



The Church of Scotland

# **ELDERS AS MODERATORS OF THEIR OWN KIRK SESSION**

Training Resource  
Presbytery Facilitator's Pack

2017 Version

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## INTRODUCTION

Under Church of Scotland law an Elder or member of the Diaconate may moderate a meeting of their own Kirk Session as a result of Act VI of the Act Anent Kirk Session Meetings of 2004 of the General Assembly with certain provisos:

- That the Elder has undertaken and successfully completed approved training for the role;
- That the Elder or Deacon has discussed this training with their minister prior to applying for it;
- That their minister has supplied a reference in support of their attendance at this training; and
- Having attended training the Kirk Session agrees in advance of the occasion that the Elder or Deacon is required to moderate.

This training resource, developed on behalf of the Church of Scotland's Legal Questions Committee, is to be used to prepare Elders or Deacons to moderate a meeting of their own Kirk Session. As such the resource is to be used to deliver an approved training session, which a Presbytery decides to host having received requests from ministers, who have in turn given their approval that those Elders or Deacons are to be trained.

The resource has been designed so that an individual designated by Presbytery can locally facilitate a training session without requiring to draft in an outside trainer with specialised expertise, for example from one of the Church of Scotland's central departments. The pack is available online on the Church of Scotland website <http://www.churchofscotland.org.uk/elders>. Other training resources associated with Eldership can be found via Learn Online at <http://www.churchofscotland.org.uk/resources/learn/resources/eldership>. It is advisable for the Trainer/Facilitator to send out certain handouts prior to the training as pre-course reading. These would be:

- 1: Course programme
- 2: Act VI of the Act Anent Kirk Session Meetings of 2004
- 3: Extracts from 'The Office of Session Clerk' publication

Since the need for training could be low in some Presbyteries it is hoped that Presbyteries which see the need to deliver this training would consider proactively enabling those in neighbouring Presbyteries to also participate in the training session if they have the need. This resource might also prove useful as refresher training, if it is some time since an Elder or Deacon attended such training.

The materials should provide sufficient scope for a five hour training session which could be delivered as scheduled in this pack or, for example, split over two evenings. In essence, it is expected that the content delivered will not vary from Presbytery to Presbytery but programming of delivery can be varied to suit local needs. It is important to note that this is a Trainer's Pack and not a script.

It is important to emphasise that Elders or Deacons moderating their own Kirk Session should only occur on an infrequent basis. The role, and this training resource, is not for those who will act as Interim Moderators in a vacancy situation, which is a completely different role.

The following extract from the Legal Questions Committee report to the General Assembly of 2016 clarifies the parameters of the role:

The 2012 General Assembly instructed the Mission and Discipleship Council to undertake a survey in respect of elders who had been trained to act as moderators of their own Kirk Sessions. The 2013 General Assembly instructed the Legal Questions Committee to consider the implications of that survey and to bring forward recommendations. Having consulted with the Mission and Discipleship and Ministries Councils, the Committee believes that there are two issues. The Kirk Session Meetings Act (Act VI, 2004) was not intended to permit the minister of a charge to abdicate, on a more or less permanent basis, the responsibility of moderating the Kirk Session. Neither was it intended to create an expectation that an elder who undertook training, sometimes on his or her own initiative, would have a right to act as moderator. The Committee does not consider that the Act requires amendment. Instead we recommend that Presbyteries be alert to inappropriate use of the permissive provisions of Parts I and II of the Kirk Session Meetings Act.

## ACT VI OF THE ACT ANENT KIRK SESSION MEETINGS OF 2004

### VI. ACT ANENT KIRK SESSION MEETINGS (AS AMENDED BY ACT I 2011) Edinburgh, 15 May 2004, Session 1

The General Assembly, with the consent of a majority of Presbyteries, hereby enact and ordain as follows:

#### General Provisions

1. For all purposes except as otherwise provided in this Act, the minister of a charge is the Moderator of the Kirk Session and in particular has responsibility for the calling of meetings and for the duties of the Moderator
  - (a) in relation to discipline as outlined in the Basis and Plan of Union of 1929;
  - (b) in respect of the ordination of elders in terms of Act X 1932 (as amended); and
  - (c) in relation to the admission of communicants to Church membership upon profession of faith.
2. Nothing in this Act shall affect the functions of the minister as defined in sections 19 - 29 of Act II 2000 anent Ministry (as amended) and of the Kirk Session as defined in section 37 of Act III 2000 anent Church Courts (as amended) or as each are contained in the common law and custom of the Church; and nothing shall affect the constitution of the Kirk Session as consisting of the minister and elders.
3. The provisions of this Act shall not apply to Kirk Sessions in units of HM Forces (Act VIII 1952) or to New Charges not yet raised to full status (Act XIII 2000).

#### Part I Elder or member of the Diaconate moderating Kirk Session meeting

4. With the approval of the minister and of the Kirk Session (at a previous meeting thereof), or upon the instruction of a superior court, another current member of the Kirk Session, a member of the Diaconate who is associated with but not an appointee of the Kirk Session, or a minister associated with it may moderate any meeting of the Kirk Session on a date appointed by the Kirk Session. No status, powers, privileges or responsibilities are conferred upon any such elder, deacon or minister except to the extent necessary to act as Moderator of the meeting, and to this extent such an elder, deacon or minister shall bear all the responsibilities normally borne by the minister for the orderly conduct of business and for the observance of the common law of the Church and the legislation, regulations and Deliverances of its superior courts. Whilst moderating a meeting of the Kirk Session, an elder, or a deacon or minister associated with the Kirk Session, shall have a casting vote but no deliberative vote.
5. No elder shall be appointed to moderate any meeting of a Kirk Session who has not satisfied the Presbytery of the bounds that he or she has adequately completed a course of training in Church law and procedure provided by the Legal Questions Committee and kept such training up to date, with the costs of such training borne by the congregation.
6. For the avoidance of doubt, more than one elder in a Kirk Session may be trained and utilised for the purposes of this Act.
7. The Session Clerk, if a member of the Kirk Session, shall not moderate a meeting as clerk, but may be appointed in terms of this Act in his or her own right, and shall normally arrange for the Minutes of the meeting to be taken by a substitute clerk.
8. On those occasions on which the minister is present at a Kirk Session meeting but not moderating it, he or she shall have a seat in the Kirk Session and for this purpose shall have capacity separate from that of minister of the parish or member of the Presbytery. For the avoidance of doubt, since the minister is not a ruling elder he or she cannot be Commissioned as such to the Presbytery or the General Assembly.
9. The approval of the minister and the Kirk Session in terms of section 4 above may be a standing approval for a fixed period in respect of any meeting during that period; and the minister or the Kirk Session may rescind approval in terms of this Act at any time. The Presbytery in the exercise of its superintendence over the Kirk Session may remove the approval or revoke the instruction in terms of section 4 above, whether originally given by the Kirk Session or by the Presbytery.

