) above shall be given in writing and shall be accompanied by a copy of the recommendation made by the Safeguarding Advisory Panel and any additional grounds on the basis of which the Secretary of the Conference has decided to accept the recommendation.***

***(4) The Secretary of the Conference shall not exercise the power given by clause (2) above if he or she believes that the matters relied on to support the recommendation could be addressed in accordance with Standing Order 013 (the general power to suspend) and Part 11 (the complaints and discipline process) without any increase in risk to children, young people or vulnerable adults.***

***(5) In the subsequent provisions of this Standing Order a “direction” means a direction given by the Secretary of the Conference under clause (2) above and a “directed person” means a person to whom a direction has been given.***

***(6) The directed person may appeal to the Pastoral Committee against any direction as if the direction were a suspension imposed by the responsible officer under clause (3) of Standing Order 013 and the provisions of clause (6) of that Standing Order shall apply accordingly, except that the powers of the Pastoral Committee shall be limited to withdrawing or maintaining the direction. The decision of the committee shall be communicated to the directed person in writing.***

***(7) There shall be no appeal from a decision of the Pastoral Committee under clause (6) above, but without prejudice to the right to apply subsequently for the withdrawal of the direction in accordance with the provisions of this Standing Order.***

***(8) Subject to clause (9) below, whether or not the directed person has appealed to the Pastoral Committee, he or she may apply to the Safeguarding Advisory Panel for a review of the recommendation on the basis of which the relevant direction was made. Any such review shall take the form of a complete reconsideration of the reasons for which the Safeguarding Advisory Panel concluded that a safeguarding risk existed in respect of the directed person and of any new material relevant to the question whether such a risk continues to exist, and the members of the Panel conducting the review shall not have been involved in making the original recommendation or (unless a review could not otherwise take place) in conducting a previous review. On review the Panel may decide to make the same recommendation as was previously made, to make a different recommendation or to make no recommendation. The decision of the Panel, together with its reasons, shall be communicated to the directed person in writing.***

***(9) No application for review under clause (8) above may be made within a year of the date on which the relevant direction was made or of the date on which the Pastoral Committee dismissed any appeal brought under clause (6) above or clause (11) below, or within 3 years from the date on which the decision of the Safeguarding Advisory Panel on a previous application for review was notified to the directed person.***

***(10) If on review the Safeguarding Advisory Panel decides that the previous recommendation should be varied, it shall immediately so inform the Secretary of the***

*Conference, who shall withdraw the existing direction but (subject to clause (3) above) may make a new direction in place of the existing direction if the Panel so recommends.*

*(11) If on review the Safeguarding Advisory Panel decides that the previous recommendation should not be varied or that a different recommendation should be made, the directed person may appeal to the Pastoral Committee against the maintained direction or any new direction made by the Secretary of the Conference as if he or she were appealing against the original direction.*

*(12) When a direction is made against a minister under this Standing Order the Circuit or other body responsible shall continue to provide his or her stipend for the remainder of the connexional year or for the period of six months from the date of the direction or the dismissal of any appeal against the direction brought under clause (6) above, whichever is the shorter, and shall also reimburse the minister for all expenses within Standing Order 801(2) which continue during that period, and he or she shall for the same period be entitled to continue residing in the manse or other accommodation provided. Thereafter he or she shall be treated as a minister without appointment under Standing Order 774 but the second part of clause (10) and the whole of clause (11) shall not apply.*

*(13) When a direction is made against a probationer under this Standing Order the Circuit or other body responsible shall continue to provide his or her stipend for the remainder of the connexional year or for the period of six months from the date of the direction or the dismissal of any appeal against the direction brought under clause (6) above, whichever is the shorter, and shall also reimburse the probationer for all expenses within Standing Order 801(2) which continue during that period, and he or she shall for the same period be entitled to continue residing in the manse or other accommodation provided. Thereafter he or she shall be treated as if a connexional Review Committee had made a decision to accept a recommendation for discontinuance and no appeal had been brought against that decision.*

*(14) Any Circuit or other body making any payment or providing any accommodation under clause (12) or (13) above may apply for a discretionary payment under Standing Order 365(7).*

**SO 232**

*(2) (iiiA) to act upon any referral to it by the safeguarding officer following referral to that officer made under Standing Orders 713(7A), 725(6), 761(15), 1102(9) or 1102(10) or otherwise made as a result of the operation of any of the processes of the Church as determined by Standing Orders by carrying out such investigations and making such recommendations to the referring person or body as it thinks fit;*

