

## THE PRESBYTERY OF PERTH

### STANDING ORDERS

#### 1. MEMBERSHIP AND ROLL

- a) The Presbytery shall consist of all ministers of parishes within the bounds, and other ministers and deacons qualifying for membership in terms of General Assembly legislation, commissioned elders, appointed balancing elders and the Presbytery Clerk.
- b) The Roll of the Presbytery shall be made up as at the June meeting in each year, in accordance with Act VI 2023. The roll shall be laid on the table at the first Ordinary Meeting thereafter.
- c) Each Kirk Session shall commission annually one of its number (or as otherwise provided for in General Assembly legislation) as a representative to the Presbytery.
- d) The Presbytery shall appoint annually enough balancing elders to ensure that there are as many elders as ministers. Kirk Sessions and Presbyters may submit the names of elders for consideration by the Nominations Committee for appointment as balancing Elders as vacancies arise. In selecting names to propose to Presbytery for appointment, the Committee shall have regard to the need to ensure that the membership of Presbytery is broadly representative of the make-up of the congregations within its bounds and that Presbytery has access to the range of skills and experience needed for its work.
- e) Elders' commissions, which run from 1<sup>st</sup> July to 30<sup>th</sup> June, shall be forwarded to the Connections and Nominations Committee by 1<sup>st</sup> June, in order that proposals for committee membership may be prepared.
- f) Presbytery may appoint Corresponding Members, including but not limited to, MDS staff appointed in accordance with the Presbytery Plan, the Presbytery Treasurer, the Convener and Secretary of Guilds Together, Elder Trainers, Presbytery Safeguarding Trainers, Readers and Graduate Candidates. Ministry Candidates in the earlier years of training will be invited to have Corresponding Membership.
- g) Corresponding Members may attend all meetings of Presbytery and speak (except when Presbytery is exercising judicial functions) but cannot vote or propose a motion.
- h) When the Presbytery's Administrator, Buildings Officer, or other Presbytery Posts, are not a member of Presbytery, they shall be a Corresponding Member.

#### 2. MODERATOR

- a) The Connections and Nominations Committee, having provided an opportunity for suggestions to be received, shall propose a Moderator.
- b) Presbytery shall elect a Moderator from among its members at the February meeting, with the exception of those members who are also employees of the Presbytery.
- c) The Moderator shall normally hold office for one year from the June meeting of Presbytery.

- d) In the absence of the Moderator, the immediate past Moderator shall preside, and if not present, a former Moderator shall preside, whom failing the Presbytery shall elect a temporary Moderator for the meeting-
- e) Should the Moderator cease to be a member of Presbytery during their term of office, their duties shall devolve upon a previous Moderator nominated by the Nominations Committee, until a new election can be organised.
- f) The Moderator shall have no deliberative vote. In the event of a tie in voting, the Moderator shall have power to give a casting vote.

### **3. OFFICIALS**

Presbytery shall appoint a Clerk, Treasurer and Auditor, who shall hold office at the will of Presbytery. The Treasurer need not be a member of the Presbytery but shall be required to be a person with demonstrable financial expertise.

### **4. ORDINARY MEETINGS**

Presbytery shall normally meet for Ordinary Business on the first Saturday in February (all day meeting) the second Tuesday in June (evening meeting), the second Tuesday in September (evening meeting) and the first Saturday in November (all day meeting). All meetings shall be in hybrid format.

### **5. SPECIFIC PURPOSE MEETINGS**

Specific Purpose Meetings may be called, either by appointment of Presbytery or by the Moderator. Wherever possible two weeks' notice of such meetings shall be given to all members and Corresponding Members of Presbytery.

### **6. CONDUCT OF BUSINESS**

- a) Presbytery business shall be conducted in accordance with the Standing Orders of the General Assembly, save where specified differently in these standing orders.
- b) The quorum for all Presbytery meetings shall be 3, of which 2 must be ministers.
- c) Meetings shall take place in person or remotely as required for the expeditious transacting of Presbytery business.
- d) When the Presbytery has been constituted, the draft minutes of the last ordinary meeting and any subsequent meetings, being circulated to all members by the Clerk beforehand, shall be submitted for approval.
- e) A record of attendance shall be kept. After Presbytery is constituted the Presbytery Clerk shall report any additions to the Roll since the last ordinary meeting. New members shall be briefly welcomed by the Moderator.
- f) The order of business, as circulated in the documents sent by the Clerk prior to the meeting, with amendments proposed by the Business Committee, shall be agreed by the Presbytery.
- g) After the order of business is agreed it shall be competent to move at any time that a matter (in whole or in part) be taken in private, such a motion to be voted on without debate. However, as much as possible, matters should be taken in open court.

- h) Any member of Presbytery wishing to give notice of motion shall submit the same in writing to the clerk prior to the meeting of Presbytery.
- i) After committee reports are presented and the deliverance has been moved, questions shall be taken. The deliverance shall then be considered section by section. Any amendments are to be disposed of before counter-motions. The Presbytery votes 'For' or 'Against' an amendment. In the case of a counter-motion the Presbytery shall vote 'For' the motion or 'For' the countermotion. Finally, the deliverance as a whole is to be put to the Presbytery for approval.
- j) All speakers should use microphones.
- k) Speakers must address the Moderator and should preface their speech with 'Moderator' (followed by their name if speaking for the first time at any meeting).
- l) No member may speak more than once on the same matter, except by the permission of the Moderator, apart from (i) the original mover of any motion, who may answer questions or give explanations in the course of the debate and who shall have the right of reply immediately before the relevant committee convener closes the debate, and (ii) the committee convener whose report is under consideration, who shall have the right of replying to the debate, and in so replying thereby closing the debate.
- m) Motions, amendments, and counter-motions should be sent in writing to the clerk prior to the meeting to allow them to appear on screens as far as possible, but in any case, immediately they have been seconded.
- n) Questioning: When a Presbyter intends raising a question or making a comment; the response to which is likely to require research in terms of finance, statistics, or interpretation of Church Law, then courtesy requires that advance notice be given to those likely to be involved in the response.
- o) Point of Order: Where a genuine point of order over procedure is raised, the challenger shall state the grounds for raising it usually referring to the Standing Order the challenger believes has been infringed; the speaker may reply briefly to explain why they consider they are not out of order; but no other member may speak except by permission of the Moderator. The Moderator shall then give his or her ruling, but before doing so may invite the court to vote on the matter. The Moderator's ruling can be challenged, and, if it is, a vote will have to be taken.
- p) Other than with the special permission of the Presbytery the maximum time-limit for speeches shall be as follows:
  - Convener presenting a Report, introducing an Overture, presenting a Petition – 10 minutes;
  - Mover of a Notice of Motion, moving counter-motions, seconding motions, making comments – 5 minutes;
  - Guest speakers – 10 minutes;
  - Speeches about Translations, Demissions, Tributes – 3 Minutes.

- q) Time limits do not apply when the Presbytery is either: a) dealing with matters under the Barrier Act; b) acting judicially.
- r) A member of Presbytery may dissent from any decision made by the Presbytery and this dissent will be recorded in the minutes, if both: a)-the member gives intimation of dissent before the meeting proceeds to the next business; b) the member has taken part in the vote on the matter under discussion.
- s) Fast-track business: It is important that Presbyters should read the committee reports in advance of the meeting, in order to be aware of items of business, which have been designated for fast-tracking. When compiling the report of a Standing Committee, the convener should clearly identify any sections of the proposed deliverance, which are of a routine or administrative nature and which the committee considers can be 'fast-tracked' rather than requiring oral presentation and debate by Presbytery. An explanation of proposed 'fast-track business' should be outlined in the committee's report. After submitting the agenda, the Business Convener will formally move the adoption of all fast-track business. If any Presbyter considers a fast-tracked item to be deserving of debate, then they may ask for the item to be withdrawn from the fast-tracking section of a Deliverance when the Business Convener moves adoption of the Agenda. If such a request is seconded, approval shall be given. As a courtesy, it is asked that the Business Convener and the appropriate committee convener be informed of this request in advance.
- t) Apart from Supplementary Reports and Vacancy Procedure Committee Reports, only in exceptional circumstances and with the agreement of the Convener of the Business Committee may a report be given orally or a late written report be circulated. Any paper so presented must be in the hands of all Presbyters at the meeting and read by them prior to any discussion commencing.
- u) The Presbytery shall not review its own decision, but shall return to the same subject only where altered circumstances produce a fresh proposal, or where the law of the Church requires the matter to be decided anew.

## **7. CONFLICT OF INTEREST**

Presbyters have a legal duty, as charity trustees, to act in Presbytery's best interests when making decisions, even if doing so conflicts with their own interests or those of a relative or friend, or with the interests of the congregation that appointed them. Should a member of Presbytery believe that there may be an actual or potential conflict of interest for them in the business before Presbytery or one of its Standing Committees, he or she should declare it at the start of the meeting at the indicated point in the Agenda, failing which, at that point when the relevant item of business is reached. A full explanation of what can comprise a conflict of interest, and how a conflict can be managed, is provided in the Presbytery's Code of Conduct.

## **8. PRESBYTERY PAPERS**

Presbytery papers are circulated to enable informed discussion to take place at Presbytery meetings. All members and corresponding members are expected to respect this intention. If a paper is labelled confidential it must not be shared or circulated without permission from the Presbytery Office. In particular, Presbytery papers should not be passed to the Press, without the specific approval of the Business Committee. Any breach of this shall be considered to constitute contempt of court.

