

17. Committee on Methodist Law and Polity (1)

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SECTION A

GENERAL REPORT

1. The Committee is charged under Standing Orders with the scrutiny of all new legislation which is proposed to the Conference in order to ensure its coherence with existing usage and Methodist polity. Various members of the Committee undertake this task and have commented upon all the proposals submitted to the Committee by the Methodist Council and various other bodies. The Committee also seeks to ensure that Standing Orders comply with any changes in legislation or case law. This is evidenced by the inclusion in this report of proposed Standing Order amendments to reflect the changes in legislation to provide for shared parental leave.
2. The 2014 Conference directed the Committee to undertake various pieces of work and to prepare Standing Order amendments to implement policy decisions of the 2014 Conference.
3. There were no special resolutions referred to the Committee by the 2014 Conference.
4. The Committee has a number of ongoing pieces of work which includes exploring with those responsible for the Safeguarding process the application of the Rehabilitation of Offenders Act 1974 to their process and practice. The Committee has assisted various committees including the Safeguarding Advisory Panel and the Heritage Committee on implementing policy proposals into Standing Orders and assisted the Ministries Committee in the drafting of Standing Orders for the merger of the Candidates and Probationers Oversight Committees.
5. The Committee continues to identify and undertake work on matters arising from the case of *The President of the Methodist Conference vs Preston (previously Moore)*. The Committee is working with the Faith and Order Committee and the Ministries Committee in considering whether or not it is desirable to clarify the nature of the relationship between the Church and members of the Methodist Church whether lay or ordained. The Committee is undertaking work to clarify the nature of the application of the Equality Act to the Methodist Church, its members and ministers. Proposals to clarify the position will be brought to the Conference in 2016.
6. The Committee appointed the Law and Polity Conference Sub-committee under Standing Order 338(6) as follows: the Secretary of the Conference, the Assistant Secretary of the Conference, the Conference Officer for Legal and Constitutional Practice, the Revds Jenny Dyer, David Gamble, Colin Smith, Mrs Nwabueze Nwokolo, Ms Elizabeth Ovey, Mr David Walton (Chair).

***RESOLUTION

- 17/1. The Conference received the General Report.**

SECTION B MINOR AMENDMENTS TO CPD

As usual the Committee submits a list of corrections to *Constitutional Practice and Discipline* consequent upon decisions already taken by the Conference, or to remedy minor errors and omissions. The Committee also brings to the Conference by way of consequential corrections, the Standing Order amendments resulting from the resolutions of the Conference in 2014 to review the post of the Secretary of the Conference and General Secretary. Minor amendments are also proposed to remove references to foundation training given such training no longer exists.

***RESOLUTION

17/2. The Conference, by way of ratification of corrections already printed in *The Constitutional Practice and Discipline of the Methodist Church*, made the following amendments:

SO 017 ‘..... save that the notes to ~~the~~ **any** Agendas of particular meetings and committees in ~~Part 10~~ are authorised by the Conference.’

SO 102(1)(i)(f) ‘..... ~~district~~ or is a lay person who is a member in such a District.’

SO 481(1) ‘..... To that end they shall deal with the business contained in the agenda in ~~Part 10~~ *Standing Order 488*.’

SO 963(3) ‘.....A copy of the report shall be presented to **the** Synod.’

***RESOLUTION

17/3. The Conference, by way of minor and consequential corrections, amended Standing Orders as follows:

SO 004(viii) ‘~~the General Secretary~~’ means the General Secretary of the Methodist Church, as provided for in ~~Standing Order 300~~;....’

SO 007(ii)(d) ‘oversight tutor’ means an office-holder who is a member of the Methodist Church appointed by the Conference to have responsibility on behalf of the relevant oversight committees for the formation, discipline and pastoral care ~~of students undergoing foundation training and of student ministers~~, and to carry out the specific duties prescribed elsewhere in Standing Orders.

SO 110(4) ‘They shall work in conjunction with the ~~General Secretary~~ **of the Conference**.....’

SO 210(3) ‘The Secretary of the Conference shall be the secretary of the council. He or she, ~~both in that capacity and as General Secretary~~, shall be...’

SO 213(2C) ‘The committee shall act as an advisory body for the ~~General Secretary~~ **of the Conference** and Connexional Secretaries’

SO 213(5) ‘The committee shall supervise the work of the ~~General Secretary~~ **of the Conference** and Connexional Secretaries in leading the Connexional Team.’

SO 230(2) 'The Connexional Leaders' Forum shall consist of:

(i) the ~~General Secretary~~ **of the Conference....'**

SO 544(4) (4) In each group of Districts designated by the ~~General Secretary~~ **of the Conference** for this purpose there shall be established and maintained a panel of ministers and lay members fit to serve on committees acting under clauses (6) to (11) below. Appointments to such panels shall be made by the Synods of the constituent Districts.

