

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

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### SECTION H

#### PRE-REGISTRATION DEEDS – ARCHIVING

##### Report

Members of the Conference will be aware that the Trustees for Methodist Church Purposes undertook an extensive exercise of registering church property and land with the Land Registry a few years ago. The Heritage Committee therefore proposed to the Methodist Council in October 2016 that the provision enabling managing trustees to archive with a public authority all records that are deemed worthy of permanent preservation under Standing Order 015 should apply to title documents for registered property and land. The Methodist Council adopted this recommendation and therefore Standing Orders have been drafted as set out below which will permit pre-registration deeds of registered land to be archived with a local authority subject to certain conditions.

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

49/1. The Conference adopted the Report.

49/2. The Conference amended Standing Orders as follows:

- 903 Care and Custody of Deeds
- [unaltered]
- (2) All documents of title in the possession or under the control of any managing trustees shall be kept in a safe provided in accordance with clause (1) above or shall be deposited with a clearing bank, ***except that if the relevant Local Authority is willing to accept them into its archives on the terms set out in clause (2A) below the managing trustees may at their discretion, in the case of registered land, deposit some or all of the pre-registration documents of title with that Local Authority on those terms.***

***(2A) The terms referred to in clause (2) above are these:***

- (i) the deposit shall be on loan, ownership remaining with the custodian trustees and the right to possession with the managing trustees;***
- (ii) upon or before deposit a full catalogue shall be agreed and duplicate copies shall be kept by the managing trustees and the depositors;***
- (iii) the managing trustees shall be entitled at any time to withdraw all or any of the documents if they believe that to be necessary or desirable for conveyancing purposes or for any other purpose connected with the performance of their functions as managing trustees;***
- (iv) no document or part of a document may be destroyed without the consent in writing of the custodian trustees and the managing trustees;***
- (v) the depositors may not pass the custody of the documents, or of any of them, to any other body or person except to the managing trustees or, with the consent in writing of the managing trustees, to some other body with statutory authority to hold archives, and upon the terms set out in this clause.***

***(2B) The managing trustees' copy of the catalogue prepared under clause (2A)(ii) above shall be kept with the register required by clause (3) below.***

(3) A register of all documents of title and other documents relating to local or circuit property shall be kept in each Circuit and of those relating to district or connexional property in each District and by each connexional organisation respectively. Every such register shall be made and preserved in a book and the documents ***(so far as not legitimately deposited elsewhere under clause (2) above)*** shall be compared annually with the register, in the case of those relating to local and circuit property by the Superintendent and the senior circuit steward or by some other person or persons appointed for the purpose by the Circuit Meeting, and in the case of district and connexional property by some person or persons appointed by the trustees.

## **SECTION I**

### **CONNEXIONAL ALLOWANCES COMMITTEE – CLARIFICATION OF RESPONSIBILITIES**

#### **Report**

The Connexional Allowances Committee has worked with the Law and Polity Committee to present proposed amendments to Standing Orders in order to clarify its responsibilities and the extent of the Committee's ability to offer funding and support.

The Allowances Committee notes that much of the work it undertakes on behalf of or as directed by the Council is not specified as being within its responsibilities in SO 212(4). Standing Order amendments are therefore proposed to clarify the responsibilities of the Allowances Committee.

#### **Amendments to Standing Orders**

##### **212 Particular Functions**

(3) *[unaltered]*

(4) The council shall appoint ~~an~~ ***a Connexional*** Allowances Committee consisting of nine persons, of whom three shall be presbyters and one shall be a deacon, which shall make recommendations to the council on the matters specified in clause (3) above. ~~and~~ ***The committee shall also undertake other tasks, as directed by the council, including:-***

- (i) making recommendations on other matters related to allowances for and terms of service of ministers and probationers, including but not limited to any travel expenses and additional allowances to be paid for the purposes of Standing Order 528;***
- (ii) administering the Fund for the Support of Presbyters and Deacons on behalf of the council;***
- (iii) producing guidance for ministers, probationers and students on the grants, loans and allowances available to them, with particular reference to those stationed in one of the Island Districts, the Isles of Scilly, the Isle of Wight, Malta or Gibraltar.***

The Allowances Committee offers financial assistance to ministers who are recognised and regarded but not those who have the status of authorised to serve or associate presbyter or deacon. It is proposed that Standing Order 364(1) is amended to clarify the category of ministers to whom assistance is offered.

The opportunity has also been taken to amend Standing Order 364(1)(vii) to include more than just widows and widowers of ministers or probationers. The Allowances Committee will offer financial support to immediate members of the household of a deceased minister or probationer.

