

CHURCH AND SOCIETY COUNCIL

May 2015

PROPOSED DELIVERANCE

The General Assembly

1. Receive the report.

Social Justice (see sections 4-9 of the report)

2. Commend the report *Common Wealth? Sharing through tax and giving* to congregations and presbyteries for study and action, and instruct the Church & Society Council to work with others, including the Stewardship Department, to facilitate engagement and discussion of these issues, with relevant resources, across the Church, and with ecumenical partners.
3. Instruct the Church and Society Council to promote a national debate about tax, giving and wealth sharing in the context of economic and social inequalities and the transfer of fiscal and welfare responsibilities to the Scottish Parliament after May 2016.
4. Call upon Scottish and UK Governments to reform the tax system in order to promote the reduction of wealth and income inequality.
5. Instruct the Church and Society Council to pursue the concerns in the report *Time to rethink benefit sanctions*.
6. Welcome the deepening relationship between the Church and Society Council, the Priority Areas Committee of the Ministries Council and Faith in Community Scotland, and encourage the Council to continue to develop this in partnership.

Climate Justice (see sections 10-12 of the report)

7. Welcome the announcement of a moratorium on applications to drill for onshore shale oil and gas (fracking) and call on the Scottish Government to ensure that a full and proper regulatory process is in place before any such application is agreed.
8. Call on the Scottish Government to consider how to reduce dependence on fossil fuels for domestic heating and provide low cost and low carbon alternatives.
9. Instruct the Church & Society Council to bring a report on Energy and Fuel Poverty to the 2016 General Assembly.
10. Call upon the Scottish and UK Governments to work towards an outcome at the Paris Climate Conference in December 2015 that promotes climate justice.
11. Instruct the Church and Society Council to prepare resources and signpost members of congregations to campaigns and activities promoting climate justice at the Paris Climate Conference in December 2015.

Criminal Justice (see sections 14-17 of the report)

12. Instruct the Church and Society Council to engage with the Scottish Government and others both on the concerns raised in the report on corroboration and in taking forward a holistic approach to tackling violence against women.

International Justice (see sections 18-21 of the report)

13. Reaffirm the Church's position that nuclear weapons are inherently evil and instruct the Church and Society Council to continue to work for disarmament, including through support for an international Nuclear Ban Treaty.
14. Call on the UK Government to reverse its policy of refusal to support search and rescue operations in the Mediterranean, and to work with European partners to give more refugees (especially from the conflict in Syria) a safe way into Europe.

Education (see section 22 of the report)

15. Urge the Scottish Government, Education Scotland, Local Authority Directors of Education and Headteachers to make sure that Religious and Moral Education is provided for all pupils by specialist teachers, particularly those in 5th and 6th year.
16. Encourage school chaplains to take the opportunities provided by the Education Committee's training conferences for chaplains.
17. Encourage the Education Committee to examine the implications of Sir Ian Wood's Report *Education Working For All!* and consider what further action the Church might take to promote Modern Apprenticeships.

Health (see sections 23-25 of the report)

18. Urge the Scottish Government to promote organ donation on the present system of consent and to monitor developments elsewhere.
19. Encourage congregations to consider promoting the *fleshandblood* campaign.
20. Urge members to join the Organ Donor Register, to advise their families and close friends of this decision, and to encourage them also to join.
21. Call on the Scottish Government to begin a wide review of the operation of current Mental Health and related legislation, especially with reference to the issues highlighted in the report *Human Rights and Mental Health*.
22. Encourage congregations to use the available resources to help overcome the stigma often associated with mental illness and to ensure that all are welcome in the life of their churches.

Politics and Government (see sections 26-28 of the report)

23. Celebrate the wide public engagement and high turnout in the 2014 Referendum, and instruct the Church and Society Council to continue to work for broad participation in the delivery of devolution of further powers to the Scottish Parliament and related matters.

Developments in the Council's Work (see sections 29-33 of the report)

24. Invite all congregations to:-
 - a. appoint a Church and Society contact person, if they have not already done so;
 - b. let the Council know who they are;
 - c. encourage them in their role.

25. Thank all those who assisted the Council in the preparation of the report and instruct the Council to write to Members of the Scottish Parliament, Members of Parliament representing Scottish constituencies, Members of the European Parliament representing Scotland, relevant Scottish and UK Government Ministers and others involved in the issues raised in the report.

