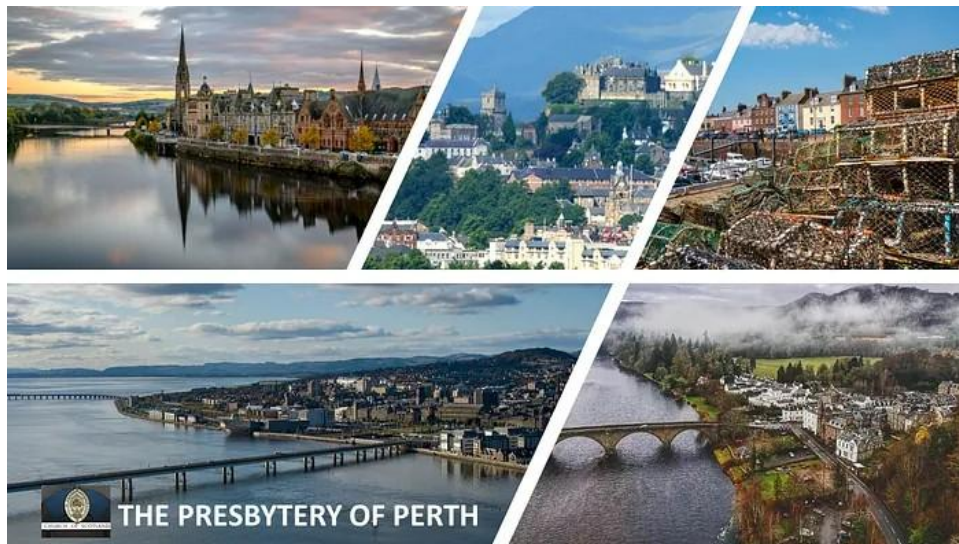


PRESBYTERY OF PERTH HANDBOOK



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SECTION 1: THE PURPOSE OF PRESBYTERY

1. What is a Presbytery for?

1.1 History

The Reformers set out three marks of the Church which are also 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 congregational Action Plans 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 11, 2025, 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 11, 2025.

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 trained panel of people 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.

SECTION 2: PRESBYTERY 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).

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.

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.

- 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 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 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 legislation¹.

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;

¹ Discipline Act (Act I 2019) (As amended by Act 12 2020)

- 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.

SECTION 3: 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 Business 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 1st July to 30th June, shall be forwarded to the Depute Clerk by 1st 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 or meeting in private) but cannot vote or propose a motion.
- h) When the Presbytery's Depute Clerk, Buildings Officer, Congregational Support Officer and Communications Officer are not a member of Presbytery, they shall be a Corresponding Member.

2. MODERATOR

- a) The Business 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 Business 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, Depute Clerk, Treasurer and Auditor, who shall hold office at the will of Presbytery. The Treasurer need not be a member of the Presbytery.

4. ORDINARY MEETINGS

Presbytery shall normally meet for Ordinary Business on the first Saturday in February (all day meeting) the first Thursday in May (evening meeting), the fourth 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, online or by hybrid format 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 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 the screens, 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 – 15 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 decisions 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 media without the specific approval of the Business Committee. Any breach of this shall be considered to constitute contempt of court.

9. USE OF DELEGATED 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, Depute 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.

Provided that, where any action is taken by a Standing Committee in respect of any of the foregoing delegated powers, the Standing Committee exercising the delegated power shall make a full report to Presbytery of action taken and approvals given, such reports to be made at the meeting of Presbytery next succeeding the exercise of the delegated power. Where a Standing Committee makes a determination in the exercise of a delegated power it shall inform the Presbytery Clerk within forty-eight hours of such determination in order that the Presbytery Clerk may inform a congregation of any rights it may have in respect of such determination.

Vacancy Procedure Committee Matters

For Vacancy Procedure Committee matters (other than routine matters, such as the replacement of an Interim Moderator) and also where there is another matter in which the Moderator, Clerk, Depute 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 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.

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
 - Finance and Stewardship
 - Property

Safeguarding
Planning
Church in Community

- b) Support Committees shall be as follows:
 - Congregational Support
 - Mission
 - Ministries
- c) Other Committees shall be as follows:
 - Vacancy Procedure
 - Complaints
 - Staffing
- 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 two additional ministers and two elders (all four to be elected by Presbytery for three years), the Moderator, Clerk, Depute Clerk, Treasurer and other Presbytery staff as appropriate.
- e) Conveners of Standing and Support Committees shall be nominated by the Business 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 Business 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 Business Committee
- p) The Moderator, Clerk and Depute 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 a budget annual to the Finance and Stewardship Committee.
- 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*.

SECTION 4: PROCEDURES AND REGULATIONS

PROPERTY REGULATIONS

Note: Further Property Information is available on the Presbytery website.

1. Submission of Property Proposals

All submissions relating to Property to the 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, see (Act 5, 2024: The Church Of Scotland General Trustees (Properties, Funds And Endowments) Act).

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 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 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) Congregational accounts should be approved by the Trustees (The Kirk Session or the Kirk Session and Board under Model Constitution) by March 31st. The congregational Treasurer should send a copy of congregational accounts to the Presbytery Office marked for the attention of the Secretary of the Finance and Stewardship Committee no later than March 31st. On the same date, a set of accounts must also be sent to 121 George Street and, once approved by the Finance and Stewardship Committee, a set should be sent to OSCR not later than 30th September. If the accounts are expected to be late, the Presbytery Clerk should be informed.

- (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 30th 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 Ascend Website 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 be appointed.
- (d) The Vacancy Procedure Committee has delegated powers to act on non-controversial vacancy matters such as the appointment of an Interim Moderator. For the sustaining of a Call between Presbytery meetings, the committee 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 Panel, 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 or a past 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, as far as possible, to attend.

EXAMINATION OF RECORDS

In April 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, 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, Deacons, Readers and Presbytery Staff.

Study Leave

The National Study Leave Scheme is operated under the direction of the Ministries Committee in consultation with Faith Action. Application Forms are available via the Ascend website.

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 ministers may officiate elsewhere 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 wish to be recognised, as not all Ordination dates are held on file.

SECTION 5: DUTIES OF A TRUSTEE

All members of Presbytery are trustees. The primary duties of trustees are outlined below. Members should ensure that they are fully aware of their duties and responsibilities.

A charity trustee must:

- Act in the interests of the charity: trustees should put the interests of their charity before their own interests or those of any other person or organisation.
- Operate in a manner consistent with the charity's purposes: trustees should carry out their duties in accordance with the governing document.
- Act with due care and diligence: trustees should take such care of their charity's affairs as is reasonable to expect of someone who is managing the affairs of another person.
- Ensure that the charity complies with the provisions of the 2005 Charities and Trustee Investment (Scotland) Act and other relevant legislation.

