

Pastoral Charge and Ministry Personnel Reviews

October 2016



The United Church of Canada
L'Église Unie du Canada

Pastoral Charge and Ministry Personnel Reviews (October 2016)



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L'Église Unie du Canada



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About This Resource

This resource contains information, guidance, and advice on the best ways to live out mandatory policies and procedures. You are encouraged but not required to follow these best practices. Following these best practices will help ensure compliance with secular law requirements that apply to reviews.

Pastoral charge reviews and ministry personnel reviews may be conducted by an individual reviewer or by a review committee. In this resource, both are referred to as “the reviewer.”

Please refer to the current edition of *The Manual*.

There are no substantive changes from the August 2013 edition of this resource.

OVERVIEW OF THE REVIEW PROCESS

Concerns about Ministry Personnel and Pastoral Charges: Presbytery's Response

Within our polity, the presbytery has the responsibility

- to ensure that congregations are safe and healthy places for members and adherents
- to ensure that the people we put in ministry positions function effectively and contribute positively to the life of the congregation and the lives of the individuals to whom they minister
- to care for ministry personnel, and to support them in their ministries by ensuring that they are equipped with all the skills needed for their ministries and that any shortfalls are addressed through supportive remedial action

Whenever the presbytery hears concerns about how a pastoral charge or a ministry personnel is functioning, it must respond.

There are two parts to the presbytery response to concerns about ministry personnel and pastoral charges:

- (i) **The remedial response:** *Remedial* means intended as a remedy; to make good. The presbytery must determine the most suitable tool to use in the situation. It may decide that no remedial action is necessary, it may decide to initiate a ministry personnel review under Section J.9.3 of *The Manual*, or it may choose to take some action in between those parameters. The choice is up to the presbytery.
- (ii) **The pastoral response:** In addition to choosing the right tool for the situation, the presbytery needs to turn its mind to the pastoral concerns raised by the situation. A pastoral response is always appropriate.

Here are some answers to frequently asked questions to guide the presbytery in deciding how to respond to concerns about a pastoral charge or ministry personnel.

What do we do first?

The presbytery considers the information that is before it. Ask whether you have enough information to respond. Sometimes, when you first learn of a concern, you will only have information that is vague, confusing, or perhaps so surprising that you do not know what to do.

Are we allowed to make inquiries to get more information about the situation before acting?

Yes. The presbytery should feel free to contact anyone who may be able to provide additional information.

To use an example, the presbytery executive receives a letter from the governing body of a pastoral charge asking for a review of the effectiveness of its ministry personnel. No one on the executive had been aware of any problems with the ministry personnel. If the letter contains no information other than the request, you will likely need more information before deciding how to respond. The presbytery executive could designate one or two officers to meet with the governing body and report back. You could also speak to the presbyters from that pastoral charge, or ask the Pastoral Relations Committee to contact the Ministry and Personnel Committee from that pastoral charge and report back. This information will help the presbytery executive decide what—if any—remedial action is appropriate in the situation.

Are we allowed to talk to the ministry personnel about the situation or the concerns that we have heard?

Yes. There is no reason not to talk to the ministry personnel, whether the concerns have been raised about the pastoral charge or about the ministry personnel. The presbytery is free to share with the ministry personnel what it has heard—and from whom. There is no legal requirement to do so at this stage, but being frank about the concerns may help to resolve a situation before it becomes a bigger problem. The minister may respond, “This is all a misunderstanding; I will have a conversation with X and straighten it out.” An early resolution of the matter may be possible, although the presbytery would still need to monitor the outcome to ensure that concerns have been resolved.

Do we have to take any action at all?

The presbytery must respond to every concern that comes to its attention about a pastoral charge or a ministry personnel. That does not mean that you need to take action, even if you receive a request for specific action. It is always up to the presbytery to discern whether an action is warranted—and if so, which action. To meet its responsibility, the presbytery must turn its mind toward whether or not to take action. If the presbytery chooses not to take action, that is its right.

To use an extreme example, if you receive a letter complaining that the members of a pastoral charge are actually aliens from outer space, you may choose not to take action on the letter. If you receive a letter requesting that presbytery reprimand a minister for wearing jeans while doing errands in town, you might again choose to take no action. In both cases, the presbytery could respond with a letter indicating that no action will be taken, perhaps with an explanation. As always, it is appropriate to include a pastoral response.

We have just received a letter signed by 8 members of the congregation, not 10. The letter was sent to the presbytery directly, not properly transmitted through the governing body, and it raises some serious issues. What do we do?

Under Sections J.8 (for pastoral charges) and J.9.2 (for ministry personnel) of *The Manual*, concerns about a pastoral charge or ministry personnel may be brought before the presbytery in a number of ways. One way is by a proposal properly transmitted through the governing body of the pastoral charge and signed by 10 full members of the pastoral charge or congregation. You should indicate to the 8 members that their letter doesn’t meet the requirements for a proposal, and explain to them the proper procedure for getting a proposal before the presbytery.

What if we never receive a properly transmitted proposal? After reading that letter from 8 members, we are very concerned about what is happening in the pastoral charge. May we still order a pastoral charge or ministry personnel review without a proposal?

Yes. Under Sections J.8 and J.9.2 of *The Manual*, concerns may be brought before the presbytery in a number of ways, including by the presbytery itself. Since 8 members of the congregation have described the situation in a letter, the matter has been brought to your attention. It would be factually untrue to take the position that you didn't know about it. If a valid proposal is never submitted, the presbytery still has the option of taking action based on its knowledge of the situation, no matter how you gained that knowledge. The presbytery does not have to take action, but you have the right to do so. You have the responsibility to determine whether action should be taken in any situation that has come to your attention.

We have received a letter from a governing body of a pastoral charge stating that the ministry personnel in that pastoral charge is ineffective, and asking for a review under Section J.9.3 of The Manual. Does the presbytery have to order a review?

No. It is always up to the presbytery to decide whether or not to order a review. You must decide whether the letter—and any other information that the presbytery has about the situation—raises enough of a question for the presbytery about the effectiveness of the ministry personnel that a review is warranted. That is the presbytery's decision, not the pastoral charge's. You may respond to the request by ordering a review. You may decide to take some other remedial action, such as referring the matter to the Pastoral Relations Committee for follow-up action, or holding a meeting with the governing body of the pastoral charge and the ministry personnel to explore the matter.

Again, as a pastoral matter, it is important for the presbytery to communicate its concern and care for the pastoral charge in any response to the governing body.

Does it matter at all how the information comes to presbytery's attention?

As the body with oversight of pastoral charges and ministry personnel, the presbytery has the right to intervene regardless of the way in which the matter comes to its attention. But the presbytery may consider the way in which the matter came to its attention as one factor in assessing the seriousness of the situation and the best way to respond. If, for example, a letter came from one disgruntled member of a congregation complaining about the ministry personnel's effectiveness, you might refer the letter to the congregation's Ministry and Personnel Committee for response. If the letter came from the governing body of the pastoral charge, you would need to give it greater weight.

Should the presbytery try other options first before ordering a pastoral charge or ministry personnel review?

Reviews can be costly. Hundreds of hours of volunteer and staff time go into conducting the review, providing input, and implementing the outcome. The process can be stressful for all participants, particularly for the ministry personnel who is the subject of a ministry personnel review. At the same time, a review can be an effective way of identifying and correcting

behaviours that damage pastoral relationships. With all of that in mind, you may wish to consider other options first.

What options might the presbytery consider before ordering a review?

Here are some options. This list is not exhaustive and you are encouraged to contact the Conference executive secretary or personnel minister for assistance in a particular situation. The presbytery might consider

- ordering a pastoral oversight visit and responding to the recommendations that result from that visit
- appointing a conflict resolution facilitator to work on a defined problem with the pastoral charge; the facilitator may meet with the pastoral charge to explore the issues and resolve them internally
- when the main need is for venting or grieving a loss, appointing a listening team (*Note: A listening team does exactly that—it listens. It has no mandate to make findings or recommendations. That is the role of a reviewer.*)
- appointing a conflict resolution facilitator to mediate conversations between the ministry personnel and individuals or groups within the pastoral charge
- asking a few presbyters (perhaps respected elders within the presbytery) to conduct a pastoral visit to the ministry personnel to offer support and guidance before a matter becomes a serious source of concern
- referring the matter to an appropriate presbytery committee, for example, to the Education and Students Committee if there are concerns about a candidate supply

In any case, the presbytery should address the pastoral needs of the individuals involved in the situation.

The presbytery has tried one of these options but it isn't working. Should we try something else?

The presbytery should not allow concerns about a pastoral charge or ministry personnel to continue at length without resolution. A delay in resolving a concern may allow it to get worse. Monitor the situation closely through frequent reports from those who are attempting to resolve the concerns on the presbytery's behalf. If the first strategy isn't producing results, you should consider another option.

At what point should we order a review?

For a pastoral charge review, the test is whether the presbytery has a concern about the state of the pastoral charge. What matters here is the presbytery's assessment of whether a review is warranted—not the pastoral charge's opinion, nor the opinion of the ministry personnel or any individual member. The matter may be brought before the presbytery by one of these people or bodies, but presbytery determines whether or not a review takes place.

Members of the presbytery (usually the executive) each need to discern how they will vote on whether to order a pastoral charge review. It may be helpful to ask: "Knowing all the information

that has been provided to me, if this were my pastoral charge, would I believe that the concerns about the state of the pastoral charge warrant a review?”

For a ministry personnel review, the test for ordering a review is set out in Section J.9.3 of *The Manual*: whether “the concerns raise a question... as to whether the ministry personnel is effective; or recognizes the authority of the presbytery.” Again, what matters here is the presbytery’s opinion of whether or not there is a question in any of these three areas. If the presbytery decides that there is a question, it must order a review.

As for a pastoral charge review, members of the presbytery (usually the executive) each need to discern how they will vote on whether to order a ministry personnel review. It may be helpful to ask: “If this ministry personnel were serving in my pastoral charge, would I say that there was a question about their effectiveness, knowing all the information that has been provided to me?”

Remember, by ordering a ministry personnel review, the presbytery is not making any assumption that the ministry personnel is ineffective or does not recognize the authority of the presbytery. Rather, it is stating that the presbytery has enough information in one or more of these areas that it believes a question has been raised—and that the question needs to be investigated in order to be answered.

What if it’s not clear whether the problem is with the pastoral charge or the ministry personnel? Do we order a pastoral charge review or a ministry personnel review?

There are a few ways to deal with this situation.

If the presbytery chooses to conduct a pastoral charge review first and the reviewer concludes that the problem is with the ministry personnel, the reviewer may recommend a ministry personnel review. A pastoral charge reviewer has no power to make any other recommendations relating to the ministry personnel. If the presbytery then orders a ministry personnel review, it may be experienced by many members of the pastoral charge as a duplication of process. It may be difficult to get people to participate in a second review process, and the delay caused by two consecutive reviews may make it more difficult ultimately to resolve the problems, if it turns out that they involve the ministry personnel.

If the presbytery chooses to conduct a ministry personnel review first, the reviewer does have the power to recommend remedial action for both the ministry personnel and the pastoral charge. But if it is not clear where the problem lies, the ministry personnel may feel unfairly targeted: because the ministry personnel is the focus of the review, they may worry about the consequences for future ministry employment prospects.

One solution is for the presbytery to order both a pastoral charge review and a ministry personnel review to take place concurrently. In fact, the same reviewer could be given a mandate to conduct both reviews. The reviewer would have the additional work of sorting through the input they receive as it relates to the pastoral charge or ministry personnel. If you are considering this option, consult the Conference executive secretary or personnel minister for assistance in establishing a clear mandate and process at the outset.

What if the issue seems to be a medical one for the ministry personnel, e.g., severe depression, alcoholism?

It is possible to address health concerns through a ministry personnel review, since one possible recommendation is for the ministry personnel to undergo a medical assessment. But if the only concerns raised relate to health, there may be quicker ways of assisting the ministry personnel to get needed help. Contact the Conference personnel minister for guidance.

Our presbytery has just learned of a serious issue involving one of our ministry personnel. Because of this person's high involvement and profile in the presbytery, many presbyters will be reluctant to act. What do we do?

If the presbytery believes it cannot take action for any reason, there are a couple of options. The presbytery may appoint a reviewer or review committee that consists of United Church members from outside the bounds of the presbytery. Or it may ask the Conference to take action on its behalf. The Conference—under Section D.2.2.2 of *The Manual*—has the power to step into the shoes of the presbytery and take any action on its behalf that the presbytery could take itself. You may request a particular action by the Conference, for example, that the Conference conduct a ministry personnel review (appointing the reviewer and making decisions in response to the recommendations). The Conference would decide whether or not to grant the request. Alternatively, the presbytery may refer an entire matter to the Conference and leave it to the Conference to discern how best to respond.

To Summarize

- Do not ignore concerns! Take all concerns seriously no matter how they come to the presbytery's attention.
- Consider whether you have enough information to decide on the appropriate response. If not, decide how to gather more information—and do so.
- Decide how seriously you need to respond to the concerns. Is action required?
- If action is required, consider whether to order a review or explore other options first.
- If the presbytery is unable to deal with the situation for any reason, ask the Conference to act on your behalf.
- Ensure that pastoral needs of all concerned are attended to, no matter what the outcome is.

Best Practices for Reviews

The presbytery has oversight of pastoral charges and ministry personnel. When there are concerns about a pastoral charge or a ministry personnel, the presbytery has an obligation to take appropriate action under *The Manual*:

J.8. Presbytery Action—Pastoral Charges

The presbytery is responsible for the oversight of pastoral charges. It must take seriously any concerns that come to its attention about the state of a pastoral charge in the presbytery.

.....

The presbytery must decide on the appropriate action to take in response to the concerns.

J.9.2 Concerns about Ministry Personnel

The presbytery is responsible for the oversight of ministry personnel. It must take seriously any concerns that come to its attention about any ministry personnel....

J.9.3 Presbytery's Response—Ordering a Review

The presbytery must decide if the concerns raise a question for the presbytery as to whether the ministry personnel

- (a) is effective; or
- (b) recognizes the authority of the presbytery.

If the presbytery decides that either or both of these questions is raised, it must order a review of the situation...

One appropriate action to respond to concerns about a pastoral charge or ministry personnel is to conduct a review.

The sections in *The Manual* do not contain much guidance as to *how* a review process is to be carried out. The best practices contained in this resource are offered to assist those involved in the review process. They contain advice only. They are not mandatory, and there may be valid reasons for doing things differently in a particular case. In all cases, however, it is mandatory for the presbytery, the reviewer, and all others involved in the review process to comply with the requirements of *The Manual* and of natural justice under the secular law. The consequences of not complying with these requirements are serious: the decision resulting from the review may be overturned on appeal or by the secular courts. For this reason, the United Church legal/judicial counsel strongly recommend that these best practices be followed.

Please refer to the current edition of *The Manual*. For more guidance about reviews, please contact your Conference office.

Selecting a Reviewer

What, in a nutshell, does the reviewer do?

In a pastoral charge review (see Section J.8 of *The Manual*), the reviewer investigates the state of the pastoral charge, gathers information about it, makes findings based on that information, and makes recommendations to the presbytery based on those findings.

In a ministry personnel review (see Section J.9 of *The Manual*), the reviewer investigates the concerns about the ministry personnel, gathers information, makes findings based on that information, and makes recommendations to the presbytery based on those findings.

Appointing the reviewer: two options for the presbytery to consider

Under Canadian law, the church is entitled to conduct a review under Sections J.8 and J.9 of *The Manual* provided the review process complies with the legal requirements of natural justice. *The Manual* does not specify a process for conducting reviews, nor does it indicate who may conduct the review.

Here are two options for a review process, either of which meets the legal requirements. Neither option is mandatory. The presbytery may select whichever option it prefers. In this resource, the term “reviewer” means the person, people, or committee conducting the review.

(i) Review conducted by an individual reviewer

The presbytery appoints one reviewer from a pool of trained individuals to conduct the review. The Conference executive secretary or personnel minister can suggest appropriate people from a different presbytery and possibly a different Conference. The individual reviewer is selected on the basis of immediate availability and extensive experience in the administrative work of the church, and receives a fee for providing the service.

There are a number of advantages to one person conducting the review:

- It is faster. The entire review process—from the presbytery ordering a review to taking action on the recommendations—is much shorter than in the review committee process (probably four to eight weeks as opposed to several months).
- A faster process avoids a prolonged time of uncertainty for the ministry personnel and the pastoral charge, and helps to avoid any negative impact on the health of the pastoral charge.
- Since the review process is conducted by someone from outside of the presbytery, it frees the presbytery to focus on the pastoral needs of the ministry personnel and pastoral charge.
- It saves many hours spent by a review committee on training, advisory consultations, and group deliberations. It saves many hours spent by Conference and General Council staff in training and advising the review committee.
- There may be long-term cost savings to the presbytery, since a review that is conducted by a skilled and experienced individual is less likely to result in costly appeals or secular court action.

The main disadvantage of one person conducting the review is the lack of knowledge of the local cultural context. There is also the up-front financial cost to the presbytery of the reviewer's fee, although that cost needs to be weighed against the potential cost of appeals or other legal action. In situations that are highly contentious or where it is critical to complete the process quickly, an individual reviewer would be the better option.