## Amendments to Standing Orders

**364 Other Restricted Funds.** (1) The Methodist Council shall raise and administer the Fund for the Support of Presbyters and Deacons, the objects of which shall be to provide assistance at the discretion of the council, or of any committee or officer to whom it may delegate its powers in this behalf, to:

(i) *[unaltered]*

(ii) *[unaltered]*

(iii) ministers in the active work or without appointment, ***persons recognised and regarded as ministers by virtue of clauses 43 to 45A of the Deed of Union***, probationers and student ministers who, ***in any such case***, are in acute financial need;

(iv) *[unaltered]*

(v) *[unaltered]*

(vi) *[unaltered]*

(vii) ***the widows or widowers of ministers' and probationers' widows or widowers and other members of their immediate households*** who, ***in any such case***, are in need;

and to make grants to the Methodist Ministers' Housing Society.

The Connexional Allowances Committee's report to the Conference affirms the Committee's policy that when a minister dies, their spouse or dependents should receive their expenses for travel and removal from the manse plus the relocation allowance. Proposed amendments are set out below.

Paragraph 1.8 and 1.9 of the Connexional Allowances Committee to the Conference clarifies that when a minister is appointed to a new Circuit, the payment of the relocation allowance which is to be paid by the receiving Circuit is in addition to the expenses of travel and removal. The report also clarifies that upon a minister becoming supernumerary they will receive from the Fund for Support of Presbyters and Deacons the expenses of their travel and removal as well as the relocation allowances. When a minister who has the status of being recognised and regarded as if being in Full Connexion becomes supernumerary, they will be able to apply to the Fund for the Support of Presbyters and Deacons for a discretionary contribution towards their travel and removal expenses. The report highlights that the Fund will not pay expenses related to becoming a supernumerary minister when a supernumerary who has returned to the active work becomes supernumerary subsequently. Amendments are proposed below to provide clarification in the Standing Orders.

A question that has often arisen is whether the relocation allowance is payable when a minister is required to move within a Circuit. The Connexional Allowances Committee has clarified that the relocation allowance is payable by the Circuit when such a move is undertaken and a proposed addition to the Standing Order is set out below.

## Amendments to Standing Orders

**528 Removals.** (1) ***Subject to clause (4) below*** Ministers and probationers appointed by the Conference to a Circuit ***or required to move within the Circuit to which they are appointed*** shall receive from that Circuit the amount of expenses incurred by their travelling and removal ~~to the Circuit~~ ***and any additional allowances set on the recommendation of the Connexional Allowances Committee.***

(2) *[unaltered]*

***(2A) Subject to clauses (2B) and (2C) below ministers stationed by the Conference under Standing Order 780(1)(i)-(iii) shall, upon becoming supernumeraries, receive from the Fund for the Support of Presbyters and Deacons the amount of expenses incurred by their travelling and removal and any additional allowances set on the recommendation of the Connexional Allowances Committee.***

***(2B) A supernumerary minister who has returned to the active work under Standing Order 793 shall not receive expenses or allowances under clause (2A) upon returning to the status of supernumerary.***

***(2C) In the case of persons recognised and regarded as ministers by virtue of clauses 43 to 45A of the Deed of Union any payment under clause (2A) above shall be discretionary and shall not normally exceed the cost of travel and removal within the mainland of Great Britain.***

(3) *[unaltered]*

4) In the case of removals in either direction between the mainland of Great Britain on the one hand and one of the Island Districts, the Isles of Scilly, ***the Isle of Wight***, Malta or Gibraltar on the other hand that part of the cost which is incurred on the mainland shall be borne ***under clause (1) above*** by the Circuit to which the minister or probationer is removing, the remainder being met by the Methodist Church Fund, in addition to any grant made under clause (3) above

### **801 Stipends**

(5) (a) *[unaltered]*

(b) If the deceased leaves a spouse or dependants in financial need, a payment of one full quarter's stipend at the rate payable at the date of death shall be made ***and expenses and allowances of the same total amount as those payable under Standing Order 528(1) shall be paid*** from the Fund for the Support of Presbyters and Deacons to such spouse or dependants, the payment being allocated having regard to the principles applied by the Methodist Ministers' Pension Scheme in allocating lump sum payments from the Scheme.

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

**49/3. The Conference adopted the Report.**

**49/4. The Conference amended Standing Orders 212(4), 364(1), 528 and 801(5) as set out in the Report.**

## **SECTION J RECORD-KEEPING**

### **Report**

The Committee has been considering over the last year the adequacy of the current record-keeping and retention periods in Standing Order 1104 and 1121. The current Standing Orders provide under Standing Order 1104 for the Secretary of the Conference to retain most records relating to complaints and discipline matters, resignations, presidential inquiries and discontinuance, but with no clear retention policy or clarification on what record should be held.