Additional duties for charity trustees include:

- Updating your charity's details: trustees must make sure that OSCR holds the latest information about their charity on the Scottish Charity Register. This is carried out by Presbytery staff for Presbytery as a registered charity.
- Reporting to OSCR: complying with the statutory duty to supply certain information to OSCR, including annual monitoring, charity accounting, making changes to the charity. For Presbytery, its officials are primarily responsible for ensuring this is done.
- Fundraising: trustees are responsible for taking control of how their charity raises funds.
- Providing information to the public: trustees must make sure that their charity meets the statutory provisions when referring to their charitable status, e.g. in advertisements, and in their duty to provide information about their charity to the public.
- Financial record keeping and reporting: Charities must keep proper accounting records, prepare a statement of account, including a report on its activities at the end of each financial year, have the statement of account independently examined or audited, send a copy of the accounts, along with the annual return to OSCR, and retain accounting records for a minimum of six years from the end of the financial year in which they were made. Presbytery staff, along with professional advisers, are primarily responsible for preparing and presenting these documents to Presbytery each year.

SECTION 6: 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 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.
- g) To approve recommendations to Presbytery from the Finance and Stewardship Committee in regard to applications to all Presbytery Funds.
- h) To act, when appropriate, as the Presbytery's Superintendence Committee in dealing with difficult situations in congregations.
- i) 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.
- j) 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.
- k) 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

- **Financial Oversight**
 - Exercise oversight of Presbytery finances.
 - Manage the Presbytery's investments and trust funds.
 - Review and make recommendations to the Business Committee regarding approval by Presbytery of congregational applications for Presbytery Funds and, where necessary, external funds.
 - Monitor congregational *Giving to Grow* contributions.

- Engage with the General Treasurer of the Church of Scotland, the Business Committee and the Planning Committee in regard to legislation in the Presbytery Mission Plan Act (Act 8, 2021) on Insolvent Congregations.
- **Stewardship**
 - Support the Finance Officer (FO) in informing and encouraging congregations in all aspects of Stewardship to include, for example:
 - Using material provided by the national Stewardship and Finance department
 - Co-ordinating assistance by the national Stewardship Consultants
 - Promote stewardship by encouraging generous giving of time, talent, and money in all congregations.
- **Strategy**
 - Develop a strategy to grow income and ensure Presbytery's financial sustainability.
 - Mitigate financial risks by identifying and monitoring appropriate control measures.
- **Budget**
 - Support the FO in producing the draft Presbytery Budget and draft Congregational Assessments (Dues).
 - Review draft Budget and Congregational Assessments and present to the Business Committee in time for submission for approval at the end of year Presbytery meeting.
- **Presbytery Accounts**
 - Review the Annual Report and Accounts and make appropriate recommendations to the Business Committee to allow timely submission to Presbytery.
- **Congregational Accounts and Attestation**
 - Identify a pool of independent examiners and auditors that congregations may call on as required.
 - Via a subcommittee, ensure annual inspection of Congregational Accounts in accordance with the regulations of the General Assembly concerning congregational finance and the requirements of the Office of the Scottish Charity Regulator.
 - Advise the FO of any issues arising from the inspection of Congregational Accounts so that congregations may be given appropriate assistance.
- **Dissemination of Financial Information**
 - Where necessary, provide financial information to Presbytery Committees.
- **Training and Support**
 - Support the work of the FO.
 - Provide training and support for Congregational Finance Committees and Treasurers, as required, to include ways of helping congregations develop strategies to grow their incomes and ensure financial sustainability.
 - Create and maintain a database of external grant funding available to congregations.

Property

- a) To approve works on buildings in line with the Delegated Powers as outlined in Standing Orders and to report these to the next Presbytery meeting.

- b) To undertake annually a due diligence examination of Property Registers and Manse Condition Schedules of church properties within the Presbytery bounds.
- c) 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.]*
- d) To receive from the Presbytery Buildings Officer the professional surveys of all buildings within the Presbytery bounds.
- e) To arrange the required inspection of manses in times of vacancy.
- f) 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.
- g) To advise and help process applications for grants and loans in relation to property work.
- h) To work with the Buildings Officer in advising on good practice and provide information on Health and Safety matters and to oversee all Health and Safety matters relating to Presbytery staff and the Presbytery Office.
- i) To process applications from congregations to the Presbytery Sub-Fund of the Consolidated Fabric Fund.

Planning

- 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 organise the implementation of the readjustment decisions agreed in the Presbytery Mission Plan.
- c) To undertake the annual evaluation and development of the Presbytery Mission Plan in accordance with Section 2.2.2. of the Presbytery Mission Plan Act, 2021.
- d) To approve the Job Descriptions of centrally funded posts which are part of the Plan, in consultation with the Staffing Committee.
- e) To receive and consider all requests for adjustments to parish boundaries and to negotiate such adjustments with Kirk Sessions.

Church in Community

- (a) To facilitate Presbytery engagement with and comment on local, national, international, political and social issues where appropriate.
- (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.

Safeguarding

- a) Ensure that Presbytery implements the Church of Scotland's Safeguarding Policy.
- b) Ensure that Kirk Sessions adhere to the Church of Scotland Safeguarding Act 2018.
- c) Exercise oversight of Presbytery safeguarding activity and provide a safeguarding update report to every Presbytery meeting, ensuring that Presbyters are aware of all safeguarding issues within the Presbytery and updates from the Safeguarding Service.
- d) Oversee the implementation of the Safeguarding Learning Pathway and Training provision in the Presbytery and support the Safeguarding Presbytery Administrator, trainers and staff with a safeguarding remit to deliver on this for volunteers, trustees, safeguarding panel members and ministers and associated roles in the Presbytery.
- e) Oversee the Annual Attestation of Safeguarding Records (including but not limited to the SG7 and SG11 and/or other documents as recommended by the National Safeguarding Service and associated follow up work regarding compliance).
- f) Ensure that Presbytery, on an annual basis, submits its SG07a Safeguarding Presbytery Register to the Church of Scotland Safeguarding Office.

Staffing (a subcommittee of the Business Committee)

Purpose: to advise and support the Presbytery in the discharge of its employment responsibilities for staff employed by the Presbytery.

- a) to advise on the creation of new posts, drafting job descriptions in liaison with the appropriate Presbytery committee(s) and advising on appropriate terms and conditions in consultation with the Human Resources Department in the Church Offices.
- b) to coordinate recruitment, taking part in interviews as appropriate.
- c) to oversee the arrangements for effective performance management of Presbytery staff, liaising with the Presbytery Clerk and conveners as appropriate.
- d) to keep terms and conditions of employment under review, making recommendations to the Business Committee for updating when necessary and consulting staff as required
- e) To put in place and regularly review all necessary employment policies.
- f) to work closely with the Treasurer and Finance Group on remuneration issues, including conducting an annual review of salary levels in consultation with the Human Resources Department in the Church Offices.
- g) to provide support and advice to the Presbytery Clerk and to conveners in the management of staff particularly in difficult situations and to take decisions on employment matters relating to staff.
- h) to ensure that all issues relating to health and safety are dealt with in a manner that is compliant with Health & Safety at Work legislation and that these issues are completed as soon as possible.