SO 560 Local Preachers' Meeting. (1) The Local Preachers' Meeting shall consist of:

(i) the ex-officio members specified in Standing Order 552;

(iA) the presbyters,

SO 710(2) A candidate for the diaconate or the presbyterate in the Methodist Church shall either:

~~(i) have completed his or her foundation training successfully within the previous five years, except that a person who has still to complete it may be conditionally recommended subject to his or her having done so before being permitted to enter pre-ordination training as an accepted candidate; or~~

~~(ii) in the case of a candidate who has not embarked upon foundation training, have submitted a portfolio of experience and either: ...~~

SO 712(4) The secretary of the district Candidates Committee shall ensure that reports on a candidate's development in terms of education, training and formation are provided for the committee. ~~The reports on a candidate who has completed foundation training, or will do so by the close of the year in which he or she offers as a candidate, shall be provided by the training institution under whose oversight the candidate has undertaken foundation training. If such a candidate has completed foundation training before offering as a candidate there shall also be a report by the relevant Circuit Leadership Team as to his or her continued development in the period between completion of foundation training and candidacy.~~ The reports on a candidate within Standing Order 710(2)(ii) shall be provided by the relevant Circuit Leadership Team and by a referee who has been significantly involved in the candidate's process of vocational discernment. In the case of a candidate for presbyteral ministry reports shall also be provided according to connexional guidelines on the candidate's leading of worship and preaching.

SO 720(1) Candidates who have been accepted by the Conference for training for the presbyterate or the diaconate ~~and who have, where so required, successfully completed their course of foundation training~~ shall enter a period of pre-ordination training and probation leading, when so recommended, to reception into Full Connexion and ordination. This period shall consist of programmes of training, education and formation for the presbyterate or the diaconate through which their character, work and general fitness for the appropriate order of ministry shall be assessed.

SO 752(2) If neither the Warden ~~nor~~ deputy Warden ~~are~~ **is** able to preside then the members present shall invite the President or Vice-President, if present, or, if both decline, one of their number, to preside.

SO 1104(5) The Secretary of the Conference must permit the relevant connexional Team member to have access to the records kept pursuant to this Standing Order for the purpose of carrying out a search required to be made under Standing Order ~~11553~~**(1)**.

SO 1124(11) If the complaints team decides that the complaint should not be dismissed, the courses open to it are the following:

(i) *[unchanged]*

(ii) to decide that one of the alternative procedures specified in clause (56) of Standing Order 1123 should be followed;

SO 1153(2)(ii) the complaint under investigation is in the opinion of the relevant connexional Team member and the connexional Complaints Officer appointed under Standing Order ~~231(4)~~ **1114** so similar in general nature and in specific matters of fact to a previous complaint or charge that the existence of that previous complaint or charge is a material fact to be taken into account by the complaints team in determining how to dispose of the present complaint.

SECTION C

SECTION 24 RESOLUTION – THE GENERAL SECRETARY

Report

The Conference in 2014 adopted a new structure for the senior officers of the Conference meaning that there will no longer be a separate office of General Secretary or General Secretary of the Methodist Church and references to that office in Standing Orders will be replaced by references to the Secretary of the Conference. Section 24 of the Methodist Church Act 1976 provides the Conference with the power to make a declaration as to who the successor body or office is to any abolished body or office for the purposes of legal documentation such as wills or deeds that refer to the abolished body or office.

*****RESOLUTIONS**

17/4. The Conference adopted the Report.

17/5. The Conference, in the exercise of its power under section 24 of the Methodist Church Act 1976, hereby declared that as from the 1 September 2015, the office of the Secretary of the Conference shall correspond to the abolished office of the General Secretary, or General Secretary of the Methodist Church, to the extent of all and every one of the functions of and assets held by the holder of such abolished office, and directed that the above declaration be embodied in a Deed Poll and executed by the President and enrolled in accordance with sub-section (3) of the above section.

SECTION D

AMENDMENT TO STANDING ORDER 611

Report

Standing Order 610 was amended in 2013 in order not to require all the ministers and probationers appointed to a larger circuit to be members of every Church Council. Similar considerations apply in the case of Local Ecumenical Partnerships and the committee recommends that Standing Order 611 be amended in order to accord in this respect with Standing Order 610.

Consideration of that issue has drawn attention to the question whether the disapplication of Standing Order 502(1)(b) (dealing with the power of the Superintendent to appoint deputy chairs of meetings) is any longer necessary or appropriate in LEPs, and the Committee has concluded that it is not.

611 Local Ecumenical Partnerships. (1) In local ecumenical partnerships, if the Synod so directs when designating the partnership or later, the Church Council for the purposes of clauses 8 and 40 of the Deed of Union and of paragraph 2 of the Model Trusts and for any other purpose for which a Methodist Church Council may be required shall consist of the members of the ecumenical church council or other meeting (by whatever title) responsible for the general management of the partnership, together with (so far as not already members) ~~the presbyters and presbyteral probationers appointed to the Circuit, the deacons appointed to, and having pastoral responsibility in, the Circuit and a circuit steward~~ **and the ministers and probationers who would have been members of the council in accordance with clause (4)(i) to (vi) of Standing Order 610 had it been constituted under that Standing Order.**

(2) During the currency of such a direction, which the Synod may at any time revoke, there shall be no other or separate Church Council constituted under Standing Order 610, ~~and Standing Order 502(1)(b) shall not apply.~~

*****RESOLUTIONS**

17/6a. The Conference adopted the Report.

17/6b. The Conference amended Standing Order 611(1) and (2) as set out in the Report.