#### Part II Absence of Minister from Kirk Session meeting

10. It shall be lawful for the minister to authorise a Kirk Session meeting to be held in his or her absence and moderated by a member of the Kirk Session or a minister or deacon associated with it (subject to the provisions of Part I of this Act), all subject to the following provisions.
11.
  - (1) Such authorisation shall be in writing to the minister, deacon or elder acting as Moderator of the meeting, and shall specify the meeting or meetings to which the authorisation relates and the business to be transacted, and the facts shall be recorded in the Minutes of the Kirk Session and intimated to the Presbytery Clerk.
  - (2) As the Kirk Session consists of the minister and elders, any decision taken in the absence of the minister, being a decision of which the minister did not have notice in advance of the meeting, shall not take effect until it has been agreed in writing by the minister (the written agreement

to be delivered as soon as possible to the Session Clerk) or ratified at a meeting at which the minister is present. In either event, the fact shall be recorded in the Minutes of the Kirk Session.

12. In implementation of the provisions of section 11(2) above, or in any other circumstance, it shall be competent for such a meeting of the Kirk Session to request the presence of the minister at a subsequent meeting, and to give powers to the Session Clerk to arrange that meeting if necessary.
13. It shall be competent for a minister to give authorisation, for a single occasion or on a standing basis, to an elder appointed in terms of section 4 above or any other minister of the Church or any member of the Diaconate who is not an appointee of the Kirk Session, to moderate a Kirk Session meeting in circumstances when the minister is unexpectedly unable to attend a meeting and unable to give permission in terms of sections 10 and 11(1) above; but this authorisation shall be subject to the terms of section 11(2) above.
14. In the absence of the minister, the quorum of the Kirk Session shall be three elders.

#### Miscellaneous

15. All Acts and Regulations of the General Assembly shall be interpreted consistently with this Act except as herein provided.
16. Notwithstanding the foregoing it shall be competent for a minister of another Church to act as Moderator of a Kirk Session in an ecumenical parish or united congregation or other association provided always that such minister is a member of a team along with a minister or ministers of the Church of Scotland in that ecumenical parish or united congregation or other association and that the arrangement for such minister to moderate a Kirk Session shall be incorporated in or added to the constitution of and shall apply only to such ecumenical parish or united congregation or other association and shall have the duly minuted approval of the Presbytery of the bounds.
17. The provisions of this Act shall apply mutatis mutandis to the chairing of a meeting of the congregation.
18. The provisions of this Act shall apply mutatis mutandis where the Moderator of the Kirk Session (as defined in section 1 above) is an interim Moderator, whether or not he or she is a minister.
19. For the avoidance of doubt and throughout this Act, the word 'deacon' refers to members of the Diaconate and not to members of Deacons' Courts.

#### Amendments and Repeals

20. Act X 1992 anent Moderators of Kirk Sessions is hereby repealed.
21. Section 34 of Act III 2000 (Consolidating Act anent Church Courts) is hereby repealed

## AIM

The aim of the training is to provide Elders and Deacons with the skills, knowledge and understanding to moderate a meeting of their own Kirk Session.

## OBJECTIVES

- To understand under what circumstances an Elder or Deacon may be called upon to moderate a meeting of their own Kirk Session.
- To identify ways to make a meeting effective.
- To identify solutions for ineffective meetings.
- To identify challenging behaviours and develop a strategy to cope with them.
- To practise through scenarios focused on the skills of chairing effective Kirk Session meetings.

## KIT LIST

Kit	Quantity	Got it
Paper Pens Name Cards Flipcharts Flipchart Pens Blu-Tack Post-Its		
Materials <ul style="list-style-type: none"><li>• Presentation Slides</li><li>• Handouts</li><li>• Evaluation Forms</li></ul>		
Facilitator Notes Opening worship		

## SESSION DETAILS

### Session 1 – Welcome and Registration

At the end of this session delegates will be able to:

- Explain the administration arrangements.
- Understand the topics to be covered in the training.
- Get to know each other a little through the icebreaker exercise.

Time	Facilitator's Input	Resources	Actions Required
10.00am	Registration, teas and coffees		You should have a list of attendees. Issue a label badge to all those attending as they arrive and ask them to write their name on it.
10.30am	Welcome  Opening worship	Slide 1	Welcome Slide  You should choose a reading from scripture and a prayer for the opening devotions of the training session.
10.40am	Administration arrangements  Programme for the day  Icebreaker	Slide 2 & Handout 1 - Programme  Slide 3	Advise about Fire Safety (fire evacuation procedure), toilets and breaks.  Issue the handout which shows the running order for the day's training. Briefly discuss the topics to be covered.  Outline the icebreaker task - Knowing me, knowing you. Just an opportunity to get to know each other a little. If numbers are large divide the group into pairs or trios and allow five minutes for the pair/trio to get to know each other.

Session 2 – The Act of the General Assembly

At the end of this session delegates will be able to:

- Identify the circumstances under which an Elder or Deacon may moderate a meeting of their own Kirk Session.
- Appreciate the limitations placed on the remit by the Act.

