

From the Law and Polity Committee: Suspension of Standing Orders relating to Candidates' Medical Reports

Contact Name and Details of authors of report	Joanne Anderton, Conference Officer for Legal and Constitutional Practice andertonj@methodistchurch.org.uk Georgina Crowhurst, Legal Counsel (Governance) crowhurstg@methodistchurch.org.uk
Action Required	Decision
Resolutions	55/1. The Council receives the report. 55/2. In exercise of its power under Standing Order 211(1)(b), the Council suspends the following Standing Orders for the remainder of this connexional year 2020/21: <ul style="list-style-type: none"> • 713(5) – the words: “<i>and the medical reports of the specified doctors</i>” • 713(7) • 715(9) • 716(2) and 716(6) • 730(5A)

Summary of Content

Subject and Aims	Consideration of medical reports during the candidate selection process may be a breach of the Equality Act. As a result, various Standing Orders relating to the candidate selection and appeals process should be suspended so as not to be in breach. The suspension should take effect immediately for the remainder of this connexional year pending a fuller review of the role of medical reports in the candidates selection process.
Background Context and Relevant Documents	None
Consultations	The Revd Dr Claire Potter, Ministerial Coordinator for Oversight of Ordained Ministries, Wellbeing Advisers, Connexional Team

1. It has been brought to the Law and Polity Committee's attention that by considering medical reports in respect of candidates' physical and mental health during the candidate selection and appeals process we may be breaching the Equality Act. As a result, the Committee advises that a number of Standing Orders be suspended so as not to be in breach. The suspension should take effect immediately, for the remainder of this Connexional Year, until 31 August 2021.
2. The effect of the suspension will be that the Ministerial Candidates Selection Committee (MCSC), having discerned that a candidate is suitable for ministry, will not consider a candidate's medical report before making the recommendation to the Conference that the candidate be accepted.

3. For this connexional year only, it has been agreed that medical questionnaires can still be issued to candidates under Standing Orders 711(4) and 730(5)), so an occupational health assessment may be undertaken if necessary once the decision to recommend a candidate for acceptance has been made.
4. In view of the Equality Act restrictions, a full review of the medical reporting procedure is now in progress and the Ministries Committee will bring proposals to the Council in due course. It is envisaged that permanent amendments to Standing Orders will be necessary as a result.
5. The Standing Orders affected are as follows:

5.1 Standing Order 713: Connexional Committees

In Standing Order 713 (5), the words “and the medical reports of the specified doctors” need to be deleted temporarily, with the remainder of the provision continuing in full effect, thus:

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

Standing Order 713(7) needs to be suspended in its entirety:

(7) (a) If the report by the specified doctor states there is no medical objection to the acceptance of the candidate the committee may recommend the candidate without further medical investigation.

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

5.2 Standing Order 715: Appeals

Standing Order 715(9) needs to be suspended in its entirety:

(9) The medical committee appointed by the Methodist Council shall also investigate every case in which medical questions have been raised and concerning which an appeal is made under this Standing Order, shall judge whether there is any medical objection to the acceptance of the candidate and shall advise the Appeals Committee. In all cases a report shall be made to the Presbyteral Session or the Conference Diaconal Committee, as the case may be.

5.3 Standing Order 716: The Conference – Presbyteral Session.

Standing Orders 716(2) and 716(6) need to be suspended in their entirety:

(2) The Team members responsible for candidates shall next report the judgment of the medical committee of the Methodist Council on those cases concerning which the appointed doctor reported a medical objection in accordance with Standing Order 713(7) or 715(9), and if the recommendation of the Selection Committee is at variance with that of the medical committee the case shall be considered individually by the Conference.

(6) If the Conference in its Presbyteral Session recommends or conditionally recommends a candidate as to whom the medical committee of the Methodist Council has reported that there is a medical objection any such recommendation shall be subject to the adoption by the Conference in its Representative Session of a scheme quantifying the additional actuarial and other liabilities on the funds of the Church or of the Methodist Ministers' Pension Scheme thereby entailed and making full provision to meet any such liabilities, and no such candidate shall be accepted by the Representative Session unless such a scheme has been so adopted.

5.4 Standing Order 730: Ministerial Transfer between Churches

Standing Order 730(5A) needs to be suspended in its entirety:

(5A) The results of this assessment shall be disclosed to the Ministerial Candidates Selection Committee only after it has made its recommendation. The medical committee of the Methodist Council shall be consulted if the recommendation of the 'fitness' assessor contradicts a 'recommended' or 'conditionally recommended' report from the committee.

*****RESOLUTIONS**

55/1. The Council receives the report.

55/2. In exercise of its power under Standing Order 211(1)(b), the Council suspends the following Standing Orders for the remainder of this connexional year 2020/21:

- **713(5) – the words: “and the medical reports of the specified doctors”**
- **713(7)**
- **715(9)**
- **716(2) and 716(6)**
- **730(5A)**