## **9. USE OF POWERS**

In the event of a decision being required in relation to a matter which is judged by the Moderator (whom failing a predecessor), Clerk and the Convener and Vice Convener of the Business Committee to be administrative and/or non-contentious and where it is considered that a delay would be unhelpful to those affected, powers are given to the Moderator (whom failing a predecessor), Clerk and the Convener and Vice Convener of the Business Committee, in consultation with any other appropriate Committee Convener or member, to act on behalf of Presbytery.

### Vacancy Committee Matters

For vacancy committee matters (other than routine matters such as the replacement of an Interim Moderator) and also where there is a matter in which the Moderator, Clerk, Convener and Vice Convener of the Business Committee judge that Presbytery should be given an opportunity to discuss it, the Presbytery Clerk shall contact all members of Presbytery to inform them of what is being proposed. Four members of Presbytery or, where appropriate, four members of the congregation affected, may request that the Presbytery meet to discuss the proposal. If no such request is received within 7 days of the Clerk contacting Presbytery, it shall be assumed that the proposal has been approved.

### Planning Matters

The Planning and Deployment Committee shall have delegated powers to approve a Basis of Adjustment which is in accordance with an approved Presbytery Mission Plan and where the congregations named in the Basis have approved it.

### Property Matters

All proposed alterations and repairs for Category B buildings between £5000 and £25,000 (this being the limit for such repairs) may be approved by the committee using powers.

All proposed alterations and repairs for Category A buildings between £5000 and £25,000 do not require Presbytery approval but should be submitted to the committee for its information and noting.

All proposed alterations and repairs for Category A buildings between £25,000 and £50,000 may be approved by the committee using powers.

All proposed alterations and repairs for Category A buildings costing in excess of £50,000\* may be approved by the committee and then transmitted to the General Trustees for their approval.

If a congregation's request for repairs or alterations is not approved by the Committee using powers, the congregation may appeal to the Presbytery and the matter will be taken to its next meeting.

\*This will happen in one of three ways: either the cost of the present work exceeds £50,000, or the cost of the present work PLUS the cost of the work at the same building which has been authorised by Presbytery in the past three years

exceeds £50,000, or the cost of the present work PLUS the cost of work at the same building which you are likely to have to carry out in the next three years exceeds £50,000.

In all cases the use of powers must be reported to Presbytery at the next ordinary meeting.

## **10. CITATIONS**

In any situation where the law or practice of the Church requires that a formal edict, notice or citation should be sent to a congregation or to an individual, it shall be considered sufficient for this to be transmitted by email when this facility is available to recipients. Citations from Presbytery to a congregation regarding attendance at a Presbytery meeting should be read to the congregation on at least the two Sundays prior to the meeting.

## **11. STANDING COMMITTEES**

(a) The Standing Committees shall be as follows:

- Business
- Mission and Ministries
- Church in Community
- Finance and Stewardship
- Property
- Planning and Deployment

(b) Support Committees shall be as follows:

- Safeguarding
- Congregational Support
- Connections and Nominations

(c) Other Committees shall be as follows:

- Vacancy Procedure
- Complaints

(d) The Business Committee shall comprise a Convener, a Vice-Convener and the Conveners of the other Standing Committees and the Support Committee, together with three additional ministers and two elders (all five to be elected by Presbytery for three years), the Moderator, Clerk, Treasurer and other Presbytery staff as appropriate.

(e) Conveners of Standing and Support Committees shall be nominated by the Connections and Nominations Committee and be appointed by Presbytery at its June meeting.

(f) Conveners of Standing and Support Committees shall serve for four years and shall not normally be eligible for re-appointment.

(g) Membership of each Standing and Support Committee should normally be limited to 15 members, however a Convener may request of the Business Committee that their committee be increased beyond this figure.

(h) Members of Presbytery appointed to Standing and Support Committees are expected to participate fully in the business of the Committees.

- (i) Members of Standing and Support Committees shall be appointed by the Presbytery on the nomination of the Connections and Nominations Committee at the June meeting of Presbytery to serve from the first day of July following the said June meeting of Presbytery.
- (j) Members of Standing and Support Committees shall normally be appointed for four years in the first instance and be eligible for re-election for a further four years. No member shall normally serve for more than two consecutive terms of office.
- (k) Each Standing and Support Committee should, if possible, include representation from the different areas of the Presbytery.
- (l) Each Standing and Support Committee shall appoint a Vice-Convener and Minute Secretary.
- (m) Presbytery shall appoint a Convener-Designate to each Standing and Support Committee to serve alongside the Convener during the latter's final year of office.
- (n) The frequency, scheduling, location and format of Standing and Support Committee meetings shall be for Conveners to determine in consultation with their members.
- (o) Standing and Support Committees may co-opt additional non-voting members (who need not be members of Presbytery) who have a specific interest and expertise to offer, such co-options to be reported to the Nominations Committee.
- (p) The Moderator and Clerk are entitled (*ex officio*) to attend meetings of Standing and Support Committees and should be specifically invited if their advice or expertise is required.
- (q) Conveners of Standing and Support Committees should submit any proposal requiring Presbytery finance to the Business Committee prior to submitting this to Presbytery.
- (r) A Convener who is unable to attend a meeting of the Business Committee should appoint a deputy to attend in their place.
- (s) Standing Committee Reports and Deliverances should, as far as possible, be circulated in draft to Committee members prior to submission to the Presbytery by the day after the meeting of the Business Committee.

## **12. REVIEW OF PRESBYTERY DECISION**

Decisions of Presbytery shall not be reviewed within six months, without the suspension of Standing Orders.

## **13. AMENDMENT OF STANDING ORDERS**

- a) Any proposal for the alteration of Standing Orders shall be either: i) on the report of the Business Committee and intimated to Presbytery; ii) by notice of motion sent in writing to the Clerk in time to be circulated in advance to all members of Presbytery;
- b) Standing orders may be amended on such a proposal or motion receiving a simple majority of those present and voting at the meeting at which it is considered.

#### **14. SUSPENSION OF STANDING ORDERS**

The Presbytery may, on the motion of any member and on cause shown, suspend Standing Orders, or any of them, provided that such Motion shall receive the support of at least two thirds of those voting when the question is put by the Moderator, and provided that such suspension shall not contravene any General Assembly legislation or regulations or be otherwise *ultra vires*.



## PROCEDURES AND REGULATIONS

### PROPERTY REGULATIONS

#### 1. Submission of Property Proposals

All submissions relating to Property to the Stewardship, Finance and Property Committee should be submitted in good time for its meeting, along with relevant forms and plans for submission to Presbytery for approval.

#### 2. Maintenance and Repair

- (a) The permission of Presbytery, and where appropriate of the General Trustees, must be sought and obtained before work commences on major alterations, and/or any additions, and/or repairs to property, whether or not the titles are vested in the General Trustees.
- (b) The cost of work must include all work to be carried out, even if phased, and must include all fees for all legal work, architects, surveyors, VAT, and any other costs which may be incurred.
- (c) In the event that repairs are urgently necessary in the interests of safety or to maintain the building in a wind and water tight condition, the work may proceed without prior consent, in consultation with the Convenor or Vice-Convenor of the Property Committee. Such work shall be noted in the minutes of the next Property Committee meeting and submitted for homologation at the next ordinary meeting of Presbytery.
- (d) Four weeks' notice shall be given to the Property Committee to consider plans and submissions for the subsequent meeting of Presbytery. Submission must include full details, plans, costings (estimates), details of financial reserves, along with any fundraising plans. Additionally, evidence of three competitive tenders must be produced and details should be included of the last two financial years expenditure on the congregation's properties.
- (e) Where there is doubt whether work is an alteration or a repair, the matter should be raised with the Property Committee for clarification.
- (f) Congregations are reminded that expenditure on property is approved by Presbytery without prejudice to any future negotiations on readjustment.
- (g) When work on a heating system is involved, prior consultation with the Church's Energy Consultant is mandatory. Where work on lighting or sound systems is contemplated then it is recommended that advice be sought from the Consultants on these matters appointed by the General Trustees.

#### 3. Property Register

The Property Register should be kept up to date and the year's log of inspection and work completed. The Register should be submitted to the Congregation's Financial Court at the first meeting of the year prior to submission for Presbytery's inspection. The Register must include a record of insurance levels on all properties.

#### 4. Professional Surveys

- (a) Five yearly inspections of property by the Buildings Officer and, where required, by engaging other surveyors, are to be made according to an approved rota devised by the Property Committee.

- (b) Following receipt of the Professional Survey Report all work identified as “Urgent” must be completed within one year of receipt of the report by the congregation.
- (c) Following receipt of the Professional Survey Report all work identified as “Essential” must be completed within five years of receipt of the report by the congregation.
- (d) Following receipt of the Professional Survey Report all work identified as “Desirable” must be completed within ten years of receipt of the report by the congregation.
- (e) Congregations will be asked to submit to the Property Committee details of how they intend to finance “Urgent” and “Essential” work within the respective time frame.
- (f) Attention is drawn to the need to complete and maintain a Manse Condition Report (Act XII 2007).