REPORT

1. Introduction

1.1 It was “a year like no other” – so Radio Scotland kept telling us through 2014. The Church and Society Council helped the Church play its part in the two big events of the year. For the Commonwealth Games, we had our report last year on competitiveness in sport, and highlighted issues around human trafficking; we follow up on the theme of ‘Common Wealth’ with our report this year on tax, giving and wealth sharing. While the Church remained impartial on the Independence Referendum question, we followed up on *Imagining Scotland's Future* by creating space for respectful, faithful dialogue on our vision for Scotland's future amid passionately held views, inside the Church as well as outside.

1.2 That vision was not just for the referendum debate and its aftermath. The Church and Society Council's remit is to facilitate the Church's engagement with the national, political and social issues affecting Scotland and the world today, and in so doing we aim to reflect the gospel bias to the poor, the suffering and the struggling. That is to say we aim to see the world through the lens of social justice, to see ourselves and our world through the eyes of the most vulnerable as Christ calls us and to bear witness to the creative justice of God in all that we do.

1.3 That thread of creative justice – which speaks uncomfortable truth to power, not simply to point a finger of blame but to help build a better future - runs through this report. In reflecting that, we are called to be prophetic (in proclaiming that vision for fairer taxes or climate justice), pastoral (in caring for asylum seekers or those with mental health problems) and passionate (in seeking the best in education or in welfare). Weaving these approaches together effectively is a challenge we are glad to share with the whole church, from whose work we draw our credibility and whose witness we aim to resource and empower. It is because “we” (the Church) are there, at work, where people are hurting and hoping, that we can hear and reflect God's word for the created world; keeping that link strong and developing it are central to the Council's mission.

1.4 For the Council, this has indeed been a “year like no other”. Since completing last year's Assembly report we have had three different Council Secretaries and two Associate Secretaries, and our overall staffing has been reduced. We have used this as a creative time for review and reorientation. We are grateful to the Church at both local and national level for enabling the secondment of a parish minister to support the Council through a period of discernment and a referendum campaign between more permanent Secretaries, and with a new Secretary in post

we look forward with confidence to meeting the challenges ahead.

2. Executive Summary

2.1 General Assembly 2014

We offer a brief account of the action the Council has taken on the 87 Deliverances passed by last year's Assembly on receiving our report.

2.2 Social Justice

Our major report "Common Wealth" raises questions for church, society and governments on tax, giving and wealth sharing. We also report on work we have done, with partners, on Benefit Sanctions & Welfare Reform, on Food Banks (with a major conference taking place as we complete this report), and on supporting credit unions (including the launch of the Churches Mutual Credit Union). Our developing relationship with Priority Areas is also outlined.

2.3 Climate Justice

In the ongoing work of the Responding to Climate Change Project, our priority for the coming year is preparing for the Paris Climate Change Conference in December 2015; we have also begun discussions on disinvestment in fossil fuel companies. A significant report on fracking emerges from discussions across Scotland, and we have contributed to debate on Land Reform, in partnership with the General Trustees.

2.4 Gender Justice

Building on our report last year, the cross-Council Violence Against Women Task Group has taken this agenda forward.

2.5 Criminal Justice

This section describes the work of the Joint Faiths Board on Community Justice, the National Steering Group on Prison Visitor Centres (including the launch of the Polmont Family bus) and the ACTS Anti-Trafficking Group. We also offer a response to the proposed removal of the corroboration requirement in Scottish criminal law.

2.6 International Justice

As well as ongoing work with World Mission on Israel and Palestine, and our partnership with Christian Aid, we highlight the withdrawal of search and rescue in the Mediterranean for people seeking asylum in Europe

2.7 Health

Following the move in Wales from an opt-in to an opt-out system of consent for transplantation, we offer a reflection on the ethics of this issue, as well as an update on assisted suicide. A report on human rights in relation to compulsory treatment under mental health legislation responds to a concern raised from the floor at last year's Assembly.

2.8 Education

Our work on education covers support for chaplains and local authority representatives, along with ongoing engagement with national education bodies.

2.9 Politics & Government

We report the work of the Scottish Churches Parliamentary Office and responses to Government and Parliamentary consultations. We reflect on the referendum and the Church's part in that and in its aftermath; we also look towards the May UK Election.

2.10 Developments

Finally we describe our local involvement work in resourcing congregations and members, our developing relationship with the Joint Public Issues Team (Baptist, Methodist and URC), and the ongoing work of the Society Religion and Technology project.

3. Action relating to the 2014 Deliverance

3.1 The following table summarises actions taken in relation to the Church and Society deliverances agreed at the 2014 General Assembly.