SECTION E

AMENDMENTS TO MATERNITY LEAVE

Report

The [Shared Parental Leave Regulations 2014](#) set out the qualification requirements for shared parental leave and the [Maternity and Adoption Leave \(Curtailed of Statutory Rights to Leave\) Regulations 2014](#) allow eligible women to curtail their right to maternity leave to enable their partner to take shared parental leave. Shared parental leave is available to parents of children due on or after 5 April 2015 and to adoptive parents of children placed for adoption on or after that date. Shared Parental Leave will entitle mothers and their partners, or adopters, to share up to 50 weeks' leave with 37 weeks' paid leave. A prospective father, or the spouse, civil partner or partner of a pregnant woman, can also now take unpaid time off to attend up to two antenatal appointments under employment law. The law has also changed to provide that all employees with children under 18 years old, whether or not disabled, will be entitled to take unpaid parental leave of up to 18 weeks.

Whilst the Supreme Court case (*President of the Methodist Conference vs Preston*) clarified that ministers are not employees, and do not automatically have the right to shared parental leave, the Conference has to date made provision in Standing Orders for ministers to have the same right to leave when having or adopting a child as they would if they were employees. The Law and Polity Committee therefore proposes Standing Order amendments to reflect the changes in employment legislation. The opportunity has also been taken to make minor amendments to certain Standing Orders in this section.

The Conference will want to note that SO 807C Adoption Leave already allows either parent to take ordinary adoption leave of up to 39 weeks and additional adoption leave of up to 13 weeks so no Standing Order amendments are necessary.

The following amendments to Standing Orders are proposed:

806 Parenthood: Interpretation, General Provisions and Savings.

- (4) In this sub-section, unless the context otherwise requires:
- (i) 'child' means a person under the age of eighteen **and, where the context so requires, includes an expected child;**
 - (iii) 'disability living allowance' means the disability living allowance provided for in Part III of the Social Security Contributions and Benefits Act 1992 **or personal independence payment provided for in Part IV of the Welfare Reform Act 2012;**
 - (viii) 'responsible officers' means:
 - (a) in the case of a person appointed to a Circuit who is not a Superintendent, the Superintendent and circuit stewards and **also**, in the case of a deacon, the Warden of the Methodist Diaconal Order;
 - (b) *[unchanged]*
 - (c) *[unchanged]*
 - (d) in the case of the Secretary of the Conference or the Warden of the Methodist Diaconal Order, the President, ~~and~~ **or**, in the case of the assistant secretary, the Secretary;
 - (e) in the case of a Connexional Secretary, ~~the chair of the Strategy and Resources Committee of the Methodist Council~~ **the Secretary of the Conference**, and **or**, in the case of any other person who is a member of the Connexional Team, the Connexional Secretary responsible for the oversight of the appointee and **also**, ~~in the case of~~ **if any such person is** a deacon, the Warden of the Methodist Diaconal Order;
 - (f) in all other cases, the Chair of the District in which the person is stationed, and **also**, in the case of a deacon, the Warden of the Methodist Diaconal Order;

(5) *[unchanged]*

(6) A person on leave under the provisions of this sub-section is excused from attending the Synod of which he or she is a member, but may attend, except during compulsory maternity leave, upon informing the Chair of his or her intention to do so. If either of Standing Orders 807A(4)(c) or 807C(4)(c) applies to a person who attends, then ~~the~~ **that** person will be treated for the purposes of the relevant Standing Order as having fulfilled the responsibilities of his or her appointment for one day.

(7) *[unchanged]*

(8) The provisions in Standing Order 807A, 807B, 807C and 807D are intended to reflect as closely as possible the statutory provisions for maternity and paternity leave, shared parental leave and adoption leave applicable to employed person and should be interpreted to reflect this intention.

807 Ante-natal Care. (1) A qualifying person who is pregnant is entitled to take time off to attend ante-natal care appointments.

(2) A qualifying person who is within Standing Order 807B is entitled to take time off to attend up to two antenatal care appointments.

807A Maternity Leave. (1) A qualifying person who is pregnant is required to take compulsory maternity leave and is entitled, upon compliance with clause (2) below, to take ordinary maternity leave and additional maternity leave **or to share ordinary and additional maternity leave with a person entitled to do so in law or under clause (1A) below.**

(1A) A qualifying person who is within Standing Order 807B is entitled, upon compliance with clause (2) below, to share with the mother of the relevant child ordinary and additional maternity leave if the mother is entitled to such leave in law or under clause (1) above.

(2) ~~She~~ **Any person claiming to take maternity leave under clause (1) or (1A) above** shall notify the responsible officers by the fifteenth week before the expected week of childbirth or as soon as is reasonably practical of:

- (i) ~~her~~ **the** pregnancy;
- (ii) the expected week of childbirth evidenced by a certificate stating such expected week of childbirth from a registered medical practitioner or midwife; ~~and~~
- (iii) the date on which ~~she~~ **the mother** intends ~~her~~ ordinary maternity leave to start, which shall be a date not earlier than the beginning of the eleventh week before the expected week of childbirth; ~~;~~ **and**
- (iv) if ordinary and additional maternity leave is to be shared, what part of the total entitlement to such leave the claimant intends to take, and on what dates, giving at least 8 weeks' notice.**

(3) (a) Ordinary maternity leave commences with the earliest of:

- (i) the date notified under clause (2)(iii) above;
- (ii) the child's date of birth ~~if this is before the expected week of childbirth; and or~~
- (iii) *[unchanged]*

and continues for 39 weeks from its commencement, or until the end of compulsory maternity leave if later, unless ~~she~~ **the person entitled** earlier resumes fulfilling the responsibilities of **his or** her appointment under clause (4) below, in which case it ends on the day before the resumption.