In cases where one person is appointed to conduct the review, the presbytery should also arrange for one person (perhaps the presbytery secretary or another member of the presbytery) to serve as a local arrangements coordinator for the reviewer. That would include booking a location for interviews, making appointments for interviews, making accommodation arrangements for the reviewer, and assisting with practical details on the days of the interviews (greeting people to be interviewed, showing them where to wait, etc.).

(ii) Review conducted by a review committee

The presbytery appoints a review committee of three to five members to conduct the review. That range will ensure that there are enough members to share the volume of work involved, but not so many members that the committee becomes unwieldy and ineffective. An odd number guarantees that the review committee will not become deadlocked in its deliberations. The review committee serves on an unpaid volunteer basis. Review committee members do not have to be members of the presbytery and may be chosen from another presbytery. They should, however, be members of the United Church in good standing.

There are advantages to the review committee:

- The immediate financial cost for the review is relatively low, since the review committee serves on a volunteer basis.
- When the review committee members are drawn from the same presbytery, the review committee may have more “investment” in the work. The implementation of recommendations and the oversight of the pastoral charge will be an ongoing concern of that presbytery even after the review is completed.

There are also some disadvantages:

- Conducting a review is a very time-consuming task, and people may be reluctant to serve. Committee members with other pastoral relations or job responsibilities may find it a challenge to keep up with their responsibilities while the review is being conducted.
- The presbytery may have difficulty finding people who have adequate skill or experience to do this work well, to the standards required by law.
- The time for completion of the review may be prolonged, since the schedules of all the committee members need to be accommodated for every step of the process. The situation in the pastoral charge may deteriorate because it cannot be addressed quickly.

In this resource, “the reviewer” means the individual or committee conducting the review.

How is the reviewer appointed?

The presbytery must adopt a motion appointing the reviewer. It may be adopted at the same time as the motion ordering the review, or it may be adopted at a subsequent meeting. Often, when the motion to order a review is adopted, the presbytery will designate one of its officers to recruit a suitable reviewer. The recruitment process may take up to a week, which is why it may be necessary to adopt a motion at a subsequent meeting. It is important to list the reviewer(s) by name in a motion. The reviewer(s) will have the legal protection of insurance and indemnity if they have been duly appointed by a court of the church to serve in a volunteer capacity.

Who may serve as the reviewer?

For accountability purposes, all reviewers should be United Church members in good standing.

When the review is conducted by a review committee, the committee is customarily drawn from the presbytery membership, but that is not essential. Members of the presbytery executive should not serve on a review committee. Remember, the review committee investigates the situation and makes recommendations, while the presbytery (usually executive) will make decisions in response to those recommendations. The same person may not participate in both functions. It may be wise to select people from other presbyteries or even other Conferences, since that will contribute to the perception of the process as being fair and unbiased.

When the review is conducted by a single reviewer, it is also wise to select someone from a different presbytery and, where practical, another Conference.

What skills should the presbytery look for when selecting a reviewer?

When the review is to be conducted by one person drawn from the list available from the Conference, it is safe to assume that the person has the necessary skills to do the work of a review. The person's particular suitability for a specific review may be discussed with the Conference executive secretary or personnel minister, or the General Council staff lawyers.

A review committee requires people who have the time that it takes to do this work well. While it is a time-limited task, it will be time-consuming and intense for the duration—usually three to six months. Prospective committee members should be asked whether they have a few hours a week for the next several months that they could devote to the task. In addition, they will need to be free for large chunks of time (perhaps seven long days) to conduct interviews, to deliberate as a review committee, and to write and edit the report. They will also need to have some flexibility in their schedules to accommodate the meeting schedules of others. While at the outset of a review it is almost impossible to predict exactly how much time the process will take, these estimates will help prospective members be realistic about how much time they are being asked to commit.

Apart from time, what specific personal skills should a reviewer have?

Reviewers should be people who have the ability to

- be good listeners
- be critical and discerning about what they hear, in order to come to conclusions about what the truth is
- make hard decisions in the interests of the ministry personnel and overall health of the pastoral charge that may be unpopular or even hurtful to some people
- communicate clearly and effectively in writing (at least one member of a review committee should have good writing skills)
- not be intimidated by the task and/or strong-willed people and/or their legal counsel

Again, if the presbytery decides to appoint one person from the Conference list to conduct the review, it may be assumed that the person has adequate skills for the task.

Bias, conflicts of interest, and the reviewer

The reviewer must not be biased for or against the object of the review, the pastoral charge or the ministry personnel. They must not hold any preconceived opinions about the situation or any of the key people involved. For example, if an individual has said publicly that the minister “has always been a big problem wherever she goes,” they are considered biased and may not serve as the reviewer.

In addition, the reviewer must not *appear* to have any preconceived opinions on this matter. For example, if an individual’s spouse served as the reviewer of a pastoral charge 10 years ago, there would be an *appearance* of bias if the individual conducted another review of the same pastoral charge.

There are tests for determining whether there is an “appearance of bias” or “reasonable apprehension of bias” about a prospective reviewer. One such test is to ask whether a reasonable person knowing the facts about the reviewer would suspect that the reviewer might be influenced—even unintentionally—to favour a person or particular position in the review process for any reason other than one properly based on the information gathered through the review process.

It is also critical to avoid conflicts of interest.

A conflict of interest would occur when an individual participates in a process or in a decision that may directly or indirectly confer a benefit or impose a disadvantage on the individual or any person close to the individual (family member, close neighbour, friend, or work colleague). For example, if the reviewer’s spouse is the only therapist in anger management within a 200-kilometre radius, the reviewer would be in a conflict of interest to recommend that the ministry personnel undergo therapy on anger management on a biweekly basis.

The following people should automatically be disqualified from serving as a reviewer:

- anyone who has recently served as ministry personnel in that pastoral charge

- relatives or friends of any ministry personnel, member, officer, or staff person in the pastoral charge (e.g., chair of governing body, trustee, music director)
- members of the Pastoral Relations Committee who have been involved in conversation with members of the pastoral charge's Ministry and Personnel Committee
- people who have had some other close association with the ministry personnel (for example, people currently serving on the same committees as the ministry personnel, people who are or recently were under the pastoral care of the ministry personnel)

Asking questions will help the presbytery and prospective reviewer discern whether there are other kinds of valid bias or conflict-of-interest concerns. For example, are you a friend, relative, or close neighbour of any member, adherent, or employee in that pastoral charge? If you are ministry personnel, have you (or your partner or close family member who is ministry personnel) served under appointment or call to this pastoral charge within the past five years? Do you or they stand to gain a particular advantage from any of the recommendations that you have authority to make? If the answer to any of these kinds of questions is "yes," the individual should not serve as the reviewer.

Rather than spending a great deal of time trying to figure out whether bias or a conflict exists, the best practice is simply to err on the side of caution. If there is any concern at all about possible bias or a conflict, it would be better to seek another reviewer. This will contribute to the integrity of the process. It will also eliminate one possible ground for appealing any decision that the presbytery eventually makes as a result of the review.

The Review Process: Some Key Legal Concepts

How does the reviewer gather information?

The reviewer is available for group or individual face-to-face meetings, and may also invite thoughts in writing. People should be advised that the reviewer may contact them to discuss or clarify anything that they have submitted in writing.

The key legal point here is that the reviewer must *provide an opportunity* for people to meet with them. No one can be forced to meet with the reviewer. Sometimes, a person or group may refuse to meet. If the reviewer feels it is important to hear from them, the reviewer should try to learn why they are refusing. The reviewer may be able to ease some misgivings about the process by providing information and answering questions, but if the person continues to refuse to meet or to provide written submissions, the reviewer must carry on without that person's input.

The reviewer should assume a leadership role in these meetings, but otherwise, there can be flexibility around the process. Preparing a list of questions in advance is helpful, but the reviewer should also remain open to deviation from the prepared list to explore any relevant issues that are raised.

The reviewer must not bring any preconceived notions of the outcome to the process and should remain open-minded. The interview questions should be carefully framed in a way that does not include any assumptions. For example, ask "How do you feel about the way that worship

services are conducted?” rather than “How bad do you think worship services have been lately?” People must be allowed to tell their stories in their own words. Questions asked by the reviewer should be for clarification or expansion.

How should the interviews be recorded?

The reviewer must ensure that accurate and thorough notes are taken of each meeting. These notes will assist the reviewer later in developing findings and recommendations, and in writing the report.

The reviewer should take notes in writing, either during the meeting or immediately afterwards. If the review is conducted by a review committee, one member of the committee may take the notes and share them with the other members.

Tape recording the interview is another method of note-taking. The reviewer may use this method, but with the following cautions:

- (i) At the start of each interview, the reviewer should indicate that they wish to tape record the interview as a form of note-taking, and ask permission to do so. Some people find that their ability to speak may be affected by knowing that their voice is being recorded. If anyone objects to the tape recording, the reviewer should proceed with written note-taking only.
- (ii) Tape recording should be a back-up to written note-taking, not the only method of note-taking. A tape recorder could malfunction. Parts of an interview could accidentally be deleted. The reviewer may not notice that a tape recorder has ceased to function until after a lengthy part of an interview has already been conducted. To a lesser degree, the same concern is present when notes are recorded on a laptop computer during the interview.

For all these reasons, written note-taking should be the main way of recording the relevant information from the interviews.

What about confidentiality?

There is often some confusion about confidentiality in the review process. People who are being interviewed by the reviewer may assume that their names will never be disclosed as the source of the information, but this is not correct.

It is neither wise nor realistic for the reviewer to make guarantees of confidentiality. In a secular court decision about a ministry personnel review, the court said that ministry personnel under review are entitled to know the specific source of any data used by the reviewer, including the names of the people providing the information. Even in a review of the state of the pastoral charge under Section J.8 of *The Manual*, if the reviewer intends to rely on information, it is important for the report to name the individuals and the specific information that they have provided.

At the start of any interview, the reviewer should inform those being interviewed that their names might be used in the report. That will give people an opportunity to frame their answers carefully if they do not wish to have their name revealed as the source of any particular statement.

The reviewer should not rely on anonymous written submissions because there is no opportunity to assess the credibility of the source of the information or to ask follow-up questions.

Should people be asked to sign a non-confidentiality agreement?

A non-confidentiality agreement is not necessary and should be avoided. The reviewer will have explained to the person at the start of the interview that information shared cannot be kept confidential. People may find signing a legal document intimidating—in a process that may already produce anxiety. Also, having a signed document doesn't really offer any more protection than giving an oral explanation at the start of the interview.

What is “hearsay”?

Hearsay evidence is evidence given by a person that is not based on that person's direct experience. For example, the chair of the Ministry and Personnel Committee may say that the minister was hostile and uncooperative in a Board of Trustees meeting, because that's what the chair heard from several trustees. The chair of the Ministry and Personnel Committee does not have direct, first-hand knowledge of this behaviour. The chair is repeating what someone else told her. That is hearsay evidence.

In legal proceedings, hearsay evidence is generally inadmissible. In a review, the reviewer should avoid relying on hearsay evidence. The reviewer should rely on information of which the people being interviewed have direct, first-hand knowledge. In the above example, the reviewer would suspect that the chair of the Ministry and Personnel Committee has no first-hand knowledge about what occurred in a Board of Trustees meeting. The reviewer should ask the chair how she obtained this information, and can then contact the person who was the source and obtain the information on a direct, first-hand basis.

The reviewer can guard against relying on hearsay evidence by asking people they interview questions like “How do you know that?” “Were you there when that happened?” or “Who did you hear that from?” The reviewer needs to gather information that people saw with their own eyes or heard with their own ears.

Pastoral Charge Review

Why would a pastoral charge review be conducted?

The focus of a pastoral charge review is on the state of the pastoral charge. The concern about the state of the pastoral charge may come before the presbytery from a number of sources (see Section J.8 of *The Manual*). It is up to the presbytery to consider the matters brought to its attention and to decide whether a review process is the appropriate response.

Starting the process: the presbytery's role

The presbytery starts the review process by deciding to order the review. It then appoints the reviewer and sets the reviewer's mandate to review the state of the pastoral charge and to report back to the presbytery with recommendations.

As soon as this decision is made, the presbytery should inform the pastoral charge that the review process is underway. This should be done by written notice to the chair of the governing body. The presbytery may call a meeting of the pastoral charge to convey this information. However, notice should still be given in writing in order to avoid any confusion or uncertainty. The pastoral charge may be anxious for more information. The presbytery could advise the pastoral charge that the reviewer will be in contact with the pastoral charge shortly about the details of the process.

As part of the notice, the presbytery should advise the pastoral charge about the possible outcome of the review process. Section J.8 of *The Manual* does not list specific outcomes for a review; the presbytery should indicate, however, that it may decide that the pastoral charge must follow remedial action recommended by the reviewer.

Starting the process: the reviewer's role

The first task of the reviewer is to decide on their process. The reviewer determines whom they will contact for information gathering before making findings and writing the report. Which people or groups should be contacted—and in which order—depends on the circumstances. The reviewer should also establish a general timeline. They must, however, remain flexible enough to respond to additional sources of information that may become apparent partway through the process.

It is important for the reviewer to inform the pastoral charge as soon as possible about how the review process will be conducted, who will be conducting it, the expectations around time frame, and so on. This may help alleviate anxiety in the pastoral charge about the process and encourage participation.

From whom does the reviewer gather information?

The reviewer provides an opportunity to all members/adherents of the pastoral charge to give input. The reviewer considers which specific people or groups should be targeted for input—e.g., depending on the circumstances, the Ministry and Personnel Committee, the trustees, the governing body of the pastoral charge, the music director—and provides an opportunity for them to meet with the reviewer. In all cases, an opportunity should be provided for the ministry personnel in the pastoral charge to meet with the reviewer.

After gathering the information—what next?

The reviewer considers all of the information gathered, makes findings based on the information, and prepares a report with recommendations. The findings are the conclusions that the reviewer draws, supported by all of the information that has been gathered. For example, the reviewer may have repeatedly heard from credible members of the congregation that the chair of the governing body of the pastoral charge is abusive and alienates members. The chair may have been pleasant and helpful when interviewed, but the reviewer cannot ignore the congregants' evidence and conclude that there is no problem.

The reviewer should ask what, if anything, has been found to be unsatisfactory about the state of the pastoral charge. What, if anything, has the reviewer identified as needing remedial action? The reviewer now needs to determine the appropriate remedial action.

In deciding what action might be appropriate, the reviewer may wish to consult with Conference or General Council staff with experience in congregational life. However, it is the reviewer who must decide what the recommendations will be.

Keep in mind that this process is a review of the state of the pastoral charge, not of the ministry personnel. The recommendations must relate to the pastoral charge, not directly to the ministry personnel. The reviewer may not recommend dissolving the pastoral relationship, suspending the ministry personnel, or any other action listed under Section J.9.4 of *The Manual*. That could only be done as a result of a ministry personnel review. If the information gathered convinces the reviewer that the problem is really with the minister, the reviewer could raise a question “as to whether the ministry personnel is effective” or “recognizes the authority of the presbytery” and recommend that a ministry personnel review be conducted.

Writing the report

Guidance for writing the report may be found in the chapter “Writing the Report” (pages 25–27). The reviewer provides the report to the presbytery and to the pastoral charge.

Presbytery response to the report

The pastoral charge should receive the report at least a week (preferably two) before any action is taken on the report by the presbytery.

The presbytery gives the pastoral charge a specific invitation to attend and speak to the report before making its decision. Although the pastoral charge’s presbytery representatives and the ministry personnel will receive notice of the meeting as a matter of course as members of presbytery, this is not adequate as a “specific invitation.” The invitation should be given in writing and perhaps also by telephone to the chair or secretary of the governing body of the pastoral charge.

The presbytery considers the reviewer’s report and makes a decision in response. In most cases, it is the executive of the presbytery, not the whole court, that deals with the report. This practice is based on some wisdom, but it is not mandatory. Ideally, the reviewer should also be present to answer any questions that the presbytery may have of them in relation to the report.

The court is not bound by the recommendations of the reviewer. The presbytery debates the recommendations and then decides to do one of the following:

- adopt the reviewer’s recommendations in their entirety
- adopt the reviewer’s recommendations in part
- receive the report and take no further action on the matter
- take some course of action other than that recommended by the reviewer

If the presbytery is inclined to take some other course of action, the reviewer's recommendations must first be given careful consideration. The reviewer has had an opportunity to carefully analyze information that was received first-hand from those involved in the pastoral charge. The presbytery should therefore have a good reason for rejecting the reviewer's recommendations.

Whatever decision it makes, the presbytery must inform the pastoral charge of the decision. Written notice of the decision should be given to the pastoral charge even if there were members of the pastoral charge present at the meeting. Written notice serves as a record that the decision was communicated by the presbytery to the pastoral charge, and also ensures that the pastoral charge receives a full and accurate report of the presbytery's decision.

Any person or court directly affected by the decision may appeal the decision. Please refer to Section J.13 of *The Manual* for the appeal process.

Ministry Personnel Review

Why would a ministry personnel review be conducted?

The reason for conducting a ministry personnel review is that the presbytery has a question as to whether the ministry personnel

- is effective; or
- recognizes the authority of the presbytery (see Section J.9.3 of *The Manual*)

The presbytery may have a question in either or both of these areas. The matter may be brought before the presbytery for its consideration by the presbytery itself, another ministry personnel settled in or appointed to the pastoral charge, the pastoral charge supervisor, the governing body of the pastoral charge, or by a proposal sent through the governing body to the presbytery signed by 10 members of the pastoral charge or congregation.