## **5. Manses**

- (a) All congregations must provide a valid Energy Performance Certificate with the Manse Condition Schedule when this is submitted for inspection to Presbytery and ensure the Energy Performance Certificate Rating for the Manse is within Categories A – C.
- (b) On the occurrence of every vacancy, the manse shall be inspected by the Stewardship, Finance and Property Committee and a written report on the condition of the properties shall be submitted to the Presbytery.
- (c) As soon as possible after the congregation(s) have elected to call a new minister, the Stewardship, Finance and Property Committee shall inspect the manse and submit a written report to the Presbytery.
- (d) The Call shall not be sustained unless the Manse condition is considered to be satisfactory.

## **CONGREGATIONAL ACCOUNTS**

- (a) The congregational Treasurer should send a copy of congregational Accounts to the Presbytery Office marked for the attention of the Secretary of the Stewardship and Finance and Property Committee no later than 30<sup>th</sup> April. On the same date, a set of accounts must also be sent to 121 George Street and, once approved by the Committee, a set should be sent to OSCR not later than 30<sup>th</sup> September.
- (b) Approved congregational accounts must be received (not approved) by a congregation at the Stated Annual Meeting, or equivalent Congregational Meeting in the case of congregations not having the Model Deed of Constitution, such meeting to be held not later than the 30<sup>th</sup> June following the financial year-end date.

## **PULPIT SUPPLY**

The General Assembly has determined that the payment of pulpit supply shall be at a standard fee of £100 where there is only one diet of worship on a Sunday; £50 for each additional diet of worship; and in all cases necessary travelling expenses to be paid at the rate of 45p per mile. Congregational Treasurers are asked to make payment of appropriate fees and expenses on the same day as supply is provided.

## **VACANCIES AND CALLS**

- (a) Congregations should obtain Guidelines for Nominating Committees and Interim Moderators from the Ministries Department on intimation of a vacancy and should follow

the provisions of the Acts of the General Assembly regarding vacancy procedure as these may be enacted and amended from time to time.

- (b) Congregations should seek details of vacancy procedures and schedules on the Church of Scotland Website or from the Presbytery Office. Interim Moderators shall ensure that vacant congregations are made aware of all required vacancy procedures as early as possible in the vacancy.
- (c) Kirk Sessions should consider what pastoral provisions can be given from the congregation and whether or not a Locum should also be appointed.
- (d) The Vacancy Procedure Committee has been entrusted to act on non-controversial vacancy matters and will seek to expedite matters by issuing an edict to the congregation with the intended action and informing full members of Presbytery. The action will be final unless four members of either the Presbytery or the congregation object within the time stated in which case proceedings will be sisted and will be dealt with at Presbytery.
- (e) In consultation with the Interim Moderator and Advisory Committee, a Kirk Session should prepare a detailed Parish Profile of their congregation and parish with attention being paid to their vision of their ministry and mission in the foreseeable future.

## **INDUCTIONS AND ORDINATIONS**

- (a) At Ordinations and/or Inductions and other Presbytery services the Moderator shall preside.
- (b) At Ordinations and/or Inductions the sermon should not overlap with the Charges, which shall be given by the Moderator.
- (c) All Presbyters are welcome to attend an Induction and/or Ordination, but those living near to the congregation in question shall be expected, so far as possible, to attend.

## **EXAMINATION OF RECORDS**

In March of each year the following congregational records will be inspected: Kirk Session Minute Book, Congregational Roll, Baptismal Register, Minute Book of the appropriate Financial Board where applicable, Data Protection Policy, Property Register and the Safeguarding Audit Form (SG11) and Safeguarding Register (SG7).

## **GUIDANCE FOR MINISTERS**

### **Sickness**

All Ministers (and others) paid through the centralised payment scheme of the Church must report all absence from work due to sickness (irrespective of how short the absence may be or whether or not a Sunday is involved) to the Ministries Department and follow the guidance contained in the Ministers' Handbook. Ministries Department staff should be informed by telephone or email immediately the absence begins.

When a Congregational Treasurer incurs expenditure in providing pulpit supply as a result of the minister or trainee being absent through illness, full cost of pulpit supply will be refunded, provided application is made in the appropriate pro-forma return and that the absentee has previously advised the Ministries Department. In addition to those regulations Ministers are instructed to inform the Presbytery Clerk of their illness without delay so that Pastoral Care, assistance with Supply, or an Interim Moderator may be arranged if required. The Paton Trust and the Cintra Bequest provides for ministers who have been ill to have a recuperative holiday. Application forms are available from the Presbytery Clerk.

## **Care And Support**

The Presbytery operates a Pastoral Care Scheme for all ministers and Ministries Development Staff.

## **Study Leave**

The National Study Leave Scheme is operated under the direction of the Training and Development for Ministry and Mission Committee in consultation with the Ministries Department. Application Forms are available from the Ministries Department or via the Church of Scotland website and a copy should be submitted to Presbytery as well as the Ministries Department.

## **Chaplaincies**

Where requests to become a chaplain come from within their own parish, ministers are free to accept such chaplaincies, recognising the advisability of informing their Kirk Session of such acceptance. Where the proposed chaplaincy extends beyond their parish, and/or exists out with their parish, then ministers should (a) inform their Kirk Session, (b) receive the permission of the minister of the parish(es) in which they would exercise that chaplaincy, and (c) inform Presbytery of the proposed appointment. Where any chaplaincy attracts payment for services rendered, the authority of Presbytery must be given before the appointment can be confirmed. In the interests of their health and the good name of the Church ministers are encouraged to follow similar procedures when considering other appointments outwith their congregations.

## **Marriages and Funerals**

A minister should not refuse to perform ministerial functions for a person who is resident in his or her parish without sufficient reason. When a minister is ill, away from home, or otherwise engaged, it is his/her duty to arrange for a deputy and to inform others who need to know of those arrangements. Ministers are reminded to update their voicemail message and email when out of office.

Ministers are reminded of the laws regarding 'intrusion in another's parish' and that if they are considering ministering to non-members in another's parish then courtesy demands that they first contact the parish minister. No Church of Scotland minister should charge or receive a fee for a service but an unsolicited gift may be accepted.

The Church of Scotland is the National Church and, as such, its ministry and its congregations' parochial responsibilities extend beyond its membership to those who do not profess allegiance to the Church.

It is recognised that services are sometimes being conducted by people other than parish ministers (e.g. retired ministers) who are not in receipt of a stipend or salary. The General Assembly has accepted that where such individuals are effectively being asked to deputise for a Parish Minister, i.e. that 'the funeral is being conducted as part of the ministry of the local parish it is the responsibility of the congregation (through its financial body) to ensure that appropriate fees and expenses are met' and that the family of the deceased are not to be charged for such a person's services. The Faith Action Programme Leadership Team suggests that congregations pay a sum equal to the current pulpit supply fee when a depute conducts a service.

Marriages should normally take place in church though increasingly ministers are asked to officiate elsewhere and may do so using their discretion. A minister should not allow his or her name to be associated with any commercial undertaking that provides facilities for weddings.

### **Ministers' Service**

A minister's service will be recognised after 25 years, 40 years and 50 years from Ordination. The onus must be on ministers/congregations to advise the Presbytery Office if this is something they wished to be recognised, as not all ordination dates are held on file.

## **COMMITTEE REMITS**

### **STANDING COMMITTEES**

#### **Business Committee**

- a) To arrange meetings of Presbytery, coordinate the work of Presbytery through its standing and support committees and generally support the smooth running of the business of Presbytery, all to ensure that Presbytery carries out its duties as a Court of the Church.
- b) To deal with any urgent business which arises and was unanticipated but requires action before the next scheduled meeting.
- c) To ensure that OSCR regulations and all matters relating to civil and ecclesiastical legislation are communicated and fulfilled by congregations.
- d) To ensure that the requirements of the General Data Protection Regulations (GDPR) are adhered to and are audited at regular intervals.
- e) To take responsibility for risk assessment, risk management and maintain a Risk Register on behalf of the Presbytery.
- f) To work with the Presbytery Treasurer to administer Presbytery finances, including submitting the Annual Report and Accounts for Presbytery approval at the Presbytery's June meeting.
- g) To work with the Presbytery Treasurer to prepare the Presbytery Budget for the coming year at its end of year meeting.
- h) To process and make recommendations to Presbytery in regard to applications to all Presbytery Funds.
- i) To appoint members of Presbytery to the Connections and Nominations Committee.
- j) To respond to potential breaches of the Presbytery Code of Conduct and to take whatever action may be necessary if a material breach has occurred.
- k) To disseminate the resolutions, instructions, and deliverances of the General Assembly to congregations and give opportunities for discussion, information sharing and reflection by congregations and other groups regarding the topics and issues raised.
- l) To oversee all aspects of communication within Presbytery, including in relation to the website, social media and liaison with the local and national media.

#### **Finance and Stewardship**

##### **Finance and Stewardship Committee**

- a) To undertake the annual inspection of congregational accounts in accordance with the regulations of the General Assembly concerning congregational finance and the requirements of the Officer of Scottish Charity Regulator.
- b) To advise the Presbytery Treasurer/Congregational Support Officer of any issues arising from the inspection of Accounts so they can assist congregations accordingly.
- c) To arrange for the completion of Financial Schedules in connection with vacancies.
- d) To work with the Presbytery Treasurer to administer Presbytery Finances, including submitting the Annual Report and Accounts for Presbytery approval at the June Presbytery meeting.
- e) To work with the Presbytery Treasurer to prepare the Presbytery Budget for the coming year at its end of year meeting.

