

PRESBYTERY of MELROSE and PEEBLES

The Presbytery will meet at **Innerleithen Church** on Tuesday 2 October 2018 at 7pm for ordinary business.

Victoria Linford, Clerk

Business

1. Constitute
2. Sederunt and Apologies
3. Minutes (pp80-82)
4. Order of Business
5. Business Committee
6. Standing Committee Meetings
7. Standing Committee Reports [*only if there is urgent business*]:
 - (a) Governance
 - (b) Mission and Service
 - (c) Property and Stewardship
8. Presbytery Planning Task Group Report (p4)
9. Presbytery Review Pilot Report [*to be confirmed*]
10. Intimations
11. Correspondence
12. Adjournment

[REFRESHMENTS WILL BE SERVED DURING A BREAK IN THE MEETING]

Business Committee

1. Discipline Overture – Presbytery appoints an Order of the Day at 8 pm during the meeting of Presbytery on Tuesday 6 November 2018 to consider and hold a ballot on the Overture. Presbytery also notes that a guidance note on the Overture and the ballot process has been prepared by the Clerk (pp2-3).
2. Presbytery notes with approval that at a Congregational Meeting held in Caddonfoot on 18 March 2018, the congregation of Caddonfoot Parish Church resolved to move from a Model Deed to the Unitary Constitution. Presbytery instructs the Clerk to send to the Delegation of Assembly an extract minute of the decision made by the congregation and of the Presbytery approval.
3. Presbytery notes that the Clerk has referred a matter to the Convener of the Governance Committee under section 4 of the Protection Against Bullying Act 2007.
4. Presbytery appoints Mr David Brackenridge and Dr Peter Worthington as members of the Transition Support Group for Rev Stewart McPherson, interim minister at Carlops l/w Kirkurd and Newlands l/w West Linton: St Andrews.
5. Presbytery notes that the Church of Scotland Nomination Committee is seeking nominations for the Church's various committees and councils, by the end of November 2018.
6. Presbytery notes that Mr Alastair Rennick has agreed to be appointed as Presbytery Treasurer from a date to be agreed in 2019, and that a handover process is being put in place.

Intimations

1. Update to Presbytery Year Book: Please could you substitute in your Year Books the following new address for Mr Colin MacIntosh, Session Clerk at Selkirk Parish Church: 12 Brunton Park, Bowden, Melrose TD6 0SZ; Tel. 01835 822035.

2. Reminder: Presbytery has arranged an Autumn Conference on the Middle East, to be held on 24 October 2018 in Innerleithen Church. A programme has been sent to Presbytery members and Session Clerks. Please do promote this event within your congregations and parishes.

Correspondence

1. From Borders Street Pastors – the October 2018 update is being sent out with these Presbytery Papers.

PRESBYTERY OF MELROSE AND PEEBLES
OVERTURE UNDER THE BARRIER ACT – DISCIPLINE OVERTURE
GUIDANCE NOTE FOR PRESBYTERY MEETING ON 6 NOVEMBER 2018

This guidance note has been prepared in advance of our Presbytery ballot on the Discipline Overture. The Overture was adopted by the General Assembly of 2018 and it is now coming to Presbyteries under the Barrier Act. It will become law if it is approved by a majority of Presbyteries and by the General Assembly of 2019. The Overture, which is in the form of a new Discipline Act, is set out in full in the Remits Booklet 2018 (pages 3-30) and members of Presbytery are encouraged to read this.

What are the reasons for the Discipline Overture?

Currently, there are several Acts relating to the discipline of ministers, elders, office-bearers and others within the Church of Scotland:

- Discipline of Ministry Act 2001;
- Protection Against Bullying Act 2007;
- Protection Against Discrimination Act 2007;
- Discipline of Elders, Readers and Office Bearers 2010.

The main problems with the existing legislation are:

- Complexity – the need to operate different legal processes depending on the nature of the allegation or the category of person against whom the allegation is made;
- Inconsistency – e.g. the need to apply different processes to similar allegations against different people;
- The length of the process – e.g. because every stage of a case has to be operated by a committee.

Under the new Act, there would be a single piece of legislation for all disciplinary matters, with one definition of a Disciplinary Offence, and one process to be followed in all cases. The definition of a Disciplinary Offence, and the list of categories of people to whom the legislation applies, have however been expanded.

There would no longer be a Special Committee to investigate cases or take them to a Tribunal. Instead one person - a legally-qualified Assessor - would take on that role, with the help of a Minister (to provide theological input).