The Committee has been considering the appropriate records to be held by the Secretary of the Conference and the retention period in light of the fact that records held under Standing 1104 contain personal data. The Information Commission Officer does not offer clarification on retention periods for different categories of personal data and information held. It is for data controllers to decide for themselves objectively justified retention periods.

The deletion of personal data is an important activity in data protection. The fifth data protection principle contained in the Data Protection Act 1998 requires that "personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes".

The fifth principle requires personal data to be held no longer than is necessary for the purpose for which it was obtained. This principle has close links with both the third and fourth principles that:

Third Principle - "personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed."

Fourth Principle - "personal data shall be accurate and, where necessary, kept up to date. Ensuring personal data is disposed of when no longer needed will reduce the risk that it will become inaccurate, out of date or irrelevant."

Personal data should not be kept indefinitely "just in case" or if there is only a small possibility that it will need to be referred to in the future.

The retention periods proposed in the amended Standing Order 1104 seek to ensure that a record of complaints are held wherever appropriate by the Secretary of the Conference. This will assist in ensuring the personal data held in the complaints record is stored securely and easily accessible if a subject access request is made under the Data Protection Act. It also enables the data controller (the Trustees for Methodist Church Purposes) to know what data is being held and to enforce retention periods so that no personal data is held longer than necessary.

Provision is made in the proposed Standing Order amendments for the destruction of records covered by Standing Order 1104 which reflect the action taken in respect of a complaint. For example, the record of a complaint that was summarily dismissed by a complaints team will be destroyed after two years. However, a complaint that results in disciplinary charges will be held for ten years. The proposed Standing Order amendments provide the Secretary of the Conference with the discretion to decide that a record could be retained longer than the specified retention period. It is envisaged that this discretion would be exercised rarely and all parties named in the record would have the right to be informed of this decision with a written justification. If the complaint raises safeguarding concerns or criminal allegations, the records will be held for 50 years.

Provision is made for a summary to be retained of the fact that someone in training has been the subject of discontinuance, through the disciplinary process or resignation so as to inform any future committee considering an application for reinstatement.

The records that will be kept during the applicable retention period will be clarified in guidance that will be adopted by the Methodist Council rather than detailed in Standing Orders.

The proposed Standing Order amendments set out below are only the first step in a wholesale review of data protection and record retention by the Connexional Team. Work is also being undertaken in conjunction with the Trustees for Methodist Church Purposes to assist Local Churches, Circuits and Districts in observing and undertaking the data protection principles and their application.

In considering the amendments to Standing Order 1104, references to 'home Districts' has been removed.

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

**49/5. The Conference adopted the Report.**

**49/6. The Conference amended Standing Orders as follows:**

**1104 Record-keeping, Confidentiality and Related Matters.** (1) ~~There~~ ***The records specified in heads (iA) to (iv) below shall be deposited with the Secretary of the Conference for safe custody, shall be retained by the Secretary for the period specified in the relevant head or, where any of clauses (1A) to (3B) below applies, for the longer period there provided for, and shall then be destroyed.***

~~(1) all records of decisions and other records required under this Part to be kept by local complaints officers and complaints teams (other than a decision by a local complaints officer not to refer a complaint to the connexional Complaints Panel);~~

**(iA) each record of a decision of a complaints team to summarily dismiss a complaint under Standing Order 1123(7) or to deal with a complaint under an alternative procedure set out in Standing Order 1123(6), for two years;**

- (iB) **each record of a decision of a complaints team to dismiss a complaint under SO 1124(10), for two years;**
- (iC) **each record of a decision of a complaints team to follow a course of action under Standing Order 1124(11), for five years;**
- (iD) **each record of a decision on an appeal under Standing Order 1126(1), for two years;**
- (iE) **each record of a decision on an appeal under Standing Order 1126(3), for five years;**
- (ii) ~~copies of all reports prepared at the conclusion of inquiries held in accordance with~~ **under Standing Order 111(2A), for ten years;**
- (iii) **all records of hearings before *discipline committees, appeal committees and other* connexional courts under this Part or Section 03 or Section 04, for ten years;**
- (iv) **all records relating to the resignation, discontinuance or discipline of ministers and probationers and those in training for the presbyterate or the diaconate, for ten years.**

**(1A) The Secretary of the Conference shall have the authority to retain records for a longer period than that specified in clause (1) if he or she considers that to be in the best interests of the Church. All parties to the record that is to be retained for an extended period under this clause shall, so far as reasonably possible, be informed of the decision.**