(b) Additional maternity leave commences on the day after the last day of ordinary maternity leave, and continues until the end of the period of 13 weeks thereafter or, if earlier, until the day before the person concerned resumes fulfilling the responsibilities of **his or** her appointment under clause (4) below.

(bA) **Where two persons share maternity leave and either or both do so under this Standing Order they shall together be entitled to a total of 39 weeks' ordinary maternity leave and 13 weeks' additional maternity leave, and if they take any part of such leave at the same time the dates of termination under clause 3(a) and/or (b) above shall be adjusted accordingly.**

(c) Compulsory maternity leave (which is part of ordinary maternity leave if taken) **must be taken by the mother and** commences with the day on which childbirth occurs and continues for 14 days.

(4) (a) A person on maternity leave (**which expression, in this clause and clauses (5) and (6) below, includes where applicable shared maternity leave**) may resume the fulfilment of the responsibilities of ~~her~~ **the** appointment at any time after the end of ~~her~~ compulsory maternity leave, but shall give the responsible officers at least 8 weeks' notice of the intended date of resumption if it is earlier than the date on which all ~~her~~ maternity leave would otherwise end.

(b) Subject to sub-clause (c) below, if a person on maternity leave attempts to resume fulfilling the responsibilities of ~~her~~ **the** appointment without complying with sub-clause (a) above, the responsible officers may postpone the resumption either to the earliest date which will ensure that they have had 8 weeks' notice, or to the date on which all maternity leave ends, whichever is the earlier.

(c) Subject to Standing Order 806(6), a qualifying person **or persons** taking **or sharing** maternity leave may, with the consent of the responsible officers, fulfil the responsibilities of ~~her~~ **the** appointment for up to **20** days in total (but not during compulsory maternity leave) without bringing ~~her~~ maternity leave to an end or extending the entitlement to maternity leave. This clause does not confer any right on a qualifying person taking maternity leave to fulfil the responsibilities of ~~her~~ **the** appointment, nor any right on the responsible officers to require a qualifying person taking maternity leave to fulfil the responsibilities of ~~her~~ **the** appointment.

(5) (a) A **qualifying** person on ordinary maternity leave shall be paid **his or** her stipend less any **claimable** Social Security benefits ~~to which she may be entitled~~, and shall also be reimbursed for all expenses within Standing Order 801(2) which continue during that leave.

(b) A **qualifying** person on additional maternity leave **receives no stipend but** shall be reimbursed for all expenses within Standing Order 801(2) which continue during that leave.

(6) A **qualifying** person who takes ordinary or additional maternity leave shall not also undertake a sabbatical in any connexional year in which such leave is taken.

807B Paternity Leave. (1) A qualifying person **who is within this Standing Order** ~~whose wife is pregnant~~ is entitled, upon compliance with clause (2) below, to paternity leave in accordance with this Standing Order. To ~~qualify~~ **be within this Standing Order** a person shall be either:

- (i) the child's biological father;
- (ii) married to the mother of the child; or
- (iii) living with the child's mother **or father** in an enduring family relationship but not an immediate relative.

(2) The qualifying person shall notify the responsible officers, by the fifteenth week before the beginning of the expected week of childbirth unless ~~this~~ **that** is not reasonably ~~practical~~ **practicable**, of the day on which he or she intends the paternity leave to start, which shall be either:

- (i) the day on which the child is born; or
- (ii) a specified date after the child's expected date of birth.

(3) [unchanged]

(4) A person on paternity leave shall be paid his or her stipend less any **claimable** Social Security benefits ~~to which he or she may be entitled~~, and shall also be reimbursed for all expenses within Standing Order 801(2) which continue during that leave.

807D Parental Leave

(6) (a) A parent is entitled to ~~138~~ weeks' parental leave in respect of any individual child, ~~or 18 weeks' parental leave in respect of each child entitled to a disability living allowance~~, not more than four of which may be taken in any connexional year.

....

(7) Entitlement to parental leave shall be exercised:

- (i) ~~if the child is entitled to a disability living allowance, before his or her eighteenth birthday; but otherwise~~
- (ii) before the child's fifth **eighteenth** birthday; ~~or~~
- (iii) ~~if the child has been adopted by, or placed for adoption with, the parent, before the fifth anniversary of the date of the adoption or placement, or the child's eighteenth birthday, whichever is the earlier.~~

*****RESOLUTIONS**

17/7. The Conference adopted the Report.

17/8. The Conference amended Standing Orders 806, 807, 807A, 807B, and 807D as set out in the Report.

SECTION F

REPLACEMENT OF RESPONSIBLE BODIES

Report

The Committee reported to the 2013 Conference that it continued to work on "devising criteria which might be proposed for adoption to identify when a Church Council could be divested of its managing trustee responsibilities".

The issue arose because cases have arisen in which a Church Council has persisted in acting in flagrant breach of its trust obligations and no remedy was available short of disciplinary proceedings against all the offending members. Since then the Committee has carried forward this work and sought the view of the Methodist Council on the policy proposal on two occasions.