- i) to ensure that all members of staff have received suitable training in matters including health and safety, data protection and harassment to ensure that the Staffing Group appoint a "competent person" to oversee all health and safety at work matters.
- j) to co-ordinate and liaise with the Human Resources Department in the Church Offices on matters affecting the employment of Ministries Development Staff in the Presbytery to advise the Presbytery Clerk and conveners on any other staffing issues that may arise.

SUPPORT COMMITTEES

Mission

- (a) To maintain an overall focus for mission in congregations and to highlight its fundamental relationships with worship, service, education and nurture.
- (b) To take the lead in resourcing mission to the under 40s.
- (c) To promote and support church planting, replanting and mission innovators.
- (d) To promote good missional practice through holding events where practitioners share ideas and experiences.
- (e) To oversee the work of the sub group for the Presbytery Mission Fund.
- (f) To engage with congregations in the Seeds for Growth Fund application process and to sign off on applications where appropriate.

Ministries

Training

- (a) To support continued Christian development in congregations through resourcing and encouraging growth of educated and equipped disciples.
- (b) To organise training events in regard to worship, mission and faith formation for all ages.
- (c) To provide training for Interim Moderators, Elders, Worship Leaders and Pastoral Care Teams.
- (d) To maintain the Presbytery 'Local Worship Leaders' scheme and maintain a list of Local Worship Leaders approved by such a scheme.
- (e) To ensure arrangements are in place in congregations where in-service Training or Study Leave is taking place.

Pastoral Support

- (f) To support the Presbytery Chaplains in their role in pastoral care for Ministers, OLMs Auxiliary Ministers, Readers and Presbytery Staff.
- (g) To provide pastoral support as required for candidates for all ministries during their training and up to their appointment or ordination.
- (h) To oversee recruitment, selection and training for all Recognised Ministries in the Church of Scotland.
- (i) To nominate as Candidates for Recognised Ministries those who have been accepted as Prospective Candidates by an Assessment Conference.

- (j) To ensure that adequate support is given through named individuals to those in ministry in their first five years.

Oversight of Posts and Deployment

- (k) In consultation with the Planning Committee, to oversee the deployment of Auxiliary Ministers, Ordained Local Ministers, Readers and Local Worship Leaders.
- (l) In consultation with the Staffing Committee, to approve locally funded Ministry appointments.
- (m) To oversee the inspection of log books for all appropriate Ministries.

Educaion/School Chaplaincy

- (a) To support the Local Authority Representatives on Education Committees and encourage Christian input into education including chaplaincy, Religious and Moral Education and Religious Observance.

Congregational Support

1. To support Kirk Sessions in the production of their five year Action Plans by: providing guidance on the requirements; evaluating and commenting on the Plans; engaging with Kirk Sessions in their annual reviews of their Plans. [Presbytery Mission Plan Act (Act VIII 2021 amended) section 2A refers.]
2. To support and encourage congregations and their Ministers, Deacons and office-bearers, including assisting to resolve conflicts and disagreements through mediation, facilitated discussion, guided reflection and review.
3. To arrange the Annual Inspection of Congregational Records.

OTHER COMMITTEES

Vacancy Procedure Committee

- (a) To discharge the responsibilities of Presbytery in relation to relevant Vacancy Procedure legislation, including Act 11 (2025) and Act 1 (2015) (as amended).
- (b) To arrange for the completion of Financial Schedules in connection with vacancies.
- (c) To determine the number of members on a Nominating Committee, the overall number being an odd number up to a maximum of 13.

Note

The Presbytery Clerk shall act as Clerk to the committee but shall have no vote and committee decisions may take place by electronic means.

Complaints Committee

- (a) To appoint a Complaints Committee for a specific purpose for matters relating to the Presbytery Complaints Process.
- (b) To oversee all matters relating to Ministers, Deacons, Elders and local office bearers in terms of the Discipline Act (Act I 2019) and provide pastoral care to those involved in the discipline process.

- (c) To hear and dispose of appeals against the decision of a Kirk Session.
- (d) The committee shall be composed of the, Clerk, Depute Clerk, Business Committee Convener and Business Committee Vice Convener.

SECTION 7: POLICIES

Conflict of Interest Policy

1.1 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.

1.2 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.

1.3 Conflict of Interest

1.3.1 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.

1.3.2 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.

1.3.3 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.

1.4 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.

1.4.1 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.

1.4.2 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.

1.4.3 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.

1.4.4 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.

1.5 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.

1.6 Review

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

Social Media Policy

2.1 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.

2.2 Images

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

2.3 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.

2.4 X (formerly Twitter)

X is often the first place news stories appear online. People also use X to hold global conversations, make friends and build support for campaigns. Yet X 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 X effectively? If you want to keep up an X 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 X 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.

2.5 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.

2.6 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.²

2.7 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.

2.8 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.

2.9 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.

² <https://www.churchofscotland.org.uk/about-us/safeguarding-service>

Whistleblowing Policy

3.1 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.

3.2 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.

3.3 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.

3.4 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.

3.5 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.

3.6 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.
- 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 in order to take this forward.

3.7 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.

3.8 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.

3.9 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.

Privacy Notice

Purpose of this Notice

This Privacy Notice outlines the way in which the Presbytery will use personal information provided to us. Personal information includes any information that identifies you personally, such as your name, address, email address or telephone number.

The Presbytery recognises the importance of your privacy and personal information and we have therefore outlined below how we collect, use, disclose and protect this information. The Presbytery is the data controller, because we decide how your data are processed and for what purpose. Contact details for us are provided below.

How we use information

We use the information you give to us:

- to administer membership records;
- for pastoral care purposes;
- for the general oversight of Church of Scotland congregations within the Presbytery;
- in relation to participation in Presbytery activities including the training and supervision of ministers, candidates for the ministry and probationers;
- to provide you with information about news, events, and activities within the Presbytery or the wider Church of Scotland;
- to fulfill contractual or other legal obligations;
- to manage our employees;
- to further our charitable aims, for example through fundraising activities;
- to maintain our accounts and records (including the processing of Gift Aid applications);
- if CCTV is in place we have this for the prevention and detection of crime.

Disclosure of information

The Presbytery will only share your personal information where this is necessary for the purposes set out above. Information will not be shared with any third party outwith the Church of Scotland without your consent unless we are obliged or permitted to do so by law.