~~(2) The Secretary of the Conference shall continue to retain in safe custody all~~ **If any records and other documents deposited with him or her for that purpose in accordance with the Secretary under clause (1) above previous Standing Orders relating to complaints and discipline, contain an allegation of a criminal offence, or relate to a safeguarding concern, that record shall be retained for fifty years.**

**(2A) Clauses (1) and (2) above shall be applied as closely as possible to all records deposited with the Secretary under previous Standing Orders relating to complaints and discipline.**

~~—(3) For the purposes of clause (1)(iv) above and any predecessor clause to that or similar effect, a record relates to discipline if it concerns a complaint against a person there mentioned and a complaints team or a team convened from a former district Complaints Panel has decided that a charge should be brought against that person.~~

**(3A) Any record that a minister or probationer resigned, was discontinued or was removed from Full Connexion, or of the reason for any such action, shall be retained until the death of that minister or probationer.**

**(3B) Any record that a local preacher or member of the Church lost the status of a local preacher or ceased to be a member, or of the reason for any such loss or cessation, shall be retained until the death of that local preacher or member.**

(4) Both the complainant and the respondent are entitled upon request to a copy of any record to which clause (1) or (2A) above applies, but must treat any document supplied following such a request as confidential.

**(4A) The nature and extent of the record to be retained by the Secretary of the Conference under clause (1) above shall be in accordance with guidance adopted by the Methodist Council.**

(5) The Secretary of the Conference must permit the relevant eConnexional 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 1153(1).

(6) *[unaltered]*

(7) *[unaltered]*

(8) Subject to clauses (9) and (10) below, the Chair of the District **and the Superintendent of the Circuit** in which a respondent resides for the purposes of the stations (if a minister or probationer) or is a member or office-holder (if a lay person) ~~and the Superintendent of his or her Circuit (if any in each case)~~ must be informed of the decision made at each stage of the complaints and discipline

process by the person responsible under this Part for recording the decision, whether or not he or she would otherwise be entitled to be so informed under any provision of this Part.

(9) *[unaltered]*

~~—(10) If the respondent's District for the purposes of clause (8) above is not one of the home Districts, references in that clause to the Chair of the District and the Superintendent of the Circuit must be read as references to the Chair of the District and the Superintendent of the Circuit with which the respondent has the closest connection in the home Districts.~~

(11) Any person retaining a record or copy of a record under the provisions of this Part must **within 90 days of the date of the document** retain the record or copy in conditions which are appropriate having regard to the confidentiality of the document and after the expiration of five years from the date of the document should normally destroy it or send it to the Secretary of the Conference for safe custody **in accordance with clause (1)** with **all the other relevant** records relating to the complaint in question. **Any person holding records under the provisions of this Part must destroy any duplicate records or other documentation, including correspondence, once the records have been passed to the Secretary of the Conference.**

**(12) For the purposes of this Standing Order "record" does not include the Journal as defined in clause 36 of the Deed of Union or any document included within Standing Order 125(2).**

**1121 (7) (b)** A copy of the record must be sent to the complainant and to the respondent, unless the respondent is unaware of the complaint. **If the local complaints officer declines to refer the complaint he or she should** may also retain a copy **of the as a personal record and other documents, in accordance with guidance adopted by the Council,** for the period of five **two** years **from the date of the decision** together with copies of any other documents relating to the complaint in his or her possession. **Thereafter the local complaints officer may retain a record of the outcome only, in accordance with guidance adopted by the Council, until five years after the decision.**

**(c)** If the local complaints officer decides to refer the complaint to the panel the record must be sent to the relevant Connexional Team member for transmission to the relevant complaints team **and the local complaint officer must destroy any record or documentation retained within 90 days of the date of referral under Standing Order 1121(5)(i).** A copy **of the record** must then **be deposited with and** retained by the Secretary of the Conference **in accordance with Standing Order 1104(1).**

**1121 (8)** If a complaint is formally resolved or withdrawn, the local complaints officer must record in writing the outcome of the complaint and annex the relevant written document and the written statement of complaint to the record. **The local complaints officer shall retain the record with relevant documents and statements for two years from the date of resolution or withdrawal.** ~~He or she (or any successor to the office constituting him or her the local complaints officer) must retain the record in that capacity for a period of five years. Thereafter the record must be sent to the Secretary for safe custody in accordance with Standing Order 1104. The local complaints officer may after two years retain a record of the outcome only, in accordance with guidance approved by the Council, for a further three years. The record of the outcome may be consulted if a dispute arises as to the resolution or the withdrawal or if it is contended that the behaviour of the complainant or the respondent forms part of a pattern.~~

## SECTION K

### SAFEGUARDING CONCERNS, RISK ASSESSMENTS AND COVENANTS OF CARE

#### Report

At its meeting in April 2017, the Methodist Council received a report setting out proposed new risk assessment procedures and approved those procedures. It also received a report from the working party established by the Council at the direction of the 2014 Conference in response to Memorial 35

(2014) to review the arrangements for Covenants of Care and commended the report to the Conference.