The pastoral care obligations of Presbytery are clarified in the Overture, and Presbyteries would be more accountable for the pastoral care they provide to the persons affected by a case. The new Act would introduce greater clarity about the role of the Principal Clerk, Church Solicitor and Legal Questions Committee. The Act would also provide for guidelines to be produced, to help Clerks and others administer the Act.

How would cases work under the new Discipline Act?

The Presbytery Clerk, along with the Principal Clerk, will decide whether a matter falls within the Act, particularly whether the complaint is against a person covered by the Act (Part 2), concerns an alleged Disciplinary Offence within the Act (Part 4), and is in the Presbytery's jurisdiction (Part 3). In some cases, the matter may be dealt with under the Presbytery's own complaints procedure.

If the matter falls under the new Discipline Act, it is referred to an "Assessor", who is normally legally qualified. They are assisted in their work by an Adviser, who will be a Minister. At this or a later stage, the respondent may be given an Administrative Suspension. This is not a punishment and does not assume any guilt, but allows the matter to be investigated freely and for the respondent not to have the burden of their duties while this happens.

The Assessor will decide either that no further action is needed, or may offer a "Censure with Consent" (where the respondent accepts guilt and the proposed Censure without the matter going to a Tribunal), or to investigate the matter further.

If the Assessor then decides to initiate Disciplinary Proceedings, the matter will go to a Discipline Tribunal and the case will proceed in a similar way to that under the old legislation. There is an initial diet, followed by a proof to hear the evidence, if required. If the allegations are established, the Act sets out the Censures available, which vary according to the category of respondent.

After a matter is referred to an Assessor, until the case is disposed of, Presbytery's role is limited to providing pastoral care to the various persons affected. The Presbytery would have to report to the Assessor on the pastoral care provided. Once the matter is concluded, the Presbytery will meet to implement the decision or Censure.

The Act also provides for various time-limits throughout (these can be extended but there is a greater role of Legal Questions Committee in this), and for appeals and reviews at different stages.

How will our Presbytery hold its ballot on the Overture?

We will hold our ballot at the November 2018 meeting. There will be an "Order of the Day", which means that there will be a set time for this to be considered during the meeting.

Before the ballot is held, there will be a time for questions and discussion on the Overture. If you have any questions, it would be helpful if you could let the Clerk have these before the meeting, to allow answers to be found in time for the meeting. However, that does not preclude questions and discussion at the meeting. Each person who wishes to speak may do so for up to 3 minutes, although the Moderator may bring the discussion to a close after an appropriate time.

Then the ballot will be held. You will be given a ballot paper to complete and put into a box. On the ballot paper, you will be asked to mark X either FOR the Overture or AGAINST the Overture. There will then be a break in the meeting while the votes are counted, and the Clerk will announce the results. The Presbytery vote will be determined by how the majority votes in the ballot. Only full members of Presbytery (not corresponding members) may vote in the ballot. If you are not present at the meeting, you cannot take part in the ballot.

After the meeting, the Clerk will complete a return form and send it to the Principal Clerk with the result of the ballot. There is also a space on the form for any comments from Presbytery.

Victoria Linford
Presbytery Clerk
September 2018

Report from the Presbytery Planning Task Group – October 2018

Remit from the Ministries Council

Note the advisory figures for the number of full-time equivalent ministers available for Presbyteries in 2023 and instruct the Council to seek a formal response from all Presbyteries to determine whether, on the basis of local experience, the figures should continue to be received as advisory, and to report to the General Assembly of 2019.

Notes from first meeting of the Presbytery Planning Task Group

We will add a Presbytery prayer to the National Prayer Resource which was sent out to ministers recently.

We encourage clusters to meet together.

We will agree on 4 key questions to help congregations / clusters with decision making.

We will seek confirmation of the money situation – If we have 11 fte ministers of word and sacrament do we have money for additional staffing?

We are happy to meet with clusters / congregations to help facilitate or encourage discussion.

The timetable we are working to – shape of the Plan by June 2019, out to congregations by September, approval by Dec 2019.

Deliverance:

1. Presbytery notes the figures for the number of full-time equivalent ministers available for Presbyteries in 2023 and agrees that the figures should continue to be received as advisory.
2. Presbytery makes the following comments:

The Presbytery Planning Task Group is supportive of the reasoning behind the figure being advisory - to prevent too much focus being placed on just reaching a number.

The PPTG accepts the advisory nature of the figure and will bear it in mind in its planning.

The PPTG hopes that all Presbyteries would adopt this approach. The figures are not to be ignored.