*(iiiB) to make recommendations to the Secretary of the Conference, upon a reference by the safeguarding officer, as to the action to be taken in respect of any*

*minister, local preacher or member of the Church who has been the subject of a complaints and discipline process (whether under Part 11 of these Standing Orders or a previous form of process) and in respect of whom a safeguarding risk remains or recurs or where new information requires a reassessment of the risk;*

*(iiiC) without prejudice to paragraph (iiiB) above, to recommend to the Secretary of the Conference that a direction under Standing Order 013C be given to any minister, local preacher or member of the Church and to review any such recommendation. Any such recommendation shall be in writing and may be made only on the ground that there is a safeguarding risk in respect of that person, and the reasons for which the Panel believes that ground to exist shall be set out as part of the recommendation.*

**SO 713**

*(7A) If at any stage in the operation of the procedure set out in clauses (1) to (7) above it appears to any of the persons involved or to a panel, a section or the committee that safeguarding issues or concerns are, or may be, involved, then the matter shall immediately be referred to the safeguarding officer (as defined in Standing Order 232(1A)), who may offer advice or refer the matter to the Safeguarding Advisory Panel for its advice and recommendations.*

**SO 725**

*(6) If at any stage in the operation of the procedure set out in clauses (1) to (5) above (so far as applicable) it appears to any of the persons involved or to a committee that safeguarding issues or concerns are, or may be, involved, then the matter shall immediately be referred to the safeguarding officer (as defined in Standing Order 232(1A)), who may offer advice or refer the matter to the Safeguarding Advisory Panel for its advice and recommendations.*

**SO 761**

*(15) If at any stage in the operation of the procedure set out in clauses (1) to (14) above it appears to any of the parties involved or to the interviewing committee that safeguarding issues or concerns are, or may be, involved, then the matter shall immediately be referred to the safeguarding officer (as defined in Standing Order 232(1A)), who may offer advice or refer the matter to the Safeguarding Advisory Panel for its advice and recommendations.*

**SO 1102**

*(9) If at any stage in the investigation of a complaint or the pursuit of a charge issues emerge which raise safeguarding concerns, whether the concerns are as set out in clauses (7) and (8) above or of a more general nature, and whether or not the*

*concern relates to the complainant or the respondent, then the person or body then dealing with the complaint or charge must immediately refer the matter of concern for consideration by the safeguarding officer (as defined in Standing Order 232(1A)), who may offer advice or refer the matter to the Safeguarding Advisory Panel for its advice and recommendations. The relevant connexional Team member must be informed of the referral.*

**(10)** *The Safeguarding Advisory Panel, on a referral to it of any matter under clause (9) above or in the fulfilment of its functions under Standing Order 232, and without prejudice to those functions, may investigate any such matter as if it were a local complaints officer with all the powers and responsibilities of such an officer but following its own procedures as set out in Standing Orders.*

**(11)** *Where clause (9) above applies, the person or body making the referral shall determine, having received the advice of the safeguarding officer or the Safeguarding Advisory Panel on the point, as the case may be, whether the investigation of the complaint or the pursuit of the charge can continue while the matter is under consideration or investigation by the safeguarding officer or the Panel or whether the investigation or pursuit must cease for the time being. In the latter case, the time limits contained in this Part shall, to the extent necessary, be suspended.*

## **SECTION I**

### **CONFIDENTIALITY IN THE COMPLAINTS AND DISCIPLINE PROCESS**

#### **Report**

1. As is made clear in Standing Order 1104, the complaints and discipline process is a confidential process and obligations of confidentiality apply not only to those involved in operating the process but also to the complainant and the respondent: see SO 1104(7).
2. Unfortunately, experience shows that all too frequently both complainants and respondents fail to comply with the obligation of confidentiality. Moreover, the widespread use of social media means that when breaches occur, confidential material is often wrongly shared with a very large number of people and neither the Church nor the parties to the complaint are likely easily to be able to control its further dissemination.
3. The steps which can be taken to deal with breaches of confidentiality and their consequences are somewhat limited at present. The Church can, of course, make a public statement, but to do so may well give further publicity to confidential material, even if the purpose of the statement is to set the record straight. Legal

proceedings, for example for defamation or breach of confidence, might be issued, but the complexities and costs of proceedings are likely to be a substantial deterrent. A fresh complaint can be made against the respondent or against the complainant if she or he is a minister or member of the Church, but that will involve delay at best and does not provide a sanction in the matter in relation to which confidence has been broken. It is also a course which is unavailable if the complainant is neither a minister nor a member.