The amendments to Standing Orders set out below are brought to the Conference by the Law and Polity Committee for the following purposes:

1. to set out a framework in new Standing Order 236 for dealing with safeguarding concerns, as there defined, and to incorporate in a new Standing Order 237 provisions governing the new risk assessment procedures adopted by the Council.
2. to clarify by amendments to Standing Order 232 the respective roles of the Safeguarding Committee, the members of the Connexional Team responsible for issues relating to the protection of children, young people and vulnerable adults, and District Safeguarding Officers. The opportunity has also been taken to make minor amendments of a tidying-up nature.
3. to amend Section 69 to reflect the recommendations of the working party on Covenants of Care that the scope of Section 69 should be widened to cover those who are the subject of a safeguarding or sexual offence allegation in addition to those who have been convicted of or cautioned in respect of a sexual offence and that Covenants of Care should be subject to regular review.
4. to amend Standing Order 010(2) by substituting a new description of offences or which or in respect of which a conviction or caution should be a bar to the holding of office, as recommended by the working party.

Since the Conference has yet to consider the recommendations of the working party, there are separate resolutions in respect of Standing Order 020(2) and Section 69 on the one hand and the other proposed amendments on the other hand.

### \*\*\* RESOLUTIONS

**49/7. The Conference received the Report.**

**49/8. The Conference amended Standing Order 232 and adopted Standing Orders 236 and 237 as set out below.**

**49/9. The Conference amended Standing Order 010 and Section 69 as set out below.**

#### **Amendments to Standing Orders**

**010 Qualification for Appointment (1) ...**

(2) Subject to the provisions of the Rehabilitation of Offenders Act 1974 ... :

(i) ...

(ii) no person who has been convicted of or has received a simple or conditional caution from the police concerning ~~sexual offences against children or vulnerable adults~~ ***an offence under the Sexual Offences Act 2003 or mentioned in Schedule 15 to the Criminal Justice Act 2003 or who is the subject of a risk assessment under Standing Order 237 as a result of which the Safeguarding Committee concludes that he or she presents a significant risk of serious harm to children, young people or vulnerable adults*** shall be appointed or re-appointed ...

**232 Safeguarding Committee. (1) [unaltered]**

(1A) For the purposes of this Standing Order:

(i) a '**blemished** disclosure' is a disclosure document, received from any body with official responsibility for providing information about the criminal records of individuals, which contains convictions, cautions or any other adverse entry;

(ii) 'the safeguarding officer' means the person or one of the persons in the Connexional Team responsible for issues relating to the protection of children, young people and vulnerable adults;

(iii) a 'relevant party' means any person who is the subject of a decision, determination or recommendation made by the committee in the exercise of its functions under clause (2) below or in relation to whom a risk assessment has been carried out for purposes connected with the exercise of those functions, and references to "the Superintendent" and "the District Chair" or "the District Safeguarding Officer" in relation to a relevant party are references to the Superintendent of the Circuit in which the relevant party is stationed or is a member and to the Chair or safeguarding officer of the District of which that Circuit forms part.

(2) The functions of the Safeguarding Committee shall be:

(i) to give directions to and offer guidance on the steps to be taken by the relevant appointing body in respect of any **blemished** disclosure or any related matter or application **following referral of that disclosure, matter or application under Standing Order 236 and a risk assessment under Standing Order 237;**

(iA) [revoked];

(ii) **without prejudice to the provisions of Standing Orders 236 and 237,** to make recommendations to the Secretary of the Conference as to the action to be taken in respect of any minister, local preacher or member of the Church who, pursuant to the Church's policy for safeguarding children, young people and vulnerable adults, signs a form in which he or she declares a conviction or caution in respect of an offence of the kind specified in sub-clause (i) or (ii) of Standing Order 010(2);

(iii) to determine whether to authorise the making of an appointment or entry into a contract following a reference under the provisions of Standing Order 010(5);

(iiiA) to act upon any referral to it by the safeguarding officer, following referral to that officer made under any of Standing Orders 713(7A), 725(6), 761(15), ~~or 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) **without prejudice to the provisions of Standing Orders 236 and 237,** 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 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~~ **committee** believes that ground to exist shall be set out as part of the recommendation;

(iiiD) **to recommend that a contract should be entered into for the purposes of Standing Order 690(2)(c) and make recommendations as to the terms of such a contract;**