Time	Facilitator's Input	Resources	Actions Required
11.00am	Explain that you would like to spend some time looking at the Act that governs the remit of Elders acting as Moderators of their own Kirk Sessions to ensure that all understand the scope of the role they are being trained for.	Handout 2 – refer to the copy of the Act sent as pre-work to all delegates.	Give delegates a few minutes to raise any issues they have in relation to the Act.  Show the video of John Chalmers
11.05am	Give each group a piece of flipchart paper with flipchart pen to note their responses.	Flipchart paper with flipchart pen Slide 4	Divide the group into small discussion groups of 3 or 4.  Ask the groups to list the key points/ actions that require to take place in order for them to moderate legally, including points after the meeting.
11.15am	Receive the group responses.		Ask each group to discuss their findings in turn. The first group will get a lot of air time. Subsequent groups should only report additions and omissions to the first list.
	Confirm and summarise the points/actions.	Slide 5  Slide 6	Responses should include: written authorisation from the minister; the nature of the permission to moderate; Session's authorisation at a previous meeting required; casting vote; completed training; can be for a period of time; can only moderate your own Session,  In addition, if the minister is to be absent from the meeting, the agenda must be agreed in advance by minister, no AOB permitted and decisions have to be ratified by minister if for any reason he/she didn't have prior notice of the business. Read Section 11 (2) of the Act to note the differences between the situation where the minister is present vs the minister being absent.
		Slide 7	Remind delegates of the areas of work that always remain the responsibility of the minister under the direction of Presbytery.

### Session 3 – Effective Meetings

At the end of this session delegates will be able to:

- Identify what makes meetings effective or ineffective.
- Share their experiences of meeting attendance and chairing.
- Suggest actions to turn failings in meetings into successes.

Time	Facilitator's Input	Resources	Actions Required
11.30am	Explain that you would now like to turn to the conduct of meetings and what makes some meetings more effective than others. You would like to use the experiences in the room to identify best practice.	Slide 8  Issue a page of flipchart paper to each group with a pen.	Before you start it is worth stating that you are about to talk about generic meetings and not just Kirk Session meetings.  Set the task on the slide allowing 15 minutes for completion in small groups. Consider the worst meetings you have attended and why.  List on flipchart paper.
11.45am	While the groups are working on this task stick 4 sheets of flipchart paper on the wall. They should be titled Objectives, Preparation, People and Leadership.	Slide 9  Distribute post it notes with a flipchart pen to each group	Set the next task on slide 9 – for every shortcoming that has been listed on the flipchart paper, find a solution and write that on a post it note. Agree solutions. Allow 15 minutes for this task.
12 noon	Ask delegates to place the post it notes under one of the four headings on the flipchart paper	Slides 10, 11	There will be a lot of to-ing and fro-ing and some of the post its might sit under two headings. Just make a duplicate post it. It is unlikely that you will be faced with a post it that does not fit under one of the four headings. Leadership can be a catch all!
12.10pm	Discuss each of the four flipcharts in turn.  There are questions on each of the slides to aid further discussion of the importance of each aspect of meetings.	Slides 12, 13, 14, 15	Ask for the group's responses to the questions on the slides.
		Slides 16	Discuss slide 16 as a reminder of specific aspects of a Kirk Session meeting, A Kirk Session can agree to meet in private if a sensitive issue (perhaps involving individuals) is raised. This could be quite benign, such as when the names of potential new elders are being discussed, or it could be a more serious matter. In certain situations the Moderator may need to take a lead by emphasising the need for confidentiality, or by suggesting that a particular piece of business should be taken in private.

12.20pm	Display the effective meetings checklist on the screen and issue the checklist handout.	Slide 17 Handout 4 – Meeting Checklist	The checklist handout has been tailored to suit Kirk Session meetings but a few general points in summary as well as specific points have been included on the slide. Discuss a few of the items that seem most important to you.
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Session 4 – Colourful Characters or Challenging Behaviours?

At the end of this session delegates will be able to:

- Identify challenging behaviours displayed at meetings.
- Develop a strategy to cope with such behaviours.

Time	Facilitator's Input	Resources	Actions Required
12.30pm	<p>You will have to deal with all kinds of individuals at your meetings – some helpful and others more challenging, but all there in response to a call to eldership.</p> <p>Using the handout 'How to engage different characters' spend 15 minutes in groups considering the attributes of the various kinds of people and discussing how you will manage their behaviour. No names now!! List attributes on the handout and ideas on how you might engage.</p>	<p>Slide 18</p> <p>Handout 5 – How to engage different characters</p>	<p>This slide will hopefully amuse! It shows a range of challenging behaviours. You can ask your delegates if they recognise anyone represented here, and possibly even themselves....</p> <p>Put delegates into small discussion groups. This could be a good time for a change of groups.</p>
12.45pm	<p>Bring the groups back into plenary and taking one persona at a time, ask the groups for a list of the attributes for the persona and discuss suggestions for managing that particular behaviour.</p> <p>Issue handout 'How to handle challenging people/situations!' and discuss, asking for experiences of delegates.</p>	<p>Slides 19 - 25</p> <p>Handout 6 - Possible Solutions for Engaging with Different Characters – Facilitator's Aid</p> <p>Handout 7 - How to handle challenging people/situations!</p>	<p>Use the slides in turn to discuss the findings of the groups. You have a crib sheet – handout 6, but there will be many valid suggestions from the groups. Thank delegates for their contributions to the morning's discussions.</p>
1.00pm	Lunch	Slide 26	Say a Grace before food

Session 5 – A practical approach to moderating Kirk Session meetings

At the end of this session delegates will be able to:

- Identify practical actions required to moderate a Kirk Session meeting successfully.
- Through the use of scenarios, develop an approach to a number of practical situations.