4. The Committee has therefore sought to find some way of underlining the importance attached to confidentiality and deterring breaches of confidentiality by making it possible for sanctions to be imposed in the matter already the subject of the process. In broad terms, what is now proposed is that the provisions of Part 11 (complaints and discipline) should be amended so that where confidentiality is broken:
  - (1) restrictions may be placed on the disclosure or unconditional disclosure of further information to the person in breach;
  - (2) the complainant is liable to be excluded from further participation in the complaints and discipline process;
  - (3) a complaint of breach of confidentiality by the respondent may be dealt with concurrently with the existing process.

The difference in treatment between the complainant and respondent shown in (2) and (3) above is suggested because once a complaint reaches a complaints team the continued involvement of the complainant is not essential, although it will frequently be desirable, whereas clearly the respondent cannot be excluded from further participation. It is therefore necessary that there should be different sanctions.

5. The amendments which would be necessary to give effect to these proposals are set out below.

### **\*\*\*RESOLUTIONS**

**39/8. The Conference adopted the Report.**

**39/9. The Conference amended Standing Orders as follows:**

#### **SO 1104**

(7) The complainant and the respondent and any person who has brought a complaint under previous Standing Orders relating to complaints and discipline or had such a complaint made against him or her must observe at all times the confidentiality of those proceedings. *The provisions of Standing Order 1157 apply if there is any breach of this obligation.*

**SO 1157 Breaches of Confidentiality.**

**(1) In this Standing Order, “the conducting officer” means the person who most recently became responsible, with respect to a particular complaint or charge, for exercising the functions of:**

- (i) a local complaints officer;**
- (ii) the lead member of a complaints team;**
- (iii) the chair of a discipline committee;**
- (iv) the chair of an appeal committee;**
- (v) the person presiding or intended to preside at the hearing of an appeal to the Conference.**

**(2) If a complainant is in breach of the obligation of confidentiality imposed by Standing Order 1104(7) in relation to a particular complaint or charge, the provisions of clause (3) apply.**

**(3) Subject to clause (4) below, where this clause applies the conducting officer may:**

- (i) decline to provide the complainant with copies of further documents or further information in connection with the relevant complaint or charge until the complainant has provided a written acknowledgment that all documents and information already received or hereafter received in connection with that complaint or charge are confidential and a written undertaking to comply with Standing Order 1104(7) at all times;**
- (ii) decline to provide the complainant with copies of further documents or further information in connection with that complaint or charge at all;**
- (iii) determine that the complainant shall be excluded from further participation in the complaints and discipline process relating to that complaint or charge either altogether or as set out in the determination.**

**(4) The powers given by clause (3) above may be exercised more than once in relation to the same process and either by the same conducting officer or by different conducting officers and either on the same occasion or different occasions but so that:**

- (i) any exercise of the powers must be in writing and must identify the breach of the obligation of confidentiality which is the ground for the exercise of the power;**
- (ii) the powers may not be exercised more than once as a result of the same breach, but the conducting officer from time to time may take account of**

*any and all previous breaches in deciding whether and if so in what manner to exercise the powers under clause (3) if there is a subsequent breach;*

- (iii) when a new person becomes the conducting officer, he or she may decide to vary any exercise of the powers by a previous conducting officer, but may not do so in a way adverse to the complainant;*
- (iv) no power under clause (3) may be exercised while a determination that the complainant is excluded from further participation in the complaints and discipline process altogether remains in force;*
- (v) the power under clause (3)(i) or (ii) may not be exercised on an occasion on which a determination that the complainant is excluded from further participation in the complaints and discipline process altogether is made;*
- (vi) the powers under clause (3)(i) and (ii) may not both be exercised on the same occasion and the power under clause (3)(i) may not be exercised while an exercise of the power under clause (3)(ii) above remains in force;*
- (vii) if the conducting officer is a local complaints officer, he or she may not exercise the power under clause (3)(iii).*

*(5) If a respondent is in breach of the obligation of confidentiality imposed by Standing Order 1104(7) in relation to a particular complaint or charge, the provisions of clause (6) apply.*

*(6) Subject to clause (7) below, where this clause applies the conducting officer may:*

- (i) decline to provide the respondent with copies of further documents or further information in connection with the relevant complaint or charge until the respondent has provided a written acknowledgment that all documents and information already received or hereafter received in connection with that complaint or charge are confidential and a written undertaking to comply with Standing Order 1104(7) at all times;*
- (ii) determine that the complaint or charge shall thereafter be dealt with as if it included a complaint by the complainant or charge prepared by the Presenting Officer on a referral in accordance with Standing Order 1130(1) (as the case may require) relating to that breach.*