(iiiE) **to make recommendations as to the terms of, or the continuance of, an existing contract under Standing Order 690(2)(c) following a review undertaken in accordance with Standing Order 690A;**

***(iiiF) to approve annually a list of assessors who may be instructed to conduct a connexional risk assessment in accordance with the provisions of Standing Order 237(7);***

(iv) to carry out such other functions as the Conference by Standing Order or otherwise may direct or request;

(v) to be available for consultation by those members of the Connexional Team whose responsibilities include the Church's policy for safeguarding children, young people and vulnerable adults-;

(3) The chair of the committee shall nominate such members of the committee (including himself or herself but not being fewer than three in number) as he or she thinks fit to be the panel to make any determination or recommendation in discharge of the committee's functions set out in sub-clauses (ii) to (iv) of clause (2) above. For the purpose of giving directions or guidance under clause (2)(i) above, the safeguarding officer shall convene a panel of not fewer than three members of the committee having regard to the expertise required in the particular case.

(3A) (a) When discharging the functions specified under clause (2)(i) to (iv) above, the panel nominated shall contain two persons referred to in clause (1)(i) and one person referred to in clause (1)(ii).

(b) [revoked]

(c) Requests for consultation by members of the Connexional Team under clause (2)(v) above shall be made to the chair in the first instance.

(4) (a) For the purpose of carrying out its functions under clause (2)(i) to (iv), a nominated panel (the members of which shall as far as possible act together) may make such inquiries, meet such persons and obtain such expert advice in each individual case as the panel thinks fit.

(b) ~~If the panel judges that a risk assessment is desirable for the carrying out of its functions, it may appoint a suitably qualified assessor to conduct that assessment~~ ***shall consider any risk assessment prepared in accordance with Standing Order 237 in connection with the exercise in the particular case of one of its functions under clause (2)(i) to (iv). Copies of any such risk assessment or a summary of the assessment shall be provided to other persons or bodies in accordance with the provisions of Standing Order 237.***

(c) A panel may choose to hold any meeting by telephone if so agreed by all members of the panel.

(4A) A panel appointed in accordance with clause (4)(a) above shall send a written notice to the relevant party, informing him or her of the direction, recommendation or determination given or made by the panel ~~and providing a copy of any risk assessment~~. A copy of the notice ~~and a summary of the assessment~~ shall be sent to the District Chair, the District Safeguarding Officer and the Superintendent ***and also to the relevant party's line manager where the relevant party is an employee of a church court and to any group appointed under Standing Order 690(2)(a).***

(5) [unaltered]

(6) [unaltered]

**236 Safeguarding Concerns and Procedures. (1) Every member of the Methodist Church has a responsibility to children, young people and vulnerable adults involved in the life of the Church to take all reasonable steps to protect them from the risk of harm.**

**(2) In order to discharge that responsibility the Church follows the procedures for dealing with safeguarding concerns which are set out in clause (5) to (10) below and in the safeguarding policies and practice guidance from time to time adopted by the Methodist Council.**

**(3) A safeguarding concern exists where:-**

**(i) the words, actions or behaviour of any person involved in the life of the Church may cause or may have caused children, young people or vulnerable adults to be abused, harmed or neglected;**

- (ii) *subject as provided in Standing Order 010(2), a person involved in the life of the Church has been convicted of or has received a simple or conditional caution in respect of an offence referred to in sub-clause(b) of that Standing Order; or*
  - (iii) *a member of the Methodist Church may be failing or may have failed to exercise his or her responsibilities in respect of the safeguarding of children or vulnerable adults in the Church context.*
- (4) In relation to a safeguarding concern:-**
- (i) *“the subject” means the person about whom the concern exists;*
  - (ii) *“the relevant Circuit” means the Circuit in which the subject is stationed or is a member or with which, if the subject is not a minister or a member, he or she has the closest connection;*
  - (iii) *a “safeguarding officer” means the safeguarding officer as defined in Standing Order 232(1A) or the District Safeguarding Officer of the District of which the relevant Circuit forms part;*
  - (iv) *“the referring body” or “the referring person” means the body or person by whom the concern is referred to a safeguarding officer in accordance with clause (6) below.*
- (5) A member of the Church who becomes aware that a safeguarding concern exists must act on that concern in accordance with the safeguarding policies and practice guidance adopted by the council as currently in place.**
- (6) A body or person becoming aware of a safeguarding concern either in the context of a local church, circuit or district or in the exercising of a responsibility on behalf of the Church must refer that concern to a safeguarding officer.**
- (7) On receiving a referral under clause (6) above, the safeguarding officer in question must act in accordance with the provisions of Standing Order 237 below and the safeguarding policies and practice guidance adopted by the council as currently in place.**
- (8) The referring body or person and the subject of the safeguarding concern shall be given an adequate opportunity to respond to any information or reports gathered or made in connection with that concern.**
- (9) Subject to clause (10) below, the existence of and the materials relating to any safeguarding concern shall be confidential and any member of the Methodist Church breaching this confidentiality may be the subject of a complaint under Part 11.**
- (10) Clause (9) above is without prejudice to the obligation of any person engaged in the investigation of a safeguarding concern to pass information to statutory agencies in accordance with guidance adopted by the council.**