Time	Facilitator's Input	Resources	Actions Required
1.45pm	Return from lunch.  Explain that the rest of the afternoon is going to focus on the practice of moderating a Kirk Session meeting.	Slide 27	Welcome back
	Explain that views were sought from a number of experienced Church people for input to this training and slide 28 is a quote from an experienced Presbytery Clerk when she was asked for advice on moderating.  Show video of Rosie Frew	Slide 28	Discuss with delegates – asking for their views on these comments.  Setting the tone can be so important for relationships, successful outcomes and avoiding the car park conversations.
1.50pm	Discuss the pre-work handout Extracts from 'The Office of Session Clerk' on the topic of Conduct of a Meeting.  Using the points on slide 29 lead a short discussion on the three points to lead into a group exercise on scenarios dealing with agenda items at a Kirk Session meeting.  Remind delegates that AOB is not permitted when minister not moderating.  Show video of Lynne McEwen	Handout 3 - Extracts from 'The Office of Session Clerk'  Slide 29 Issue Handout 8 - Scenarios dealing with Agenda Items at a Kirk Session meeting  Handout 9 - Scenarios dealing with Agenda Items at a Kirk Session meeting – Facilitator's Aid. Version	You may require to clarify some points in the document.  In small groups allow 10 minutes for discussion and then five minutes for a feedback session discussing each point.
2.10pm	Having dealt with agendas there are now some proposal scenarios to be dealt with. The Extracts document does make clear when a proposal becomes a motion and what a counter motion is but there may need to be some clarification.	Slide 30 Handout 10 - Scenarios dealing with Proposals at a Kirk Session meeting  Handout 11 - Scenarios dealing with Proposals at a Kirk Session meeting - Facilitator's Aid	Proposal/Motion/Amendment/ Addendum/Counter-motion  We need to be clear on the process for taking decisions at a Kirk Session meeting. Issue the handout on Scenarios Dealing with Proposals. Divide the delegates into small discussion groups and allow 15 minutes for this exercise. Allocate two scenarios to each small group if necessary. Bring the groups back together and ask a group to provide their responses to one scenario. Ask for agreement from the other groups but do not ask for their responses or you will be there forever!

2.45pm	Tell delegates that feedback on the training is important in order to learn if it has addressed the training needs (issue feedback sheet).	Issue Handout 12 - Feedback form  Slide 31	
3.00pm	Finish		Ask all delegates to stand and say the Grace to each other

## ACKNOWLEDGEMENTS

A training day was developed in 2010 by the Mission and Discipleship Council for Elders or Deacons who were to take on the role of Moderator of their own Kirk Session. Contributions to the day were made by a number of ministers who, along with others, who have been consulted with during the development of this new resource. Thanks are due to:

Rt Rev Dr John Chalmers

Rev Dr George Whyte

Rev Robin McAlpine

Rev Jane Denniston

Rev John Collard

Rev Marjory McPherson

Rev Rosie Frew





The Church of Scotland

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## Elders as Moderators of their own Kirk Sessions

### Welcome

[www.churchofscotland.org.uk](http://www.churchofscotland.org.uk)

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## Programme for today

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- 10.00am Registration, teas and coffees
- 10.30am Welcome and opening worship with Icebreaker
- 10.50am The Act
- 11.30am Effective Meetings
- 12.30pm Colourful characters or challenging behaviours?
- 1.00pm Lunch
- 1.45pm A Practical approach to moderating Kirk Session Meetings
- 3.00pm Finish

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## Introductions-Knowing me, Knowing you

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- Who are you?
- What aspect of the Church of Scotland do you love most?
- Tell us something about you that would surprise us.
- What annoys you about yourself?
- If I made the decisions around here, I'd....

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## The Act of the General Assembly 4

List the key points/actions that must take place to enable you to moderate legally, including points after the meeting.

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## The Act of the General Assembly 5

Key points:

- Session's authorisation at a previous meeting required
- completed training
- can only moderate your own Session

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## The Act of the General Assembly 6

In addition, if the minister is to be absent:

- written authorisation from the minister about which meetings are to be moderated and the business to be transacted. Agenda specified and no AOB permitted
- emphasise that decisions have to be ratified by minister if he/she didn't have prior notice of the business

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### Reserved for the Minister

- The ministry of the Word
- The conduct of public worship
- The dispensing of the Sacraments
- The instruction of the young
- The consent of the minister is also required in relation to any proposed use of church buildings  
...subject to the control and direction of the Presbytery.

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### Ineffective Meetings

- In small groups think about the worst meetings you've ever attended?
- What was wrong with them?
- Take fifteen minutes to list the shortcomings on a flipchart.

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### Effective Meetings

For every shortcoming in meetings, devise a solution on a post-it. You have fifteen minutes.

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## Effective Meetings

Using the flipchart paper on the walls take the post-its and place them under the appropriate heading.

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11

## Effective Meetings

- Objectives
- Preparation
- People
- Leadership

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12

## Effective Meetings - Objectives

- Why are 'Objectives' the most important part of the process?
- What else do 'Objectives' help you decide?
- What if the 'Objectives' are few and simple?

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## Effective Meetings - Preparation

13

- What is the value of preparation?
- Is it better to have one long meeting or two shorter ones? How can you manage a long meeting?
- What's the key document?
- What other preparation is vital?

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## Effective Meetings - People

14

- Who should you invite?
- What key roles need to be filled?
- What if you need some specialist help?

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## Effective Meetings - Leadership

15

- Why is leadership in the meeting important?
- What's the role of the Chair?
- What should you do if attendees are late arriving?

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## Reminders of basic rules for KS

- Kirk Session meetings should be opened and closed with prayer
- The sederunt should be recorded
- The minutes of previous meetings ought to be approved and signed
- Any corrections made to minutes require to be initialled
- Guidance on confidentiality if appropriate

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## Effective Meetings Checklist

- What's the purpose of the meeting?
- Why am I attending the meeting?
- Can I justify the time for this meeting?
- What alternatives are there to meeting?
- Is the agenda clear?
- What can I do to make sure the meeting achieves its purpose in the time allocated?
- Have agenda items been concluded with action points?
- What follow up will I carry out?

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## Different Characters?



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Meetings - attendees

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# LUNCH

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# Elders as Moderators of their own Kirk<sup>27</sup> Sessions

# WELCOME BACK

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# A Practical Approach to Moderating Kirk Session Meetings

## Advice from a Presbytery Clerk:

- Be organised
- Be well prepared
- Be warm and welcoming
- Be inclusive
- Be informative

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## Kirk Session Agenda Items

29

- The role of the Clerk
- Procedures for dealing with agenda items before the Kirk Session meeting
- When to agree AOB

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## Conduct of a Meeting

30

### Dealing with Proposals

- Proposal
- Motion
- Amendment
- Addendum
- Counter-motion

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## Elders as Moderators of their own Kirk Sessions

31

Thank you for attending

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## HANDOUT 1

Elders as Moderators of their own Kirk Sessions

Programme for today's training (sample)

10.00am	Coffee, tea and registration
10.30am	Welcome and opening worship with Icebreaker
11.00am	The Act
11.30am	Effective Meetings
12.30pm	Colourful characters or challenging behaviours?
1.00pm	Lunch
1.45pm	A Practical approach to moderating Kirk Session Meetings
3.00pm	Finish