Once the Committee had embarked upon the detailed process of framing remedial provisions, it became persuaded that their scope needed to be broadened in two respects. First, although in most of the cases which have arisen the body in default has been a Church Council the same problem can arise in the case of a Circuit Meeting, and if there is to be legislation to address that problem it should be available in both situations.

Secondly, and more fundamentally, the Committee came to the conclusion that it was inadequate to confine attention to the role of the meetings in question as managing trustees. Some of the most difficult and damaging cases which have arisen in practice have occurred when they were acting in another capacity, for example when Church Councils have refused to pay the circuit assessment. To deal with this it is necessary to reconstitute the Church Council or Circuit Meeting, not just to take away their model trust responsibilities. That also has other advantages, most importantly in that it avoids a division of responsibility, authority and funds between two bodies (the continuing Church Council or Circuit Meeting and the new church or circuit managing trustees), and in particular the problem of funding managing trustees separated from their parent body.

The Committee therefore prepared proposals which embodied the widening of the scope of the exercise in those respects and submitted them to the Methodist Council for approval. The Methodist Council resolved to recommend those proposals to the Conference and directed the Committee to draft the necessary Standing Orders.

The recommendation is that where a Church Council or Circuit Meeting is in serious breach of trust or of Methodist discipline a power should be available to the district Policy Committee to replace the body in question by a new one.

The Committee has had very much in mind the importance of maintaining the principle that Circuit Meetings and Church Councils, as constituted under the existing Standing Orders, should wherever possible remain in place, and be divested only where that is absolutely necessary. The proposals embody several requirements to that end. In the first place the breach, or threatened breach, must be judged to be serious. Again, the examples given in the Standing Orders encourage attention to such questions as whether it has caused or is about to cause significant harm to church property or funds or to the work of the Church. Finally, the provision is only that the district Policy Committee "may", not "shall" exercise its powers; cases which can be dealt with by other means will usually not even reach that committee, and in cases which do it will need to weigh carefully whether or not this drastic step is the best or only solution.

The Committee was informed by the Connexional Team that examples of situations which have caused serious difficulties in practice include entering into schemes affecting listed buildings without the necessary consents, permitting non-Christian worship or other uses contrary to the Model Trusts or Standing Orders, non-compliance with statutory notices, spending funds outside their permitted purposes, non-payment of assessments and non-compliance with charity law or the requirements of the Charity Commission. The Committee has not sought to tie the process to a rigid list, but has provided non-exhaustive lists of examples, based on the Team's experience, of what may fall within the ambit of the provision.

No bodies of managing trustees other than the Church Council and Circuit Meeting are included, because the members of all others are individually appointed by district or connexional authorities, and need not be re-appointed if unsatisfactory.

The Committee believes that the body best fitted to exercise this power will be an existing body at district level, and the district Policy Committee seems the most appropriate. There should, however, be the possibility of an appeal to another body, and that is provided for by way of an appeal to the Methodist Council.

When a Church Council or Circuit Meeting commits a breach of this kind not every member is necessarily implicated, so there is power for the district Policy Committee to include 'innocent' members in the replacement body. On the other hand any member may have been involved, so there are no automatic exemptions for any category.

It is important that the displacement of the normal Church Council or Circuit Meeting continue no longer than is necessary, so there is provision for the district Policy Committee to keep the position under review and for applications to it to be made by the displaced body to restore the situation.

Only entirely Methodist bodies are at present included; the governing bodies of Local Ecumenical Partnerships and Ecumenical Areas are governed by their own constitutions. Should any case arise for extension to the Methodist Church Councils or Circuit Meetings in such places when exercising Model Trust or other purely Methodist functions it will need to be considered on its merits.

In the course of its consideration of this subject the Committee has noticed the need for related amendments to Standing Orders 515 and 985, which are therefore included.

*****RESOLUTIONS**

17/9. The Conference adopted the Report.

17/10. The Conference amended Standing Orders as follows:

512B Exceptional Cases (1) This Standing Order applies when in the judgment of the authorised body the Circuit Meeting constituted under Standing Order 510 or 511 (whether or not modified under Section 58) has committed, is committing, or is threatening to commit, a serious breach of trust or of Methodist discipline, and if:

(i) it is incapable of remedy; or

(ii) it is capable of remedy, and the Circuit Meeting has been requested to remedy it but has refused or neglected to do so; or

(iii) it has not yet been committed, and the Circuit Meeting has been requested to desist but has failed to undertake to do so;

Provided that the requirement in (iii) of a request to desist need not be fulfilled in cases of emergency, as judged by the authorised body.

(2) Without prejudice to the generality of clause (1) above, examples of breaches which are capable, if the authorised body so judges, of being within that clause are:

(i) ones which have caused, or will if committed or continued cause, significant harm to model trust property or other church funds or to the work of the Church; and also

(ii) any which involve:

(a) permitting any use contrary to paragraph 14 of the Model Trusts or Section 92 of Standing Orders;

- (b) taking any step requiring consent under Standing Order 930(4) or 931(1) or Section 98 without that consent;*
- (c) non-compliance with Standing Order 515(4);*
- (d) non-compliance with a statutory notice;*
- (e) non-compliance with a requirement of charity law or of the Charity Commission;*
or
- (f) spending funds outside their permitted purposes.*

(3) For the purposes of this Standing Order the "authorised body" is the district Policy Committee of the District in which the Circuit concerned lies, the "old Circuit Meeting" is the meeting as constituted under Standing Order 510 or 511 and the "new Circuit Meeting" is the meeting as constituted under clause (4) below.