- f) To work with the Presbytery Treasurer to determine the annual Congregational Assessments (dues) and report to Presbytery for approval at its end of year meeting.
  - a. To Inform and encourage congregations in all aspects of Stewardship including the use of material provided by the Stewardship and Finance department of the church and assistance of the Church's Stewardship Consultants.
- g) To administer a "pool" of independent examiners and auditors that congregations can call on as required.
- h) To create and maintain a database of external grant funding available to congregations.
- i) To support the Congregation Support Officer in their work.

### **Property**

- a) To undertake annually a due diligence examination of Property Registers and Manse Condition Schedules of church properties within the Presbytery bounds.
- b) To be the Committee through which the Presbytery Buildings Officer reports to Presbytery. *[Note: Line management of the Presbytery Buildings Officer is exercised by the General Trustees.]*
- c) To receive from the Presbytery Buildings Officer the professional surveys of all buildings within the Presbytery bounds.
- d) To arrange the required inspection of manses in times of vacancy.
- e) To provide oversight and guidance with regard to all church properties within the Presbytery bounds, in particular ensuring that congregations obtain the necessary permissions, including the permission of Presbytery and the General Trustees as per the limits in the Presbytery's Standing Orders, before undertaking programmes of work.
- f) To advise and help process applications for grants and loans in relation to property work.
- g) To work with the Buildings Officer in advising on good practice and provide information on Health and Safety matters.

### **Planning and Deployment**

- a) To promote a positive policy for the mission of Presbytery by taking account of changing congregational resources and social patterns as they relate to the Presbytery Mission Plan Act 8, 2021.
- b) To oversee the deployment of Readers, Auxiliary Ministers, Ordained Local Ministers and Local Worship Leaders.
- c) To approve locally funded Ministry appointments.
- d) To receive and consider all requests for adjustments to parish boundaries and to negotiate such adjustments with Kirk Sessions.

### **Planning and Deployment Subgroups**

#### **Implementation/Negotiation Groups (Five)**

To organise the implementation of the readjustment decisions agreed in the approved Plans of the legacy Presbyteries in each of the five areas of the former Presbyteries initially OR, where applicable, to continue to seek agreement with PMPIG and the General Trustees in order to have a Plan for a specific area of Presbytery approved.

#### **New Mission Plan Group**

To draw up the new Presbytery Mission Plan for presentation to Presbytery.

#### **Review Group**

To undertake the annual review of the Presbytery Mission Plan.

### **Church in Community**

- (a) To facilitate Presbytery engagement with and comment on local, national, international, political and social issues where appropriate, guided by the Five Marks of Mission.
- (b) To encourage and promote the work of CrossReach, Christian Aid, and Eco-Congregation Scotland.
- (c) To support the work of ecumenical bodies locally and nationally, promoting local inter-church initiatives and activities.
- (d) To support interfaith work, promoting the work of Interfaith Scotland and local initiatives and activities.
- (e) To work with the Property and Finance Committee and any other relevant committees in responding to the challenge of climate change and the development of church buildings.

### **Mission and Ministry**

- (a) To maintain an overall focus for mission in congregations and to highlight its fundamental relationships with worship, service, education and nurture.
- (b) To support continued Christian development in congregations through resourcing and encouraging growth of educated and equipped disciples.
- (c) To take the lead in resourcing mission to the under 40s.
- (d) To promote good missional practice through holding events where practitioners share ideas and experiences.
- (e) To provide a framework for pastoral support as required for: Parish Ministers, Readers, OLMs, Auxiliary Ministers, Deacons, Locums, Retired Ministers, MDS, locally employed parish workers and the congregations in which they are deployed.
- (f) To promote recruitment to all ministries.
- (g) To provide pastoral support as required and supervision for candidates for all ministries during their training and up to their appointment or ordination.
- (h) To ensure that adequate support is given through named individuals to those in ministry in their first five years.
- (i) To approve ministers' applications for Category R on the Register of Ministries.
- (j) To provide training for Interim Moderators, Worship Leaders, Elders and Pastoral Care Teams.

### **SUPPORT COMMITTEES**

#### **Congregational Support**

- (a) To act as the Superintendence Committee in terms of Act I 2011 Local Church Review and all other acts of General Assembly which assign duties to a Presbytery Superintendence Committee.
- (b) To make arrangements for Local Church Reviews, including scheme of visitation, team composition and training, ensuring consistent follow-up of action plans, in consultation with other relevant Committees.
- (c) To arrange the Annual Inspection of Congregational Records.

#### **Safeguarding**



- (a) To be the lead agency for Safeguarding in the Presbytery;
- (b) To ensure that Kirk Sessions implement the Church's Safeguarding Policy and adhere to the Code of Good Practice;
- (c) To recruit and support Presbytery Safeguarding trainers and coordinators;
- (d) To provide training and support for Safeguarding in local expressions of church.

### **Connections and Nominations**

- (a) To build connections and relationships across Presbytery through activities which encourage good communications and foster friendship and collegiate working.
- (b) To bring forward to Presbytery names for appointment to committees and Presbytery positions, including but not limited to, the Moderator of Presbytery and the Conveners of committees, including nominating balancing and balancing elders, corresponding members and administering annual review of ministries registration categories in accordance with General Assembly legislation.
- (c) To encourage and promote prayer, and opportunities for prayer, for and within the Presbytery and among its members.

### **OTHER COMMITTEES**

#### **Vacancy Procedure Committee**

- (a) To discharge the responsibilities of Presbytery in relation to any relevant Vacancy Procedures legislation, including Act 8 (2003) (as amended) and Act 1 (2015) (as amended).
- (b) In accordance with Section 1(1) of the Vacancy Procedure Act (Act 8 2003), the Vacancy Procedure Committee for all vacancies shall comprise the Conveners of the following Committees: Business, Stewardship, Finance & Property, Planning & Deployment, Congregational Support. In the absence of any such Convener, the Vice Convener, or another member of the relevant Committee, may be asked to act in their place.
- (c) The Presbytery Clerk shall act as Clerk to the committee but shall have no vote. In practice the Clerk shall generally act for the Moderator, consulting the VPC when decisions are required in relation to vacant charges. In accordance with Section 1(4) of the Vacancy Procedure Act, this consultation may take place by electronic means.

#### **Complaints Committee**

- (a) To act as the Presbytery's Complaints Committee.
- (b) To deal with matters arising under the Church's discipline legislation.
- (c) The committee shall be composed of the Moderator, Clerk and Business Convener who shall appoint a specific Complaints Committee to deal with complaints as and when required.

## Code of Conduct

### 1 Introduction

#### 1.1 Purpose

This Code of Conduct for all members of Presbytery is intended to assist you to carry out your duties with confidence and to protect you and the Presbytery from any allegations of misconduct. It is intended to assist the smooth working of Presbytery .

Those who are recognised ministers and deacons within the bounds, commissioned elders, and appointed balancing elders are also charity trustees for the Presbytery.

While those who are corresponding members of Presbytery are not charity trustees, it is expected that Church of Scotland members would also base their conduct in Presbytery on this Code, and that those who are non-Church of Scotland would make themselves aware of this Code.

This Code is supplemental, with respect to those serving in recognised ministry roles, to the “Code of Professional Practice and Good Conduct for the Ministries of the Church of Scotland” (found in the Ministers’ Handbook<sup>1</sup>).

#### 1.2 Vision

The charitable purpose of Presbytery is the advancement of religion. Our vision is a Presbytery which, under the guidance of the Holy Spirit, encourages and enables our congregations to re-imagine and renew their life and work for mission in the 21st century, worshipping and witnessing in a sustainable and mutually supportive network of Christian communities, using well-equipped spaces strategically located across the Presbytery, served and led by ministry teams, with the knowledge and skills needed to inspire and equip our members for service and discipleship.

### 2 Key Principles

#### 2.1 Charitable Purpose

You have a duty, as charity trustees, to understand the purposes of Presbytery as outlined in the paper “The Purpose of Presbytery” (see Appendix 1).

#### 2.2 Selflessness

You have a duty to take decisions solely in terms of the interests of the Presbytery. You must not act in order to gain financial or other material benefit for yourself, family or friends or for colleagues within the Presbytery.

#### 2.3 Integrity and Honesty

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in carrying out your duties as a Presbyter. You must declare any interests relating to your duties as a Presbyter and take steps to resolve any conflict in a way that protects the interests of the Presbytery.

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<sup>1</sup> <http://ascend.churchofscotland.org.uk/wp-content/uploads/2021/09/FNF-Ministers-HANDBOOK-2021.pdf>

## 2.4 Accountability

You are accountable in the first instance to the Presbytery and, ultimately, to the General Assembly. You have a duty to consider issues on their merits, taking due account of the views of others, and must ensure that Presbyters use the resources for which they are responsible prudently and in accordance with the law.

## 2.5 Transparency and Confidentiality

You should be as open as possible about all the decisions and actions that you take. You should be prepared to give reasons for your decisions and restrict information only when there are clear and lawful reasons for doing so. When information has to be confidential, you are required to ensure that you respect this.

## 2.6 Leadership

You have a duty to promote and support these principles through your leadership and example as a Presbyter, and to maintain and strengthen trust and confidence in the integrity of Presbytery in the conduct of its business.

## 2.7 Mutual Respect

You should treat one another with respect, recognising the diversity amongst Presbyters, listening to, learning from, and nurturing one another.