## HANDOUT 2

### Act VI Of The Act Anent Kirk Session Meetings Of 2004

#### VI. ACT ANENT KIRK SESSION MEETINGS (AS AMENDED BY ACT I 2011) Edinburgh, 15 May 2004, Session 1

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  - (a) in relation to discipline as outlined in the Basis and Plan of Union of 1929;
  - (b) in respect of the ordination of elders in terms of Act X 1932 (as amended); and
  - (c) in relation to the admission of communicants to Church membership upon profession of faith.
2. Nothing in this Act shall affect the functions of the minister as defined in sections 19 - 29 of Act II 2000 anent Ministry (as amended) and of the Kirk Session as defined in section 37 of Act III 2000 anent Church Courts (as amended) or as each are contained in the common law and custom of the Church; and nothing shall affect the constitution of the Kirk Session as consisting of the minister and elders.
3. The provisions of this Act shall not apply to Kirk Sessions in units of HM Forces (Act VIII 1952) or to New Charges not yet raised to full status (Act XIII 2000).

##### Part I Elder or member of the Diaconate moderating Kirk Session meeting

4. With the approval of the minister and of the Kirk Session (at a previous meeting thereof), or upon the instruction of a superior court, another current member of the Kirk Session, a member of the Diaconate who is associated with but not an appointee of the Kirk Session, or a minister associated with it may moderate any meeting of the Kirk Session on a date appointed by the Kirk Session. No status, powers, privileges or responsibilities are conferred upon any such elder, deacon or minister except to the extent necessary to act as Moderator of the meeting, and to this extent such an elder, deacon or minister shall bear all the responsibilities normally borne by the minister for the orderly conduct of business and for the observance of the common law of the Church and the legislation, regulations and Deliverances of its superior courts. Whilst moderating a meeting of the Kirk Session, an elder, or a deacon or minister associated with the Kirk Session, shall have a casting vote but no deliberative vote.
5. No elder shall be appointed to moderate any meeting of a Kirk Session who has not satisfied the Presbytery of the bounds that he or she has adequately completed a course of training in Church law and procedure provided by the Legal Questions Committee and kept such training up to date, with the costs of such training borne by the congregation.
6. For the avoidance of doubt, more than one elder in a Kirk Session may be trained and utilised for the purposes of this Act.
7. The Session Clerk, if a member of the Kirk Session, shall not moderate a meeting as clerk, but may be appointed in terms of this Act in his or her own right, and shall normally arrange for the Minutes of the meeting to be taken by a substitute clerk.
8. On those occasions on which the minister is present at a Kirk Session meeting but not moderating it, he or she shall have a seat in the Kirk Session and for this purpose shall have capacity separate from that of minister of the parish or member of the Presbytery. For the avoidance of doubt, since the minister is not a ruling elder he or she cannot be Commissioned as such to the Presbytery or the General Assembly.
9. The approval of the minister and the Kirk Session in terms of section 4 above may be a standing approval for a fixed period in respect of any meeting during that period; and the minister or the Kirk Session may rescind approval in terms of this Act at any time. The Presbytery in the exercise of its superintendence over the Kirk Session may remove the approval or revoke the instruction in terms of section 4 above, whether originally given by the Kirk Session or by the Presbytery.

##### Part II Absence of Minister from Kirk Session meeting

10. It shall be lawful for the minister to authorise a Kirk Session meeting to be held in his or her absence and moderated by a member of the Kirk Session or a minister or deacon associated with it (subject to the provisions of Part I of this Act), all subject to the following provisions.
11. (1) Such authorisation shall be in writing to the minister, deacon or elder acting as Moderator of the meeting, and shall specify the meeting or meetings to which the authorisation relates and the business to be transacted, and the facts shall be recorded in the Minutes of the Kirk Session and intimated to the Presbytery Clerk.  
(2) As the Kirk Session consists of the minister and elders, any decision taken in the absence of the

minister, being a decision of which the minister did not have notice in advance of the meeting, shall not take effect until it has been agreed in writing by the minister (the written agreement to be delivered as soon as possible to the Session Clerk) or ratified at a meeting at which the minister is present. In either event, the fact shall be recorded in the Minutes of the Kirk Session.

12. In implementation of the provisions of section 11(2) above, or in any other circumstance, it shall be competent for such a meeting of the Kirk Session to request the presence of the minister at a subsequent meeting, and to give powers to the Session Clerk to arrange that meeting if necessary.
13. It shall be competent for a minister to give authorisation, for a single occasion or on a standing basis, to an elder appointed in terms of section 4 above or any other minister of the Church or any member of the Diaconate who is not an appointee of the Kirk Session, to moderate a Kirk Session meeting in circumstances when the minister is unexpectedly unable to attend a meeting and unable to give permission in terms of sections 10 and 11(1) above; but this authorisation shall be subject to the terms of section 11(2) above.
14. In the absence of the minister, the quorum of the Kirk Session shall be three elders.

#### Miscellaneous

15. All Acts and Regulations of the General Assembly shall be interpreted consistently with this Act except as herein provided.
16. Notwithstanding the foregoing it shall be competent for a minister of another Church to act as Moderator of a Kirk Session in an ecumenical parish or united congregation or other association provided always that such minister is a member of a team along with a minister or ministers of the Church of Scotland in that ecumenical parish or united congregation or other association and that the arrangement for such minister to moderate a Kirk Session shall be incorporated in or added to the constitution of and shall apply only to such ecumenical parish or united congregation or other association and shall have the duly minuted approval of the Presbytery of the bounds.
17. The provisions of this Act shall apply mutatis mutandis to the chairing of a meeting of the congregation.
18. The provisions of this Act shall apply mutatis mutandis where the Moderator of the Kirk Session (as defined in section 1 above) is an interim Moderator, whether or not he or she is a minister.
19. For the avoidance of doubt and throughout this Act, the word 'deacon' refers to members of the Diaconate and not to members of Deacons' Courts.

#### Amendments and Repeals

20. Act X 1992 anent Moderators of Kirk Sessions is hereby repealed.
21. Section 34 of Act III 2000 (Consolidating Act anent Church Courts) is hereby repealed

EXTRACTS FROM: THE OFFICE OF SESSION CLERK BY A. GORDON MCGILLIVRAY

The pages of this handout have been extracted from the document created by the Rev Dr A G McGillivray in 2008 entitled The Office of the Session Clerk.