(4) When this Standing Order applies the authorised body may by a direction in writing replace the old Circuit Meeting by a new Circuit Meeting, consisting of seven or more members of the Methodist Church of full age appointed by the authorised body who may, if the authorised body thinks fit, include persons who were among the members of the old Circuit Meeting.

(5) Any such direction may specify the date on which it is to take effect, and if no other date is specified shall take immediate effect.

- (6) As from the date on which such a direction takes effect, and while it continues in effect:*
- (i) subject to clauses (6) and (10) below, the old Circuit Meeting shall be dissolved and the new Circuit Meeting shall succeed to all its powers and responsibilities, including its powers and responsibilities as managing trustees, but not so as to relieve the members of the old Circuit Meeting of any personal liability which they may have incurred while in office;*
 - (ii) Standing Orders 514(2) and 552 shall cease to apply to that Circuit and Standing Order 502, clauses (1), (5), (6), (8) and (9), shall cease to apply to circuit bodies in that Circuit except to the extent that the direction applies them, which it may do with or without amendment. The direction shall in any event make provision for the changing of circuit bodies;*
 - (iii) notwithstanding Standing Order 504(1) the new Circuit Meeting may forthwith terminate any appointment made by the old Circuit Meeting and make a fresh appointment in its place for the residue of the term of the appointment terminated;*
 - (iv) notwithstanding Standing Order 530 the new Circuit Meeting may appoint as a circuit steward any member of the Methodist Church.*

(7) The old Circuit Meeting may appeal to the Methodist Council, or to a committee appointed by the Methodist Council for this purpose, against a direction of the authorised body under clause (4) above, but until the appeal is determined the direction shall remain in effect. Any such appeal shall be brought by notice in writing signed by the chair and at least two other members of the old Circuit Meeting with the authority of the members of that Circuit Meeting given at a meeting convened for the purpose. The old Circuit Meeting shall be treated as remaining in existence solely for the purpose of holding such a meeting and deciding whether or not to appeal. The membership of the old Circuit Meeting for this purpose shall consist of the persons who constituted the members of the Circuit Meeting immediately prior to the making of the direction.

(8) While such a direction is in effect the authorised body may at any time dismiss one or more of the members of the new Circuit Meeting or appoint additional qualified persons as members,

ensuring that there are at all times (apart from any unavoidable gaps following death or resignation) not less than seven.

(9) The authorised body shall keep under review the question whether any such direction need remain in effect and if satisfied that it need no longer do so shall withdraw it in writing. Without prejudice to the generality of the foregoing, the authorised body shall in any event withdraw the direction no later than the end of the connexional year following the year in which the direction was made unless it resolves that the direction remains necessary, in which case it shall provide the members of the old Circuit Meeting, as far as reasonably possible, with a written copy of the resolution and an explanation of the reasons for it. The same procedure shall be followed in the next and each subsequent connexional year until the direction is withdrawn.

(10) The members of the old Circuit Meeting, or any three of them, may at any time apply to the authorised body to withdraw such a direction, except that:

(i) no such application shall be made within three months of a previous application;

(ii) no application by three members shall be entertained if it is made within three months after the old Circuit Meeting decided not to make such an application at a meeting held for the purpose of considering whether or not to do so.

The old Circuit Meeting shall be treated as remaining in existence solely for the purpose of holding such a meeting and deciding whether or not to apply to withdraw the direction. The membership of the old Circuit Meeting for this purpose shall consist of the persons who constituted the members of the Circuit Meeting immediately prior to the making of the direction.

(11) If a direction is withdrawn the old Circuit Meeting shall be treated as reconstituted with a membership consisting as far as possible of those persons who constituted the membership of the Circuit Meeting prior to the making of the direction and so that any persons who would have ceased to be members by effluxion of time shall be treated as remaining members until the end of the connexional year in which the direction is withdrawn.

(12) At all times while a direction is in effect, the members of the old Circuit Meeting are obliged to do everything which may reasonably be required by the new Circuit Meeting to enable it effectively to exercise all its powers and discharge all its responsibilities.

611A Exceptional Cases (1) This Standing Order applies when in the judgment of the authorised body the Church Council constituted under Standing Order 610 or 611 has committed, is committing, or is threatening to commit, a serious breach of trust or of Methodist discipline, and if:

(i) it is incapable of remedy; or

(ii) it is capable of remedy, and the Church Council has been requested to remedy it but has refused or neglected to do so; or

(iii) it has not yet been committed, and the Church Council has been requested to desist but has failed to undertake to do so;

Provided that the requirement in (iii) of a request to desist need not be fulfilled in cases of emergency, as judged by the authorised body.