In all cases, it is up to the presbytery to decide whether to order a review. The presbytery does not have to order a review every time that it hears a complaint about ministry personnel. The presbytery should, however, take all concerns very seriously. If the presbytery feels that a concern raises a question for the presbytery about the ministry personnel's effectiveness, or whether the minister recognizes the authority of the presbytery, it should not hesitate to order a review. A review of the situation will be conducted in an open-minded and thorough way. No presumptions about the outcome can be made, and no adverse conclusions can be drawn from the mere fact that a review process is being conducted.

Starting the process: the presbytery's role

The presbytery starts the review process by deciding to order the review. It then appoints the reviewer and sets the reviewer's mandate to review either or both of the concerns that have raised a question for the presbytery, and to report back to the presbytery with recommendations.

As soon as this decision is made, the presbytery should inform the ministry personnel that the review process is underway. This could be done by telephone, but should be followed up

with a written notice to avoid any confusion or uncertainty. The pastoral charge should also be informed by written notice to the chair of its governing body. In addition (not instead), presbytery may call a meeting of the pastoral charge to explain that a review will take place.

Both the ministry personnel and the pastoral charge may be anxious for more information. The presbytery could advise them that the reviewer will be in contact with them shortly about the details of the process.

The presbytery should also advise the ministry personnel and the pastoral charge about the possible outcomes of the review process. For a ministry personnel review, the presbytery should draw the attention of the ministry personnel and the pastoral charge to the possible outcomes identified in Section J.9.4 of *The Manual*.

The decision by a presbytery to order a review may not be appealed (Section J.13.3 of *The Manual*). But any decision made by the presbytery in response to the reviewer's recommendations is subject to appeal.

Starting the process: the reviewer's role

The first task of the reviewer is to decide on their process. The reviewer determines whom they will contact for information gathering before making findings and writing the report. The ministry personnel is the key person to provide input. Which other people or groups should be contacted—and in which order—will depend on the circumstances. The reviewer should also establish a general timeline. They must, however, remain flexible enough to respond to additional sources of information that may become apparent partway through the process.

It is important for the reviewer to give information to both the ministry personnel and the pastoral charge as soon as possible about how the review process will be conducted, who will be conducting it, the expectations around time frame, and so on.

Respecting the rights of the ministry personnel

The reviewer should keep in mind that it is the ministry personnel who is most directly and, potentially, most severely affected by the outcome of the review process. Ministry personnel must be given an opportunity to hear the concerns that have been raised about them and to respond to those concerns.

It is helpful for the reviewer to meet with the ministry personnel as the first step in the review process. The purposes of such a meeting are

- to outline the process the reviewer intends to follow
- to receive initial input from the ministry personnel, which can assist in clarifying the issues
- to find out if there is anyone that the ministry personnel specifically feels the reviewer should speak to in addition to those who have already been identified
- to help to alleviate some of the anxiety around the whole review process

From whom does the reviewer gather information?

In addition to meeting with the ministry personnel, the reviewer normally provides an opportunity to all members/adherents of the pastoral charge to give input. The reviewer considers which other specific people or groups should be targeted for input—e.g., depending on the circumstances, the Ministry and Personnel Committee, the trustees, the governing body of the pastoral charge, the music director. In a multi-staff situation, the other ministry personnel should be given a specific opportunity to provide input.

If the ministry personnel under investigation is unwilling to meet with the reviewer, the process may be completed without their participation. The reviewer must ensure that the ministry personnel has been given opportunities to meet, and that efforts have been made to accommodate any particular needs of the ministry personnel. For example, the ministry personnel could be allowed to have a support person present at any meeting with the reviewer.

What if the ministry personnel is unwell or on maternity/parental leave?

If the ministry personnel is under a temporary or permanent disability, the presbytery should not proceed without obtaining legal advice (United Church staff lawyers or presbytery's own local legal counsel). Before any action can be taken that adversely affects them, ministry personnel must be given an opportunity to respond to any concerns about them. Most of the actions listed under Section J.9.4 of *The Manual* would adversely affect the ministry personnel. A minister under a disability is not likely in a position to respond effectively to such concerns. In those circumstances, the law may require that the review process be put on hold until the ministry personnel is capable of exercising the legal entitlement to an opportunity to respond.

If the ministry personnel is on maternity or parental leave, a ministry personnel review may not be conducted until the leave is completed. If the ministry personnel starts a maternity or parental leave while a ministry personnel review is ongoing, the review process must be stopped until the leave is completed. These are mandatory requirements under Section J.9.3 of *The Manual*.

After gathering the information—what next?

The reviewer considers all of the information gathered, makes findings based on the information, and prepares a report with recommendations. The findings are the conclusions that the reviewer draws, supported by all of the information that has been gathered. For example, the reviewer may have repeatedly heard from credible members of the congregation that the ministry personnel is abusive and alienates members. The ministry personnel may have been pleasant and helpful when interviewed, but the reviewer cannot ignore the congregants' evidence and conclude that there is no problem.

The reviewer should ask whether they have found any of the concerns about the ministry personnel to be substantiated. If so, the reviewer should consider what remedial action, if any, is required in order for the ministry personnel to be effective and to recognize the authority of the presbytery. The possible decisions that the presbytery might make in response to the review are listed in Section J.9.4 of *The Manual*. In many cases, the reviewer will decide that it is appropriate to use the language of that section in wording the recommendations. Paragraph (g) of Section

J.9.4 allows the presbytery, in responding to a review, to take “other action that the presbytery decides is in the best interests of the pastoral charge and the ministry personnel.” That paragraph gives the reviewer discretion to craft other recommendations that would be appropriate remedial action.

In deciding what action might be appropriate, the reviewer may wish to consult with Conference or General Council staff with experience in ministry personnel and education. If the reviewer is considering a recommendation for action other than those listed in paragraphs (a) to (f) of Section J.9.4, this consultation is strongly advised. However, it is the reviewer who must decide what the recommendations will be.

Writing the report

Guidance for writing the report may be found in the chapter “Writing the Report” (pages 25–27). The reviewer provides the report to the presbytery, to the ministry personnel and, depending on the circumstances, likely also to the pastoral charge.

Presbytery response to the report

The ministry personnel should receive the report at least a week (preferably two) before any action is taken on the report by the presbytery.

The ministry personnel should also be given a specific invitation to attend and speak to the report before the presbytery makes its decision. The usual notice of presbytery meeting should not be considered a “specific invitation.” If the reviewer is recommending any discipline of the pastoral charge (this is a possibility under paragraph (a) of Section J.9.4), the report must be given to the pastoral charge and the same invitation extended.

The presbytery considers the reviewer’s report and makes a decision in response. In most cases, it is the executive of the presbytery, not the whole court, that deals with the report. This practice is based on some wisdom, but it is not mandatory. Ideally, the reviewer should also be present to answer any questions that the presbytery may have of them in relation to the report.

The court is not bound by the recommendations of the reviewer. The presbytery debates the recommendations and then decides to do one of the following:

- adopt the reviewer’s recommendations in their entirety
- adopt the reviewer’s recommendations in part
- receive the report and take no further action on the matter
- take some course of action other than that recommended by the reviewer

If the presbytery is inclined to take some other course of action, the reviewer’s recommendations must first be given careful consideration. The reviewer has had an opportunity to carefully analyze information that was received first-hand from the ministry personnel and those closely involved. The presbytery should therefore have a good reason for rejecting the reviewer’s recommendations.

Whatever decision it makes, the presbytery must inform the ministry personnel of the decision. Written notice of the decision should be given to the ministry personnel even if they were present at the meeting. Written notice serves as a record that there was a specific communication of the decision by the presbytery to the ministry personnel. It also ensures that the ministry personnel has received complete and accurate information about the presbytery's decision, since there will be some lapse of time before the minutes of the presbytery meeting are distributed in the normal course.

Arrangements should also be made for communicating the decision to the pastoral charge. Again, the presbytery may wish to hold a meeting of the pastoral charge to do so. This is advisable particularly if the presbytery decides to dissolve the pastoral relationship or if the ministry personnel is placed under suspension and will therefore be absent from the pastoral charge for a period of time.

Writing the Report

Establish the reviewer's authority to conduct the review and make the recommendations

Why was the review ordered?

Identify how the matter came to the presbytery's attention.

When was the review ordered?

Indicate the date of the presbytery meeting, and whether it was the presbytery or its executive.

Who was the reviewer appointed by the presbytery?

Name the individual reviewer or committee members and identify their status (i.e., order of ministry or lay).

What were the reviewer's terms of reference?

For example, in a ministry personnel review, the reviewer would have been directed to review "the effectiveness of the ministry personnel" and/or "whether the ministry personnel recognizes the authority of the presbytery." List the specific terms of reference.

Were there any other presbytery actions in relation to the review?

Mention any other presbytery motions that apply to the reviewer's work, e.g., amendments to the terms of reference, resignations from a review committee.

Outline the process followed for the review

How did the reviewer inform the participants about the review process?

Indicate how and when the reviewer informed the minister, congregation, and others about opportunities to provide input to the review committee, e.g., notice in order of service, congregational meeting, telephone call to minister, letter by registered mail to the governing body of the pastoral charge.

How did the reviewer gather input for the review process?

Indicate the meetings that the reviewer held with participants. Indicate how many people attended those meetings. If it is relevant to the issues, indicate the status within the congregation of those attending meetings, e.g., trustees, members of the UCW, members of the choir. Indicate whether the meetings were held on a one-to-one or group basis. Indicate whether the reviewer considered any written submissions or other materials, and if so, identify them.

For ministry personnel reviews, what input did the minister, in particular, have in the process?

Indicate specifically the opportunities that the minister had for input, e.g., a meeting at the start of the information-gathering process, another meeting at the end of the information-gathering process, any other meetings that took place.

Summarize the information gathered

What did the reviewer hear in the meetings and read in any written material provided?

Ensure that the summary fairly reflects all of the input heard.

Record all of the events reported to the reviewer and the different views expressed.

Ensure that the summary is complete and detailed.

Do not be misled by the term “summary.” This will likely be the longest part of the reviewer’s report. There must be enough detailed evidence to justify the findings. Include such details as exactly when the events occurred, the circumstances surrounding the events, who else was present, etc.

Who said what?

For each piece of information included in the summary, specify who provided it.

Organize the information that has been gathered by recurring themes, sources of information or some other usable way.

For example, in a ministry personnel review, the themes could be relationships with congregational staff, conflict resolution skills, use of ministerial authority, and accountability for time. The sources of information in a pastoral charge review could be ministry personnel, chair of Council, trustees, Worship Committee, and other members and adherents.

Are there recurrent comments?

If there are recurrent comments, indicate which ones rather than repeating everything everyone said.

State the findings: the conclusions that the reviewer draws from the information gathered

Ensure that the findings specifically address the issue that the reviewer was asked to consider.

For example, if the reviewer was asked to review the effectiveness of the ministry personnel, the reviewer should conclude whether or not the ministry personnel is effective.

Use the exact words from the presbytery motion.

If you try to express your conclusion in different words, it may create ambiguity and confusion. As long as you are clear by using those exact words, you may—and should—elaborate, explain, and offer commentary and reasons for your conclusion.

Ensure that the findings are within the mandate of the reviewer.

For example, in a pastoral charge review, a reviewer cannot conclude that the minister is ineffective. At the most, a pastoral charge reviewer could indicate concerns about the minister's effectiveness and recommend a ministry personnel review.

State the specific information upon which the findings are based.

That information should also be recorded in the summary of information gathered. If the reviewer disbelieved some of the information and decided that other information was more credible, specify which information and why.

Ensure that there is enough evidence to support the findings.

The reviewer's conclusions must flow logically from the information that has been gathered. Do not come to conclusions for which there is little or no evidence.

Make recommendations***What action does the reviewer consider to be an appropriate response to the findings?***

Ensure that the recommendations made are for action that is within the jurisdiction of the reviewer. If the review is of the pastoral charge, limit the recommendations to the pastoral charge. If the reviewer has concerns about the effectiveness of the ministry personnel, they may recommend that the presbytery conduct a ministry personnel review. For a ministry personnel review, Section J.9.4 of *The Manual* contains a list of possible decisions that the presbytery may make. Reviewers in ministry personnel reviews base their recommendations on this list.

Ensure that the recommendations made are for action that is within the jurisdiction of the presbytery.

Since the reviewer is making recommendations upon which the presbytery will make a decision, recommended actions must be within the power of the presbytery to take. Do not recommend actions that are within the power of the other courts of the church.

Do the findings support no action being taken?

Do not overlook the possibility that "no action" may be the appropriate response to the findings.

Does the action recommended by the reviewer address the findings?

For example, if the reviewer has found that the ministry personnel is ineffective, primarily in the area of pastoral skills, they must recommend some kind of remedial action that will correct this ineffectiveness.

PASTORAL CHARGE REVIEWS

Summary of the Pastoral Charge Review Process

Presbytery hears concerns about pastoral charge

source of concerns: report from pastoral oversight visit, petition from 10 members, or any other source



Presbytery considers options for responding

e.g., appointment of conflict resolution facilitator, pastoral oversight visit, consultation between Ministry and Personnel Committee and Pastoral Relations Committee, conversation with pastoral charge governing body, taking no action, ordering pastoral charge review



Presbytery decides to order pastoral charge review and appoints a reviewer; motion adopted



Presbytery informs pastoral charge

telephones chair of pastoral charge governing body
writes to pastoral charge governing body
makes announcement to pastoral charge in Sunday worship service, order of service, and/or special meeting



Presbytery puts pastoral care in place for pastoral charge and ministry personnel



Reviewer decides on process



Reviewer informs pastoral charge of process



Reviewer interviews ministry personnel, staff, officers, members, adherents, and anyone else who wants to meet or with whom the reviewer wants to meet



Reviewer deliberates and writes report

compiles information gathered
draws conclusion: Is pastoral charge in an unsatisfactory state or not?
makes recommendations that are remedial and intended to restore health of pastoral charge



Reviewer gives draft report to Conference executive secretary/personnel minister for review, and makes any necessary revisions to comply with polity and all legal requirements



▼
Reviewer delivers report

to presbytery
to pastoral charge governing body
to anyone else specifically affected by the recommendations

▼
Presbytery gives notice of meeting at which report is to be considered

to pastoral charge governing body
to anyone else specifically affected by the recommendations

▼
Presbytery meeting takes place

pastoral charge governing body (and anyone else affected) has opportunity to respond
to report and recommendations
presbytery adopts motions making decisions in response to recommendations made by reviewer

▼
Presbytery gives notice of decisions made at meeting

by telephone to chair of pastoral charge governing body and anyone specifically affected by decisions
in writing to chair of pastoral charge governing body and anyone specifically affected by decisions
through announcement to pastoral charge in Sunday worship service, order of service, and/or special meeting

▼
Presbytery monitors compliance with decisions

To the Presbytery Regarding a Pastoral Charge Review

You have been informed of an unsatisfactory situation in a pastoral charge. You think that the appropriate response is to order a review under Section J.8. of *The Manual*. Here are some answers to questions frequently asked by presbyteries about pastoral charge reviews. See “Best Practices for Reviews” (pages 10–24) for more information.

How does the presbytery decide to order a pastoral charge review?

The presbytery—through the usual voting process—adopts a motion to order a pastoral charge review. A sample motion is available from the General Council Office. Usually, it will be the presbytery executive that orders a review, but it may be the full court. The motion should include a clause stating that there are concerns that have come to the presbytery’s attention about the state of the pastoral charge. That wording is contained in Section J.8, and it is wise to use it.

Do we give the reviewer a time limit for reporting back to us?

In this resource, the term “reviewer” means the person, people, or committee conducting the review.

For legal reasons, you should not impose an absolute deadline on the reviewer. They need to be free to take as much time as they need to complete the task properly. By setting an absolute deadline, the presbytery may seem to be controlling the process and its outcome in a way that is unfair. It may create grounds for an appeal or secular court action. The presbytery may impress upon the reviewer the need to complete the review as quickly as possible, in the interests of the health of the pastoral charge. You may include a deadline in the motion appointing the reviewer, but only if the motion also states that the reviewer is entitled to obtain reasonable extensions of that deadline upon request.

What about the pastoral needs of the pastoral charge?

It may cause some upset or uncertainty in the pastoral charge to hear that the presbytery has ordered a review. There isn’t a great deal of information to be shared at the outset and, understandably, the lack of information can produce anxiety. When the presbytery orders a review, it should also make arrangements for specific pastoral support to be put in place for the pastoral charge. It is not reasonable to expect the ministry personnel serving the pastoral charge to take care of those pastoral needs, because the ministry personnel will be a participant in the review process. Indeed, the presbytery needs to be attentive to the support needs of the ministry personnel in this process as well. It is advisable for the presbytery to name one or two presbyters who will be responsible for caring for the pastoral needs of the pastoral charge and ministry personnel during the process. There does not need to be a specific motion for pastoral care, but it is still an essential piece of work for the presbytery to attend to.

How do we tell the pastoral charge?