2014 Deliverance	Activity and Outcome
<p>2. Encourage congregations and Presbyteries to take advantage of the opportunities for involvement in social, ethical and political issues through the resources and support provided by the Church and Society Council, and commend local congregational Church and Society contacts and members of relevant Committees in Presbyteries for their work; note that the Church and Society Council provides discussion resources, monthly news bulletins and runs regional and national events for the whole Church.</p>	<p>Congregational and Presbytery contacts have been supported with regular bulletins and news throughout the year about opportunities to engage. Church and Society has continued a creative partnership with Mission and Discipleship, World Mission, CrossReach, Stewardship, and Ministries as well as external organisations including the Solas Festival, Christian Aid, ACTS, Church Action on Poverty, Eco Congregation Scotland and Scottish Churches Housing Action, as well as ecumenical partners. Council and staff members facilitated 'respectful dialogues' before and after the referendum, based on the work of <i>Imagining Scotland's Future</i>. Further information on the work of the Council in terms of local involvement can be found below at section 29.</p>
<p>3. Enjoin the Council to consider the perceived detrimental effect of the trend towards centralisation which is creating a democratic deficit in many areas of public policy.</p>	<p>A briefing paper on Centralisation, Subsidiarity, Local Government and Democracy was published by the Scottish Churches Parliamentary Office in November. At the time of writing plans are in place for a day conference of interested parties to be held in the spring prior to the General Assembly, which will inform future thinking by the Council on this issue.</p>
<p>4. Encourage the relevant Committees in Presbyteries to work with other Presbyteries in the same Local Authority and with ecumenical partners to engage with debates and decisions about poverty and justice in local government and instruct the Church and Society Council to facilitate and support the development of positive relationships and fruitful encounter.</p>	<p>All Presbytery Clerks and Church and Society Contacts have been informed about the work that the Church of Scotland and partners are doing on issues around poverty, and resources and support from the department is available on request, including relevant information for local congregations, news about conferences and events, and responding to requests for speakers.</p>

<p>5. Note with grave concern the Fifth Assessment Report on the science of climate change published by the Intergovernmental Panel on Climate Change in 2013 and call upon the Scottish and UK Governments and the European Union to take decisive action to reduce carbon emissions swiftly.</p>	<p>A letter was sent to the Scottish Government and a meeting arranged with the Minister for Environment, Climate Change and Land Reform. Stop Climate Chaos Scotland have established a faith group to prepare action for the Paris Summit. The Council has worked with the European Christian Environment Network to prepare discussion materials, and the Church's Climate Change Officer attended an inter faith meeting with the World Council of Churches in New York.</p>
<p>6. Instruct the Church and Society Council to investigate, with the Church of Scotland Investors Trust and Pension Trustees, the arguments for and against disinvestment from fossil fuel companies and to report to a future General Assembly.</p>	<p>Conversations have taken place and ideas exchanged about this issue; a fuller report can be found below at section 10.7.</p>
<p>7. Congratulate Eco-Congregation Scotland on its 300th church registration and encourage all congregations who are not yet members to consider becoming members.</p>	<p>A letter was sent to the chair of Eco Congregation Scotland, and the work of the organisation has been publicised frequently in C&S Council publications, including the promotion of Earth Hour, Creation Time and the <i>For the Love of...</i> campaign.</p>
<p>8. Note with appreciation and thanks the appointment by the United Reformed Church of the Rev Trevor Jamison as a special category minister in the role of Environmental Chaplain with Eco-Congregation Scotland, and wish Trevor every success in this role.</p>	
<p>9. Commend the SRT Week of Prayer (8-14 June 2014) and encourage all parts of the Church to participate.</p>	<p>The first SRT Week of Prayer was publicised to Presbytery and congregational contacts and plans for the week in 2015 are being developed to help promote awareness more effectively.</p>