(2) Without prejudice to the generality of clause (1) above, examples of breaches which are capable, if the authorised body so judges, of being within that clause are:

(i) ones which have caused, or will if committed or continued cause, significant harm to model trust property or other church funds or to the work of the Church; and also

(ii) any which involve:

- (a) permitting any use contrary to paragraph 14 of the Model Trusts or Section 92 of Standing Orders;*
- (b) taking any step requiring consent under Standing Order 930(4) or 931(1) or Section 98 without that consent;*
- (c) non-compliance with Standing Order 650(4);*
- (d) non-compliance with a statutory notice;*
- (e) non-compliance with a requirement of charity law or of the Charity Commission;*
or
- (f) spending funds outside their permitted purposes.*

(3) For the purposes of this Standing Order the "authorised body" is the district Policy Committee of the District in which the Local Church concerned lies, the "old Church Council" is the council as constituted under Standing Order 610 or 611 and the "new Church Council" is the council as constituted under clause (4) below.

(4) When this Standing Order applies the authorised body may by a direction in writing replace the old Church Council by a new Church Council, consisting of seven or more members of the Methodist Church of full age appointed by the authorised body who may, if the authorised body thinks fit, include persons who were among the members of the old Church Council

(5) Any such direction may specify the date on which it is to take effect, and if no other date is specified shall take immediate effect.

(6) As from the date on which such a direction takes effect, and while it continues in effect:

- (i) subject to clauses (7) and (10) below, the old Church Council shall be dissolved and the new Church Council shall succeed to all its powers and responsibilities, including its powers and responsibilities as managing trustees, but not so as to relieve the members of the old Church Council of any personal liability which they may have incurred while in office;*
- (ii) Standing Orders 612, 613(2), 623 and 643(1) shall cease to apply to that Local Church and Standing Order 502, clauses (1), (5), (6), (8) and (9), shall cease to apply to local bodies in that Local Church except to the extent that the direction applies them, which it may do with or without amendment. The direction shall in any event make provision for the chairing of local bodies in that Local Church;*
- (iii) notwithstanding Standing Order 607(1) the new Church Council may forthwith terminate any appointment made by the old Church Council or General Church Meeting and make a fresh appointment in its place for the residue of the term of the appointment terminated;*
- (iv) notwithstanding Standing Order 632(1) appointments of church stewards shall be made by the new Church Council, which may appoint as a church steward any member of the Methodist Church.*

(7) The old Church Council may appeal to the Methodist Council, or to a committee appointed by the Methodist Council for this purpose, against a direction of the authorised body under clause (4) above, but until the appeal is determined the direction shall remain in effect. Any such appeal shall be brought by notice in writing signed by the chair and at least two other members of the old Church Council with the authority of the members of that Church Council given at a meeting convened for the purpose. The old Church Council shall be treated as remaining in existence solely for the purpose of holding such a meeting and deciding whether or not to appeal. The membership of the old Church Council for this purpose shall consist of the persons who constituted the members of the Church Council immediately prior to the making of the direction.

(8) While such a direction is in effect the authorised body may at any time dismiss one or more of the members of the new Church Council or appoint additional qualified persons as members, ensuring that there are at all times (apart from any unavoidable gaps following death or resignation) not less than seven.

(9) The authorised body shall keep under review the question whether any such direction need remain in effect and if satisfied that it need no longer do so shall withdraw it in writing. Without prejudice to the generality of the foregoing, the authorised body shall in any event withdraw the direction no later than the end of the connexional year following the year in which the direction was made unless it resolves that the direction remains necessary, in which case it shall provide the members of the old Church Council, as far as reasonably possible, with a written copy of the resolution and an explanation of the reasons for it. The same procedure shall be followed in the next and each subsequent connexional year until the direction is withdrawn.

(10) The members of the old Church Council, or any three of them, may at any time apply to the authorised body to withdraw such a direction, except that:

- (i) no such application shall be made within three months of a previous application;***
- (ii) no application by three members shall be entertained if it is made within three months after the old Church Council decided not to make such an application at a meeting held for the purpose of considering whether or not to do so.***

The old Church Council shall be treated as remaining in existence solely for the purpose of holding such a meeting and deciding whether or not to apply to withdraw the direction. The membership of the old Church Council for this purpose shall consist of the persons who constituted the members of the Church Council immediately prior to the making of the direction.

(11) If a direction is withdrawn the old Church Council shall be treated as reconstituted with a membership consisting as far as possible of those persons who constituted the membership of the Church Council prior to the making of the direction and so that any persons who would have ceased to be members by effluxion of time shall be treated as remaining members until the end of the connexional year in which the direction is withdrawn.

(12) At all times while a direction is in effect, the members of the old Church Council are obliged to do everything which may reasonably be required by the new Church Council to enable it effectively to exercise all its powers and discharge all its responsibilities.

510 Constitution. (1) Subject to clause (2) below and to Standing Orders 511, 512, and 512A and 512B the Circuit Meeting shall consist of: [etc].

In 502 Chairing and Notice of Meetings add as clause (11): ***(11) Clauses (1), (5), (6), (8) and (9) of this Standing Order are subject to the provisions of Standing Orders 512B(6)(ii) and 611A(6)(ii).***

504 Duration of Appointments. (1) Subject to ***Standing Order 512B(6)(iii) and to*** clauses (2) and (5) below

In **515 Responsibilities** add as clause (4): ***(4) Without prejudice to its general responsibility for the conduct of circuit affairs the meeting shall in particular ensure that the circuit stewards fulfil their obligations under Standing Order 532 (1) and (2).***

530 Appointment. *Subject to Standing Order 512B(6)(iv) ¶the Circuit Meeting*

552 Ex-officio Membership. *Subject to Standing Order 512B(6)(ii) ¶the Superintendent*

607 Duration of Appointments. (1) Subject to ***Standing Order 611A(6)(iii) and to*** clauses (2) and (5) below

610 Constitution. (1) Subject to Standing Orders 511, ~~and~~ 611 and **611A**, the Church Council shall consist of: [etc].