Once the presbytery has ordered a review and named the reviewer, it should make arrangements to inform the pastoral charge at the earliest opportunity. A presbytery officer should telephone the chair of the pastoral charge's governing body and discuss arrangements for informing the pastoral charge. That might include one or two presbytery officers making an announcement at announcement time in the next Sunday worship service. It might also include inserting an announcement in the order of service for the next couple of Sundays. A sample announcement is available from the General Council Office. It would be helpful for the presbyters who have been asked to provide pastoral care to the pastoral charge to accompany the presbytery officers so that they may be introduced to the pastoral charge.

What do we tell the pastoral charge?

The pastoral charge should be told that

- the presbytery has ordered a pastoral charge review
- the reason for this action is that the presbytery has concern that the pastoral charge is in an unsatisfactory state
- X or X, Y, and Z (*use names*) have been appointed to serve as the reviewer to conduct the review
- the reviewer will be in contact shortly with the pastoral charge to provide specific information about their process
- the presbytery has particular concern about the well-being of the pastoral charge during the review process and has appointed A and B to provide pastoral care during this time

It is wise for the pastoral care providers to be present when the announcement is made to the pastoral charge. These pastoral care providers may wish to make some comments as well at that time about their availability, how people may contact them, and so on.

The presbytery secretary has just received the reviewer's report. Does anyone else receive a copy?

The presbytery secretary should check that the pastoral charge has also received a copy of the reviewer's report through its governing body c/o chair or secretary. That task is usually completed by the reviewer, but it is wise to ensure that they have done so. If not, the presbytery secretary should send or deliver a copy of the report to the pastoral charge, and also to the ministry personnel serving the pastoral charge. The presbytery secretary should also read the recommendations contained in the report to see if they specifically affect anyone else. For example, if there is a recommendation that disciplinary action be taken against a named lay member of the pastoral charge, that person should receive a copy of the report as well.

How do we deal with the report?

The next step is to schedule a meeting of the presbytery to deal with the report. Generally, the presbytery deals with the report through its executive, as it is more expeditious and efficient. At the time that the presbytery orders the review, the presbytery may direct the executive to deal with the report. That may be useful in another way. People may be more willing to come forward

to speak to the reviewer and be named in the reviewer's report if they know in advance that the report will be dealt with by the executive, not the full court. It is always open to the executive to decide that the report needs to be shared with the full court, but that would be very unusual.

If there is already an executive meeting scheduled within the next few weeks, and the agenda is not too full, the report may be added to the agenda. But it may be preferable to schedule a special meeting. When the agenda for the meeting is being set, the secretary and chair, in consultation with the Conference executive secretary or personnel minister, should settle on a process for dealing with the report. For example, they may decide to allow the reviewer 10 minutes to introduce the report, 20 minutes for members of the executive to ask questions of the reviewer, 30 minutes for the pastoral charge to respond to the report, 20 minutes for anyone else specifically affected by a recommendation to respond to that recommendation, and 60 minutes for the executive to debate the recommendations. The specifics of the agenda are subject to the will of the entire executive and may be modified at the outset of the meeting, but it is helpful to have a proposed agenda.

If the presbytery executive is dealing with the report, all members of the executive should be given a copy of the report in advance so that they can read it before the meeting. Members of the executive should be advised to keep the report confidential prior to the meeting.

Who gets notice of the meeting?

The following parties receive notice:

- the pastoral charge via its governing body c/o chair or secretary
- anyone specifically affected by the recommendations in the report (for example, if disciplinary action is recommended for a named lay member of the pastoral charge, that person would be entitled to notice)
- the reviewer

How should notice be given, and what should it say?

All notices should be in writing and should be given by assured delivery (registered mail), fax, or personal delivery at least a week before the meeting takes place. A sample notice letter is available from the General Council Office. The notice should

- give the date, time, and location of the meeting
- indicate that the presbytery will deal with the recommendations at the meeting
- invite the pastoral charge to send representatives to speak to the recommendations (be explicit that representatives may attend, but it would be unnecessary—and probably not helpful—for the entire governing body to attend)
- invite anyone else specifically affected by the recommendations in the report to attend the meeting and speak to the recommendations
- specify the amount of time that is anticipated for the pastoral charge and anyone else affected by the recommendations to speak to the recommendations, for example, 30 minutes for the pastoral charge representatives collectively, 20 minutes for anyone else

What happens in the meeting where the recommendations are under consideration?

At the meeting, all members of the presbytery executive have a copy of the report.

The reviewer is given an opportunity to speak to the report. They may wish to draw attention to a particular piece of the report, or to offer comments about the report. They may be present in person or by telephone. Where the review has been conducted by a review committee, it is best, but not essential, if all members are present for this meeting. The presbytery executive may wish to ask questions of the reviewer to clarify any of the conclusions and recommendations contained in the report.

The representatives of the pastoral charge have an opportunity to speak to the report. Anyone specifically affected by a recommendation also has an opportunity to speak to that recommendation.

The presbytery chair then asks the reviewer, the pastoral charge representatives, and anyone else present other than members of the presbytery executive to leave the meeting so that the executive may consider what action it will take in response to the recommendations.

Just before people are asked to leave the meeting, the presbytery chair should check with all parties how they wish to receive notice of the decision. The normal process for giving notice is addressed in a question below.

Are there any special considerations to bear in mind for this meeting?

Depending on the nature of the recommendations, the meeting can become an emotional one. The presbytery chair may wish to consult with the Conference executive secretary or personnel minister in advance of the meeting to get fully briefed and prepared for all contingencies. For example, the chair should keep in mind that only the executive may ask questions of the reviewer. While the pastoral charge representatives have an opportunity to speak to the executive, they are not permitted to ask questions of the reviewer, nor to question the executive about the action that the executive might take.

How do we document our action on the recommendations?

The presbytery needs to take action on the report by motion. There may be a separate motion for each recommendation, or the recommendations may be dealt with in one motion. Before adopting a motion on the recommendations, the presbytery executive should pass a motion receiving the report for consideration. As a final motion, the executive would dismiss the reviewer with thanks. A sample motion is available from the General Council Office.

Who gets notice of our decision? How?

It is the presbytery's responsibility to give notice to the pastoral charge and to the reviewer of the action taken on the recommendations. After the meeting, the presbytery chair or secretary could telephone or e-mail both the chair of the pastoral charge's governing body and the reviewer to report the action taken. There should also be official notice in writing sent to the pastoral charge through its governing body c/o the chair or secretary. If a decision has been made on

a recommendation that specifically affects any other person, that person should receive the same notice by telephone and in writing. Anyone designated in the motions to assist with their implementation should also receive notice of the decision, both by telephone and in writing. For example, that might be the presbytery Pastoral Oversight Committee or the Conference personnel minister. The presbyter(s) who have been asked to provide pastoral care to the pastoral charge should also be informed of the decision; notice by telephone would be adequate.

The presbytery should also consider calling a meeting of the pastoral charge for the purpose of

- informing all members of the presbytery decisions
- answering any questions about the implementation of the decisions
- assuring the pastoral charge that it will receive ongoing care and support from presbytery

What happens to the reviewer's report after our meeting?

One copy of the reviewer's report is included with the official minutes of the presbytery. Normally, the report would not be included with the minutes that are sent to all presbyters. Since the report forms part of the presbytery minutes, however, any presbyter wishing to see a copy is entitled to ask for one. Members of the executive should turn in their copies to the presbytery secretary to be destroyed. The motions made in response to the report and its recommendations are included in the minutes and circulated to the presbytery as per the usual practice.

Since the governing body has been given a copy of the report on the pastoral charge's behalf, they are free to deal with the report within the pastoral charge as they decide best.

Checklist for Presbytery Conducting a Pastoral Charge Review

Ordering the Review

- Have you adopted a motion ordering a review under Section J.8 of *The Manual*?
- Have you discussed whether this review should be conducted by an individual reviewer for a fee or by a volunteer review committee?
- If you have chosen a review committee, have you discussed who should serve on it (same or different presbytery or Conference)?
- Have you checked with the prospective individual reviewer or members of the review committee as to their availability and conflict of interest concerns?
- Have you adopted a motion appointing the reviewer?
- If you have chosen an individual reviewer to conduct the review, does the motion also specify the fee arrangements?
- Have you made arrangements for one or more people to be assigned to provide pastoral care to the pastoral charge and the review committee?

Informing the Pastoral Charge and Ministry Personnel

- Have you contacted the chair of the governing body of the pastoral charge and advised them that a review has been ordered?
- Have you consulted with the chair as to how the pastoral charge will be informed? For example, notice in the order of service for the next two Sundays, announcement at announcement time during Sunday worship, congregational meeting announced this Sunday to be held after worship next Sunday.
- Have you informed the ministry personnel that a review has been ordered?
- Have you informed the pastoral charge via notice, announcement, and/or meeting as suggested above?
- Have you shared the name(s) of the reviewer with the pastoral charge, and the name(s) of the person(s) assigned to provide pastoral care to the pastoral charge?

Worship

- Have you considered how to integrate worship into the review process?

Preparing to Deal with the Report

- Have you received the report from the reviewer?
- Has the governing body of the pastoral charge received a copy of the report from the reviewer?

- If not, have you given a copy of the report to the pastoral charge?
- Have you reviewed the recommendations to see if they specifically affect anyone else (for example, discipline for a named lay member of the congregation)?
- If there are such recommendations, have you given a copy of the report to those affected?
- Have you—as an executive—decided whether the report will be dealt with by the executive or by the full court?
- Have you determined the process that will be followed at that meeting, for example, how much time will be allotted for the pastoral charge—and anyone else affected—to respond to the recommendations?
- Have you scheduled a meeting at which to deal with the report?
- Have you arranged for the reviewer to attend the meeting either in person or by telephone?
- Have you informed the pastoral charge in writing of the date of the meeting and of the process that will be followed at it, including the right of the pastoral charge (through representatives of the governing body) to speak to the recommendations?
- Have you informed anyone else who is specifically affected by the recommendations of the date of the meeting and of the process that will be followed at it, including the right to speak to the recommendation that affects them?
- If the report is to be dealt with by the executive, has a copy of the report been given to each member of the executive in advance?
- If the report is to be dealt with by the full court, have copies of the report been made and numbered for distribution at the meeting?

Dealing with the Recommendations at the Meeting

- Do all members of the executive/full court have a copy of the report?
- If the report has just been distributed to the full court, have you allowed time for reading it?
- Have you adopted a motion to make the representatives of the pastoral charge and anyone else speaking to the recommendations corresponding members of the court for the purposes of this meeting?
- Have you adopted a motion to receive the report?
- Has the reviewer presented the report?
- Have you asked any questions of the reviewer that you may have about the report?
- Have you heard any response from the representatives of the pastoral charge that they wish to make to the recommendations?
- Have you heard any response from anyone else specifically affected by a recommendation that they wish to make to that recommendation?
- Has the chair thanked everyone making presentations and asked them to leave the meeting so that the executive/full court may deliberate?
- Have you dealt with each of the recommendations by motion, i.e., to adopt the recommendation, to take no action on the recommendation, or to take other action in response to the recommendation other than the action recommended?

Does your motion indicate

- who is responsible for monitoring compliance with the actions ordered?
- who is responsible for making any follow-up decisions, such as the details of specific programs (could be the executive or delegated to a presbytery officer or committee)?
- what the timeline is for the action to be completed?
- what the consequence is if the action is not completed within the timeline (e.g., matter to be returned to the executive for further action)?
- that the reviewer is discharged with thanks?
- Have you collected the reports before members leave the meeting and checked the numbers to ensure that all copies have been collected?
- Have you decided how public the report is to be made? For example, are all copies in the presbytery's possession to be destroyed except for the official copy included with the minutes and the copies needed by anyone who is involved in the implementation of the decision?

Informing the Pastoral Charge and Ministry Personnel

- Have you contacted the chair of the governing body promptly after the meeting to inform them of the presbytery action?
- Have you contacted the ministry personnel and anyone who may be specifically affected by the recommendations to inform them of the presbytery action?
- Have you contacted those assigned to provide pastoral care to the pastoral charge to inform them about the action taken in response to the recommendations?
- Have you written to the pastoral charge and anyone else specifically affected by the recommendations to inform them of the presbytery action? Note that this is in addition to contacting them by telephone or in person immediately after the meeting.
- Have you consulted with the chair of the governing body about the process for informing the pastoral charge of the action taken by the presbytery? For example, announcement at announcement time during Sunday worship, congregational meeting announced this Sunday to be held after worship next Sunday.

Following Up with the Presbytery Decisions

- Have you informed the pastoral charge of the presbytery decision after or during a Sunday worship service or in a special meeting? Have you given members an opportunity to ask questions about the decision?
- Have you given a copy of the report to the presbytery officers/committees or others responsible for assisting in the implementation of the presbytery decision?
- Have you consulted with those assigned to provide pastoral care to the pastoral charge to determine the ongoing needs for pastoral care? Have you made any further arrangements necessary for pastoral care?

To the Review Committee

Conducting a Pastoral Charge Review

The presbytery has approached you to conduct a pastoral charge review under Section J.8 of *The Manual*. Here are some answers to questions frequently asked by review committees about this process. See “Best Practices for Reviews” (pages 10–24) for more information.

How much time will this take?

More than you might think! Almost all review committees comment at the end of the process that it took more of their time than they originally estimated. You need to be realistic about your own availability. Do you have a few hours a week for the next three months that you could—potentially—devote to the task? In addition, are you available for six or seven full days over the next three months for interviews, meeting to deliberate as a review committee, and writing and editing the report? Is your time fairly flexible to accommodate the meeting schedules of others? That’s a rough guideline of what you might expect, although at the outset of a review, it is almost impossible to predict exactly how much time the process will take.

Am I suited to this task?

If the presbytery has approached you, the presbytery believes that you have the skills and gifts necessary to do this work. You may wish to do your own reflection before committing. Are you a good listener? Are you able to be critical and discerning about what you hear, sifting through the information gathered and coming to conclusions about what the truth is? Are you able to make hard decisions that may be unpopular? Some review committee members have found satisfaction in participating in a task that, while intense, is completed within a short time period, as opposed to an ongoing committee commitment.

The minister of the pastoral charge is a good friend of mine. We play golf together regularly and his daughter babysits for our family. Does that mean I am in a conflict of interest and should decline to serve on the review committee?

It is critical to avoid a conflict of interest. Even if you feel you can be objective, it is important to consider how others might view your participation. You have raised some factors that might give others pause for concern. Simply by raising these factors, you have answered your own question: you should disclose the potential conflict of interest to the presbytery and err on the side of caution by declining to participate. See “Best Practices for Reviews” (pages 10–24) for more information.

How can I provide pastoral support to the ministry personnel and the pastoral charge in this process?

You cannot. Your specific role is to conduct the review, and the expectation is that you will undertake this role with compassion and sensitivity. But you cannot perform another function—that of pastoral support person—at the same time. It is the presbytery’s responsibility to ensure

that pastoral care is provided for the ministry personnel, their family, and the pastoral charge. If you sense that this responsibility is not being met, you could raise it with the presbytery or Conference personnel minister.

If I agree to serve, what do I do first?

Get a copy for your files of the presbytery motion(s) ordering the review and appointing you as a member of the review committee. Also, ensure that you are specifically named in the presbytery motion. That will avoid any question in the future about whether you were properly appointed, which will help protect you in case any legal action is ever taken in relation to the review.

This is a pastoral charge review, but the presbytery recently conducted a ministry personnel review of the ministry personnel who is still serving this pastoral charge. Can we save time and use the information gathered in the ministry personnel review?

No. You may hear much of the same information as did the reviewer in the ministry personnel review, and people may be unenthusiastic about telling their stories again. It may seem to them like “reinventing the wheel.” But if you simply used the information gathered by another reviewer, you would not be hearing first-hand from the individuals providing that information. You would not be able to assess their demeanour and body language, which is an important part of assessing the credibility of the information. You would not be able to ask questions of the individuals to have them clarify or elaborate any points. Information that comes from another review committee is hearsay and cannot be used.

The presbytery recently conducted a pastoral oversight visit of this pastoral charge. In fact, the presbytery ordered this pastoral charge review based on the report of the Pastoral Oversight Committee. Should we interview the team that conducted the oversight visit?

No. You must rely on first-hand information, not information gathered by other sources. The pastoral oversight team could only tell you how the pastoral charge was functioning based on the interviews that they conducted, and the impressions drawn from those interviews. The Pastoral Charge Review Committee must gather its own information from the pastoral charge—from members, adherents, officers, and staff—and not rely on facts gathered by others.

Should we talk to the ministry personnel? This is, after all, a pastoral charge review of the pastoral charge under Section J.8, not a ministry personnel review under Section J.9.

The ministry personnel would most definitely have relevant input for the review committee about the state of the pastoral charge. For that reason, the review committee would be wise to interview the ministry personnel early in the process.

Is there anyone from whom we should not get input?

It would be inappropriate to seek input from the Conference personnel minister or executive secretary. As staff, they have specific functions to perform in the process and they cannot serve two roles at the same time. The executive secretary may be asked by the review committee for help in the process for conducting a review. The Conference personnel minister often assists in the implementation of any recommendations of remedial work for the pastoral charge that result

from the review. If the executive secretary or Conference personnel minister participates in the review as a “witness,” it compromises their ability to perform their staff functions.

What do I do with my notes afterwards? How long do I keep them?