*(7) The powers given by clause (6) above may be exercised more than once in relation to the same process and either by the same conducting officer or by different conducting officers and either on the same occasion or different occasions but so that:*

- (i) any exercise of the powers must be in writing and must identify the breach of the obligation of confidentiality which is the ground for the exercise of the power;*

- (ii) the powers may not be exercised more than once as a result of the same breach, but the conducting officer from time to time may take account of any and all previous breaches in deciding whether and if so in what manner to exercise the powers under clause (6) if there is a subsequent breach;*
- (iii) when a new person becomes the conducting officer, he or she may decide to vary any exercise of the powers by a previous conducting officer, but may not do so in a way adverse to the complainant;*
- (iv) when a conducting officer makes a determination under clause (6)(ii) at any time after a referral under Standing Order 1130(1), he or she must also direct the relevant Presenting Officer to prepare a charge in relation to the breach of the obligation of confidentiality on the basis of the material contained or referred to in the determination (copies of which must be supplied to the Presenting Officer for the purpose).*

*(8) A conducting officer who becomes aware of a breach of the obligation of confidentiality but does not exercise his or her powers under clause (3) or, as the case may be, clause (6) in relation to that breach must pass to the person who next becomes the conducting officer all the information which he or she has in relation to that breach.*

*(9) The powers given by this Standing Order:*

- (i) are exercisable without prejudice to the exercise by any person of any right or power, whether under this Part 11, any other Standing Orders or arising in any other way;*
- (ii) are exercisable by a conducting officer although a previous conducting officer, being aware of a breach of the obligation of confidentiality, has not exercised any of those powers, unless that conducting officer formally considered the exercise of those powers and gave notice in writing to the person in breach of the obligation of his or her decision not to do so, stating the reasons for that decision;*
- (iii) override any other provisions of this Part 11, in the case of conflict.*

*(10) There is no right of appeal against the exercise of the powers given by clause (3) and (6) above, but if the complainant or respondent (as the case may be) satisfies the conducting officer (whether the conducting officer who exercised the power or another conducting officer) that the apparent breach of confidence on the basis of which such a power was exercised did not in fact occur, the relevant exercise is to be treated as if it had not taken place and all necessary steps must be taken to put the complainant or respondent in the position in which he or she would have been but for the exercise, so far as reasonably practicable.*

**(11) For the avoidance of doubt, a person does not commit a breach of the obligation of confidentiality by:**

- (i) disclosing confidential material to a person acting as a friend or representative for the purposes of the provisions of this Part or to a member of the relevant district Complaints Support Group;**
- (ii) disclosing confidential material to another person or persons for the purpose of obtaining pastoral support, provided that if the complaint has gone beyond the informal complaint stage the requirements of clause (12) below are satisfied.**

**(12) The requirements referred to in clause (11)(ii) above are that:**

- (i) the name of the person or persons to whom disclosure is to be made must be given to the conducting officer in advance of disclosure; and**
- (ii) any person to whom disclosure is to be made must agree to treat the disclosed material as confidential.**

## **SECTION J**

### **SECRETARY OF THE CONFERENCE**

#### **Report**

Should the Conference approve resolution 25/1 there will need to be a number of Standing Order amendments to reflect the changes in the role of the Secretary and his or her relationship to other office-holders and connexional bodies. These will be intended to come into effect with the new appointment on 1 September 2015. However, it would be helpful if certain key provisions were agreed at this year's Conference in order to inform the nomination process which is being undertaken. Further consequential changes will then be brought to the Conference of 2015.

*N.B. The Conference approved Resolution 25/1. Daily Record 7/15/2.*

#### **\*\*\*RESOLUTION**

**39/10. The Conference adopted the amendments to Standing Orders set out below and directed that they shall come into effect on the 1 September 2015.**

**114 Secretary of the Conference** (1) The Secretary of the Conference shall be the executive officer of the Conference and shall fulfil those duties on behalf of the Conference which are assigned to the Secretary by statute or in the Deed of Union, Model Trusts, and Standing Orders or required by resolutions of the Conference. ***He or she shall be responsible for encouraging good governance throughout the Church.***

**(1A) The Secretary** ~~He or she~~ shall play a ***principal*** part in the oversight and leadership of the Church, and in particular shall be responsible for ensuring ~~good governance in connexional bodies, Districts, Circuits, Local Churches and other institutions~~ ***that the Church has in place structures and processes that enable the Conference, other connexional***