# 3 Being an Effective Presbyter

## 3.1 Your Duties

- You have a duty to ensure that Presbytery works effectively to make informed decisions.
- You should attend Presbytery meetings and meetings of any Committee on which you have been appointed regularly or submit apologies if you cannot attend. If you cannot attend meetings for a period of six months or longer you should inform the Convener and Presbytery Clerk.
- You should prepare for meetings by reading papers, asking for clarification where anything is unclear and considering issues in advance, and give notice in advance to Committee Conveners of any question which is likely to require some research.
- You should actively engage in discussion, debate and voting in meetings, contributing in a considered and constructive way, listening carefully, challenging sensitively, and avoiding conflict.
- You should involve yourself actively in the work of Presbytery and accept a fair share of responsibility for that work.
- You should ensure that any potential, actual or perceived conflicts of interests are dealt with in accordance with the Conflict of Interest Policy (see Appendix 2).
- You should participate in collective decision-making, accept majority decisions, and not act individually unless authorised to do so, recognising that the option to record your dissent to a decision of Presbytery is always available.
- You should ensure that your Kirk Session is kept informed of the business of Presbytery, where that is appropriate.

You should interact with the staff of the Presbytery in a respectful manner, recognising their role in serving the Presbytery, and not demanding more from them than that which is reasonably within their capacity to deliver (and see Section 7).

- You should utilise the Whistleblowing Policy (see Appendix 4) if you have reasonable grounds for believing there is serious malpractice occurring or likely to occur within the Presbytery.

## 4 Social Media

### 4.1 Social Media Policy

The use of social media is welcome to facilitate the work of Presbytery. Presbytery has a Social Media Policy (see Appendix 3) and Presbyters have an obligation to follow this policy in order to protect themselves, Presbytery and the Church of Scotland.

## 5 Financial Issues

### 5.1 Expenses

Where expenses are reasonably and properly incurred by you as a result of a decision made by Presbytery, these expenses can be reclaimed from the Treasurer of the Presbytery. This should be done timeously and with a copy of any receipts.

### 5.2 Payment of Remuneration

You must comply with the statutory rules that remuneration can only be paid by a charity to its charity trustees and “connected persons” to them if certain conditions are met; these conditions are set out in Section 67 of the Charities and Trustee Investment (Scotland) Act 2005. Remuneration includes salary received from the charity or payment made for services provided to it. “Connected persons” include:

- a person married to, the civil partner of or living with the charity trustee;
- the child (including stepchild), parent, grandchild, grandparent, brother or sister of the charity trustee (or the spouse of such person);
- a company where the charity trustee or connected person has a substantial interest;
- a Scottish partnership where the charity trustee or the connected person is a partner.

### 5.3 Gifts and Hospitality

Note that “gift” includes benefits such as relief from indebtedness, loan concessions, or provisions of services at a cost below that charged to members of the public.

You must never canvass or seek gifts or exceptional hospitality in your capacity as a Presbyter. As a general guide, it is usually appropriate to refuse gifts and offers made to you in your capacity as a Presbyter with the exceptions outlined below. If a gift which falls outside these exceptions is received by you, then you must declare this to the Presbytery Clerk. Permissible gifts are:

- isolated gifts of a trivial character or inexpensive seasonal gifts (for guidance, accepting a gift with a value of more than £25 is normally viewed as inappropriate);
- normal hospitality associated with your duties and which would reasonably be regarded as inappropriate to refuse or hospitality provided by colleagues or congregations in the course of your duties;

gifts received by you for the Presbytery; which are to be declared to the Presbytery Clerk and will be registered and held by the Presbytery Office or their location noted.

## 6 Confidentiality

### 6.1 Your Responsibilities

As a part of your work as a Presbyter there will be times when you will be required to treat discussions, documents, or other information in a confidential manner. In a Presbytery meeting that part of the meeting may be held “in private”, but there may be other times when confidentiality is required. You may, for instance, receive information of a private nature which is not yet public, or which it may not be intended to be public. You must always respect and comply with any requirement to keep such information private. If you need further information or guidance on this, you should seek clarification from the Presbytery Clerk or from the Convener or Vice-Convener of the relevant Committee.

## 7 Other Organisations

### 7.1 Representing Presbytery

You may be appointed by Presbytery to be a member of another body or organisation. If this is the case, then you are bound by the rules of conduct of that body or organisation and should also observe the rules of this Code in carrying out the duties of that body.

If that appointment includes becoming a trustee for another charity, then that will require you to assume the full duties and liabilities of a charity trustee of that other body, and when serving on that body, you will be required by law to act in its best interests.

### 7.2 Conflicts Between Bodies

It is possible that a decision or action of some other body could conflict with Presbytery policy and that an actual or perceived conflict arise for Presbytery-nominated trustees. If this should arise you are strongly advised to seek guidance on your responsibilities from the Presbytery Clerk in the first instance, the Solicitor of the Church of Scotland may also be able to offer guidance, but independent legal advice may be desirable if you so wish.

Where a conflict of interest is irreconcilable, you may have to resign from one of the bodies.

It is acceptable, of course, to be a charity trustee of a congregation and of a Presbytery. Furthermore one can also be a General Trustee or an Assembly Trustee of the national Church of Scotland.

## 8 Responsibilities to Staff

### 8.1 Guidance for Staff Interactions

- You should ensure that you have a clear understanding of the scope of authority delegated to members of staff.
- You should act fairly and in accordance with the principles of best practice in making decisions affecting the appointment, professional development, appraisal and discipline of staff.
- You should understand and accept the difference in roles between Presbyters on the one part and staff on the other, and respect the responsibility on the staff for the day to day carrying out of the work of Presbytery.
- You should not act to undermine staff by word or action.

If you have concerns about the performance of a member of staff, this should be addressed to the appropriate person:

- for Presbytery Clerk to the Convener of the Business Committee;
- for other staff members to the Presbytery Clerk.

## 9 Fit and Proper Persons Test

### 9.1 HMRC Requirements

Her Majesty's Revenue and Customs (HMRC) require the managers of a charity to be 'fit and proper persons'. Trustees, and others having the general control and management of the charity, are included in this definition. Although neither HMRC nor the Office of the Scottish Charity Regulator (OSCR) require declarations of the managers of Designated Religious Charities, it would be sensible nonetheless to apply the same standards.

Trustees are therefore required to declare to the Presbytery Clerk any involvement in or conviction for:

- tax fraud;
- other fraudulent behaviour including misrepresentation and/or identity theft;
- attacks against or abuse of tax repayment system;
- being barred from acting as a charity trustee by a charity regulator or Court, or being disqualified from acting as a company director.

Trustees are also required to declare whether they:

- are an undischarged bankrupt;
- have granted a Protected Trust Deed;
- have an unspent conviction for (a) a crime of dishonesty; or (b) offence under the Charities and Trustee Investment (Scotland) Act 2005

Any such declaration will be reported to the Business Committee, who will consider whether any steps have to be taken to protect the charitable status of the Presbytery.

## 10 Breaches of this Code

### 10.1 Material Breaches or Complaints

If the Business Committee believe that there has been a material breach of this Code by a Presbyter, or if a complaint is made by another Presbyter or by an interested party alleging such a breach, the Business Committee will give consideration to this matter at the first reasonable opportunity.

In such circumstances the Business Committee will ensure that appropriate pastoral support is immediately made available to all parties.

### 10.2 Process

In the event that the Business Committee consider that there has been a breach of the Code justifying action being taken, it will take whatever action is required. Possible courses of action include:

- i. no further action required;
- ii. reprimand, which shall be an expression of disapproval of particular behaviour with counsel regarding future conduct;
- iii. removal of the Presbyter from a committee or group, either temporarily or permanently;
- iv. referral to a Complaints Committee for further investigation using the existing Complaints Procedure and Discipline legislation<sup>2</sup>.

### 10.3 Appeal Process in Case of Outcomes 10.2 ii and iii

For the avoidance of doubt, an appeal process is already contained in the legislation that would be used under outcome 10.2 iv.

A Presbyter who is subject to such action will have the right of appeal to the Presbytery (via the Convener of the Congregational Support Committee) on the following grounds:

- i. an error in law;
- ii. irregularity of process, including breach of the principles of natural justice;
- iii. decision influenced by incorrect material fact; and
- iv. the severity of any sanction imposed.

The Convener of the Congregational Support Committee will determine how to handle any such appeal. This would initiate the setting up of a panel, hearing from the Presbyter and from the Business Committee before making a determination. Members of the Business Committee will take no part in determining the appeal.

If the Presbyter whose conduct is the subject of a complaint under these provisions is a member of the Business Committee, he or she shall immediately withdraw from active membership of the Business Committee until the matter is resolved. If it appears that the independence of the Business Committee may be compromised, the Presbytery may appoint other members to act for the time being in place of the Business Committee.

If there are any questions in relation to the processes set out above these should be addressed to the Presbytery Clerk.

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<sup>2</sup> Discipline Act (Act 1 2019) (As amended by Act 12 2020)

# Appendices

## Appendix I

### The Purpose of Presbytery

#### 1. What is a Presbytery for?

##### 1.1 History

The Reformers set out three marks of the Church which also are in the Articles Declaratory – the Word is purely preached, the sacraments administered according to Christ's ordinance, and discipline rightly exercised.