Basis for processing personal information

The Presbytery processes your information in the course of its legitimate activities, with appropriate safeguards in place, as a not-for-profit body with a religious aim and on the basis that our processing relates solely to members, former members or people who have regular contact with us, and that this information is not disclosed to any third party without your consent. We also process information where this is necessary for compliance with our legal obligations; where processing is necessary for the purposes of our legitimate interests and such interests are not overridden by your interests or fundamental rights and freedoms; and where you have given consent to the processing of your information for a particular purpose.

Storage and security of personal information

The Presbytery will strive to ensure that personal information is accurate and held in a secure and confidential environment. We will keep your personal information for as long as you are a

member or adherent of a congregation within the Presbytery or have regular contact with us or so long as we are obliged to keep it by law or may need it in order to respond to any questions or complaints or to show that we treated you fairly. We may also keep it for statistical purposes but if so we will only use it for that purpose. When the information is no longer needed it will be securely destroyed or permanently rendered anonymous.

Getting a copy of your personal information

You can request details of the personal information which the Presbytery holds about you by contacting us using the contact details given below.

Inaccuracies and Objections

If you believe that any information the Presbytery holds about you is incorrect or incomplete or if you do not wish your personal information to be held or used by us, please let us know. Any information found to be incorrect will be corrected as quickly as possible.

You have the right to object to our use of your personal information, or to ask us to remove or stop using your personal information if there is no need for us to keep it. There may be legal or other reasons why we need to keep or use your data, but please tell us if you think that we should not be using it.

If we are processing your data on the basis of your explicit consent, you can withdraw your consent at any time. Please contact us if you want to do so.

Contact us

You can contact us by getting in touch with the Presbytery Clerk (or Depute Clerk) at:

The Presbytery of Perth
Presbytery Office
Suite F/3
Riverview House
Friarton Road
Perth
PH2 8DF.

Tel. 07596 868064

How to complain

You have the right to complain to the Information Commissioner's Office about anything relating to the processing of your personal information by the Presbytery. You can contact the ICO via its website at www.ico.org.uk or at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

LEGITIMATE INTERESTS ASSESSMENT

The General Data Protection Regulation (GDPR) requires organisations to identify the basis on which they process personal data. Data controllers (who decide the purposes and means of the processing of personal data) may process and share information on a number of different bases. One of these is consent; another is that they have a **legitimate interest** in doing so³.

When information is gathered and used within and/or for the purposes of the Presbytery, it is likely to be most often processed on the basis of a legitimate interest, and not on the basis of consent. This basis of processing is likely to be appropriate where data is used in ways which people would reasonably expect, based on their relationship with the data controller, and which have a minimal privacy impact; or where there is a compelling justification for the processing. There are three elements to the legitimate interests basis of processing. It is necessary to:

- identify a legitimate interest;
- show that the processing is necessary to achieve it; and
- balance it against the individual's interests, rights and freedoms.

The GDPR requires that data controllers demonstrate that they have fully considered the necessity of the processing and balanced this against the rights of the individuals concerned and decided that these rights did not override the interests of the controller. This Legitimate Interests Assessment form has been produced to help Presbyteries with this process. It provides a number of sample questions and answers which are relevant to satisfying all three elements of the test. These are, however, only examples and not all of them may be relevant to your particular situation. You should think carefully about all of the personal information which you process and ensure that all of it is reflected within your form.

On completion of the form, if it is found that the processing of any information is not in fact based on a legitimate interest (or one of the GDPR exemptions for processing) you should seek advice from the Law Department by emailing: LAWDEPT@churchofscotland.org.uk and referencing "legitimate interest assessment" as the subject.

Data Security Breach Management Policy

This policy covers all congregations within the Presbytery.

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.

³ GDPR recitals 40 through 55 and Articles 6 (1)(f) and 9(2)(d)

If it appears that a data security breach has occurred, a report must immediately be made to the Presbytery Clerk. The following breach management plan will then be implemented.

1. Containment and recovery

1.1 The Presbytery Clerk as Data Protection Compliance Officer will take the lead in responding to the breach, and in investigating the nature and cause of the breach and the extent of the harm that could result. He or she may elect to carry out all necessary investigation him or herself or alternatively may appoint someone else to do so. As a first step, the Clerk will establish who needs to be made aware of the breach and will inform them of what they are expected to do to assist in the containment exercise. This could be, for example, finding a lost document or piece of equipment.

1.2 Steps will be taken to establish whether there is anything which can be done to recover any losses and limit the potential damage arising from the breach. As well as the physical recovery of equipment, this could involve the use of back up tapes to restore lost or damaged data or ensuring that people recognise when someone tries to use stolen data to access accounts.

1.3 The Clerk will determine the identity of the data controller for the purposes of the breach, bearing in mind that there may be more than one data controller where shared services are involved. If it appears that the breach has been caused by another data controller, or by the data processor, the terms of the contract with that third party will be checked with a view to determining whether a claim may lie for breach of a specific obligation, breach of confidence or a failure to take reasonable skill and care; and whether the breach gives rise to a right to terminate the contract.

1.4 An immediate report of the breach must be made by the Clerk to the Solicitor of the Church.

1.5 Consideration should be given to whether or not it is appropriate to inform the police.

2. Assessing the risks

2.1 Some data security breaches will not lead to risks beyond possible inconvenience to those who need the data to do their job. Before deciding on what steps are necessary beyond immediate containment, the Clerk will assess the risks which may be associated with the breach. Perhaps most important is an assessment of potential adverse consequences for individuals; how serious or substantial these are; and how likely they are to happen.

2.2 The following points will be borne in mind when making this assessment:

- What type of data is involved?

- How sensitive is it? Some data is sensitive because of its very personal nature (e.g. information about health) while other data is sensitive because of what might happen if it is misused (e.g. bank account details)
- If data has been lost or stolen, are there any protections in place such as encryption?
- What has happened to the data? If data has been stolen, it could be used for purposes which are harmful to the individuals to whom the data relates; if it has been damaged, this poses a different type and level of risk
- Regardless of what has happened to the data, what could the data tell a third party about the individual? Sensitive data could mean very little to an opportunistic laptop thief while the loss of apparently trivial snippets of information could help a determined fraudster build up a detailed picture of other people
- How many individuals' personal data are affected by the breach? It is not necessarily the case that the biggest risks will accrue from the loss of large amounts of data but this is an important determining factor in the overall risk assessment
- Who are the individuals whose data has been breached? Whether they are staff, volunteers or suppliers, for example, will to some extent determine the level of risk posed by the breach and, therefore, the appropriate actions in attempting to mitigate those risks
- What harm can come to those individuals? Are there risks to physical safety or reputation, of financial loss or a combination of these and other aspects of their life?
- Are there wider consequences to consider such as a loss of public confidence or reputation?
- If individuals' bank details have been lost, the banks themselves could be contacted for advice on anything they can do to help prevent fraudulent use.

3. Notification of breaches

3.1 Informing people and organisations of the data security breach can be an important element in a breach management strategy, but this is not an end in itself. Notification should have a clear purpose, whether this is to enable individuals who may have been affected to take steps to protect themselves or to allow the appropriate regulatory bodies to perform their functions, provide advice and deal with complaints.