<p>10. Encourage congregations to think and act creatively about how they can bridge the Digital Divide in their parish, especially in the context of changes in access to welfare benefits.</p>	<p>Conversations have developed with the Scottish Council of Voluntary Organisations and the Scottish Government. The issue was explored at the Church and Society conference in November 2014. Plans are in place to develop further resources for local congregations.</p>
<p>11. Note the potential for future changes with regard to organ donation choices and instruct the Church and Society Council to report on the issue of consent for organ donation to the General Assembly of 2015.</p>	<p>The report can be found below at section 23.</p>
<p>12. Urge that all involved in competitive sport play fairly, ethically, within the rules and within the spirit of the rules.</p>	<p>The Glasgow 2014 Commonwealth Games were a great showcase for competitive sport. The Church has continued to develop the ideas in the report by publicising to contacts and by being involved in a Mission and Discipleship Conference for youth/Sunday School leaders.</p>
<p>13. Encourage churches to ensure equality of opportunity of participation of all, for all of their activities, including those which involve sport and competition.</p>	
<p>14. Commend to the Mission and Discipleship Council, Presbyteries and congregations the positive potential role that “striving together in sports” can play in fostering community, nurturing life-skills, increasing holistic health, Gospel sharing, mentoring and discipleship in today’s world.</p>	
<p>15. Commend the expansion of sports chaplaincy to sports other than football and encourage it in a wide variety of endeavours.</p>	<p>A letter of thanks was sent to the Commonwealth Games chaplaincy team. More Than Gold featured on the Church of Scotland website. Sports Chaplaincy UK and Sports Chaplaincy Scotland have both been contacted, and leaflets about the Church’s work were distributed at the Sports Chaplaincy UK Annual Conference.</p>

<p>16. Welcome the commitment of the Commonwealth Games Organising Committee to promote fair play by all competitors.</p>	<p>Correspondence has been sent to the relevant authorities.</p>
<p>17. Commend the Commonwealth Games Organising Committee for valuing equality and encourage it further in fulfilling its aim for equality for all.</p>	
<p>18. Commend the Scottish Government to involve all in ensuring a lasting legacy from the Glasgow 2014 Commonwealth Games, particularly in deprived areas.</p>	
<p>19. Urge the Olympics Organising Committee to implement values of equality and ensure ways of giving minority groups a voice.</p>	
<p>20. Encourage action to overcome sectarianism, bigotry and discrimination in sport and in the community in Scotland, and urge the Scottish Government to continue to monitor developments towards a level playing field in sport and to fund projects which are successful in changing attitudes and behaviours at a local level.</p>	<p>The Council has continued to engage constructively with initiatives to tackle sectarianism, and during the year have responded to a Scottish Government consultation on a definition of sectarianism.</p>
<p>21. Instruct the Council to work with the Social Care Council, Presbyteries and congregations to assist those affected by gambling addiction.</p>	<p>The Council has continued to work with other agencies and groups to seek to help those affected by problem gambling and remains willing to respond to requests for assistance, information or action.</p>
<p>22. Urge the Scottish and UK Governments and sporting bodies to implement measures designed to reduce hazardous and harmful gambling and to impose a ban on advertising gambling in the context of sport.</p>	<p>The Scottish Government consulted on restrictions to Fixed Odds Betting Terminals, and the Council responded.</p>

<p>23. Urge the Scottish and UK Governments and sporting bodies to impose a ban on advertising short-term ('payday') loan companies who charge exorbitant rates.</p>	<p>Since changes made by the Financial Conduct Authority over the last year, the very high rates of interest charged by payday lenders have been capped. The Convener wrote to the UK and Scottish Governments about this issue.</p>
<p>24. Encourage congregations to be sensitive to the new developments in fertility medicine and the implications these have for congregational and family life.</p>	<p>The Council's Society Religion and Technology Project has kept alert to opportunities to publicise and promote the issues in the 2014 report and is willing to help congregations with any queries or suggestions for action.</p>
<p>25. Instruct the Society, Religion and Technology Project to continue engagement with developments in research and legislation concerned with assisted reproduction, and encourage church members to use the resources of the Society, Religion and Technology Project to learn more.</p>	<p>In September the SRT Project briefed Scottish MPs ahead of a backbench business debate on mitochondrial replacement and public safety.</p>
<p>26. Instruct the Church and Society Council to distribute to all congregations the contact details of support organisations for people affected by issues around assisted reproduction and adoption.</p>	<p>A discussion starter leaflet on kinship bonds has been published. This is suitable for individual or small group study; it introduces the topic and has a few questions for reflection. This leaflet is available for free from the Church and Society office.</p>
<p>27. Instruct the Church and Society Council to prepare study/discussion materials based on the report Families and the Church, to facilitate open and honest discussion about families.</p>	
<p>28. Encourage all congregations to support and promote adoption and fostering in association with the appropriate local authorities and services.</p>	<p>Contact has been made with Home for Good, and conversations with Barnardo's and other agencies continue. An article was published in October 2014's Life and Work on this issue.</p>
<p>29. Affirm the bonds that we share in Christ, and encourage congregations to show the love and welcome to all that we are called to offer in God's name.</p>	