**237 Assessment of Risk. (1) In this Standing Order:**

- (i) *“blemished disclosure” has the meaning given by Standing Order 232(1A);*
  - (ii) *“the subject” and a “safeguarding officer” have the meanings given by Standing Order 236(4) and*
  - (iii) *“the District Safeguarding Officer” means the safeguarding officer of the District of which the relevant Circuit forms part.*
- (2) When a safeguarding concern is referred to a safeguarding officer under Standing Order 236(6), the officer will undertake an initial exploration into that concern in order to determine whether a connexional or district risk assessment should be undertaken.**
- (3) A connexional or district risk assessment may be undertaken in relation to any person about whom a safeguarding concern exists in the context of a local church, circuit or district or in the exercising of a responsibility on behalf of the Church in accordance with the provisions of this Standing Order.**
- (4) A connexional safeguarding officer acting on behalf of the Safeguarding Committee may require a connexional risk assessment following a request from a District Safeguarding Officer or in any other case when:-**
- (i) *a safeguarding concern exists about any person wanting to worship or continue to worship in a Methodist church;*

- (ii) *a person to whom Standing Order 690(1) applies wishes to worship or continue to worship in a Methodist church;*
  - (iii) *a safeguarding concern exists about a person wishing to hold or continue to hold a role or responsibility to which Standing Order 010(3) applies;*
  - (iv) *a request is made by a church court or body under Standing Order 010(5);*
  - (v) *a blemished disclosure reveals a safeguarding concern about a person wanting to hold or continue to hold a role or responsibility to which Standing Order 010(3) applies;*
  - (vi) *a referral is made to the committee under the provisions of any of Standing Orders 731(7A), 725(6) and 761(15);*
  - (vii) *a referral is made to the committee under Standing Order 1102(9);*
  - (viii) *a referral is made to the committee under Standing Order 690A in connection with the review of a contract;*
  - (ix) *a statutory agency provides information which reveals a safeguarding concern or requests that a risk assessment be undertaken.*
- (5) *A connexional risk assessment shall be undertaken by a suitably qualified assessor upon the instruction of a connexional safeguarding officer acting pursuant to clause (4) above and upon completion shall be provided to the Safeguarding Committee for use in the discharge of a function of the committee under Standing Order 232(2).*
- (6) *When a connexional safeguarding officer determines that a connexional risk assessment is required, the officer shall consult with the referring person or body to determine the terms of reference for the risk assessment.*
- (7) *A district risk assessment may be undertaken:*
- (i) *before a contract under Standing Order 690(2)(c) is entered into;*
  - (ii) *(in conjunction with a connexional safeguarding officer) where a change in the terms of such a contract is sought;*
  - (iii) *where the District Safeguarding Officer is informed of a blemished disclosure;*
  - (iv) *at the request of a connexional safeguarding officer made in accordance with the safeguarding policies and practice guidance adopted by the Methodist Council as currently in place.*
- (8) *A district risk assessment shall be undertaken by a safeguarding officer or a person in relation to whom that officer exercises the power to delegate that responsibility*
- (9) *Any person who is the subject of a safeguarding concern will be expected to participate in any risk assessment process required by a safeguarding officer pursuant to clause (4) or clause (7) above.*
- (10) *If the subject of a safeguarding concern declines to participate in such a risk assessment, the assessment may continue without such participation.*
- (11) *The subject, the District Chair, the District Safeguarding Officer (if not conducting the assessment) and the Superintendent of the relevant Circuit shall be given the opportunity to speak to the risk assessor.*
- (12) *The risk assessor shall speak to such other person or persons as he or she reasonably considers necessary.*
- (13) *The responsible officer as defined by SO 013(2)(ii) shall be responsible for ensuring pastoral support is offered to the subject, such persons connected with the subject as the officer thinks fit and any person referring the safeguarding concern.*
- (14) *Upon completion of the risk assessment, the risk assessor shall send a copy of the report to the subject. The subject shall have 14 days to provide any comments on the report before it is considered by the Safeguarding Committee in accordance with Standing Order 232(2) or by the District Safeguarding Officer for the purpose of giving directions or guidance or making recommendations.*
- (15) *A copy of the risk assessment together with a copy of any comments provided by the subject shall be sent to the District Safeguarding Officer (in the case of a connexional risk assessment) and to the line manager of a subject who is employed by a church court (in any case). A summary of the risk assessment shall be sent to the District Chair and Superintendent referred to*