3.2 All decisions on notification will be taken by the Solicitor of the Church, in discussion with the Clerk. The Solicitor will be responsible for notifying the Information Commissioner's Office ("ICO") where this is appropriate. The Clerk will be responsible for notifying affected individuals, where appropriate.

3.2 If it is likely that there will be a risk to people's rights and freedoms, the breach must be reported to the ICO. If such a risk is unlikely then it does not have to be reported. If a decision is taken not to report the breach, this decision and the reasons for it must be documented. Notifiable breaches must be reported to the ICO without undue delay, but **not later than 72**

hours after we become aware of it. If we take longer than this, we must give reasons for the delay.

3.3 If a breach is likely to result in a high risk to the rights and freedoms of individuals, those concerned must be informed without undue delay. In other words, this should take place as soon as possible. A 'high risk' means that the threshold for informing individuals is higher than for notifying the ICO. It will be necessary to assess both the severity of the potential or actual impact on individuals as a result of a breach and the likelihood of this occurring. If the impact of the breach is more severe, the risk is higher; if the likelihood of the consequences is greater, the risk is higher. In such cases, we must promptly inform those affected, particularly if there is a need to mitigate an immediate risk of damage to them.

3.4 The following considerations will be taken into account in assessing the likelihood and severity of the risks and deciding whether to notify:

- The type of breach
- The nature, sensitivity and volume of the data involved
- Ease of identification of individuals
- Severity of consequences
- The number of affected individuals
- Are there any legal or contractual requirements to do so, for example if a regulatory body is involved (is a report of a serious incident to OSCR required?)
- Can notification help the individual? Bearing in mind the potential effects of the breach, could individuals act so as to mitigate risks, for example by cancelling a credit card or changing a password?
- Special characteristics of the individual
- How notification can be made appropriate for particular groups of individuals, for example vulnerable adults
- Is there a danger of 'over notifying'? Not every incident will warrant notification and notifying a large number of people about an issue affecting only a small number may well cause disproportionate enquiries and work

3.5 Bear in mind that it may also be appropriate to notify insurers of potential claims.

3.6 Consideration will also be given to what should be said to any person or body to whom notification is made, and how that message is to be communicated. This will depend to a large extent on the nature of the breach but the following points will be taken into account:

- There are a number of different ways to notify those affected. The most appropriate one will be used, bearing in mind the security of the medium as well as the urgency of the situation

- Notification will include a description of how and when the breach occurred; what data was involved; and what has already been done to respond to the risks posed by the breach
- When notifying individuals specific and clear advice will be given on the steps they can take to protect themselves and also what the Church is willing to do to help them
- Information will be provided about how individuals can obtain further information or ask questions about what has occurred

4. Evaluation and response

4.1 It is important not only to investigate the causes of the breach but also to evaluate the effectiveness of the Presbytery's response to it. If it is established that existing procedures could lead to another breach, improvements to those procedures will be identified. Questions to be asked will include:-

- Was the data protection policy, and in particular its security provisions, followed?
- Does action need to be taken to raise security compliance standards?
- What are the weak points in existing security measures?
- Should disciplinary steps be taken against any staff members?
- Have adequate training and guidance been provided?
- Are adequate contractual safeguards in place?
- Where do the biggest risks lie? Risks will arise when sharing data with or disclosing to others.
- Are the methods of transmission secure?
- Is only the minimum amount of data necessary being disclosed or shared?

5. Recording breaches

5.1 All breaches must be recorded, regardless of whether or not they need to be reported to the ICO.

5.2 The facts relating to the breach, its effects and the remedial action taken must all be recorded. Consideration should be given to whether or not the breach was a result of human error or a systemic issue and how a recurrence might be prevented, whether through better processes, further training or other corrective steps.

SECTION 8: PRESBYTERY PLANNING: GUIDELINES FOR ADJUSTMENTS

Note 1

In all cases of adjustment (unions, linkages, deferred unions, parish groupings, etc as below), this consent of incumbent minister(s) should be given in writing to the Presbytery Clerk at the outset - the simplest way is by email to the Presbytery Clerk with cc to the Planning Convener. It can easily be overlooked if left till a later date. In terms of the Presbytery Mission Plan Act (Act VIII, 2021) ("the 2021 Act"), "No proposed Adjustment involving the rights of the minister shall be discussed with the office bearers of the congregation as in (a) above [i.e. conferring with local parties as in Note 2] without his or her consent in writing" (s10.1(b)). Also, in terms of the 2021 Act, an "adjustment" includes a Basis of Parish Grouping, Local Mission Church and indeed any of the 11 options stated in s7, subsections (1) to (11), so consent in writing is required for negotiating any of these adjustments.

N.B. Please note that the consent being given by incumbent ministers at this stage is only consent for discussions to begin. There is no implied consent to any proposed adjustment that may emerge from discussions.

Note 2

Presbytery is to remit to the appropriate Standing Committee the task of conferring with local parties. This means that Planning will probably appoint a couple of its members to discuss possible adjustment with the ministers, the elders and members of Financial Boards (if any). Other members of a ministry team should be included in the consultation.

Section 10.1(c) states that all meetings of office bearers under s10 shall be "called by the Presbytery's Committee and a minister, deacon or elder, appointed by said Committee, shall act as Convener for the purposes of conference". Planning will therefore appoint an appropriate person to convene the talks about adjustment.

Note 3

If the initial discussions are positive, a Basis of Adjustment is negotiated, usually by a small steering group comprising the Minister/Interim Moderators, Session Clerks and two or three elders from each congregation involved and convened by the Presbytery representative. It is recommended that brief notes are kept of the steering group discussions, especially of matters on which agreement has been reached.

As the negotiations progress, it would be expected that each Session Clerk should keep the remaining office bearers informed as to progress. Where it is proving difficult to reach a decision on some aspects, sometimes a joint discussion among both/all Kirk Sessions meeting together can produce some consensus. It must be stressed that such meetings are consultative only.

It is important to note that no mention is made of informing or consulting the congregation at this stage – this is not accidental as the process up to the congregational vote is the business of

the office bearers. However, it is clearly sensible for the Minister and Session Clerk to keep the congregation apprised on what is happening even if they have no locus to participate.

Templates for various Bases can be downloaded from the C of S website and the Planning Committee holds copies of Bases already finalised which may assist, in particular with Basis of Team Ministry, a new template. Planning can also advise on use of the various templates.

The “date of xxxx”(union, linkage, whatever) in the Basis can be left as “on a date to be agreed by Presbytery” up until after Presbytery has approved the Basis. In practice, congregations will probably have a target date for the adjustment actually to take place, but it is not essential to state this.

If a new name is planned, it is important to get the Planning Committee or the Presbytery Clerk to run this past the Law Dept to check it is acceptable in terms of geographical identification and other criteria.