<p>30. Affirm that the primary aim of the welfare system is to enhance human dignity for all, so that every citizen may live life in all its fullness, and urge all consideration of welfare policy to be characterised by the principles of fairness and compassion.</p>	<p>The Council continues to work with partner organisations who share similar goals, including the Church of England, the Methodist Church, the Scottish Episcopal Church, Church Action on Poverty, the Iona Community, the Poverty Truth Commission, Citizens Advice Scotland, the Poverty Alliance and the End Child Poverty Campaign in Scotland. The Council Convener has written to the Secretary of State for Work and Pensions, and the Shadow Secretary of State, informing them of the Church of Scotland's views and requesting a meeting. New work looking at the impact of benefit sanctions is reported below at paragraph 5.</p>
<p>31. Urge the UK Government to help those in most need, by increasing benefits by at least the rate of inflation, by ceasing to penalise social housing tenants who may have a spare room, by increasing the minimum wage to a living wage, and by prioritising reductions in inequality.</p>	
<p>32. Strongly urge the UK Government to avoid denigrating and blaming people for their poverty.</p>	
<p>33. Note the importance of involving people who are affected most by the decisions in the planning and implementation of welfare policies.</p>	
<p>34. Urge the UK Government to devolve responsibility for welfare and benefits to the Scottish Parliament.</p>	<p>The Council has raised this matter with the UK Government and in its response to the Smith Commission on further powers for the Scottish Parliament.</p>
<p>35. Approve the Priority Areas Action Plan Interim Review and commit the Church and Society Council to its ongoing delivery.</p>	<p>The Council has continued to work closely with the Priority Areas team on a number of issues and are actively looking at ways of strengthening working relationships with them and Faith in Community Scotland. The Council's commitment to express the Gospel bias to the poor, the suffering and the struggling in all our work has been reflected particularly in its response to the Scottish Government's "Good Food Nation" consultation (highlighting the scandal of people relying on food banks) and the conference "Beyond Food Banks". A working</p>

	<p>group has been established to prepare a report on energy and fuel poverty for the General Assembly of 2016. Related work around poverty and economics can be found below at sections 4-9.</p>
<p>36. Note the important role that churches play in their local community in responding to need; commend and congratulate congregations and individuals that are involved in the provision of emergency food aid and encourage all congregations to consider if they can support local community food projects.</p>	<p>A conference, 'Beyond Foodbanks', was held on 28 February 2015. Further information about the Council's approach to food security can be found below at section 6.</p>
<p>37. Believe that the Church's response to food poverty and insecurity should go beyond charity; it is primarily a justice issue.</p>	
<p>38. Express severe concern that there continues to be increasing reliance on foodbanks across Scotland and urge the UK and Scottish Governments to prioritise the eradication of food insecurity in this country.</p>	<p>Scottish and UK politicians have been informed of the General Assembly's deliverance and the Council has sought opportunities to work with partner organisations and the Communication Department to publicise the issue.</p>
<p>39. Urge congregations and Presbyteries to commit to a campaign of prayer, awareness-raising and political action on the issues of poverty in Scotland today, and instruct the Church and Society Council, in co-operation with the Mission and Discipleship Council and other partners, to assist and empower local groups in the church to this end.</p>	<p>The Council has highlighted opportunities and initiatives designed to communicate these issues to church members at a local level, including a special Sunday (15 February 2015) to raise awareness, provide a platform for those affected by issues of poverty to share their story, and to provide information and worship materials for use by individuals and congregations.</p>

<p>40. Instruct the Church and Society Council to report on the issue of tax, giving and wealth sharing to the General Assembly of 2015, including consideration of the impending changes related to the Scottish Rate of Income Tax or Scottish Independence, the merits of proposals for a Citizens Income, and other issues related to the use of money in church and society.</p>	<p>The report is included below at section 4.</p>
<p>41. Urge the Scottish Government to address issues surrounding funeral poverty in their forthcoming review of legislation relating to burials and cremations.</p>	<p>A letter was sent to the Scottish Government highlighting the 2014 report. A meeting has been held with COSLA to discuss this issue and plans are in place to work with them in the future. An information leaflet for congregations is planned. The issues was addressed at a joint faiths conference at the Conforti Institute in Coatbridge in December 2014. Further details about work relating to funeral poverty can be found below at paragraph 32.1.</p>
<p>42. Urge local authorities, and other operators, to ensure that charges levied on bereaved families are fair, just and compassionate and to keep the issue of funeral poverty in mind when setting future charges for burials and cremations.</p>	
<p>43. Instruct the Council to continue to work in collaboration with other agencies such as the Scottish Grief and Bereavement Hub, to address issues of funeral poverty and call on all involved in dealing with bereaved families to ensure that a fair pricing structure is in place for the services provided.</p>	
<p>44. Noting the increases in the costs of funerals, in particular the large increases in charges for burial or cremation, encourage parish ministers to read and take into account the guidance produced by the Ministries Council, and urge congregations to consider how they can help reduce the cost of funerals.</p>	