*in clause (11) above and, where relevant, to any group appointed under Standing 690(2)(a) in relation to the subject. The District Safeguarding Officer may provide copies of the risk assessment or the summary to other persons in accordance with the safeguarding policies and practice guidance adopted by the council as currently in place.*

**(16)** *When a blemished disclosure or any related matter or application is referred to a safeguarding officer, the officer may:*

- (i) give directions to and offer guidance on the steps to be taken by any relevant appointing body in respect of that disclosure, matter or application; or*
- (ii) refer that disclosure, matter or application to the Safeguarding Committee to give directions to and offer guidance on the steps to be taken by that appointing body following a connexional risk assessment.*

**(17)** *Instead of or prior to commissioning or carrying out a risk assessment, a safeguarding officer may take such other reasonable steps for the protection of children, young people or vulnerable adults as are consistent with the safeguarding policies and practice guidance adopted by the council as currently in place.*

**(18)** *In relation to a person employed under a contract of employment, this Standing Order shall apply only so far as consistent with the terms of that contract and employment legislation.*

### **Section 69 Involvement of Sex Offenders in the Local Church when a Safeguarding Concern has arisen**

**690 Arrangements for Involvement.** (1) When a person:

(i) who has been convicted of or has received a simple or conditional caution in respect of a sexual offence **an offence referred to in Standing Order 010(2)(ii); or**

(ii) **in respect of whom the Safeguarding Committee has made a recommendation that clause (2) below should apply**

worships in a Local Church or seeks to become involved in its life, he or she may only do so in accordance with the provisions of that clause (2) below.

(2) (a) The Local Church in question, acting by the presbyter in pastoral charge, must establish a **small monitoring and support group in accordance with the applicable policies and practice guidance adopted by the Methodist Council from time to time for the purposes set out there and in this Standing Order.**

(b) The group so established must ~~undertake a~~ **consider the recommendations made in any risk assessment undertaken pursuant to Standing Order 237 (where possible with outside assistance) and if no such risk assessment has been undertaken, will immediately refer the matter to a safeguarding officer as defined in Standing Order 236.**

**(bA) The group will seek in order to minimise the risk to others presented by the person concerned and to for that purpose will determine on what terms he or she may attend for worship and become involved in the life of the Local Church.**

(c) The person concerned must agree to enter into a written contract setting out the terms determined in accordance with sub-clause (bA) above and the contract must be signed and dated by him or her and by the members of the group. **The contract must also include a provision that its terms will be reviewed and may be amended in accordance with Standing Order 690A.**

~~—(3) When a written contract has been made with a person under the provisions of clause (2) above, its terms must be regularly reviewed by the group. The group may at any time require the person concerned to agree any variation which it believes necessary for the avoidance of risk.~~

~~—(4) The guidance approved by the Conference from time to time shall be followed in carrying out the requirements of clauses (2) and (3) above.~~

(5) A person to whom clause (1) above applies shall not be placed on the community roll maintained by the Local Church in accordance with Standing Order 054(7) before signing a contract

in accordance with clause (2) above **and may, if such a contract has not been signed, be removed from the community roll if not a member or be made the subject of a complaint under Part 11 if a member.**

**(6) If the person concerned declines to sign a contract, the group may nevertheless monitor him or her within the life of the Church in order to minimise the risk posed to children, young people and vulnerable adults.**

**690A Review of a Contract. (1) When a written contract has been made with a person under the provisions of clause (2) of Standing Order 690, its terms will be reviewed at least annually by the group established under that clause.**

**(2) The group shall consider at least once every three years whether a new risk assessment is required to be undertaken to reassess the risk posed by the person concerned.**

**(3) The group may revoke or amend the terms of a contract following recommendations from the Safeguarding Committee under Standing Order 232(iiiE).**

**(4) The group shall provide an annual report on the review of each contract to the safeguarding officer as defined by Standing Order 232(1A)(ii), who shall maintain a record of all contracts, and to the District Safeguarding Officer of the District of which the Circuit of the relevant Local Church forms part.**

**(5) The District Safeguarding Officer or a person in relation to whom the officer exercises the power to delegate that responsibility shall attend meetings of the group with sufficient frequency to maintain a working knowledge of the situation and to provide appropriate support and shall be supplied with notes of other meetings for those purposes.**