Note 4

Once a draft Basis has been agreed by the steering group, it should be forwarded to the Planning Committee so that it can be submitted to Faith Action Forum/Presbytery Planning (for confirmation it accords with the PMP) and to the Principal Clerk’s Office and the Law Department (to ensure it complies with church law and civil law). Once these approvals/confirmations have been obtained and any recommended changes incorporated, Planning will communicate with the steering group who can then set dates for voting.

At this stage, the process of updating the Communion and Adherents Rolls as necessary should be commenced to have these ready for congregational votes.

Note 5

If possible, the Kirk Sessions should meet on the same date (but not all together) and vote on the Basis as presented by the steering group. At this point, the Basis cannot be amended because it is being voted on by both/all Kirk Sessions contemporaneously. The vote is best undertaken by secret ballot, although a show of hands is also allowed. Only those present may vote. A simple majority prevails. Abstentions are not noted.

Note 6

Once all Kirk Sessions have voted in favour of the Basis, congregational votes can be arranged. It is recognised that in rural situations it may not be possible to have all congregations vote on the same day although this is the preferred process. It should be checked that the Communion and Adherents Rolls process is completed before voting date(s) are fixed. These dates should be communicated to Planning who will arrange for the Presbytery Clerk to send out to Session Clerks (i) copies of the Edict with detailed instructions and (ii) voting papers. The Edict must be read out at Sunday worship for the two Sundays preceding the Sunday on which the vote will take place.

Note 7

A secret ballot with voting slips is mandatory. The Minister/Interim Moderator and the Session Clerk should organise the voting at the end of worship, usually having first asked those who are not members or adherents to leave. It is necessary to have a copy of the Communion and Adherents Rolls available so that it can be ensured that those receiving voting slips are on it.

There should always be Presbytery representatives present.

It should be made plain that the Basis cannot be altered at this stage. Questions may be asked on the process or on the meaning of the clause in the Basis. However, discussion on aspects in the Basis which have already been decided by the Kirk Sessions should be discouraged, as these cannot be changed. Members must vote either For or Against the Basis.

The Presbytery representatives should then count the votes, counting separately if there are two votes (see below). Abstentions and spoiled papers are not noted. The Session Clerk should advise the voting numbers to the Planning Committee.

Unions/Linkages/Deferred Unions: Section 7 votes:

Section 7 of the Basis is usually the section which specifies who the minister(s) of the new charge will be.

Where there is no incumbent minister in any of the congregations who are parties to the Basis, a single vote on the Basis as a whole can be taken, as per the voting form in Appendix 4.

Where one or more of the congregations is vacant and are agreeing that the minister of another congregation in the Basis will be the minister of the new charge, the members of the vacant charge(s) must vote twice: once on the Basis except Section 7, and separately on Section 7. See voting slip in Appendix 5. The congregation where there is an incumbent minister need only vote on the Basis as a whole (voting slip Appendix 2).

Where there is a linkage, both congregations must vote separately on section 7.

The following is based on advice received informally from the Principal Clerk:

Where the minister of the new charge is to be a Team Ministry (even with incumbent Ministers of some or all of the congregations), two votes should again be taken – one on the Basis except Section 7, and second, on Section 7 of the Basis. In these circumstances, Section 7 will refer to the Basis of Team Ministry so acceptance or rejection of the Basis of Team Ministry is included in acceptance or rejection of Section 7. The rationale is that all congregations are being asked to accept a new ministry arrangement, different from the one charge-one minister arrangement which they have.

Note 8

If all congregations vote in favour, then the Basis or Bases can be approved by the Planning Committee using powers. If one or more parties vote against, the matter will have to be sent to Presbytery for a decision.

Note 9

Once Presbytery has approved the adjustment, the Presbytery Clerk will forward an Extract Minute to Faith Action Forum for noting.

The Presbytery Clerk will finalise with the Kirk Sessions the date when the adjustment will take effect, and if appropriate, arrange a Presbytery service.

Appendix: Template for a Minute of a Congregational Meeting to vote on a Basis of Adjustment

THE CHURCH OF SCOTLAND

PRESBYTERY OF PERTH

At ***** Church on Sunday ***** on which date a formal meeting of the congregation of ***** was held.

1. The meeting was constituted with prayer by ***** acting as Convener, and accompanied by ***** , representing the Presbytery of Perth.
2. It was confirmed that sufficient notice had been given calling the meeting, which thereafter proceeded to consider the draft Basis of Union/Linkage/Linking/Guardianship/Parish Grouping for ***** Parish Church.
3. The purpose of the meeting was declared as following: To determine whether 'the congregation of ***** approves the Basis of Union/Linking/Dissolution/Guardianship/Parish Grouping in accordance with the Presbytery Mission Plan.'
4. The Convener spoke to the proposal OR invited ***** to speak to the proposal, after which questions were invited.
5. Proceeding to the vote by secret ballot, there voted:

BASIS OF *****

AGREE

and

DISAGREE

6. The Convener read aloud a draft minute of proceedings, which was agreed and approved, and advised that he would provide a copy to the Session Clerk for incorporation in the Kirk Session minutes and forward the same to the Presbytery by way of formal notification of the vote.

7. The Convener offered best wishes on behalf of the Presbytery to the congregation in its ongoing work and witness.

8. The meeting was closed with prayer.

On behalf of the Presbytery of Perth,

Date:

SECTION 9: PRESBYTERY COMPLAINTS PROCESS

Please call or email the Presbytery Clerk, Rev Dr John Ferguson, tel. 07596 868064 or JFerguson@churchofscotland.org.uk to discuss your complaint before proceeding to the more formal steps noted below.

Formal notification

If the matter is to be taken further, then you will need to write to the Clerk (either by letter or email) setting out the following:

- Your contact details (and whether you are a Church member or office bearer).
- Details of the person you are complaining about.
- The nature of your complaint.
- Specific details of the circumstances (including, where possible, names of individuals, places, dates etc).

The Presbytery Clerk can assist you with this.

Upon receipt of your written complaint, the Presbytery Clerk will acknowledge this in writing **within seven days**. All information which you supply in connection with your complaint will be treated sensitively and as far as possible will be treated confidentially.

Dealing with a complaint

Here is the process for how your complaint should be dealt with:

- The Presbytery Clerk will send your written complaint to the Convener of the Presbytery's Complaints Committee.
- A meeting of that Committee will then be called to consider the complaint.
- Following this meeting, one member of the Committee will contact you to discuss your complaint and if appropriate, to arrange to meet with you.
- The Complaints Committee will also forward a copy of the complaint to the respondent (the subject of the complaint). The Committee may similarly meet with the respondent.
- The Committee shall make such enquiries as it considers appropriate and may hold more than one meeting separately with you, the complainer, and with the respondent. If it considers this to be appropriate and both parties consent, the Committee may facilitate a mediated meeting between you and the respondent.