Keep your notes until the presbytery has made a decision on your recommendations and the time for appeal has expired. That time period varies; consult with the presbytery secretary. Generally, the latest it would be is 45 days after the presbytery secretary sends out the minutes for the decision made by the presbytery in response to the recommendations. There is no need to keep your notes beyond that time if your report is thorough and comprehensive. All of the important, detailed information from your notes should be included in the review committee’s report.

We have interviewed several members of the congregation and at this point, it is clear to us that it’s the ministry personnel that’s the problem. May we recommend that the pastoral relationship be dissolved?

The mandate of a review committee conducting a pastoral charge review focuses on the pastoral charge. The review committee has no mandate to make any recommendations for action with respect to the ministry personnel as outlined in Section J.9.4 of *The Manual*. That would have to be a separate review process. To do otherwise would be unfair to the ministry personnel, because they would have no advance notice of that as a possible outcome and would not have participated in the process with that outcome in mind. It would likely be a breach of the ministry personnel’s right to natural justice.

Is there any action that we could take in response to our concern about the ministry personnel being the source of the problem?

At most, the review committee conducting a pastoral charge review could recommend that the presbytery undertake a ministry personnel review. Holding a second review does—of course—create a burden for the members of the congregation who will have to tell their stories again in another process. If the review committee conducting a pastoral charge review feels very strongly in the middle of the process that the ministry personnel is the only problem, and that any delay in dealing with the ministry personnel would have a continuing adverse effect on the pastoral charge, the review committee could end its process at that point and immediately make a recommendation to the presbytery that a ministry personnel review be conducted.

When we are conducting interviews, how active a role do we play?

You need to strike a balance between allowing people simply to tell their stories, and asking questions to focus the interview on getting information relevant to the issues. If you have a large number of interviews to conduct, you need to be sensitive to making the most effective use of your time.

Perhaps you could ask interviewees whether they wish to make an opening statement for no more than, say, five minutes. If they choose to make a statement, you could feel free to intervene with questions at the stated five-minute mark. If they choose not to make a statement, you could prompt their response by asking questions such as “Is worship here a meaningful experience for you?” or “What are Church Board meetings like?”

It is helpful for the review committee to develop a list of questions beforehand that could be asked of everyone. Those questions should be open-ended, not leading. For example, ask “How do you feel that the Property Committee is functioning here?” Do not ask “Do you agree that the Property Committee is totally dysfunctional here?” Leading questions invite a particular response. Your questioning must reflect a neutral and unbiased approach. You must not express any opinions about this matter until you get to the stage of writing your final report.

The goal of the interviews is to get the fullest picture possible. If underlying issues start to emerge in the response that an interviewee is giving, the review committee should feel free to deviate from its list of questions to explore those underlying issues.

Several members of the congregation have told us that they are uncomfortable with having their names used in the report and that they will only speak to us on a guarantee of confidentiality. Is this acceptable?

No! You must tell people at the start of every interview that their names may be included in the review committee’s report. If they cannot accept that arrangement, they have the option of not continuing the interview. Do not tell them that anything is “off the record.” Do not tell them that you won’t use their names or information in the report but you still want to hear their input. In that situation, it would be very difficult for you to prove that you weren’t influenced in some way by this “secret” information. See more about confidentiality on pages 14–15.

We have a really great idea for a different review process. Can we use it?

It would be wise for the review committee to limit its process to the steps that are specifically referred to in this resource, unless you first check with the Conference executive secretary or personnel minister. Even actions that are taken with the best of intentions may carry with them the unintended consequence of jeopardizing the whole review process!

We have conducted all the interviews and read all the written material given to us. Now what?

Now you write your report. See “Writing the Report” (pages 25–27).

What kind of recommendations may we include?

Section J.8 of *The Manual* does not list any specific possible recommendations. That gives you the freedom to recommend any action that would resolve the unsatisfactory state in the pastoral charge. The action should be remedial in nature and directed toward restoring the pastoral charge to healthy functioning.

How do we decide on recommendations?

Once you have come to your conclusion about the state of the pastoral charge, you may wish to seek assistance from the Conference personnel minister or executive secretary in determining the appropriate recommendations. One way of approaching the situation is to ask: What is the source of dysfunction in the pastoral charge? What kind of remedial action would address that dysfunction? For example, there may be a need to review governance structures within the pastoral charge. There may be a need for education around the roles and responsibilities of

various committees. For longstanding conflict, there may be a need to appoint a facilitator to help address the issues.

We have finished our report. Does anyone else need to see it before we deliver it to the presbytery?

You should forward the report to the Conference executive secretary or personnel minister (depending upon the practice in your Conference) for their review, particularly to ensure that your recommendations are complete and workable within the polity of the United Church. The executive secretary or personnel minister may ask the General Council legal counsel to review it as well to ensure that it contains the necessary level of detail to meet legal requirements.

Does anyone else besides the presbytery get a copy of the report?

When you send or deliver your report to the presbytery, at the same time you send or deliver a copy of the report to the pastoral charge via its governing body c/o the chair or secretary. If you make recommendations that affect anyone else, you would get a copy of the report to them as well. For example, if you recommend that action be taken with respect to one or two particular members of the congregation, you would send or deliver a copy of the report to them as well.

Is that the end of our task?

The final step in the process is for the review committee to attend the meeting where the presbytery considers and takes action on the recommendations. Usually, this will be at a meeting of the presbytery executive, not the full presbytery. It is best if all members of the review committee can attend that meeting, but if distance or other essential commitments prevent it, it is acceptable for only one or two to attend. At the meeting, all members of the presbytery (executive) will have a copy of the report. The review committee may wish to draw attention to a particular piece of the report, or to offer comments about it. The pastoral charge will have been invited to send representatives to attend the meeting. Those representatives will have an opportunity to speak to the report. The review committee and the pastoral charge representatives then leave the meeting so that the presbytery may consider what action it will take in response to the recommendations.

What if I am sued as a member of the review committee?

Call the legal staff at the General Council Office if you are served with a claim or if you learn that legal action is likely. The legal staff will give you specific advice on dealing with the situation and, if necessary, arrange for legal representation for you. As an individual appointed by presbytery to a specific volunteer role, you have the benefit of insurance coverage through the General Council to pay for the defence of any lawsuits and to pay the cost of any compensation. In addition, there is indemnity by the General Council for people serving in a volunteer or paid capacity in the United Church. In short, as long as you carry out your task in good faith and to the best of your ability, you have nothing to fear from legal action.

We have heard that the pastoral charge is appealing the presbytery's decision to adopt our recommendations. Do we defend the appeal?

Once the presbytery (executive) takes action on the recommendation, there is a presbytery decision. If the pastoral charge appeals the decision, it is up to the presbytery to respond to the appeal and to defend the decision. The review committee does not have a role in the appeal process.

Checklist for Reviewer

Conducting a Pastoral Charge Review

If Asked to Serve on a Review Committee

- Do you have adequate time available to devote to this task?
- Do you have any connection with the pastoral charge under review?

Getting Started

- Do you have a copy of the presbytery action appointing you and setting out the reviewer's mandate?
- Has the presbytery arranged for pastoral care for the pastoral charge?
- Has the presbytery informed the pastoral charge about the review?
- If this review is being conducted by a review committee, have you met as a committee to establish your process?
- With whom do you particularly want to meet (e.g., ministry personnel, congregational staff, pastoral charge governing body)?
- Who will contact these people and make arrangements?
- What times and dates are you available for interviews with other people who may wish to meet with you?
- Whom do these other people contact to make interview arrangements?
- How will you communicate this process to the pastoral charge?
- Have you booked a location at which to hold interviews? Is it easily accessible?

Gathering Information

- Have you communicated your process to the pastoral charge?
- Have you decided how you will keep notes of all interviews?
- Have you developed a list of questions that you wish to ask?
- Who (among review committee members) will take the lead in questioning?
- Have you explained to each person interviewed that names and information cannot remain confidential?
- Have you conducted interviews with everyone with whom you wish to speak?
- Have you conducted interviews with everyone who wishes to speak to you?
- Have you kept notes of all the interviews?
- Have you read any written submissions given to you?
- Are there any questions remaining that require follow-up interviews?

Deliberating

- If the review is being conducted by a review committee, have you arranged for the review committee to meet to deliberate?
- Have you decided how you will keep notes of your deliberations?
- Have you identified themes emerging from the interviews and written submissions?
- Have you discussed each theme individually with all the information gathered that relates to each theme?
- Have you come to a conclusion that the pastoral charge is in a satisfactory state or an unsatisfactory state?
- Have you discussed—and agreed upon—the reasons for your conclusion?
- Have you discussed—and agreed upon—your recommendations?

Writing the Report

- Who will write the report?
- What is the process for the other review committee members to read and comment upon the draft report?
- Have you read the chapter “Writing the Report” (pages 25–27)?
- Have you followed the steps in that chapter?
- Have you given the draft report to the Conference executive secretary or personnel minister for review?
- Have you finalized the report based on input from all committee members and the Conference officer?
- Have all review committee members signed the final version of the report?

Final Steps

- Have you given your final report to the presbytery?
- Have you given a copy to the governing body of the pastoral charge c/o the chair or secretary?
- Have you made arrangements to attend the meeting at which the presbytery (executive) will deal with your recommendations?
- Have you kept your notes until the period has expired for any appeal from the presbytery decision on the report?
- Have you then destroyed your notes in a secure way (e.g., shredding)?

MINISTRY PERSONNEL REVIEWS

Summary of the Ministry Personnel Review Process

Presbytery hears concerns about ministry personnel

source of concerns: report from Pastoral Relations Committee, letter from pastoral charge, recommendation from pastoral charge reviewer, or any other source



Presbytery considers options for responding

e.g., appointment of conflict resolution facilitator, consultation between Ministry and Personnel Committee and Pastoral Relations Committee, conversation with pastoral charge governing body, taking no action, ordering ministry personnel review



Presbytery decides to order ministry personnel review and appoints reviewer; motion adopted



Presbytery informs ministry personnel by telephone and in writing



Presbytery informs pastoral charge

telephones chair of pastoral charge governing body
writes to pastoral charge governing body
makes announcement to pastoral charge in Sunday worship service, order of service, and/or special meeting



Presbytery puts pastoral care in place for ministry personnel and pastoral charge



Reviewer decides on process



Reviewer informs ministry personnel of process



Reviewer informs pastoral charge of process



Reviewer interviews ministry personnel to answer questions about process, hear initial input, and obtain names of people to be interviewed at ministry personnel's request



Reviewer interviews pastoral charge staff, officers, members, adherents, and anyone else who wants to meet or with whom reviewer wants to meet



▼
Reviewer compiles information gathered and gives it to the ministry personnel

▼
Reviewer hears and/or reads response of ministry personnel to information gathered

▼
Reviewer draws conclusion based on either or both grounds for which review was ordered:

Is ministry personnel effective/not effective?
Does ministry personnel recognize/not recognize the authority of the presbytery?

▼
Reviewer writes report with information, conclusions, and recommendations that are in the best interests of the ministry personnel and pastoral charge

report cannot contain any information that has not been shared with ministry personnel, and to which ministry personnel has not had an opportunity to respond

▼
Reviewer gives draft report to Conference executive secretary/personnel minister for review, and makes any necessary revisions to comply with polity and all legal requirements

▼
Reviewer delivers report

to presbytery
to ministry personnel
to pastoral charge governing body
to anyone else specifically affected by the recommendations

▼
Presbytery gives notice of meeting at which report to be considered

to ministry personnel
to pastoral charge governing body
to anyone else specifically affected by the recommendations

▼
Presbytery meeting takes place

ministry personnel has opportunity to respond to report and recommendations
pastoral charge governing body (and anyone else specifically affected) has opportunity to respond to report and recommendations
presbytery adopts motions making decisions in response to recommendations made by reviewer

▼

Presbytery gives notice of decisions made at meeting

by telephone to ministry personnel

in writing to ministry personnel

by telephone to chair of pastoral charge governing body and anyone specifically affected by decisions

in writing to chair of pastoral charge governing body and anyone specifically affected by decisions

through announcement to pastoral charge in Sunday worship service, order of service, and/or special meeting

▼

Presbytery monitors compliance with decisions

To the Presbytery

Regarding a Ministry Personnel Review

You have been informed of concerns about a ministry personnel. You think that the appropriate response is to order a review under Section J.9 of *The Manual*. Here are some answers to questions frequently asked by presbyteries about ministry personnel reviews. See “Best Practices for Reviews” (pages 10–24) for additional information.

How does the presbytery decide to order a review?

The presbytery—through the usual voting process—adopts a motion to order a ministry personnel review. A sample motion is available from the General Council Office. Usually, it will be the presbytery executive that orders a review, but it may be the full court. The presbytery may conduct a review if it has a question as to whether the ministry personnel

- is effective; or
- recognizes the authority of the presbytery (see Section J.9.3 of *The Manual*)

Your motion must indicate either or both of these grounds. For each ground that you indicate, you should use the specific words from Section J.9.3. If you change the wording, there is a risk of jeopardizing the whole review process for legal purposes. For example, do not state that this is a review of the pastoral relationship, because there is no basis under *The Manual* for that kind of review. Instead, there is provision for a review of concerns relating to the ministry personnel—and only the specific concerns listed above, as set out in Section J.9.3.

The ministry personnel is not in a pastoral relationship but in an outreach ministry that is under the oversight of this presbytery. Are we still entitled to conduct a review if we have concerns about the effectiveness of the ministry personnel?

Yes. All ministry personnel on the roll of the presbytery are subject to the oversight of that presbytery. When either or both of the concerns listed in Section J.9.3. of *The Manual* are present, the presbytery is entitled to conduct a review of any ministry personnel on the roll including ministry personnel who are retired, serving in other appointments, or retained on the roll. There are precedents for conducting reviews in any of these other situations, but the process requires some modification to meet the circumstances. Contact your Conference executive secretary or personnel minister for assistance.

Do we give the reviewer a time limit for reporting back to us?

In this resource, the term “reviewer” means the person, people, or committee conducting the review.

For legal reasons, you should not impose an absolute deadline on the reviewer. They need to be free to take as much time as they need to complete the task properly. By setting an absolute deadline, the presbytery may seem to be controlling the process and its outcome in a way that is unfair. It may create grounds for an appeal or secular court action. The presbytery may impress

upon the reviewer the need to complete the review as quickly as possible, in the best interests of the ministry personnel and the pastoral charge. You may include a deadline in the motion appointing the reviewer, but only if the motion also states that the reviewer is entitled to obtain reasonable extensions of that deadline upon request.

What about the pastoral needs of the ministry personnel?

A review is a stressful experience for the ministry personnel. One possible outcome of the ministry personnel review process is the loss of their job, since a review committee has the power to recommend the dissolution of the pastoral relationship. While a decision to order a review rarely comes as a total surprise to the ministry personnel, the level of uncertainty about the outcome can cause considerable strain while they continue to carry out pastoral responsibilities. The best interests of the ministry personnel and the pastoral charge are the presbytery's paramount concern during the review process. The presbytery should make arrangements for pastoral care to be provided to the ministry personnel at the earliest opportunity. The arrangement needs to be more intentional than simply leaving it to fellow presbyters to care for the ministry personnel. A person or team should be assigned specifically to provide pastoral care to the ministry personnel. In a multi-staff pastoral charge, care should be offered to the other ministry personnel as well, even if they are not under review.

... and the pastoral needs of the pastoral charge?

It may also cause upset or uncertainty in the pastoral charge to hear that the presbytery has ordered a review of the ministry personnel. It is not reasonable to expect the ministry personnel serving the pastoral charge to address those pastoral needs, because the ministry personnel will be under stress as the key participant in the review process. The presbytery should make arrangements for specific pastoral support to be put in place for the pastoral charge as well as for the ministry personnel. If the presbytery appoints a team, one or two people could attend to the needs of the ministry personnel and one or two could care for the pastoral charge. There does not need to be a specific motion for pastoral care, but it is still an essential piece of work for the presbytery to attend to.

How do we tell the ministry personnel?

Once the presbytery has ordered a review and named the reviewer, it should make arrangements to inform the ministry personnel at the earliest opportunity. A presbytery officer should telephone or visit the ministry personnel to let them know. Since notice in writing is also advisable, the presbytery should write a letter advising of the review. If the presbytery officer is visiting the ministry personnel, the presbytery officer could leave the letter with the ministry personnel; otherwise, the presbytery officer could indicate that the letter will be sent or delivered to the ministry personnel in the next few days.

What do we tell the ministry personnel?

The ministry personnel should be told that

- the presbytery has ordered a ministry personnel review

- the reason for this action is that a question has been raised for the presbytery about either or both of the grounds under Section J.9.3 of *The Manual*—whatever the grounds are in this case
- X, or X, Y, and Z (*use names*) have been appointed to serve as the reviewer
- the reviewer will be in contact shortly to provide specific information about the process
- the presbytery is concerned about the ministry personnel's pastoral needs during the review process and has appointed A and B to provide pastoral care to the ministry personnel during this time. If A and B have not yet been named, the ministry personnel should be assured that pastoral care providers will be named within a day or two, and that they will be in touch shortly.