CHAIRING OF MEETINGS

Kirk Session meetings are normally chaired by the minister of the congregation, designated as "Moderator". With the prior approval of the minister and the Session it is now possible for another current member of Session – an elder, a member of the Diaconate, or a minister associated with the Session – to act as Moderator. Only elders who have adequately completed a prescribed course of training may act as Moderator. The Session Clerk, if qualified to do so, may act as Moderator, provided a substitute acts as Clerk. If the minister is present but not acting as Moderator, he or she has a deliberative vote. Whoever is acting as Moderator has a casting vote only.

These arrangements can also apply in the foreseen or unforeseen absence of the minister. Unless it is impossible, authorisation shall be in writing, and the business shall be stated. These facts shall be minuted, and the Presbytery Clerk shall be informed. Any decision taken in these circumstances shall not take effect until agreed in writing by the minister, and minuted or ratified at a meeting where the minister is present.

These provisions shall also apply where an Interim Moderator has been appointed.

When the minister is acting as Moderator, the quorum of a meeting is three (the minister and two elders). Otherwise the quorum is three elders.

CONDUCT OF A MEETING

In general, proceedings in the lower courts of the Church should be modelled on those that are employed in the General Assembly. In practice, because most Kirk Sessions are relatively small in comparison, their proceedings tend to be carried out much less formally. However, some procedural points should be noted as a means of securing good order and possibly also of saving time.

There should be an Order of Business. This should be drawn up by the Clerk in consultation with the Moderator. If papers are issued in advance, the Order of Business should be included among them. This too is the responsibility of the Clerk. If advance notice of the agenda has not been given, it is helpful if, at the outset, either the Moderator or the Clerk indicates what the known business is.

The conduct of a Session meeting is the responsibility of the Moderator, but there may be times when the Clerk can supply useful information or give guidance on matters of procedure. The remaining paragraphs in this Section outline standard practice in regard to the conduct of a meeting.

Meetings are first CONSTITUTED with prayer. Then the attendance is recorded and apologies noted. Next the MINUTE of the previous meeting is submitted by the Clerk for approval. This will be done, either by the Clerk reading the whole Minute, or by the Clerk moving that "the Minute be taken as read" page by page as in the print and as circulated. If the Minute, although in print, has not been circulated in advance, ample time must be given for members to read it. When a Minute is submitted for approval, the only point at issue is whether the Minute accurately records what happened. The Minute cannot be altered, either because of wiser judgment on reflection, or even because of some fault in arriving at a decision. Typographical and clerical errors may be corrected in the text. Where this is done, the corrections should be initialled by the Clerk. Where more substantial corrections have to be made, these should be fully detailed in the Minute of the meeting that is taking place, as well as being made in the original Minute. These corrections to the original Minute need to be initialled by both the Moderator and the Clerk. With the Minute (corrected if need be and) approved, the Session will now turn to consider the Business of the current meeting.

When the Agenda is submitted for approval, it is then that members should indicate Any Other Matters they would like to have considered, and it should there and then be agreed whether or not to consider them and, if so, when. The value in proceeding in this way is to guard against the possibility of someone who has had to leave before a meeting has ended discovering at a later date, certainly to their surprise and possibly to their annoyance, that some topic has been discussed or some decision taken of which they had no forewarning. The only justification for having Any Other (Competent) Business as an item on the agenda at the end of a meeting is to permit consideration of some matter which may genuinely emerge in the course of a meeting and which could not possibly have been anticipated when the Order of Business was agreed.

The business then proceeds through its various items. When the Moderator considers that an item has been adequately

considered, he or she will seek to bring the Session to a decision. This may be reached either with obvious unanimity or by a process of consensus. Some matters, however, may give rise to varying or opposing points of view. In these circumstances it is well to follow standard procedures in regard to making Motions and to Voting.

Every proposed course of action needs to be not only moved but also seconded. If a proposal is not seconded, it falls and is not to be recorded. The proposal as originally put is called the Motion. Once seconded, it is then subject to alteration by means of amendment, addendum, or counter-motion. An Amendment slightly alters a motion, but does not run counter to its main thrust. An Addendum is a particular form of amendment. As the word implies, it adds something to a motion and amends it in that way but, in doing so, again it does not go against the aim of the motion. The purpose of a Counter-motion is equally obvious. It seeks to go radically against the aim of a motion.

An amendment or an addendum should be disposed of as soon as possible after being moved and seconded. The vote is taken FOR the amendment or addendum and then AGAINST it. An amendment or addendum to a counter-motion is treated in the same way. Similarly, any further amendment if seconded should be voted on before the original amendment or addendum is considered. If an amendment or an addendum is successful, for further debate the motion or counter-motion becomes the motion as amended or the counter-motion as amended. Eventually what will be before the Session will be the motion, possibly amended, and perhaps also a counter-motion or counter-motions, also possibly amended. Voting is then FOR the motion (as possibly amended) and then FOR any counter-motion (as possibly amended). If the vote is between the motion and several counter-motions, whichever receives the fewest votes falls, and another vote is taken. This process is repeated until there is a majority for one over all the others. That one must then be put again to the vote FOR or AGAINST to establish finally the mind of the Session, as it is still possible that the Session may want to reject the whole issue outright in any shape or form. The Moderator has a casting vote only, if this is needed. In this way the business moves on in a reasonably orderly fashion.

Decisions (unless appealed against) take immediate effect; they do not have to wait until the Minute of the meeting at which they were taken is approved. Decisions remain in force until countermanded. This should not happen until at least six months have elapsed, unless it can be shown that the original decision was flawed for some reason or other.

When all the business has been completed, the Moderator will close the meeting with prayer (usually by pronouncing the Benediction). Kirk Session meetings are now no longer presumed to be held in private, but shall normally be held in public. When intimation of a Session meeting is made, the congregation should be so advised. The Session may decide that a specific matter should be taken in private, at which point non-members of Session will be asked to leave.