The Committee will endeavour to provide you with an initial response on your complaint within a period of **20 working days** from when it first considered the complaint.

The outcome

Upon the completion of its enquiries, the Committee will hope to have achieved one of the following outcomes (although this list is not exhaustive):

- You as complainer are satisfied that the matters raised in the complaint have been resolved;
- You as complainer and the respondent have reached a mutual agreement that the matter need go no further;
- You as complainer and the respondent agree that the matter may be referred to mediation;
- The Committee will make a recommendation to Presbytery that the respondent be given an instruction or advice as to his or her future conduct,
- The complaint has been dropped or dismissed, or
- The complaint having been dealt with, the matter is, despite no agreement having been reached, nonetheless concluded.

The Procedure outlined above is subject to a right of procedural review. Further information about this will be given to you if it applies.

SECTION 10: CODE OF PROFESSIONAL PRACTICE AND GOOD CONDUCT FOR THE MINISTRIES OF THE CHURCH OF SCOTLAND

As approved by the General Assembly

Introduction

Applicability of the Code

The Code applies to all those serving in the recognised ministries of the Church of Scotland. Throughout the Code, the terms ‘ministry’ and ‘recognised ministries’ shall include ordained ministers, deacons and readers, and all paid employees in parish appointments, as defined in section 16(1) and 16(1)(a) of Act VIII 2021.

Scope of the Code

The Code sets out the standards of conduct expected by the General Assembly. The Code is not intended to be an expansion or amplification of the Discipline Act (Act 1 2019) and should not be regarded as containing an authoritative or exhaustive list of disciplinary offences but Presbyteries, and Assessors and Discipline Tribunals operating in terms of the Discipline Act, shall have regard to the terms of the Code in making their assessment of the character of conduct. The Code complements the policies and rules set out in the Ministers’ and Employees Handbooks which cover such matters as balance of duties, absence, maternity and paternity leave, holiday arrangements, health and safety, discrimination, bullying and harassment. In addition, the Code can be used:

- as a basis for education programmes to support good practice;
- as a document to reassure the public that all those serving in recognised ministries of the Church of Scotland are provided with a framework of standards and accountability;
- as a framework for analysing concerns and defining problems about conduct in all aspects of church life and work.

The Code is not a substitute for reflective and ethically disciplined practice, continuing learning and development, and regular supervision. Equally the Code is not to be used as a measure of ministerial capability.

An ethical basis for the Code

All who serve in ministry should be bound by the ordination vows taken (where applicable) and the Gospel values of the Christian faith we proclaim.

The Church is concerned with the spiritual care, nurture and wellbeing of all, whether within or outwith the membership of the Church of Scotland. Those engaged in the ministries of the Church of Scotland (as defined above) have ethical obligations in the way they carry out their ministry. These obligations prohibit harm and promote the good of the person. The context of

ministry is one in which people are often vulnerable and in need of support, and in which ministerial office is seen by society at large as a marker of integrity. Establishing appropriate boundaries fosters trust, helps to clarify ethical actions and enables the relationships involved in ministry to function effectively.

Ministry usually proceeds without any explicit agreement. It takes place wherever there is need and it is often unplanned. Even in a caring relationship, however, there is also a possibility that attempting to do good may result in a degree of harm, and that in helping others, those involved in ministry may be fulfilling a personal need. Therefore, in deciding what to do in any particular situation, those involved in ministry need to be able to exercise ethical reasoning and deliberation in order to justify their actions.

1. General Conduct

Those serving in the recognised ministries of the Church of Scotland are responsible for their personal and ministerial conduct and must be able to justify their actions and practice towards those in their care, to colleagues and to all those with whom they come into contact. In particular they should:

- act at all times in ways that promote trust and confidence in their profession;
- act at all times to promote and safeguard the interests and wellbeing of others;
- affirm the equal dignity and worth of others;
- act with integrity and with due respect for diversity and differences including, but not limited to, ethnicity, gender, sexual orientation, age and disability
- maintain good standing in the Church of Scotland;
- ensure that their conduct is consistent with their profession and appropriate to the setting in which they work.

2. Relationships between those in ministry and those to whom they minister

Those involved in ministry must at all times be conversant with, and advocates for, the Church's policies and procedures in relation to the safeguarding of children and protected adults.

Relationships have the capacity to be nurturing and healing, but they also have the potential to be damaging and destructive. An important reason for this is the intrinsic imbalance of power in the relationship. Those involved in ministry, therefore, should be aware of issues of power and should exercise any influence they may have with sensitivity, discernment and within ethical boundaries.

Those involved in ministry should seek to develop appropriate pastoral and supportive relationships within the whole people of God. The primary focus will be meeting the needs of those being ministered to; in this it may be appropriate to express our own vulnerability; but it would be an abuse of a pastoral relationship for those in ministry to use it to meet their own needs.

Those involved in ministry should recognise the limits of their competence and should take

care to direct those to whom they minister to the help available from other suitably qualified professionals where appropriate.

3. Maintaining Trust

Ministry is both a privilege and a responsibility and those involved in ministry need to establish boundaries that enable trust and safeguard ethical relationships with those to whom they minister. In particular those involved in ministry should:

- behave in ways that honour the dignity and value of others;
- ensure as far as possible that no action or omission on their part and within their sphere of responsibility could be detrimental to the wellbeing of others;
- respect the trust established with others, while understanding the limits of confidentiality;
- respect the autonomy of others;
- recognise and act within the limits of their competence;
- maintain clear boundaries in the areas of self-disclosure, intimacy and sexuality;
- avoid any conflicts of interest; but in the event that the person involved in ministry has to withdraw on the grounds of conscience or ethical principles, endeavour to refer to someone else who can facilitate the transfer and continuity of ministry.

4. Respecting Confidentiality

Confidentiality is a condition of trust that enables people to seek help at a time of need and to talk about personal and private matters relevant to their spiritual health and wellbeing.