Before the presbytery officer contacts the ministry personnel to inform them of the review, it is suggested that the officer read “To the Ministry Personnel under a Ministry Personnel Review” (pages 62–65). This section answers many questions that the ministry personnel may ask when initially informed that the review has been ordered. It would also be wise to enclose a copy of that section and “Best Practices for Reviews” (pages 10–24) with the notification from the presbytery. A sample letter to the ministry personnel is available from the General Council Office.

This is a multi-staff pastoral charge, although only one of the ministry personnel is under review. Do we tell the other ministry personnel about the review?

Yes, after you have informed the ministry personnel who is under review, contact the other ministry personnel in the pastoral charge next. A presbytery officer should telephone or visit the other ministry personnel and give them the same information as was given to the ministry personnel, adding that pastoral care providers will be named for the other ministry personnel and the pastoral charge.

How do we tell the pastoral charge?

After the ministry personnel has been informed, the presbytery needs to make arrangements to inform the pastoral charge. When the presbytery officer informs the ministry personnel about the review, the officer could consult with the ministry personnel as to the best way to inform the pastoral charge. In a multi-staff pastoral charge, it is a good idea to consult with the other ministry personnel as well about how the pastoral charge should be told. Ultimately, though, it is the presbytery's decision how to inform the pastoral charge. A presbytery officer should telephone the chair of the pastoral charge's governing body and discuss arrangements for informing the pastoral charge. That might include one or two presbytery officers making an announcement at announcement time in the next Sunday worship service. It might also include inserting an announcement in the order of service for the next couple of Sundays. A sample announcement is available from the General Council Office. It would be helpful for the presbyters who have been asked to provide pastoral care to the pastoral charge to accompany the presbytery officers so that they may be introduced to the pastoral charge.

What do we tell the pastoral charge?

The pastoral charge should be told that

- the presbytery has ordered a ministry personnel review
- the reason for this action is that a question has been raised for the presbytery about either or both of the grounds under Section J.9.3 of *The Manual*—whatever the grounds are in this case
- X or X, Y, and Z (*use names*) have been appointed to serve as the reviewer
- the reviewer will be in contact shortly with the pastoral charge to provide specific information about its process
- the presbytery has particular concern about the well-being of the pastoral charge during the review process and has appointed A and B to provide pastoral care during this time

If the pastoral care providers are present, as advised, they may wish to make some comments at that time about their availability, how people may contact them, and so on.

The review has just been ordered last week and today, the chair of the Pastoral Relations Committee received a request for a change in pastoral relations from the ministry personnel. Does the review continue?

Yes. The ministry personnel is not under review because of being in a pastoral relationship. The ministry personnel is under review because of being subject to the oversight of the presbytery, and the presbytery having some concerns about how this person is functioning as ministry personnel. Those concerns could exist regardless of whether the ministry personnel is in this—or any other—pastoral relationship. The presbytery could choose to take action on the request for a change in pastoral relations now, or the presbytery could postpone dealing with it until after the review is completed. Either way, the review process would continue. It is not stopped or affected in any way by the request for a change in pastoral relations.

The ministry personnel review is well underway and the pastoral charge's Ministry and Personnel Committee has just received a note from the ministry personnel's doctor indicating that they are too unwell to continue working at present. What do we do?

A ministry personnel who is too ill to work is likely too ill to participate fully in the review process. Under human rights legislation, the ministry personnel has the right to reasonable accommodation for the medical disability. Also, a ministry personnel who is unwell is not likely able to respond to the concerns, and thus the right to natural justice cannot be honoured. The review process does not have to come to a complete halt. The reviewer may continue to gather information from all sources except for the ministry personnel, and it is advisable to do so while events are fresh in the minds of those who are providing input. The reviewer may continue with the review process up to the point of hearing a response from the ministry personnel. At that point, the review process may need to be put on hold until the ministry personnel is medically certified as ready to return to work. These situations are often not clear-cut. The medical disability may be partial, and the ministry personnel may be permitted to return to work on a part-time basis. The presbytery will likely need to consult with the Conference executive

secretary, personnel minister, and General Council legal staff to ensure that the ministry personnel's legal rights are honoured.

The presbytery secretary has just received the reviewer's report. Does anyone else receive a copy?

The presbytery secretary should check that the ministry personnel has also received a copy of the reviewer's report. The pastoral charge should also be given a copy through its governing body c/o chair or secretary. These tasks are usually completed by the reviewer, but it is wise to ensure that they have been completed. If not, the presbytery secretary should send or deliver a copy of the report to the ministry personnel and the pastoral charge. The presbytery secretary should also read the recommendations contained in the report to see if they specifically affect anyone else. For example, if there is a recommendation that disciplinary action be taken against a named lay member of the pastoral charge, that person should receive a copy of the report as well.

The chair of the pastoral charge's governing body has asked us whether the report may be distributed within the pastoral charge. Isn't it a confidential document?

When the report is given to the pastoral charge's governing body, the governing body should be advised of the need to exercise discretion with the report. It is preferable to limit distribution of the report to the governing body, and for members of the governing body not to talk about the content of the report with others in the congregation or outside.

The report and recommendations will likely contain sensitive information about the functioning of the ministry personnel in the pastoral charge. The presbytery needs that information in order to make a decision on the recommendations. Under our polity, it is the pastoral charge's governing body that is responsible for representing the pastoral charge's interests to the presbytery. Because the recommendations will have some impact on the pastoral charge, the governing body of the pastoral charge also needs the information contained in the report in order to be able to speak to the recommendations that affect the pastoral charge. Other individuals may be interested in what the report contains, but they do not need to know, particularly at this stage of the process.

How do we deal with the report?

The next step is to schedule a meeting of the presbytery to deal with the report. Generally, the presbytery deals with the report through its executive. The report may contain some personal and sensitive material, and it is easier for the executive to deal with the matter in a discrete and expeditious way. Containing this sensitive information is more possible if the report is distributed to the executive only. It becomes more of a challenge when the report is distributed in advance to a large group of people. The full presbytery, however, has the right to deal with the report if it chooses.

If there is already an executive meeting scheduled within the next few weeks, and the agenda is not too full, the report may be added to the agenda. But it may be preferable to schedule a special meeting. When the agenda for the meeting is being set, the secretary and chair, in consultation with the Conference executive secretary or personnel minister, should settle on a process for dealing with the report. For example, they may decide to allow the reviewer 10 minutes to introduce the report, 20 minutes for members of the executive to ask questions of

the reviewer, 30 minutes for the ministry personnel to respond to the report, 10 minutes for the pastoral charge representatives to respond to that recommendation, followed by additional time for the executive to debate the recommendations and take any action it chooses. The specifics of the agenda are subject to the will of the entire executive and may be modified at the outset of the meeting, but it is helpful to have a proposed agenda.

When is the report distributed to the executive (or the full presbytery)?

If the presbytery executive is dealing with the report, all members of the executive should be given a copy of the report in advance so that they will have read it before the meeting. Members of the executive should be advised to keep the report confidential prior to the meeting. When the meeting is held, the executive will need to make a decision about the distribution of the report. If the full court is dealing with the report, copies should be made for all members. The copies should be numbered and distributed at the meeting. Since the report is likely lengthy, there will need to be some time on the agenda allowed for reading the report—perhaps half an hour or longer.

Who gets notice of the meeting?

The following parties receive notice:

- the ministry personnel
- the pastoral charge through its governing body c/o chair or secretary
- anyone specifically affected by the recommendations in the report (for example, if disciplinary action is recommended for a named lay member of the pastoral charge, that person would be entitled to notice)
- the reviewer

How should notice be given, and what should it say?

All notices should be in writing and should be given by assured delivery (registered mail), fax, or personal delivery at least a week before the meeting takes place. A sample notice letter is available from the General Council Office. The notice should

- give the date, time, and location of the meeting
- indicate that the presbytery will deal with the recommendations at the meeting
- invite the parties to attend the meeting to speak to the recommendations
- invite the pastoral charge to send representatives to speak to the recommendations (be explicit that representatives may attend, but it would be unnecessary—and probably not helpful—for the entire governing body to attend)
- specify the amount of time that is anticipated for the pastoral charge and anyone else affected by the recommendations to speak to the recommendations, for example, X minutes for the ministry personnel, Y minutes for the pastoral charge representatives

If this is a regularly scheduled meeting of the executive, and the ministry personnel already receives notice as a member of the executive, that notice is not adequate. The ministry personnel is entitled to a special individual notice, as the individual under review.

What if the ministry personnel is not available on the date that we have chosen?

The presbytery executive must make some effort to accommodate the schedule of the ministry personnel. Keep in mind that the ministry personnel has the most at stake. For that reason, the ministry personnel must be treated with generous fairness. That would include rescheduling the meeting if the ministry personnel has an unavoidable prior commitment, for example, if their spouse is scheduled for surgery the day of the meeting. It would also include some effort to accommodate the schedule of the ministry personnel's lawyer (if they choose to have one). The presbytery should not, however, allow the ministry personnel to assume control over the scheduling of the meeting. Except for situations involving serious illness or other emergency, one postponement is adequate for fairness.

What happens in the meeting where the recommendations are under consideration?

If this is a meeting of the presbytery executive, all members of the executive will have received and read a copy of the report. If it is a meeting of the full court, numbered copies of the report should be distributed to members at the meeting, and time should be allowed for them to read the report. (Since the usual practice is for the presbytery executive to deal with report, the comments below assume that it is a presbytery executive meeting.)

The presbytery executive should pass a motion receiving the report for consideration. If there are representatives of the pastoral charge present, or if the ministry personnel has a lawyer or other representative present, the executive should adopt a motion making those individuals corresponding members for the purposes of this item of business.

The reviewer is given an opportunity to speak to the report. They may wish to draw attention to a particular piece of the report, or to offer comments about the report. They may be present in person or by telephone. Where the review has been conducted by a review committee, it is best, but not essential, if all members are present for this meeting. The presbytery executive may wish to ask questions of the reviewer to clarify any of the conclusions and recommendations in the report.

The ministry personnel has an opportunity to speak to the report. The pastoral charge has an opportunity to speak to the recommendations that affect them. Anyone else specifically affected by a recommendation also has an opportunity to speak to that recommendation.

The presbytery chair then asks the reviewer, the ministry personnel under review, the ministry personnel's legal counsel (if present), the ministry personnel's support person (if present), the pastoral charge representatives, and anyone else present other than members of the presbytery executive to leave the meeting so that the executive may consider what action it will take in response to the recommendations.

Just before people are asked to leave the meeting, the presbytery chair should check with all parties—especially the ministry personnel—how they wish to receive notice of the decision. The normal process for giving notice is addressed in a question below.

The ministry personnel has shown up with a lawyer. Do we have to allow the lawyer to speak instead of the ministry personnel?

Under Canadian law, people cannot be deprived of the right to legal counsel. The lawyer would be made a corresponding member of the executive by motion, in order to have the right to speak at the meeting. The recommendations made by a reviewer in a ministry personnel review may affect the rights of ministry personnel in a significant way, and the right to counsel must be honoured. The chair should remind the ministry personnel and the lawyer of the time that has been allotted to the ministry personnel for response. The ministry personnel and the lawyer may choose to split that time between the two of them, or either of them may do all the talking during the time allotted for response. That's up to them. If they indicate that they need more time, the executive should be flexible—within reason. For example, it would be reasonable for the executive to allow an extension from 30 to 40 minutes if requested—but not an hour or two more.

What if the ministry personnel under review is a member of the executive?

The same process would be followed as outlined above. The ministry personnel must withdraw from the meeting before the executive starts its deliberations. The ministry personnel is in a conflict of interest in any recommendations that relate to the ministry personnel, and should not be permitted to stay to participate in the remaining part of the meeting. The same would be true if the partner, a close relative, or a close friend of the ministry personnel is a member of the executive. This person would be in a conflict of interest and must leave the meeting before the executive starts to debate the recommendations. If the ministry personnel (or partner or close relative) is the chair or secretary of the presbytery, the remaining members of the executive need to appoint an acting chair or acting secretary for the purposes of this meeting.

Are there any other special considerations to bear in mind for this meeting?

Depending on the nature of the recommendations, the meeting can become an emotional one. The presbytery chair may wish to consult with the Conference executive secretary or personnel minister in advance of the meeting to get fully briefed and prepared for all contingencies. For example, the chair should keep in mind that only the executive may ask questions of the reviewer. The ministry personnel has an opportunity to speak to the executive, but is not permitted to ask questions of the reviewer, nor to question the executive about the action that the executive might be taking. If the meeting becomes too heated, the chair should feel free to call for a brief recess at any point.

How do we document our action on the recommendations?

The presbytery needs to take action on the report by motion. There may be a separate motion for each recommendation, or the recommendations may be dealt with in one motion. The executive should also consider how the written report is to be handled. The usual practice is for the executive to order all copies destroyed except for the copy appended to the minutes and any copies needed for those involved in the implementation of the decision. As a final motion, the executive would dismiss the reviewer with thanks. A sample motion is available from the General Council Office.

Who gets notice of our decision? How?

It is the presbytery's responsibility to give notice to the ministry personnel, pastoral charge, and reviewer of the action taken on the recommendations. After the meeting, the presbytery chair or secretary could call the ministry personnel first and inform them of the decisions made. Then, the chair of the pastoral charge's governing body and the reviewer should be called. There should also be official notice in writing sent to the ministry personnel and to the pastoral charge through the governing body c/o the chair or secretary. If a decision has been made on a recommendation that specifically affects any other person, that person should receive the same notice by telephone and in writing. Anyone designated in the motions to assist with their implementation should also receive notice of the decision, both by telephone and in writing. For example, that might be the presbytery Pastoral Oversight Committee or the Conference personnel minister. The presbyter(s) who have been asked to provide pastoral care to the pastoral charge should also be informed of the decision; notice by telephone would be adequate.

The presbytery should also consider calling a meeting of the pastoral charge for the purpose of

- informing all members of the presbytery decisions
- answering any questions about the implementation of the decisions
- assuring the pastoral charge that it will receive ongoing care and support from presbytery

What happens to the reviewer's report after our meeting?

One copy of the reviewer's report is included with the official minutes of the presbytery. Normally, the report would not be included with the minutes that are sent to all presbyters. Since the report forms part of the presbytery minutes, however, any presbyter wishing to see a copy is entitled to ask for one. Members of the executive should turn in their copies to the presbytery secretary to be destroyed. The motions made in response to the report and its recommendations are included in the minutes and would be circulated to the presbytery as per the usual practice.

The governing body of the pastoral charge has also been given a copy of the report. The presbytery should remind the governing body of the sensitive nature of the report, and recommend that they deal with the report in a similar manner, i.e., members turn in their copies to the secretary of the governing body to be destroyed.

The ministry personnel has given us a written response to the reviewer's report. Do we append that to the minutes?

The presbytery (executive) should receive the response of the ministry personnel by motion. Once received and reviewed by members of the presbytery (executive), it would be treated in the same way as the reviewer's report. That means one copy of the response is included with the official minutes of the presbytery, but not normally included with the minutes that are sent to all presbyters. Any presbyter wishing to see a copy of the response is entitled to ask for one, since it forms part of the presbytery minutes. If copies of the response have been made to allow members of the executive to review it, members should turn in their copies to the presbytery secretary to be destroyed.

Checklist for Presbytery

Conducting a Ministry Personnel Review

Ordering the Review

- Have you adopted a motion ordering a review under Section J.9.3 of *The Manual*?
- Does that motion name the specific ground or grounds under Section J.9.3 for the review—using the exact wording contained in that section?
- Have you discussed whether this review should be conducted by an individual reviewer for a fee or by a volunteer review committee?
- If you have chosen a review committee, have you discussed who should serve on it (same or different presbytery or Conference)?
- Have you checked with the prospective individual reviewer or members of the review committee as to their availability and conflict of interest concerns?
- Have you adopted a motion appointing the reviewer?
- If you have chosen an individual reviewer to conduct the review, does the motion also specify the fee arrangements?
- Have you made arrangements for one or more people to be assigned to provide pastoral care to the ministry personnel and pastoral charge?

Informing the Ministry Personnel and Pastoral Charge

- Have you contacted the ministry personnel and advised them that a review has been ordered?
- Have you contacted the chair of the governing body of the pastoral charge and advised them that a review has been ordered?
- Have you consulted with the ministry personnel and chair as to how the pastoral charge will be informed? For example, notice in the order of service for the next two Sundays, announcement at announcement time during Sunday worship, congregational meeting announced this Sunday and to be held after worship next Sunday.
- Have you informed the pastoral charge via notice, announcement, and/or meeting as suggested above?
- Have you shared the name(s) of the reviewer with the ministry personnel?
- Have you informed the ministry personnel and pastoral charge of the name(s) of the person(s) assigned to provide pastoral care to them?

Worship

- Have you considered how to integrate worship into the review process?