HANDOUT 4

KIRK SESSION MEETING CHECKLIST

1. Preparation meeting with the clerk	
2. Prior arrangements made for opening and closing Worship	
3. Room arranged to maximise/facilitate discussion	
4. Clear agenda and papers, where necessary, circulated in advance	
5. Everybody present and ready to start, on time	
6. All have the right papers in possession, including me	
7. Visual aids available and OK to use	
8. Somebody to take notes - notes taken by me for my benefit	
9. Everybody clear on the Elder Moderator's remit	
10. Each agenda item clearly introduced and placed in logical order	
11. Positive discussion - structured in order of: FACTS, DISCUSSION, DECISION	
12. Each individual fully participates where appropriate	
13. Each agenda item positively concluded with action point(s)	
14. Everybody knows what has to be done as a result of discussion	
15. Personal preparation e.g. praying through the agenda	
16. Next meeting date fixed	
17. Were all items covered satisfactorily and on time?	
18. Was the meeting worthwhile - did I invest my time wisely?	
19. Was there a sense of seeking and finding God's will?	

HANDOUT 5

How to engage different characters.

The Turtle 	
The Shark 	
The Teddy Bear 	
The Fox 	
The Owl 	
The Donkey 	
The Love Birds 	

## Possible Solutions for Engaging with Different Characters – Facilitator’s Aid

how they behave	why	what to do
The Turtle  'won't talk'	This person may be: <ul style="list-style-type: none"> <li>· bored</li> <li>· timid, uncertain</li> </ul>	Arouse interest by asking directly for his/her opinion.  Ask for his/her view after indicating respect for his/her experience (but don't overdo this!).  Compliment or encourage him/her the first time he/she talks.
The Shark  'heckler'	This person may be: <ul style="list-style-type: none"> <li>· aggressive</li> <li>· argumentative</li> <li>· gets satisfaction from needling others</li> </ul>	Don't let him/her upset you.  Try to find merit in one of his/her points; express your agreement, and then move on to something else.  Others may need protection from this individual.
The Teddy Bear  'no aggravation, everyone's friend'	This person may be: <ul style="list-style-type: none"> <li>· timid</li> <li>· fearful of conflict</li> </ul>	This person will want peace at all costs. They are unlikely to express a view at the start of a discussion but may be encouraged to contribute once others have had their say.  If they can be coaxed to contribute, they are the ones who pour oil on troubled waters.
The Fox  'sly'	This person may be: <ul style="list-style-type: none"> <li>· manipulative</li> <li>· tricky</li> </ul>	Again, try to find merit in one of his/her points; express your agreement, and then move on to something else.  Be careful of this person's influence on others.
The Owl  'wise'	This person could be one of your more experienced elders. They can: <ul style="list-style-type: none"> <li>· be worth listening to</li> <li>· calm others down</li> </ul>	You may want to speak to this individual before a meeting in order to get their views. Their view will be very influential in the group situation.
The Donkey  'can be nasty or just stubborn'	They may have a particular pet peeve, or may just gripe at random, for the sake of complaining. In some cases they may have a legitimate complaint.	Point out that the purpose of the meeting is to find better ways to do things by constructive cooperation.  In some cases, have a member of the group answer instead of you.
The Love Birds  'overly talkative'	These people usually fall into four categories: <ul style="list-style-type: none"> <li>· an "eager beaver"</li> <li>· a show-off</li> <li>· someone exceptionally well-informed and anxious to use it</li> <li>· just plain talkative</li> <li>· commenting on the discussions</li> </ul>	Wait until he/she takes a breath; then thank him/her and say something like "Let's hear from someone else." Or say "That's an interesting point... what do the rest of you think?"  Try slowing the person down with a difficult question.  If he/she makes an obvious misstatement of facts, toss the comment back to the group and let them correct the person.  Don't embarrass the person, but call him/her by name and ask an easy question.  Or, call him/her by name, then restate the last opinion expressed or the last remark, and ask what he/she thinks.  In general, let the group take care of him/her as much as possible.

## HANDOUT 7

How to handle challenging people/situations!

- "Agree" by:
  1. Listening
  2. Respecting the other person
  3. Seeing what is valuable in their comments
  4. Not starting your answer with BUT ...!
- At the same time make your point, to show that two views can sit side by side
- And/or engage your 'allies around the table'
- And/or set out ground rules for the meetings e.g. no one speaks twice until everyone has spoken once
- Use 'time outs'
- If people are angry, stop the discussion and get them to write what they are feeling strongest about then crumple the highest one into a bin and talk about the second on the list!

## HANDOUT 8

### Scenarios dealing with Agenda Items at a Kirk Session meeting

1. The Agenda has been circulated in advance; the moderator asks the Session if there are any other items they wish to add. One member wishes to ask about new hymn books, the moderator suggests that this is placed as item 22 on the agenda. Another member wishes to talk about the mobile telephone mast going up next door. This was first raised two meetings ago. The moderator comments that there is no new information to add on this issue, but will put it under item 23.

There is then an objection; one member of the session says the telephone mast discussion can't wait until item 23. People are very upset and angry about all this delay. We need to discuss it now. There is a group planned to report on this under item 7 on the agenda.

As moderator how would you deal with these issues?

2. The session clerk is reading the minutes of the last meeting. Some items are raised:
  - On page 456, someone's name has been misspelled on the apologies list
  - One page 457, it is raised that the Christian Aid meeting took place on the Wednesday and not on Monday as it says in the minutes.
  - One page 467, the minute says 'stable repair' instead of 'steeple repair'. The clerk indicates that he has noticed this and has already corrected the minute.

As moderator how would you deal with these issues?

3. The next item on the agenda is a proposal to have a crèche at the morning service. As moderator how would you handle this item of business so as to reach an effective outcome? Please consider what needs to be done before the meeting, during the meetings itself and after the meeting.

Scenarios dealing with Agenda Items at a Kirk Session meeting – Facilitator’s Aid

1. The Agenda has been circulated in advance; the moderator asks the Session if there are any other items they wish to add.? One member wishes to ask about new hymn books, the moderator suggests that this is placed as item 22 on the agenda. Another member wishes to talk about the mobile telephone mast going up next door. This was first raised two meetings ago. The moderator comments that there is no new information to add on this issue, but will put it under item 23.

There is then an objection; one member of the session says the telephone mast discussion can’t wait until item 23. People are very upset and angry about all this delay. We need to discuss it now. There is a group planned to report on this under item 7 on the agenda.