Ministry often involves access to confidential information. Those engaged in ministry, therefore, must respect confidences, and in particular they should:

- respect the right of individuals to control access to their own personal information and to limit its disclosure;
- establish the boundaries of confidentiality with others and respect as far as possible the limitations of disclosure that an individual can reasonably expect or request;
- treat information about those to whom they minister, and others, as confidential and use it only for the purposes for which it was given;
- guard against breaches of confidentiality by protecting information from improper disclosure at all times;
- Ensure that confidential information is only shared with a third party where the individual consents to the disclosure, where it can be justified in the public interest or where there is lawful authority such as a court order or statute. A disclosure in the public interest is likely to be justified where it is necessary to prevent a serious and imminent risk to public health, in the interests of national security, to protect children and adults from risks of serious harm or death, or to prevent or detect serious crime. If a person says or does something that leads you to think they or another person are at risk you have a duty to pass this on to the appropriate person or authority. You should always refer to the Safeguarding Service staff for advice in particular cases.
- discuss with those to whom they minister reasons why disclosing confidential

information to other persons might be of benefit to the provision of good care;

5. Abuse

Abuse is a violation of an individual's human and legal rights by any other person or persons. It is behaviour that is a clear departure from the ethical conduct required of us all. It can result from a misuse of power or a betrayal of trust, respect or intimacy which causes harm or exploitation. It can be caused by purposeful or negligent actions as well as a failure to act where a duty exists. The main forms of abuse include spiritual, physical, psychological, domestic, sexual, and financial, and are defined here in the context of Christian ministry:

- Spiritual abuse is the imposition of values and beliefs on others; and while mission is part of the work of ministry, it is an abuse to fail to respect the freedom of others to make choices for themselves;
- Physical abuse is any form of physical contact which is likely to cause distress, pain or bodily harm;
- Psychological/emotional abuse is behaviour by a person in ministry which is exploitative, manipulative, coercive or intimidating;
- Domestic abuse is an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, with a spouse, partner or family member;
- Sexual abuse is forcing, coercing or inducing any person to whom you minister or to whom you stand in a position of trust, whether because of your office or for any other reason, to establish or pursue a sexual or improper emotional relationship and also the passing of hurtful remarks of a sexual nature;
- Financial or material abuse is the misappropriation of a person's money or assets by those involved in ministry through fraud or deception; or through negligence or misuse of a person's assets or money while having a legitimate access to them.

6. The Use of Touch

People use touch informally as a gesture of care and formally within rituals to signify beliefs and theological actions. However, because the use of touch can be misunderstood or misinterpreted, or it may be unwanted, particular sensitivity should be exercised and assumptions about gender and personal space carefully considered. If in any doubt as to whether touch may be acceptable, permission should be obtained. The use of ritual that involves touch should be carefully explained and permission obtained. Parental or guardian consent may also be necessary where children are too young to give their own consent or an adult is without capacity to consent.

Touch is a basic human gesture and physical contact is an integral part of wellbeing. Touch conveys to many people reassurance, care and concern and it can be a valuable expression of a supportive or therapeutic relationship. But touch is not value-free, it is conditioned by social and cultural norms and it can convey powerful signals. Therefore, touch may be perceived as threatening or manipulative, it could be physically painful and it can be a form of abuse.

7. Working with Colleagues

Working in ministry often depends on collaboration with colleagues both in other ministries and in other disciplines. In particular those in ministry should:

- respect the skills, contributions and integrity of colleagues;
- work in a collaborative and co-operative manner with colleagues and communicate effectively with them within the limits of confidentiality;
- honour their commitments and at all times be reliable, dependable and trustworthy, and willing to play a full part in the life and worship of the Church within their Presbytery;
- respect the boundaries of other parishes, and take care not to undertake pastoral or sacramental duties within another parish for anyone other than a member of the congregation in which they minister. The recognised exceptions are (1) the conduct of a marriage or a funeral by private invitation and (2) circumstances in which the express permission of the minister of the other parish has been secured;
- participate in the work of multidisciplinary teams they are members of and respect their confidentiality;
- challenge colleagues who appear to have behaved unethically or in contravention of this Code and be prepared to bring concerns of misconduct to those charged with responsibility for colleagues.

8. Communications, Media and Social Media

Upholding high standards in all communications is important for the exercise of ministry. Communication is a powerful tool that can be used to benefit the work of ministry, but if used carelessly can reflect badly on an individual and the wider Church.

Communication and involvement with the media can:

- spread good news stories to inspire others
- reach those who may not be able to attend church or who may not be sure about attending church in person
- engage in topical conversations and respond to enquiries on behalf of the Church
- encourage involvement, collaboration and learning
- resolve misunderstandings and correct inaccuracies
- establish and strengthen relationships locally, nationally and internationally

When using Social Media there is a responsibility to:

- respect and model positive behaviours and language
- be transparent, relevant and kind
- be careful when sharing content, ensuring it is accurate and relevant
- consider the safety of yourself and others
- refrain from sharing any confidential information
- avoid any communications that might damage the reputation of the Church

Those serving in ministry should take care to observe appropriate boundaries between their

work and their personal life just as much in the use of social media as in “real life” encounters. They should recognise the importance of knowing themselves and their own emotional needs. Working with a spiritual accompanier or pastoral supervisor can greatly help the development of this insight, which is difficult to achieve when working alone. Ministers should not expose themselves or others to material which is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, politically inflammatory, defamatory or in violation of any British, European or international law.

Ministers must remember that they are public figures whose opinions when proffered have weight and significance. In using social media ministers should always assume that anything they post or contribute is in the public domain and will be shared. The power of the internet for doing harm as well as good must always be borne carefully in mind and weighed before saying anything which may prove be damaging to oneself as well as to others.

If contacted by the media for any reason those in ministry should before making any response contact the Church communications team. They should not speak to journalists “off the record”.

Ministers should familiarise themselves with the established policies and procedures and guidance for all communications.

9. Probity in Practice

The office of a recognised ministry in the Church of Scotland requires the highest standards of moral integrity and honesty. In particular those involved in ministry must:

- be honest and accurate in representing their professional affiliations, qualifications, and experience, and not make unjustifiable claims about their competence;
- keep their knowledge and skills up to date, taking part in regular learning and development activities in order to maintain and develop competence;
- distinguish between pastoral care and formal counselling and ensure that those to whom they minister understand the form of support being offered;
- not charge individuals personal fees for baptisms, weddings or funerals: in all circumstances ministers should follow the guidelines contained in the Year Book in respect of charging for weddings and funerals.
- refrain from encouraging those to whom they minister to give, lend or bequeath money or gifts which will be of a direct or indirect benefit to themselves, or put pressure on those to whom they minister to make donations;
- refuse all but trivial gifts and never accept any offers of loans, bequests or benefits of any kind from anyone to whom they minister (or anyone close to them)
- manage any finances for which they are responsible with diligence and for the purpose for which they are intended;
- declare any involvement that might cause a conflict of interest;
- demonstrate honesty and objectivity when providing references for colleagues or completing and signing forms. Reasonable steps must be taken to verify any statement before they sign a document, and they must not write or sign documents which are false or misleading.

10. Discipline

Where allegations involving issues of professional conduct are raised, Presbytery must proceed to investigate in terms of the Discipline Act (Act I 2019) for all subject to its terms. Paid employees in parish appointments are also subject to the relevant disciplinary policy of the Church entity which employs them. Where an investigation establishes a suspected criminal action this must be reported to the police.

11. Contracted working for other employers

Office holders of the Church of Scotland who are contractually employed outwith the Church of Scotland are bound by the declared policies and procedures of their employing body. However, they remain subject to the Code of Conduct in regard to the holding of their designated Office.