Preparing to Deal with the Report

- Have you received the report from the reviewer?
- Has the ministry personnel received a copy of the report from the reviewer?
- If not, have you given a copy of the report to the ministry personnel?
- Has the pastoral charge received a copy of the report from the reviewer?
- If not, have you given a copy of the report to the pastoral charge?
- Have you read the recommendations to see if they specifically affect anyone else (for example, discipline for a named lay member of the congregation)?
- If there are such recommendations, have you given a copy of the report to those affected?
- Have you—as an executive—decided whether the report will be dealt with by the executive or by the full court?
- Have you determined the process that will be followed at that meeting, for example, how much time will be allotted for the ministry personnel, the pastoral charge—and anyone else affected—to respond to the recommendations?
- Have you scheduled a meeting at which to deal with the report?
- Have you arranged for the reviewer to attend the meeting either in person or by telephone?
- Have you informed the ministry personnel in writing of the date of the meeting and of the process that will be followed at it, including the right of the ministry personnel to speak to the recommendations?
- Have you informed the pastoral charge (through representatives of the governing body) and anyone else who is specifically affected by the recommendations of the date of the meeting and of the process that will be followed at it, including their right to speak to the recommendations?
- If the report is to be dealt with by the executive, has a copy of the report been given to each member of the executive in advance?
- If the report is to be dealt with by the full court, have copies of the report been made and numbered for distribution at the meeting?

Dealing with the Recommendations at the Meeting

- Do all members of the executive/full court have a copy of the report?
- If the report has just been distributed to the full court, have you allowed time for reading it?
- Have you adopted a motion to make the representatives of the pastoral charge and anyone else speaking to the recommendations corresponding members of the court for the purposes of this meeting?
- If the ministry personnel has brought a lawyer or advocate, have you included that person in the motion as a corresponding member?
- Have you adopted a motion to receive the report?
- Has the reviewer presented the report?
- Have you asked any questions of the reviewer that you may have about the report?

- Have you heard any response from the ministry personnel that they wish to make to the recommendations?
- Have you heard any response from the representatives of the pastoral charge that they wish to make to the recommendations?
- Have you heard any response from anyone else specifically affected by a recommendation that they wish to make to that recommendation?
- Has the chair thanked everyone making presentations and asked them to leave the meeting so that the executive/full court may deliberate?
- Have you dealt with each of the recommendations by motion, i.e., to adopt the recommendation, to take no action on the recommendation, or to take other action in response to the recommendation other than the action recommended?

Does your motion indicate

- who is responsible for monitoring compliance with the actions ordered?
- who is responsible for making any follow-up decisions, such as the details of specific programs (could be the executive or delegated to a presbytery officer or committee)?
- what the timeline is for the action to be completed?
- what the consequence is if the action is not completed within the timeline (e.g., matter to be returned to the executive for further action)?
- that the reviewer is discharged with thanks?
- Have you collected the reports before members leave the meeting and checked the numbers to ensure that all copies have been collected?
- Have you decided how public the report is to be made? For example, are all copies in the presbytery's possession to be destroyed except for the official copy included with the minutes and the copies needed by anyone who is involved in the implementation of the decision?

Informing the Ministry Personnel

- Have you contacted the ministry personnel immediately after the meeting to inform them of the presbytery action?
- Have you contacted the person assigned to provide pastoral care to the ministry personnel to inform them about the presbytery action?
- Have you contacted the chair of the governing body of the pastoral charge immediately after the meeting to inform them of the presbytery action?
- Have you contacted those assigned to provide pastoral care to the pastoral charge to inform them about the presbytery action?
- Have you contacted anyone else who may be specifically affected by the recommendations to inform them of the presbytery action?
- Have you written to the ministry personnel, the pastoral charge, and anyone else specifically affected by the recommendations to inform them of the presbytery action? Note that this is in addition to contacting them by telephone or in person immediately after the meeting.

- Have you consulted with the chair of the governing body of the pastoral charge about the process for informing the pastoral charge of the action taken by the presbytery? For example, announcement at announcement time during Sunday worship, congregational meeting announced this Sunday and to be held after worship next Sunday.

Following Up with the Presbytery Decisions

- Have you informed the pastoral charge of the presbytery decision after or during a Sunday worship service or in a special meeting? Have you given members an opportunity to ask questions about the decision?
- Have you given a copy of the report to the presbytery officers/committees or others responsible for assisting in the implementation of the presbytery decision?
- Have you consulted with those assigned to provide pastoral care to the pastoral charge to determine the ongoing needs for pastoral care? Have you made any further arrangements necessary for pastoral care?

To the Ministry Personnel under a Ministry Personnel Review

The presbytery has made a decision to conduct a ministry personnel review under Section J.9.3 of *The Manual*. Here are some answers to questions frequently asked by ministry personnel about this process. See “Best Practices for Reviews” (pages 10–24) for more information.

What is the complaint against me?

This is often the greatest source of frustration. No one has made a formal complaint against you. If a formal complaint had been made, you would be entitled to receive a copy of it under the church’s dispute resolution policy (Section J.11 of *The Manual*). A review has been ordered because the presbytery has a concern about your effectiveness, and/or whether you have maintained the welfare of the church, and/or your recognition of the authority of the presbytery. The concern may have come to presbytery’s attention in a number of different ways. It may have been reported orally to the presbytery, it may have come from a number of sources, and there may be no written material relating to it other than the presbytery motion to order a review. But a review is ordered only when the presbytery decides that there is enough of a concern to warrant one, not simply because someone may have complained about you. The presbytery has appointed an individual reviewer or review committee to conduct the review. (Both are referred to as “the reviewer” in this resource.) Although the presbytery may have specific information that caused it to order the review, the reviewer will not be given that information. Therefore, the reviewer will have an open mind as they hear about your effectiveness.

Keep in mind the following points:

- Through the review process, there will be a thorough investigation of your effectiveness and/or your recognition of the authority of the presbytery.
- You will have opportunities to provide your own input in the investigation.
- You are entitled to have the reviewer seek input from other people that you name.
- You are entitled to know all information gathered in the investigation.
- Any decisions the presbytery makes about you can only be based on information that has been gathered in the investigation and shared with you.

What is my status while the review is underway?

The presbytery’s concern may or may not be substantiated as a result of the review process. There can be no presumptions about the outcome at this point. If you are in a pastoral relationship, that relationship continues and you are entitled to full salary and benefits while the review is in process. If you request a change in pastoral relations while the review is in process, the presbytery may approve the request or decide to postpone consideration of it pending the outcome of the review. Requesting a change in pastoral relations does not bring an end to the review process. The review is being conducted because you are subject to the oversight of the presbytery, not because you are in a pastoral relationship.

May I apply for a call or appointment while a review is underway?

It is probably more difficult to find work while a review process is underway. A Joint Search Committee may prefer not to deal with your application until the outcome of the review process is known. Of course, the shorter the review process, the less of an issue this will be. The presbytery has an obligation to ensure that the process is completed without undue delay to minimize any negative impact the process may have on you. If you are in this situation, seek assistance from your Conference personnel minister. There are often short-term appointments available within your Conference that may meet your needs for work during the review process.

What can I expect from my presbytery during the review?

The presbytery must take the initiative to provide you with pastoral care. If that does not happen immediately after the review has been ordered, contact your personnel minister for assistance. Regardless of the outcome, a review can be a stressful experience. It is critical for the presbytery to make adequate pastoral support available to you, your family, and your pastoral charge throughout the process.

How do I ensure that my side of the story is heard by the reviewer?

The reviewer will meet with you at least twice during the process. You will also have a chance to speak to the presbytery about the reviewer's recommendations before any decisions are made. In addition to participating in those meetings, there are a number of things you can do at the start of the process to make your participation effective:

- Educate yourself about reviews. Read “Best Practices for Reviews” (pages 10–24) and contact the Conference executive secretary or personnel minister for any clarifications or further information that you need.
- Know the focus of your review. Get a copy of the presbytery motion that sets out the grounds (effectiveness and/or recognizing the authority of presbytery).
- Make a list of people who have first-hand information or opinions about your ministry that you want the reviewer to hear. Give the reviewer the list (include phone numbers or e-mail addresses) and ask them to contact those people for input. (*Note:* The review process will be quicker and more focused if you limit your list to people who have the most familiarity with your ministry and will make the kind of comments that you particularly want the review committee to hear. It is reasonable to ask the reviewer to interview 10 people named by you, but not hundreds.)
- Make a list of any questions you have about the process the reviewer will be following, timelines for meetings, and so on. Ask those questions at your first meeting with the reviewer.
- Ask the reviewer to give you a summary of the information gathered in writing before they meet with you to hear your response. Read the summary and make written notes about any places where you think that the information is inaccurate, incomplete, or needs an explanation from you.
- Take your notes to the meeting where the reviewer hears your response.

- If you feel that you could respond better on paper than orally, write down your response and give it to the reviewer. Or you may choose to do both: speak to the reviewer and follow up that meeting with a written response.

When I meet with the reviewer, can I bring someone with me?

Yes. You are entitled to bring a support person with you. The roles must be kept clear. The support person should not be someone who has given input in the process to the reviewer. Also, you have the right to be represented by legal counsel if you choose.

Do I get to find out who said what about me to the reviewer?

Yes. You are entitled to the details of every piece of information that the reviewer relies upon in the report. That includes the names of the individuals who provided information to the reviewer, and the content of what they said, including dates, times, and places that events took place. You are entitled to know all of this information, and to respond to it, before the reviewer comes to any conclusions. The reviewer cannot include any information in the final report that has not been shared with you beforehand. The only information not disclosed to you would be information that the reviewer has received that they consider irrelevant to the review, and that is not reflected in their findings or recommendations.

When do I find out who said what about me?

You will probably receive a copy of the information gathered by the reviewer before they meet with you to hear your response. The reviewer will give it to you at least a few days before the meeting to allow you a chance to consider the information and prepare your response to it.

Alternatively, the reviewer may give all the information to you orally, piece by piece, at the response meeting, and ask for your response. If you are hearing the information for the first time at the response meeting and you would like more time to respond, you can indicate that to the reviewer. There could be a second response meeting held a few days later, or alternatively, you could provide your additional response to the reviewer in writing.

What happens after the response meeting?

The reviewer will consider your responses to all the information and will write the final report. The report will include the information, your responses, and the reviewer's findings, conclusions, and recommendations. The reviewer will deliver the final report to the presbytery. You will receive a copy. It will be given to you either directly by the reviewer or forwarded from the presbytery after the presbytery receives it from the reviewer.

How do I find out about the presbytery action on the report?

Before the presbytery takes any action on the recommendations contained in the report, you must be given an opportunity to respond to the report at a presbytery meeting. The presbytery has no right to take action on the recommendations until you have been given this opportunity. In most cases, action is taken at a meeting of the presbytery executive, not the full presbytery. You are entitled to receive written notice of that meeting and you are entitled to time to prepare

for that meeting. That means you must be given at least one week's notice of the meeting after you receive a copy of the report.

May I bring someone with me to the presbytery (executive) meeting?

You are entitled to have a support person present, and/or to be represented by legal counsel if you choose. It is reasonable for the presbytery to allow you to bring one or two people with you, but not a large group of supporters. The presbytery has the right to regulate its own meeting process and is entitled to object to a large group on the basis that it could make the meeting unwieldy.

What happens at the presbytery (executive) meeting?

The reviewer presents the report. The presbytery (executive) may ask questions of the reviewer. You are entitled to be present for that part of the process. Next, you have an opportunity to respond to the reviewer's report. The presbytery may indicate to you in advance that there will be a time limit on your response. A time limit of, for example, 30 minutes would be reasonable. After you have made your presentation to the presbytery, you, your support person, and the reviewer will all be asked to leave the meeting. That allows the presbytery to consider what they have heard from the reviewer and from you, and to decide what action to take on the reviewer's recommendations.

How will I find out what action the presbytery will be taking on the reviewer's recommendations?

You are entitled to be informed of the presbytery's decision after the meeting. In many cases, a presbytery officer will telephone you after the presbytery meeting to inform you of the decision. If you would like a telephone call, you should mention that to the presbytery. In all cases, the presbytery will give you official notice in writing by a letter sent or delivered to you after the meeting.

What if I disagree with the action that the presbytery takes in response to the recommendations?

You have the right to appeal the presbytery's decision to the Conference if you do not agree with it. Your appeal must be based on the specific grounds contained in *The Manual* (Section J.13.6), and it will be up to the appeal committee to decide whether those grounds are met or not. There are time limits with which you must comply for starting an appeal process. Please consult with your Conference executive secretary for more information.

The presbytery and the reviewer have been given all of the above information.
They are aware of your rights and of the importance of honouring them in all respects.

To the Review Committee

Conducting a Ministry Personnel Review

The presbytery has approached you to conduct a ministry personnel review under Section J.9 of *The Manual*. Here are some answers to questions frequently asked by review committees about this process. See “Best Practices for Reviews” (pages 10–24) for more information.

How much time will this take?

More than you might think! Almost all review committees comment at the end of the process that it took more of their time than they originally estimated. You need to be realistic about your own availability. Do you have a few hours a week for the next three months that you could—potentially—devote to the task? In addition, are you available for six or seven full days over the next three months for interviews, meeting to deliberate as a review committee, and writing and editing the report? Is your time fairly flexible to accommodate the meeting schedules of others? That’s a rough guideline of what you might expect, although at the outset of a review, it is almost impossible to predict exactly how much time the process will take.

Am I suited to this task?

If the presbytery has approached you, the presbytery believes that you have the skills and gifts necessary to do this work. You may wish to do your own reflection before committing. Are you a good listener? Are you able to be critical and discerning about what you hear, sifting through the information gathered and coming to conclusions about what the truth is? Are you able to make hard decisions that may be unpopular? Some review committee members have found satisfaction in participating in a task that, while intense, is completed within a short time period, as opposed to an ongoing committee commitment.

I don’t really consider the minister as my close friend, but his teenage son babysits for our family regularly and took care of our house while we were on summer vacation this past year. Does that mean I am in a conflict of interest and should decline to serve on the review committee?

It is critical to avoid a conflict of interest. Even if you feel you can be objective, it is important to consider how others might view your participation. You have raised some factors that might give others pause for concern. Simply by raising these factors, you have answered your own question: you should disclose the potential conflict of interest to the presbytery and err on the side of caution by declining to participate. See “Best Practices for Reviews” (pages 10–24) for more information.

How can I provide pastoral support to the ministry personnel and the pastoral charge in this process?

You cannot. Your specific role is to conduct the review, and the expectation is that you will undertake this role with compassion and sensitivity. But you cannot perform another function—that of pastoral support person—at the same time. It is the presbytery’s responsibility to ensure

that pastoral care is provided for the ministry personnel, their family, and the pastoral charge. If you sense that this responsibility is not being met, you could raise it with the presbytery or Conference personnel minister.

If I agree to serve, what do I do first?

Get a copy for your files of the presbytery motion(s) ordering the review and appointing you as a member of the review committee. The presbytery motion should outline the specific grounds under Section J.9.3 of *The Manual* on which you are to conduct the review. If the motion is not that specific, ask the presbytery to clarify the grounds—and to do so in another motion. Also, ensure that you are specifically named in the presbytery motion. That will avoid any question in the future about whether you were properly appointed, which will help protect you in case any legal action is ever taken in relation to the review.

This is a ministry personnel review, but the presbytery recently conducted a pastoral charge review of the pastoral charge that this ministry personnel is serving. Can we save time and use the information gathered in the pastoral charge review?

No. You may hear much of the same information as did the reviewer in the pastoral charge review, and people may be unenthusiastic about telling their stories again. It may seem to them like “reinventing the wheel.” But if you simply used the information gathered by another reviewer, you would not be hearing first-hand from the individuals providing that information. You would not be able to assess their demeanour and body language, which is an important part of assessing the credibility of the information. You would not be able to ask questions of the individuals to have them clarify or elaborate any points.

Legally, the ministry personnel is entitled to have the review committee make its conclusions and recommendations based only on first-hand information. Information that comes from another review committee is hearsay and cannot be used. Remember, there is a lot at stake for the ministry personnel. One possible outcome is that the pastoral relationship may be dissolved. In these kinds of situations, the law requires that the ministry personnel be treated with a very high degree of legal fairness.

The presbytery recently conducted a pastoral charge review of the pastoral charge that this ministry personnel is serving. Should we interview the reviewer in the pastoral charge review?

No. You must rely on first-hand information, not information gathered by other sources. The reviewer in the pastoral charge review cannot tell you how they experienced the ministry personnel’s ministry first-hand. Their only involvement with the ministry personnel has been within the context of the pastoral charge review process. Their role in that process was as investigator. They cannot switch roles and serve as witness in this process. The Ministry Personnel Review Committee must gather its own information from people who have first-hand experience with the ministry personnel—from members of the congregation, congregational staff, presbyters who served on committees with the ministry personnel, and so on—and not rely on facts gathered by others.

Can we talk to the ministry personnel's previous pastoral charge or presbytery?

As a review committee, you are entitled to seek input from anyone who has information that you believe to be relevant to the issues (effectiveness and/or recognizing the authority of presbytery). A few exceptions are described below. Apart from those exceptions, you are free to contact a previous pastoral charge or presbytery if you feel that it would be helpful. Remember, of course, that the more dated the information, the less relevant it will be to the current concerns. As with all other information that you gather, information from previous pastoral charges or presbyteries must be shared with the ministry personnel, and they must be given an opportunity to respond to it before you decide what conclusions you will draw from it.

If we learn that the ministry personnel has had a previous ministry personnel review, what do we do with that information?

It depends. First, how do you know that a review was held? Is this the same presbytery, so that you have a copy of the minuted action around the previous review? Does anyone that you have interviewed have first-hand knowledge that a review was held? Have you asked the minister whether this is the first ministry personnel that they have undergone?