As moderator how would you deal with these issues?

Hymn Books at Item 22 are fine. If there is already a group reporting on the telephone mast at item 7, discussion about this item can take place then.

2. The session clerk is reading the minutes of the last meeting. Some items are raised:

On page 456, someone’s name has been misspelled on the apologies list

One page 457, it is raised that the Christian Aid meeting took place on the Wednesday and not on Monday as it says in the minutes.

One page 467, the minute says ‘stable repair’ instead of ‘steeple repair’. The clerk indicates that he has noticed this and has already corrected the minute.

As moderator how would you deal with these issues?

These items are all very minor. Typographical and clerical errors can be corrected in the text and the corrections initialled by the Clerk.

3. The next item on the agenda is a proposal to have a crèche at the morning service.

As moderator how would you handle this issue?

- Papers with the proposals circulated in advance with summary of the pros and cons
- Time for questions, then comments and then discussion
- Encourage people to participate – how?
- Thank people
- Proposal in paper – call for a seconder
- First steps implementation
- Those in favour?

## HANDOUT 10

### Scenarios dealing with Proposals at a Kirk Session meeting

1. The Pastoral Care Team would like to create a monthly Prayer Diary with a prayer for different causes on every-day. They would like to hand these out on a Sunday morning at worship but also want the Prayer Diary to be included with every quarterly magazine delivered to members.

What is the motion? Consider what an amendment/addendum/counter motion could be.

2. The Worship Team have written a discussion paper where they propose changing the time of the Sunday service during the school holidays.

What is the motion? Consider what an amendment/addendum/counter motion could be.

3. The Social Justice Team wishes to promote the Church of Scotland initiative entitled A Place at the Table as the main fundraising initiative this year. There are so many worthy causes.

What is the motion? Consider what an amendment/addendum/counter motion could be.

4. The Mission Team would like to Kirk Session to consider employing an Outreach Worker.

What is the motion? Consider what an amendment/addendum/counter motion could be.

5. The Stewardship & Finance Team would like to generate further income through renting the church hall out for parties and private functions. They would allow those renting the premises to provide alcohol which has never been allowed before.

What is the motion? Consider what an amendment/addendum/counter motion could be.

Scenarios dealing with Proposals at a Kirk Session meeting – Facilitator's Aid

1. The Pastoral Care Team would like to create a monthly Prayer Diary with a prayer for different causes on every day. They would like to hand these out on a Sunday morning at worship but also want the Prayer Diary to be included with every quarterly magazine delivered to members.

What is the motion? Consider what an amendment/addendum/counter motion could be.

Motion – to introduce a Prayer Diary and distribute on a Sunday morning and with the quarterly magazine.

Amendment – to introduce a Prayer Diary and distribute on the first Sunday of the month.

Counter motion – to display the Prayer Diary online but not to print.

Addendum - to introduce a Prayer Diary and distribute on a Sunday morning and with the quarterly magazine for a trial period of a year.

2. The Worship Team have written a discussion paper where they propose changing the time of the Sunday service during the school holidays.

What is the motion? Consider what an amendment/addendum/counter motion could be.

Motion – to change Sunday service to 10.30am from July to mid August.

Amendment – to change time of summer service to 10.30am and to share a breakfast on the final Sunday in July.

Counter motion – to change the time of the summer service to 10am.

Addendum - to change Sunday service to 10.30am from July to mid August, with a praise band playing.

3. The Social Justice Team wishes to promote the Church of Scotland initiative entitled A Place at the Table. There are so many worthy causes.

What is the motion? Consider what an amendment/addendum/counter motion could be.

Motion – to promote A Place at the Table as the main external fundraising initiative this year.

Amendment – to promote A Place at the Table as the recipient of the Communion retiring offering.

Counter motion – to offer a choice of three charities as external fundraising.

Addendum - to promote A Place at the Table as the main external fundraising initiative this year up to a maximum amount of £xx.

4. The Mission Team would like to Kirk Session to consider employing an Outreach Worker.

What is the motion? Consider what an amendment/addendum/counter motion could be.

Motion – to employ an Outreach Worker to work in a team ministry.

Amendment – to employ a part time Outreach Worker.

Counter motion – to ask the minister to focus half their time on Outreach work.

Addendum - to employ an Outreach Worker to work in a team ministry with particular focus on family work.

5. The Stewardship & Finance Team would like to generate further income through renting the church hall out for parties and private functions. They would allow those renting the premises to provide alcohol which has never been allowed before.

What is the motion? Consider what an amendment/addendum/counter motion could be.

Motion – rent out the Hall for parties and functions and allow alcohol to be served.

Amendment – rent out the Hall to members of the congregation only and allow alcohol to be provided.

Counter motion – rent out Hall for parties with no provision of alcohol.

Addendum - – rent out the Hall for parties and functions and allow alcohol to be served until 9pm.

HANDOUT 12

Elders as Moderators of their own Kirk Session Training – Feedback Form (Sample)

1. How did you find the registration process?

- Very Easy
- Fairly easy
- Neither easy or difficult
- Fairly difficult
- Very difficult

Why do you say that?

2. What was your view of the welcome, opening worship and icebreaker?

- Very Useful
- Quite Useful
- Neither Useful or not
- Not very useful
- Very un-useful

3. Sections

Please score the usefulness of any of the sections of the day on a scale of 1 to 10 where 1 is very poor and 10 would be excellent

Circle your choice

The Act	1	2	3	4	5	6	7	8	9	10
Effective Meetings	1	2	3	4	5	6	7	8	9	10
Colourful characters or challenging behaviours?	1	2	3	4	5	6	7	8	9	10
A Practical approach to moderating Kirk Session Meetings	1	2	3	4	5	6	7	8	9	10

4. On a scale of 1-10 please tell us how you rated the lunch?

Please circle

Unsatisfied Very satisfied

1	2	3	4	5	6	7	8	9	10
---	---	---	---	---	---	---	---	---	----

5. Were there any subjects you would have wished to be covered that were not discussed at this training event?

Yes (write in box below)

No

Classification Section

Please tick

Male

Female

Please tick

Aged 18-24

Aged 25-34

Aged 35-44

Aged 45-54

Aged 55-64

Aged 65-74

Aged 75 +

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