In the later sixteenth and early seventeenth Church government was developed with a focus on these three marks. The Church of Scotland's Articles Declaratory (which might be described as its Constitution) says "its government is Presbyterian, and is exercised through Kirk Sessions; Presbyteries, and General Assemblies."

Presbytery was therefore developed as part of a system of Church government which prized good order.

##### 1.2 The Future

This is from the Radical Action Plan approved by the General Assembly of 2019:-

*"Presbytery is the gathered life of the Church of Scotland in a particular area. It brings together, in a mutually accountable and supportive relationship, the recognised ministries and elders representing local Christian communities in parish, education, chaplaincy and national church administration.*

*In Presbytery the leaders of the local church come together to:*

- *discern the Holy Spirit's leading of the Church in their context;*
- *respond appropriately to Christ's call to follow;*
- *oversee the work of the local church; and*
- *be responsible for discipline and good order."*

The same report went on to say of the "new" Presbyteries that would be created:

- *become the natural place to which resources, funding, and decision-making are devolved;*
- *be able to employ and deploy staff to meet regionally identified needs and opportunities (e.g. around buildings, finance, church planting, partnership and mission);*
- *have the capacity to retain and make better use of a higher proportion of the funds raised in the area for the mission of the local church;*
- *have the increased capacity to support and encourage those who are in recognised ministries or are office bearers, engendering resilience and the spirit to develop church life;*
- *free up time and energy for local mission including by reducing the administrative and legislative burden;*
- *have increased capacity to speak with a collective voice to other regional centres of influence in civic life;*
- *have the capacity to take risks and learn from mistakes; and need less input from the national offices, allowing a reduction in central spend, enabling increased devolution of funding and resources.*



## 2. What should a Presbytery do?

### 2.1 Charitable Purpose

The sole charitable purpose of the Presbytery is the advancement of religion. This finds expression in a number of different ways as set out below.

### 2.2 Mutual Support and Encouragement

The Presbytery should be a forum in which improved collegiality and team working can be encouraged, where Presbyters and congregations can be encouraged and supported, providing opportunities to come together to build relationships across the Presbytery.

### 2.3 Create, Maintain and Implement a Presbytery Plan

- The Plan should comply with Church Law.
- The Plan should be shaped by an agreed sense of purpose and direction.
- The Plan should be up to date through an annual review which is underpinned by accurate information about the Presbytery area.
- The Plan should be easily accessed by Presbyters and local church office bearers.
- The Plan should be a familiar document to those working with congregations in areas such as stewardship and buildings.
- When there needs to be significant change this should be handled transparently and expeditiously.

### 2.4 Resourcing Congregations

Presbytery should provide resources or be able to point to resources for congregations and other expressions of local church life:

- preparation for and follow up of Local Church Review with a focus on mission;
- specialist advice in the care of church buildings;
- new forms of church life;
- guidance on the use of social media;
- finance, stewardship, charity governance, seeking of grants;
- Safeguarding Training for trustees, those undertaking regulated work, coordinators and Panel members.
- good communications about Presbytery life and resources available;
- conflict resolution when things go wrong.

### 2.5 Pastoral Care

Presbytery has a duty of care to those who act in its name and who take extra responsibility within its structures and processes.

In particular it must provide pastoral care to parish ministers who do not have a minister of their own. Such pastoral care should offer choices in provision reflecting the differing needs of each individual.

Presbytery also must ensure provision of pastoral care to those involved in the discipline process.

### 2.6 Keeping Good Order

There should be people within the life of Presbytery with a good knowledge and understanding of Church Law who can ensure both detailed compliance and a shared understanding of what needs to be done.

This is done by ensuring that:

- a Clerk is appointed and an appropriate contract is in place;
- giving charity trustee training to new members;
- meetings are well prepared and the agenda, minutes, reports and deliverances are circulated well in advance;
- the Standing Orders are up to date and readily available;
- the Roll of Presbytery is continually updated and kept in accordance with GDPR;
- meetings are called in good time and in the correct way;
- Presbytery meetings are held in a space which is accessible, comfortable and appropriate;
- where appropriate congregations are cited to appear for their interests;
- the minute is accurately taken and properly approved as soon as possible;
- extract minutes and other correspondence is processed correctly and in good time;
- Presbytery records are safely kept and can be readily accessed by office bearers when required;
- the checking of congregations' rolls and records on an annual basis as required by GA legislation;
- the congregational annual accounts are attested by suitably qualified persons prior to their submission to OSCR;
- Presbytery's finances are fully monitored and that the accounts are independently examined;
- staff are on good contracts of employment, wages and other remuneration is regularly reviewed, lines of management are clear, annual appraisal is conducted.

## 2.7 Vacancies

As soon as a vacancy occurs or a date of demission, translation or removal has been agreed Presbytery must appoint from its own membership (or from the membership of another Presbytery through the provisions of Act 5 2001) an Interim Moderator for the Kirk Session(s).

Where the Presbytery Plan provides for a Minister to be called this right of call should be processed without delay in terms of Act 8 2003.

Where a Presbytery wishes to depart from the terms of the Plan e.g. to allow for a delay in the right of call then the appropriate section of the Presbytery Plan must be suspended and the concerned congregation(s) cited for their interest.

In due course the Presbytery shall process the Call from a vacant congregation and make appropriate arrangements for the ordination/induction service having consulted with local parties.

The new minister should be offered a warm welcome, a good introduction to Presbytery life and connections to the Presbytery's networks of support and information.

In the event of the right of call expiring Presbytery should give full consideration to the circumstances.

## 2.8 Support

The Presbytery has general powers of oversight over congregations, ministers and deacons serving within the bounds. In particular this is expressed in:

- a well-resourced Local Church Review process including thorough, supportive follow up;
- a trained committee to deal with complaints;
- Clerk and appropriate office bearers having a thorough understanding of the discipline process and appropriate mechanisms such as delegated authority to handle such matters correctly.

## 2.9 Interaction with National Church Agencies

These take at least two forms:

- Where there is shared responsibility set out in GA legislation e.g. in the supervising of candidates for the Ministry, consent for major building works. In these matters Presbytery must ensure that it plays its required part with thoroughness.
- When Presbytery is asked to respond to General Assembly remits and in particular in Barrier Act procedure. Presbytery should always ensure that such responses are properly considered and timeously given.

## 2.10 Beyond the Church

Presbytery should be a means by which the local church can gain a collective voice to speak with civil authority, other denominations, other faith groups and the third sector.

## Appendix 2 Conflicts of Interest

### 3. Conflict of Interest Policy

#### 3.1 Introduction

Conflicts of interest affect all types and size of organisations. In the charity context, a conflict of interest can inhibit free discussion, and can lead to decisions which are not in the best interests of the charity and which are invalid or open to challenge. Conflicts of interest can also be damaging to a charity's reputation and to the public's confidence and trust in charities in general.

Charity trustees have a primary duty in terms of S.66 of the Charities and Trustee Investment (Scotland) Act 2005 to act in the best interests of the charity at all times.

Those who are recognised ministers and deacons within the bounds, commissioned elders, and appointed balancing elders are also charity trustees for the Presbytery of Perth SC014528, ("the Presbytery").

The Presbytery recognises that on occasion, trustees can find themselves in a situation that may give rise to conflicts of interest, whether potential or actual, perceived or alleged. Where trustees can identify a conflict and the Congregation can put in place measures to prevent the conflict affecting decision-making then the harmful effects of a conflict of interest can be prevented. The proper handling of conflicts of interest is an essential part of proper decision making by trustees.

The Presbytery has accordingly developed this policy to provide guidance to all trustees regarding conflicts of interest in order to avoid any actual or potential conflicts of interest, perception of bias or misuse of authority, and to ensure and evidence that all decisions by individual trustees on behalf of the Presbytery are taken only in the best interests of the Presbytery at all times.

#### 3.2 Scope and Purpose

The Presbytery is committed to ensuring that all of its trustees act in the best interests of the Presbytery at all times.

This policy aims to provide guidance to those involved in management and decision-making and seeks to ensure that the Presbytery can be seen to be acting in accordance with well recognised rules of good governance.

It is inevitable that conflicts of interest will arise. This policy aims to ensure that any conflict is identified and managed appropriately.

It is the responsibility of each individual to recognise situations in which he or she has a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the appropriate person and to take such further steps as may be appropriate as set out in more detail under the procedure below.

If an individual is uncertain about how this policy might affect his or her activities or has any questions about its application, he or she should contact the Presbytery Clerk.

#### 3.3 Conflict of Interest

##### 3.3.1 What is a Conflict of Interest?

A conflict of interest is any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent the trustee from making a decision only in the best interests of the Presbytery.

A conflict of interest arises when the interests of a trustee (or a person closely connected to them, whether by family or business) are incompatible or in competition with the interests of the Presbytery. Such situations present a risk that trustees will make a decision based on external influences and that such a decision will not be in the best interests of the Presbytery.

The most common types of conflict include:

- **direct financial interest** – where there is, or appears to be, an opportunity for personal financial gain
- **indirect financial interest** – the financial gain of a close relative or close friend or business associate

The level of financial interest should not be a determining factor in deciding whether a conflict should be disclosed. The Presbytery expects disclosure of any financial interest, however small.

- **non-financial or personal conflicts** – a non-financial interest can take many forms and is generally one where there is, or appears to be, an opportunity for personal benefit, advantage or enhancement to prospects for the individual (direct), or similar gains to someone in their immediate family or a person with whom the individual has a close personal relationship (indirect)
- **conflicts of loyalties** – a particular type of conflict of interest in which a trustee's loyalty or duty to another person or organisation could prevent the trustee from making a decision only in the best interests of the Presbytery.