**bodies, Districts, Circuits, and Local Churches, in accordance with their respective natures, purposes, functions and responsibilities and acting collaboratively whenever appropriate:**

- (i) to develop the Church's vision of unity, mission, evangelism and worship;**
- (ii) to develop the strategic management of the Church's affairs;**
- (iii) to give effect to the vision and strategy of the Church as so developed.**

**(1B) The Secretary shall work in conjunction with the President and Vice-President, ensuring that they have adequate support for the fulfilment of their duties and meeting with them at regular intervals in order to share information, to co-ordinate activities and to develop a shared vision of the Church's calling. He or she shall also offer support to the meetings held under Standing Order 110(6).**

*[SO 110(6) provides for the ex-President, ex-Vice-President, President designate and Vice-President designate to meet with the President and Vice-President for mutual support and encouragement.]*

**(1C) The Secretary shall, working collaboratively, lead and direct the Connexional Leaders' Forum and shall be available to Districts and Circuits for consultation.**

**(1D) The Secretary shall lead and direct the assistant secretary of the Conference and the Connexional Secretaries appointed under Standing Order 304 in their responsibilities, including the management of the rest of the Connexional Team in their service of the Conference.**

**(1E) The Secretary may delegate to the assistant secretary, or any of the Connexional Secretaries or other senior members of the Connexional Team or members of the Connexional Leaders' Forum, as appropriate, or, after consultation with the President and Vice-President, to some other person the exercise, in general or on a particular occasion, of any of the functions assigned to the Secretary by Standing Orders and of any other of his or her formal responsibilities. He or she shall prepare and maintain a list of all such general delegations made, identifying in each case the relevant person and the functions or responsibilities concerned. The Secretary shall retain ultimate responsibility for the exercise of any delegated functions or formal responsibilities.**

(2) Subject to clause 31 of the Deed of Union the provisions of Standing Order 313 shall apply to the appointment of the Secretary of the Conference as if holding an office under that Standing Order.

### **~~300 The General Secretary.~~**

~~(1) The person who is for the time being the Secretary of the Conference shall also, by that fact, be the General Secretary of the Methodist Church.~~

~~*For the Secretary of the Conference see cl. 30 of the Deed of Union (Book II, Part 1) and S.O. 114.*~~

~~(2) The General Secretary shall be the executive officer responsible for leading the mission and strategy of the Church. He or she shall play a part in the oversight and leadership of the Church, and in particular shall be responsible for developing strategic management and the Church's vision of unity, mission, evangelism and worship. To that end he or she shall be available for consultation in Districts and Circuits in order that insights may be shared and difficulties addressed.~~

~~(2A) The General Secretary shall lead and direct the Connexional Leaders' Forum.~~  
~~(2B) The General Secretary may delegate to any of the Connexional Secretaries or other senior members of the Connexional Team or members of the Connexional Leaders' Forum, as appropriate, or, after consultation with the President and Vice President, to some other person the exercise, in general or on a particular occasion, of any of his or her formal responsibilities. He or she shall prepare and maintain a list of all such general delegations made, identifying in each case the relevant person and responsibilities concerned.~~  
~~(2C) The General Secretary shall work in conjunction with the President and Vice President and be responsible for advising them of developments in connexional policy and ensuring that they are adequately briefed for the exercise of their public role, and in general receive adequate support for the fulfilment of their duties. To that end he or she shall meet with them at regular intervals in order to share information, to co-ordinate activities and to develop a shared vision of the Church's calling.~~  
~~(3) Although the same person is both Secretary of the Conference and General Secretary references in this Standing Order and in Standing Order 116 and elsewhere to one of those offices relate only to that office and not to the other, unless the context requires otherwise.~~

### **302 The Connexional Team**

- (1) ...
- (2) ...
- (3) The Connexional Team shall consist of:
  - (i) the Secretaries as defined in Standing Order 204, who shall work under the direction of the ~~General~~ Secretary **of the Conference**;...

### **304 The Connexional Secretaries and the Senior Leadership Group of the Connexional Team**

- (1) The Connexional Team shall include Connexional Secretaries, appointed to that office, who shall assist the ~~General~~ Secretary **of the Conference** in the execution of his or her overall responsibilities. Under his or her direction they shall have responsibility ...
- (5) The senior leadership group shall consist of the ~~General~~ Secretary **of the Conference**, ... the three senior members of the Connexional Team with overall responsibility, under the ~~General~~ Secretary **of the Conference**, for the work of the Team ...