If the ministry personnel has previously undergone a ministry personnel review, which resulted in a finding that the ministry personnel *was effective*, it is not relevant to the current review and you would do nothing with that information.

If there was a finding that the ministry personnel *was ineffective* and required to do some remedial work, it is important for the review committee to keep in mind that, since the ministry personnel was restored to good standing in active ministry, the remedial requirements were met. The concerns that triggered the previous review had been addressed to the satisfaction of the presbytery that ordered that review, and do not need to be probed as part of the current review. The review committee could, however, ask the ministry personnel whether the issues triggering the current review are the same, whether they are completely new, and what they have learned as a result of the previous review. Those questions may give the review committee insight into the ministry personnel's current effectiveness and/or recognition of the authority of the presbytery.

The ministry personnel has given us a list of 50 people for us to contact for input. Do we have to do that?

The review committee should make every effort to accommodate the ministry personnel's direction around whom to contact. Always remember, it's the ministry personnel who has the most at stake in the process, since the review committee has the power to recommend the dissolution of the ministry personnel's pastoral relationship. At the same time, it is not reasonable to expect the review committee to contact hundreds of people. For large numbers of people (fewer than hundreds!), the review committee might split the list, contact each person by telephone, and ask if they are available on a particular fixed date for an interview. If so, an interview could be scheduled. If not, the interview could be conducted by telephone at that point, using some predetermined questions. That would strike a balance between fairness to the ministry personnel and reasonableness for the review committee.

Is there anyone from whom we should not get input?

It would be inappropriate to seek input from the Conference personnel minister or executive secretary. As staff, they have specific functions to perform in the process and they cannot serve two roles at the same time. The Conference personnel minister often assists in the implementation of any recommendations of remedial work for the ministry personnel that result from the review. If the Conference personnel minister participates in the review as a “witness,” it compromises their ability to assist in the implementation of the recommendations afterwards.

What do I do with my notes afterwards? How long do I keep them?

Keep your notes until the presbytery has made a decision on your recommendations and the time for appeal has expired. That time period varies; consult with the presbytery secretary. Generally, the latest it would be is 45 days after the presbytery secretary sends out the minutes for the decision made by the presbytery in response to the recommendations. There is no need to keep your notes beyond that time period if your report is thorough and comprehensive. All of the important, detailed information from your notes should be included in the review committee’s report.

When we are conducting interviews, how active a role do we play?

You need to strike a balance between allowing people simply to tell their stories, and asking questions to focus the interview on getting information relevant to the issues. If you have a large number of interviews to conduct, you need to be sensitive to making the most effective use of your time.

Perhaps you could ask interviewees whether they wish to make an opening statement for no more than, say, five minutes. If they choose to make a statement, you could feel free to intervene with questions at the stated five-minute mark. If they choose not to make a statement, you could prompt their response by asking questions such as “How have you experienced X’s ministry?” “Has X been an effective worship leader?” or “What is X’s participation like in Church Board meetings?”

It is helpful for the review committee to develop a list of questions beforehand that could be asked of everyone. Those questions should be open-ended, not leading. For example, ask “How do you find X as a pastoral care provider?” Do not ask “So how bad was X at pastoral care?” or “Do you agree that there were a lot of shortfalls in how X provided pastoral care to the congregation?” Leading questions invite a particular response. Your questioning must reflect a neutral and unbiased approach. You must not express any opinions about this matter until you get to the stage of writing your final report.

The goal of the interviews is to get the fullest picture possible. If underlying issues start to emerge in the response that an interviewee is giving, the review committee should feel free to deviate from its list of questions to explore those underlying issues.

Several members of the congregation have told us that they are uncomfortable with having their names used in the report and that they will only speak to us on a guarantee of confidentiality. Is this acceptable?

No! You must tell people at the start of every interview that their names may be included in the review committee's report. You must also tell them that their names—and what they have said—will be shared with the ministry personnel. If they cannot accept that arrangement, they have the option of not continuing the interview. Do not tell them that anything is “off the record.” Do not tell them that you won't use their names or information in the report but you still want to hear their input. In that situation, it would be very difficult for you to prove that you weren't influenced in some way by this “secret” information. See more about confidentiality on pages 14–15.

It is a basic principle of natural justice that the ministry personnel be given the name of each person providing input about them—and the details of that input. If that principle is not honoured by the review committee, the consequences for the whole review process can be very serious. Any decision made by the presbytery in response to the recommendations may be overturned on appeal or by the secular courts because of the breach of natural justice.

We have a really great idea for a different review process. Can we use it?

It would be wise for the review committee to limit its process to the steps that are specifically referred to in this resource, unless you first check with the Conference executive secretary or personnel minister. Even actions that are taken with the best of intentions may carry with them the unintended consequence of jeopardizing the whole review process!

We have conducted all the interviews and read all the written material given to us. What do we do with it?

You prepare a summary of the input you have received. The summary will be given to the ministry personnel so that they have enough information to respond fairly to all the input.

See “Writing the Report” (pages 25–27). At this stage, you need to complete the following steps listed in that chapter:

- Establish the reviewer's authority to conduct the review and make the recommendations
- Outline the process followed for the review
- Summarize the information gathered

You do not make findings or recommendations at this point. You will not be in a position to complete those steps until the ministry personnel has had an opportunity to respond to everything in the summary. Once you have compiled the information in this way—and before you give it to the ministry personnel—ask the Conference executive secretary or personnel minister (depending upon the practice in your Conference) to review it. They—in turn—may ask the legal counsel at the General Council Office to review it as well to ensure that it contains the necessary level of detail and other requirements in order to honour the natural justice rights of the ministry personnel.

How much detail do we need to include in the summary that we give to the ministry personnel?

Where the comments you heard reflect negatively on the ministry personnel, you need to include all of the details that you heard (name of person giving you the information, dates and places where events were alleged to have occurred, who was there, who said what, the context, and so on).

The ministry personnel is entitled to that level of detail. If you tell the ministry personnel that “Mary Brown says that you get angry at council meetings,” it is almost impossible for them to respond to that comment, other than to say “No, I don’t” or “Yes, I do.” That’s not fair to the ministry personnel. And it doesn’t help you decide whether they are effective or not.

Instead, you could tell the ministry personnel that “Mary Brown says that at the council meeting on the second Tuesday in May, in the discussion around whether to proceed with renovations to your study, you got angry. She said that happened right after the Finance Committee reported that there were no funds for renovations right now. She said that you raised your voice, threatened to resign, and left the meeting in a huff.” The ministry personnel would know exactly the circumstances and the context, and could explain (for example) that while the outburst was inappropriate, she had just spent two nights without sleep visiting a parishioner in hospital, that she was dismayed because she’d been told the previous day by the chair of the Finance Committee that he didn’t see any problem with the cost, and that the mould on the study walls was causing an ongoing allergic reaction.

The review committee must include details in order to honour the ministry personnel’s right to natural justice. The details also help paint a clearer picture of the underlying causes of the current situation. In this example, there may be issues around congregational finances, functioning of the Finance Committee, occupational health and safety, or overworked ministry personnel. The purpose of a review is to be remedial, and with a full appreciation of the context, the review committee may be able to address some of these underlying causes in their recommendations.

Once the Conference executive secretary/personnel minister has commented on the summary, what do we do with it?

Give the written material to the ministry personnel and set up a meeting for them to respond to it. The ministry personnel will likely want a few days (or a week) to review the material and consider a response, and you must honour that. If the ministry personnel wishes to respond immediately, that’s fine, too. If the ministry personnel wishes to bring a lawyer to the response meeting, they may ask for more time to allow for the lawyer’s schedule. The review committee must, however, remain in control of the process. It would be unreasonable (except in the case of serious illness or similar reasons) for the ministry personnel—lawyer or no lawyer—to insist on more than a month to prepare for the response meeting.

What do we do in the response meeting with the ministry personnel?

You go through each piece of information that you have gathered that has a negative impact on the ministry personnel, and ask for their response. You note the response given. You ask questions in order to get a full and accurate response. For example, if the ministry personnel responds by saying “That’s not how I remember that meeting,” you need to ask for their version of events. Ask enough questions so that you are in a position to decide what really happened and whose version is correct. The response meeting is often a long, slow, laborious process, but it is critical to get the ministry personnel’s response to every negative allegation.

It is also wise to discuss the positive comments that you have heard about the ministry personnel. While there’s no legal requirement that the ministry personnel have an opportunity to respond to positive comments, it does let them know that you have a balanced picture of the situation.

What do we do with the ministry personnel’s responses?

You include the ministry personnel’s response to the summary in your report. For each piece of information, insert the ministry personnel’s response and your assessment of it. For example, where you have inconsistent versions of events, you must indicate which version you prefer and why.

We have all the facts from everyone involved. We know that we must come up with some recommendations. Anything else?

There’s one critical step in between. The review committee must come to a conclusion—and must state that conclusion in the report. Depending on the grounds named by the presbytery for this review in the presbytery motion, you would conclude that

- the ministry personnel is effective
- the ministry personnel is not effective
- the ministry personnel recognizes the authority of presbytery
- the ministry personnel does not recognize the authority of presbytery

These are the phrases used in Section J.9.3 of *The Manual*, and they should be used in your conclusion. Your very task is to come to a conclusion with those words! If you try to express your conclusion in different words, it may create ambiguity and confusion. As long as you are clear by using those exact phrases (as applicable to your review) you can—and should—elaborate, explain, and offer commentary and reasons for your conclusion.

See “Writing the Report” (pages 25–27) for more information.

What kind of recommendations may we include?

Please refer to Section J.9.4 of *The Manual*. There are several specific kinds of actions listed that the review committee might recommend. There is also a general clause that allows a presbytery to order “other action that the presbytery decides is in the best interests of the pastoral charge

and the ministry personnel.” If you choose to recommend one of the actions listed in Section J.9.4, you should follow the language of that section. There is no need for the review committee to be creative in language at that point, and doing so may give rise to confusion. See “Writing the Report” (pages 25–27) for more information.

How do we decide on recommendations?

Once you have come to your conclusion about the ministry personnel’s effectiveness or recognition of the authority of presbytery, you may wish to seek assistance from the Conference personnel minister or executive secretary in determining the appropriate recommendation. One way of approaching the situation is to ask: Where does the ministry personnel fall short of the skill level that we would expect? What kind of remedial action would address that deficiency? Sometimes, the answer is for the ministry personnel to take a particular program of study in an area of weakness.

We think that the ministry personnel is effective and that it’s the pastoral charge that is problem. What do we do?

In many cases, there are issues in the pastoral charge that require addressing—regardless of whether or not the concerns about the ministry personnel are substantiated or not. Section J.9.4 of *The Manual* is broad enough to allow a Ministry Personnel Review Committee to make recommendations either to discipline the pastoral charge or to take action that is in the best interests of the pastoral charge.

We suspect that the ministry personnel may have an untreated psychiatric disorder, but we aren’t medical experts. What do we do?

See Section J.9.4(c) of *The Manual*. The review committee may recommend that the presbytery order the ministry personnel to undergo a medical, psychiatric, or psychological examination. The review committee could also indicate that the results of that examination would dictate what course of treatment—if any—would be appropriate for the ministry personnel to follow.

Once the report is finished, should anyone else read it before it is sent to presbytery?

Yes, the Conference executive secretary or personnel minister should review it, particularly to ensure that your recommendations are complete and workable. The executive secretary or personnel minister may ask the General Council legal counsel to review it as well.

After the report has been reviewed by the Conference executive secretary or personnel minister, what do we do with it?

You send or deliver your report to the presbytery. At the same time, you send or deliver a copy of the report to the ministry personnel. If you make recommendations that affect anyone else, you would get a copy of the report to them as well. For example, if you recommend that action be taken with respect to the pastoral charge, you would send or deliver a copy of the report to the governing body of the pastoral charge c/o the chair or secretary. This would be in addition to the copies that are always provided to the presbytery and the ministry personnel.

Is that the end of our task?

The final step in the process is for the review committee to attend the meeting where the presbytery considers and takes action on the recommendations. Usually, this will be at a meeting of the presbytery executive, not the full presbytery. It is best if all members of the review committee can attend that meeting, but if distance or other essential commitments prevent it, it is acceptable for only one or two to attend. At the meeting, all members of the presbytery (executive) will have a copy of the report. The review committee may wish to draw attention to a particular piece of the report, or to offer comments about it. The ministry personnel will have been invited to attend the meeting and will have an opportunity to speak to the report. Any comments made by the ministry personnel must be directed to the presbytery (executive). This is not an opportunity for the ministry personnel to ask questions of the review committee, and the presbytery (executive) should not permit that to happen. The review committee and ministry personnel then leave the meeting so that the presbytery may consider what action it will take in response to the recommendations.

What if I am sued as a member of the review committee?

Call the legal staff at the General Council Office if you are served with a claim or if you learn that legal action is likely. The legal staff will give you specific advice on dealing with the situation and, if necessary, arrange for legal representation for you. As an individual appointed by presbytery to a specific volunteer role, you have the benefit of insurance coverage through the General Council to pay for the defence of any lawsuits and to pay the cost of any compensation. In addition, there is indemnity by the General Council for people serving in a volunteer or paid capacity in the United Church. In short, as long as you carry out your task in good faith and to the best of your ability, you have nothing to fear from legal action.

We have heard that the ministry personnel is appealing the presbytery's decision to adopt our recommendations. Do we defend the appeal?

Once the presbytery (executive) takes action on the recommendation, there is a presbytery decision. If the ministry personnel appeals the decision, it is up to the presbytery to respond to the appeal and to defend the decision. The review committee does not have a role in the appeal process.

Checklist for Reviewer

Conducting a Ministry Personnel Review

If Asked to Serve on a Review Committee

- Do you have adequate time available to devote to this task?
- Do you have any connection with the pastoral charge or ministry personnel under review?

Getting Started

- Do you have a copy of the presbytery action appointing you and setting out the reviewer's mandate?
- Has the presbytery arranged for pastoral care for the ministry personnel, their family, and the pastoral charge?
- Has the presbytery informed the ministry personnel about the review?
- Has the presbytery informed the pastoral charge about the review?
- If this review is being conducted by a review committee, have you met as a committee to establish your process?
- How soon can you meet with the ministry personnel (high priority)?
- Who will contact the ministry personnel and make arrangements?
- Have you identified people with whom you particularly want to meet (e.g., congregational staff, pastoral charge governing body or its individual officers)?
- Who will contact these people and make arrangements?
- What times and dates are you available for interviews with other people who may wish to meet with you?
- Whom do these other people contact to make interview arrangements?
- How will you communicate this process to the pastoral charge?
- Have you booked a location at which to hold interviews? Is it easily accessible?

Gathering Information

- Have you met with the ministry personnel to explain your process, to hear their story, and to obtain names of people that the ministry personnel would like you to contact?
- Have you decided how you will keep notes of all interviews?
- Have you communicated your process to the pastoral charge?
- Have you developed a list of questions that you wish to ask?
- Who (among review committee members) will take the lead in questioning?
- Have you explained to each person interviewed that names and information cannot remain confidential?

- Have you conducted interviews with everyone with whom you wish to speak?
- Have you conducted interviews with everyone who wishes to speak to you?
- Have you kept notes of all the interviews?
- Have you read any written submissions given to you?
- Are there any questions remaining that require follow-up interviews?

Preparing for the Response by the Ministry Personnel

- Have you identified themes emerging from the interviews and written submissions?
- If the review is being conducted by a review committee, have you discussed each theme individually with all the information gathered that relates to each theme?
- Who will collate and summarize the information in writing?
- After the information summary is written, have other review committee members had an opportunity to review it and make any additions or corrections?
- Have you given the information summary to the Conference executive secretary or personnel minister for review?
- After the information summary is finalized, have you given a copy to the ministry personnel?

Response by the Ministry Personnel

- Have you made arrangements with the ministry personnel for a response meeting to hear their response to the information summary?
- Have you met with the ministry personnel to hear their response?

Deliberating

- If the review is being conducted by a review committee, have you arranged for the review committee to meet to deliberate?
- Have you decided how you will keep notes of your deliberations?
- Have you referred to your mandate again as to the issues on which you are to make conclusions (effectiveness and/or recognizing authority of presbytery)?

Have you come to a conclusion that the ministry personnel

- is effective/ineffective?
- recognizes/does not recognize the authority of the presbytery?
- Have you discussed—and agreed upon—the reasons for your conclusion?
- Have you discussed—and agreed upon—your recommendations?

Writing the Report

- Who will write the report?
- What is the process for the other review committee members to read and comment upon the draft report?

- Have you read the chapter “Writing the Report” (pages 25–27)?
- Have you followed the steps in that chapter?
- Have you given the draft report to the Conference executive secretary or personnel minister for review?
- Have you finalized the report based on input from all committee members and the Conference officer?
- Have all review committee members signed the final version of the report?

Final Steps

- Have you given your final report to the presbytery?
- Have you given a copy to the ministry personnel?
- Have you given a copy to anyone else affected by your recommendations? For example, where recommendations relate to the pastoral charge, to the governing body of the pastoral charge *c/o* the chair or secretary?
- Have you made arrangements to attend the meeting at which the presbytery (executive) will deal with your recommendations?
- Have you kept your notes until the period has expired for any appeal from the presbytery decision on the report?
- Have you then destroyed your notes in a secure way (e.g., shredding)?



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