### 3.3.2 Conflicts of Loyalties

A conflict of loyalty may arise where a trustee is also a charity trustee or member of another body (for example a community association) if that could (or could be seen to) interfere with their ability to make decisions only in the best interests of the Presbytery. In such circumstances, a trustee must act at all times only in the best interests of the Presbytery in carrying out their trustee role, regardless of how decisions made in that role may impact on the other body.

The interests of the Presbytery and such other body will often be consistent, or complementary, but it is inevitable that on occasion a conflict will arise. Whether a conflict of loyalty is of such low risk that the affected trustee can participate in the decision is a judgement for the trustees and will depend on the particular decision and circumstances of the case. It will often be the case that the potential damage that could be caused by any conflict is so minimal that it can be managed without any difficulty. The trustees must take all relevant factors into account and be ready to explain their approach if asked to do so.

The trustees must consider the issue of the conflict of interest so that any potential effect on decision making is eliminated. This may mean deciding that the conflict of interest is so serious that it can only effectively be prevented by removal, which is likely to mean the resignation of the trustee. This will only be necessary if the conflict of interest is likely to recur frequently or otherwise poses high risks to effective decision making.

If the trustees decide that the conflict is not so serious as to require removal, they must prevent the competing interest/duty from affecting their decision. This is likely to mean that the affected trustee should withdraw from the meeting and from all aspects of the discussion, decision making and voting. The conflicted trustee should be given the opportunity before withdrawing from the meeting to provide any information necessary to help the remaining trustees make a decision in the best interests of the Presbytery.

Deciding that a conflict of interest is low risk, and that the affected trustee can participate in the decision, is a judgement for the trustees. It will depend on the particular decision and relevant circumstances. The trustees should take all relevant factors into account and be ready to explain their approach if asked. They should keep a proper record of their discussions and decision. The trustees should be satisfied that their handling of the matter is an appropriate way of demonstrating that their decision was made only in the best interests of the Presbytery.

### 3.3.3 Recognising and Disclosing Conflicts of Interest

All trustees are required to recognise and disclose activities that might give rise to conflicts of interest, or the perception of conflicts of interest, at the earliest opportunity. This allows the other trustees to consider the issue of the conflict of interest to ensure that any potential effect on decision-making is eliminated and to demonstrate that their decision was made only in the best interests of the Presbytery. If properly managed, activities can proceed as normal whilst at the same time upholding the trustees' obligations to the Presbytery, meeting regulatory and other external requirements and protecting the integrity and reputation of the Presbytery. By contrast, conflicts which are not managed effectively may jeopardise the Presbytery's public standing and may cause serious damage to the reputation of the Church and of the individuals concerned.

It is therefore the Presbytery's policy to ensure that when conflicts or perceived conflicts of interest arise they are acknowledged and disclosed.

There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. It is important for all trustees when evaluating a potential conflict of interest to consider how it might be perceived by others. The duty to declare a possible conflict applies to the perception of the situation as much as to the actual existence of a conflict. When deciding whether such an interest is present, trustees should ask themselves whether a reasonable member of the public, with knowledge of all of the relevant facts of the situation, would think that their judgement might be prejudiced or influenced by their private or personal interest. This is an objective test. Trustees must not decide whether they would take a decision without prejudice, but whether they could be seen as doing so.

There may, exceptionally, be circumstances in which a conflict cannot be satisfactorily managed. In such circumstances the trustees should remove the conflict by not proceeding with a proposed course of action; by proceeding in a different way so that the conflict does not arise; or by not appointing a particular trustee or requiring the resignation of a trustee.

## 3.4 Procedure

It is the duty of every trustee to disclose any conflict of interest or any circumstances that might reasonably give rise to the perception of conflict of interest.

The following procedure should be followed to ensure that conflicts of interest are identified at as early a stage as possible and that, once identified, action is taken to ensure that the

conflict of interest does not give rise to a situation where decisions are taken by trustees which are, or could be perceived as being, not in the best interests of the Presbytery.

#### 3.4.1 Copy of Policy to be Provided

Potential and new trustees will be informed before they are appointed that they will be expected to adhere to this conflict of interest policy and a copy of the policy will be provided to them.

#### 3.4.2 Disclosure

Any trustee who fails to disclose a potential, actual or perceived conflict of interest will have failed to comply with their statutory duty. Any failure to disclose a potential, actual or perceived conflict of interest is a serious issue and could result in the removal of the trustee.

- There is a standard agenda item at the beginning of each Presbytery meeting to declare any potential, actual or perceived conflicts of interest.
- A trustee should declare any interest which he or she has in an item to be discussed, at the earliest possible opportunity and before any discussion of the item itself. If a trustee is uncertain whether he or she is conflicted he or she should err on the side of openness, declaring the issue and discussing it with the other trustees.
- If a trustee is aware of an undeclared conflict of interest affecting another trustee they should notify the other trustees or the Moderator. All trustees have a collective responsibility to manage conflicts and to act clearly in the Presbytery's best interests.

#### 3.4.3 Managing Conflicts of Interest

If a potential, actual or perceived conflict of interest is identified the trustees must act only in the best interests of the Presbytery. This means the trustees must consider the issue of the conflict of interest so that any effect this may have on good decision-making is eliminated.

In deciding whether a conflict of interest exists trustees must consider the following:

- Has the decision been taken in the best interests of the Presbytery?
- Does the decision protect the reputation of the Presbytery?
- What impression does the decision have on those outside the Presbytery?
- Can the trustees demonstrate that they have made the decision in the best interests of the Presbytery and independently of any competing interests?
- Does the presence of a conflicted trustee inhibit free discussion and influence the decision-making process in any way?

Where the trustees decide that there is a potential, actual or perceived conflict of interest the conflicted trustee should not participate in the decision-making process.

The conflicted trustee should withdraw from the meeting prior to discussion of the item, unless given permission by the Convener or Moderator to remain.

The conflicted trustee should be given the opportunity before withdrawing from the meeting to provide any information necessary to help the remaining trustees make a decision in the best interests of the Presbytery.

A conflicted trustee should not take part in any vote on the item which is the subject of the conflict.

#### 3.4.4 Recording

In all instances where a potential, actual or perceived conflict of interest is disclosed at a trustees' meeting the minutes of the meeting should record the trustees' discussion and the decision taken. Interests should be declared at the start of a meeting if a trustee knows in advance that a relevant item will appear in the agenda.

If there is a discussion, the written record of the decision should include:

- the nature of the conflict;
- which trustees were affected;
- whether any conflicts of interest were declared in advance;
- an outline of the discussion;
- whether anyone withdrew from the discussion; and
- how the decision was taken in the best interests of the Presbytery.

#### 3.5 Consequences of Breach

Where conflicts of interest are not identified or properly managed there can be serious consequences for both the affected trustee and the Presbytery. Decisions taken may not be valid and could be challenged, and can damage the reputation of the Church and the trust of the public.

If the circumstances are sufficiently serious, a failure to disclose a conflict of interest could therefore result in the removal of the conflicted trustee from the relevant Committee or Presbytery.

#### 3.6 Review

This Policy will be reviewed by the Presbytery every three years.



## Appendix 3 Social Media

### 4. Social Media Policy

#### 4.1 Introduction

The Presbytery of Perth welcomes the use of social media as it provides easier ways for congregations to:

- communicate instantly with members, keeping them informed and updated;
- signpost involvement with the local community; and
- forge relationships with individuals and the wider community that build trust and understanding.

Facebook, Twitter, Instagram and any online communication have the ability to achieve these outcomes but it is necessary to outline a few issues Presbyters should bear in mind when communicating online.

Websites and Social media pages should be up to date and current.

The Church of Scotland has produced detailed guidelines for Social Media use focussing on Facebook, Twitter and Instagram.

Choosing the right social media platform is important and involves consideration of who you are trying to reach and what you are trying to achieve.

Once you have chosen your platform you can start to create your congregational account.

Always ensure that there are two or more people who hold the login details and passwords for your social media accounts. If not, you will have to start from scratch when someone leaves.

#### 4.2 Images

Ensure you use high quality, eye catching, non-watermarked images which fit the optimum size for each social media platform.

#### 4.3 Facebook

Facebook is the most popular social networking site worldwide. Facebook offers three options; a profile, a page, or a group.

A profile represents a single individual and is for non-commercial use.

A page is a timeline for organisations and businesses.

Groups are effective in connecting family, peers, colleagues or people with a shared interest.

A Facebook page is recommended. A page will enable people to find you and explore the life of your congregation. This page can be used to advertise events and to share prayers, images, videos, thoughts and quotes.

You must already have a personal Facebook account that you can use to create a page. You will then become the admin of the page. You should then assign other people as admins and

editors. You can remove yourself as an admin for the page later if you no longer wish your Profile to be attached to the church page.

#### 4.4 Twitter

Twitter is often the first place news stories appear online. People also use Twitter to hold global conversations, make friends and build support for campaigns. Yet Twitter is one of the most difficult social platforms for congregations to maintain. Tweets fly so fast and furiously, that on average they have a lifespan of around 10 minutes. So how do congregations use Twitter effectively? If you want to keep up a Twitter profile, you will need to sustain a steady flow of tweets. This may seem overwhelming, but your congregation is potentially already producing enough content to be used.

