

PRESBYTERY of MELROSE and PEEBLES

The Presbytery will meet at **Innerleithen Church** on Tuesday 6 November 2018 at 7pm for ordinary business.

Victoria Linford, Clerk

Business

1. Constitute
2. Sederunt and Apologies
3. Minutes (pp83-84)
4. Order of Business
5. Business Committee
6. Presentation of Reader and Students
7. Overture under the Barrier Act - Discipline Overture [ORDER OF THE DAY 8PM]:
 - (a) Presentation on Guidance Note (pp2-3 – previously circulated in October) and discussions/questions
 - (b) Voting on Overture
 - (c) Tea/coffee, during which votes are counted
 - (d) Result of voting on Overture is announced
8. Standing Committee Reports:
 - (a) Governance (*to follow*)
 - (b) Mission and Service (*separate report attached*)
 - (c) Property and Stewardship (p4)
9. Intimations
10. Correspondence
11. Adjournment

[REFRESHMENTS WILL BE SERVED FOLLOWING THE ORDER OF THE DAY]

Business Committee

1. The Business Committee thanks Rev Rosemary Frew for attending the Conference for Presbytery Representatives on Wednesday 31 October – Thursday 1 November 2018. The conference focussed on the instruction from the General Assembly in relation to a Radical Action Plan and proposals on structural change to be brought to the General Assembly of 2019.
2. Presbytery notes with approval that at a Congregational Meeting held in Eddleston on 29 April 2018, the congregation of Eddleston Parish Church resolved to move from a Model Deed to the Unitary Constitution. Presbytery instructed the Clerk to send to the Delegation of Assembly an extract minute of the decision made by the congregation and of the Presbytery approval.

Intimations

1. Stuart Townend and Band: The Courage Tour 2018 – concert in Galashiels: St John's Church on 28 November 2018, doors open 7pm. Tickets £12 from stuarttownend.co.uk.
2. Armistice Bells: congregations within Presbytery are reminded about the message previously sent from the Lord Lieutenant of Roxburgh, Ettrick and Lauderdale, regarding the Government's appeal for bells to ring out across the country at 12.30pm on 11 November 2018 to commemorate the centenary of the Armistice which signalled the end of the First World War.

Correspondence

3. From CrossReach: The Information Sheet for November 2018 is being sent out with these 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 Property and Stewardship Committee December 2018

Several requests have been received for rebates from Ministries and Mission Contributions for 2019. The Total Rebate for 2019 is £35,865, and the amount that has been carried over from 2018 is £19,315. The planned rebates for 2019 plus our ongoing commitment to the charge of Maxton and Mertoun, Newtown and St Boswells for a Reader comes to a total of £26,755, thus leaving £28,425 for need arising during the coming year. In addition there is just over £2,000 in a Treasurer's fund.

The Committee therefore recommends the following reductions in Ministries and Mission payments for approval by Presbytery:

To St Andrew's Leckie Peebles, £5,000 towards their target of raising £25,000 for current mission projects.

To Presbytery's Mission and Service Committee to cover the cost of planned away days and elder training, £3,155.

To Presbytery's Mission and Service Committee to cover the cost of continuing support for our Malawi students in 2019, £2100.

To Channelkirk and Lauder to see them through current financial difficulties, £6,000.

To Selkirk, to contribute towards paying for a dedicated youth worker, £5,000 for each of 2019 and the following two years.

To Maxton and Mertoun, Newtown and St Boswells, £5,500 for an attached Reader.

A conference has been arranged for Church Treasurer's in Penicuik North Church at 2pm on Thursday 6th December 2018. The speaker will be Archie MacDowall, Deputy Treasurer (Congregational Finance). He will cover many of the most frequently asked questions about producing church accounts, plus Stewardship and how to spot fraud. If you would like a particular topic covered and to register your attendance please could you email Mrs Mary McElroy (maryhmcelroy@outlook.com). Please share this information with Treasurers and those interested in church finance.

Deliverances:

- 1) Presbytery receives the report.
- 2) Presbytery approves a M&M rebate of £5,000 to St Andrew's Leckie Peebles.
- 3) Presbytery approves a M&M rebate of £5,255 in total to the Presbytery Mission and Service Committee.
- 4) Presbytery approves a M&M rebate of £6,000 to Channelkirk and Lauder.
- 5) Presbytery approves a M&M rebate of £5,000 for 2019, 2020 and 2021 to Selkirk subject to annual update and no significant change to the Presbytery rebate.

6) Presbytery approves a M&M rebate of £5,500 to Maxton and Mertoun, Newtown and St Boswells, payable to Maxton and Mertoun.

7) Presbytery encourages Treasurers and other interested parties to attend a Treasurer's Conference on the 6th December 2018 at 2pm in Penicuik North Church.