In **623 Election of Representatives** add as clause (7): ***(7) This Standing Order is subject to the provisions of Standing Order 611A(6)(ii).***

632 Church Stewards - Appointment. (1) ***Subject to Standing Order 611A(6)(iv) ¶the General Church Meeting***

643 Ex-officio Membership. (1) Subject to Standing Orders **611A(6)(ii) and** 644 the ministers

985 Enforcement. (4) The Methodist Council shall have power to require managing trustees to restore and reinstate, in accordance with a specification recommended by the Listed Buildings Advisory Committee after consultation with the Local Planning Authority and the Heritage Authority, any buildings altered or demolished in whole or in part by unapproved listed building works and, in default of compliance, shall have power to carry out the required works of restoration and reinstatement and to charge the cost to the managing trustees, ***provided that no financial liability shall be incurred personally under this clause by any person who was not a managing trustee when the decision to execute the unapproved listed building works was taken.***

SECTION G

AMENDMENT TO STANDING ORDER 792(2)

Report

The Committee has reviewed various procedures and Standing Orders following on from the Supreme Court case and questions resulting from the judgment. One concern that has been raised is the use of written agreements when a supernumerary minister has not returned to the active work but is undertaking pastoral work for which he or she is paid. SO 792(2) provides that in such circumstances there should be a written agreement with the minister. It is proposed that in order to ensure consistency and so that such agreements cannot be construed as contracts of employment, they should be described as “letters of understanding” rather than as “written agreements”.

792(2) Continuing Ministry. (2) Where a supernumerary minister undertakes pastoral work on a regular basis in a Circuit or institution connected with the Church, he or she shall do so under a ~~written agreement~~ ***letter of understanding*** entered into with the consent of his or her Chair and the appropriate Superintendent or head of institution and, in the case of a deacon, the Warden of the Methodist Diaconal Order. The ~~agreement~~ ***letter of understanding*** shall be ~~made~~ ***framed*** in accordance with connexional guidelines issued by the Stationing Advisory Committee. Such

guidelines shall include information about such matters as remuneration and pensions **and shall ensure that no contract is created.**

*****RESOLUTIONS**

17/11. The Conference adopted the Report.

17/12. The Conference amended Standing Order 792(2) as set out in the Report.

SECTION H

AMENDMENT TO SO 438A

Report

The Standing Order currently provides for the distribution of the Lay Employment Packs produced by the Connexional Team. These packs are no longer sent out in hard copy but available to download from the website. An amendment is proposed to the Standing Order to be clear that the Connexional Team are not required to distribute the packs in hard copy.

438A (3) The Connexional Team shall, at no charge to employing bodies, provide such guidance on personnel management law and practice as may from time to time be required, and shall publish ~~and distribute to~~ **for downloading by** district Lay Employment Sub-committees lay employment document packs including, in particular, standard forms of:

(5) The Lay Employment Sub-committee shall discharge the following functions:

(ii) ~~receive and distribute~~ **make available** as necessary to district, circuit or local employing bodies proposing to enter into contracts of employment the standard forms and notices required under clause (3) above, together with such other notices and forms for guidance as may be expedient for the efficient conclusion of the proposed contract and management of the employment;

*****RESOLUTIONS**

17/13. The Conference adopted the Report.

17/14. The Conference amended Standing Order 438A as set out in the Report.

SECTION I

AMENDMENTS TO PART 11

Report

The Committee proposes the below amendments to SO 1124 to reflect the current practice for a lead member to provide a detailed report on the decision and process rather than just a brief record as currently provided for in Standing Orders.

An amendment to SO 1126(3) is proposed in order to clarify that it is only the decision of a complaints team to make a ruling under SO 1124(11)(iii) that can be appealed. SO 1126(3) was not intended nor has it been interpreted to allow a complainant or respondent to appeal any other course followed by a complaints team under SO 1124(11).

The following Standing Order amendments are proposed:

1124(15) When the complaints team has decided how the complaint is to be dealt with, the lead member must prepare a ~~brief record~~ **report on the decision making process and** of the complaints team's decision and the reasons for it and send the ~~record~~ **report** to the relevant connexional Team member on behalf of the Secretary of the Conference for safe custody. The lead member must retain a copy.

1124(16) (a) On receiving a ~~record~~ **report** prepared under clause (15) above, the relevant connexional Team member must send a copy of the ~~record~~ **report** to the complainant and the respondent. He or she must also send a copy to the local complaints officer if the complaints team has made a ruling, issued advice or given directions.

1126(3) Both the complainant and the respondent have a right of appeal against a decision of a complaints team to make a ruling under Standing Order 1124(11)(iii).

*****RESOLUTIONS**

17/15. The Conference adopted the Report.

17/16. The Conference amended Standing Orders 1124(15), 1124(16) and 1126(3) as set out in the Report.