When choosing your twitter username (also known as your handle), you are limited to 15 characters. It should be something relevant, unique and easy to remember. Usernames are preceded by the @ symbol (@ChurchScotland). If you are planning on setting up an Instagram account as well, you will want to check that the username is available on both platforms. Your display name (note: different from username) can be up to 50 characters and therefore you should be able to include your congregation's full name.

#### 4.5 Instagram

Instagram, users can connect with a global community which shares millions of photos and videos every day. This social platform works best on your mobile phone, and it is a wonderful place to explore the world and find like-minded individuals. Instagram has become an indispensable social media outlet, particularly for engaging with young people.

#### 4.6 Safeguarding

Adults should think twice and consider speaking to a parent before adding/following children under 16 on social media. Always obtain consent from parents before using images of children on social media. Congregations address this in different ways. Some have a blanket consent form which parents sign before their children take part in activities. Other congregations choose not to include photographs of children on their social media accounts at all. Consult the Church of Scotland safeguarding resources for further guidance.<sup>3</sup>

#### 4.7 Personal View Sharing

Church of Scotland personnel are to be mindful of their status as a Minister, Deacon, Parish Worker or Elder of the Church of Scotland and for such reasons should consider carefully before engaging with local news agencies and on social media platforms ensuring that they consider that what they are sharing is appropriate.

#### 4.8 Confidentiality

Be sensitive about confidentiality and the risk of intrusion. Social media does not change our fundamental understanding about confidentiality across the whole life of the Church. When telling a story about a situation which involves someone else, always ask yourself: is this my story to tell? Would it cause distress, inconvenience, upset or embarrassment to others if they found out you had shared in this way? If in any doubt, do not share it online.

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<sup>3</sup> <https://www.churchofscotland.org.uk/about-us/safeguarding-service>

#### 4.9 Privacy and Security

Be mindful of your own security. Be careful about the personal details you share online. Assume anything you share about yourself is in the public domain. Do not assume anything electronic is secure. You might be able to delete or recall an email but there's no guarantee the recipient will. Equally, your privacy settings on your social media tools might mean only your accepted "friends" or "followers" can see the things you say, but there is no guarantee that they will not pass them on outside your trusted circles.

## Appendix 4 Whistleblowing Policy

### 5. Whistleblowing Policy of the Presbytery of Perth

#### 5.1 Purpose and Scope

The Presbytery is committed to the principles of openness, probity and accountability. In line with that commitment we expect anyone who has a serious concern about any aspect of our presbyterial life to voice those concerns in good faith and in line with the following procedure without fear of victimisation, subsequent discrimination or disadvantage.

The purpose of this policy is to provide a procedure which enables concerns to be raised if there are reasonable grounds for believing there is serious malpractice occurring or likely to occur. It applies to all employees, contractors, consultants, temporary casual and agency workers within the direct employ of Presbytery and the word “employee” is used in this policy to cover all such individuals. It also applies to members and corresponding members of the Presbytery. Matters of concern should be raised responsibly through the procedures and guidance as detailed in this policy.

#### 5.2 Definition

Whistleblowing is when someone knows, or suspects, that there is some wrongdoing involving illegal and/or underhand practices occurring within the congregation and alerts the right person within the congregation, or the relevant authority, accordingly.

Employees who engage in whistleblowing are, in certain circumstances, protected by the Public Interest Disclosure Act 1998.

#### 5.3 Purpose and Scope

This policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest and are detailed below), and which fall outside the scope of other procedures (such as a grievance procedure).

The policy does not apply to personal grievances concerning an employee's terms and conditions of employment or other aspects of the working relationship, complaints of bullying or harassment, or disciplinary matters. Such complaints will be dealt with under existing procedures on grievance, bullying and harassment and discipline and misconduct.

The policy deals with specific concerns which are in the public interest in circumstances where an employee or a member/adherent has the reasonable belief:

- that a criminal offence has been committed, is being committed, or is likely to be committed (including financial malpractice or acts of bribery);
- that a person has failed, is failing, or is likely to fail to comply with a legal obligation to which they are subject;
- that the health and safety of any individual has been, is being, or is likely to be endangered;
- that the congregation is attempting to suppress or conceal any information relating to any of the above.

If, in the course of investigation, any concern raised in relation to the above matters appears to relate more appropriately to grievance, bullying or harassment, or discipline, those procedures will be invoked. If the matter is of a less serious nature the employee should always talk to his or her line manager in the first instance.

#### 5.4 Roles and Responsibilities

Concerns must be raised without malice and in good faith, and the individual must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true. The disclosure must not be made for purposes of personal gain, and in all the circumstances it must be reasonable to make the disclosure.

If an employee knows, or suspects, that some wrongdoing is occurring, he or she should raise the matter immediately with their line manager. If the wrongdoing or suspected wrongdoing involves the employee's line manager, or if the concern is raised by a member, the concern should be referred to the Presbytery Clerk of the Presbytery (or to the Convener of the Business Committee if the disclosure relates to the Presbytery Clerk in any respect). Anyone who is informed of potential wrongdoing must take immediate action to ensure the situation is investigated and dealt with as quickly as possible.

Efforts must be made to maintain the anonymity of the individual who has made the allegation of wrongdoing.

#### 5.5 Procedures and Process

Concerns may be raised verbally or in writing and whilst individuals are not expected to prove beyond doubt the truth of an allegation they will be required to demonstrate that there are reasonable grounds for their concern.

It is suggested that individuals making a disclosure should set out (One) the background and history of the concern (including relevant dates); and (Two) the reason they are particularly concerned about the situation.

Wherever possible, within ten working days the person to whom the disclosure is made should write to the employee or to the member/adherent with the following information:

- an acknowledgment that the concern has been raised;
- an indication of the anticipated method of investigation and resolution if applicable;
- an estimation of how long it will take for the individual to be provided with a final response noting that all investigations shall be completed as quickly as may be practicable in the circumstances;
- advice as to what, if any, initial enquires have been made and what anticipated further investigations will take place.

If an investigation is deemed to be required, the Presbytery Clerk (or Convener of the Business Committee if appropriate) shall nominate an individual or individuals to consider the concern and take any steps they deem necessary to investigate the matter. This individual or individuals will conduct a full and thorough investigation. The form the investigation takes will be determined by the nature of the concern.

The findings of the investigation will be shared with the Complaints Committee which will then decide if there is a case to answer and what procedure to follow. This may include taking

steps with a competent authority, such as the police, for further investigation. The decision may also be that the matter would be more appropriately handled under existing procedures for grievance, bullying and harassment, or discipline.

If it is determined that it would not be appropriate to proceed with an investigation or, following an investigation it is determined not to do so, the decision will be explained as fully as possible to the individual who raised the concern, giving the reasons not to take it further. If not satisfied with the decision, it is then open to the individual to make the disclosure to the Principal Clerk who may take action if appropriate. This may include appointing an investigator, taking action under Church legislation and/or referring the matter on to another authority, such as the police or local authority.

It is recommended that the Church's Law Department is also contacted so that guidance can be provided if required.

If urgent action is required, this may be taken prior to an investigation being undertaken.

The employee or member may be invited to one or more meetings during the investigation depending on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. The employee may be accompanied by a work colleague or certified trade union representative during any such meetings; a member may be accompanied by a companion of their choosing.

Any other employees that are invited to provide statements should abide by the same principles as the employee or the member raising the concern.

If the concern involves an employee or employees the employee(s) will be told at an early stage of the investigation and of the evidence supporting it, and will be provided with an opportunity to respond during the investigation.

Employees and members raising concerns under this policy need to be assured that the matter has been properly addressed and so they will be kept informed of procedural progress and the outcome of the investigation. It may not always be appropriate to disclose full detail of any action that is taken, but the employee will be informed if action is taken.

## 5.6 Alerting Outside Bodies to a Potential Wrongdoing

Employees and members should always, in the first instance, follow this internal procedure about a potential wrongdoing. If they are not satisfied with the response, they are entitled to contact a relevant external body to express the concerns. In doing this they should:

- have a reasonable belief that the allegation is based on correct facts;
- not be making any personal gain from the revelations; and
- make the disclosure to a relevant body. A relevant body is likely to be a regulatory body, and a list of prescribed relevant bodies is available at:  
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Disclosures to OSCR should be made via the Church's Law Department. If an employee or a member/adherent is dissatisfied with the Presbytery's response under this policy and considers that any matter should be reported to OSCR he or she should contact the Law Department at [lawdept@churchofscotland.org.uk](mailto:lawdept@churchofscotland.org.uk) in order to take this forward.

### 5.7 Contacting the Media

The media is not a relevant external body. Employees and members should never contact the media with allegations. Employees should be mindful that they must maintain the confidentiality of the employer so far as possible.

### 5.8 Protection against Detriment

Any employee who makes a protected disclosure in terms of the Public Interest Disclosure Act 1998 will be protected from any detriment in relation to any allegations that are made. If the employee does not follow the procedure set out above, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment may not apply.

Disclosing information in an inappropriate way (e.g. contacting the media or contacting a regulatory body without first raising the matter with the employer as set out in this policy) will constitute gross misconduct and could result in disciplinary action up to and including dismissal being taken against the employee.

### 5.9 Review

This policy will be kept under review by the Presbytery. Any questions regarding its operation should be directed to the Presbytery Clerk in the first instance.