<p>45. Welcome the decision by the UK Government to put a legal cap on the cost of consumer credit; note the High Cost Credit Charter and instruct the Church and Society Council to continue to pursue action to tackle extortionate lending and promote alternative and affordable sources of credit.</p>	<p>The Council wrote a letter to the UK Government thanking them for taking action to curb some of the highest interest rates, and have been pleased to note new caps have been imposed by the regulator, the Financial Conduct Authority. The Council remains alert to future opportunities to promote alternatives to payday lenders. A report on our work to support Credit Unions can be found at paragraph 9.</p>
<p>46. Commend Scottish Churches Housing Action and look forward to marking 20 years of ecumenical service in establishing local initiatives to tackle homelessness and contributing to public debate about housing issues, and to supporting its ongoing work.</p>	<p>A letter of support and encouragement was sent to Alastair Cameron, Chief Executive of Scottish Churches Housing Action, and members of the Council were present at a special service marking the 20th Anniversary in Glasgow in January 2015.</p>
<p>47. Note and welcome the development of the Churches Mutual Credit Union and encourage all members of the church to save with a credit union and, when borrowing, to consider a credit union.</p>	<p>The CMCU was launched in February 2015. Church support for Credit Unions has continued to develop over the past year; for more information see the report below at section 9.</p>
<p>48. Commend National Ethical Investment Week (19-25 October 2014) and encourage all parts of the Church to participate.</p>	<p>A partnership with the Ecumenical Council on Corporate Responsibility led to an event in October 2014, which was well received by those attending. Plans are also being developed for this issue to have some prominence at Heart and Soul 2015.</p>
<p>49. Note the new name for the Joint Faiths Board on Community Justice and approve the revised constitution.</p>	<p>The Board has continued to meet throughout the year, a report of its main activities is included below at 14.</p>

<p>50. To consider the implications of the ending of corroboration in criminal trials and to report to the General Assembly of 2016.</p>	<p>The Council has considered a discussion paper and a small group was tasked with reflecting on the issues; see the report at section 16. It is noted that an independent review under Lord Bonomy is expected to report between the time when this report is finalised and the meeting of the General Assembly. The Church and Society Council may submit a supplementary report on this issue if it is appropriate.</p>
<p>51. Welcome the work of the National Prison Visitor Centres Steering Group and continue to support the cross-agency work to create a visitor centre in each of Scotland's 17 prisons.</p>	<p>New support is now in place for visitors to Polmont YOI, wider development work continues and future funding is anticipated. A detailed report can be found below at 15.</p>
<p>52. Continue to oppose any change to the legal position with regard to assisted suicide because of concerns about the effect any such change would have on the way society views its weakest and most vulnerable members, whilst recognising that many individuals and families face difficult decisions at the end of life, and urge the provision of better resources for palliative care.</p>	<p>The Council has worked closely with the Scottish Episcopal Church on this issue, and the Council Convener and a representative of the SEC jointly gave oral evidence to the Health and Sport Committee during consideration of the Assisted Suicide (Scotland) Bill in January 2015. For further information please see section 24, below.</p>
<p>53. Instruct the Council to reflect theologically, in co-operation with the Theological Forum, on the issues surrounding assisted dying, paying attention to recent attempts to change the law and to Christian voices supporting and opposing change and report to a future General Assembly.</p>	<p>Conversations have begun with the Theological Forum to explore this issue and it is hoped that a substantive report will be presented to the General Assembly in 2016 or 2017.</p>
<p>54. Express sympathy and share concern with all those affected by the issues raised by the recent revelations about infant cremation and welcome both the Mortonhall Investigation under Dame Elish Angiolini and the Infant Cremation Commission under Lord Bonomy.</p>	<p>The Council has offered its support and encouragement to Edinburgh Presbytery, who have: marked 12 October 2014 as a day of remembrance for all who have been affected by the issues (this Sunday fell during Pregnancy and Infant Loss Awareness Week);</p>

	<p>produced a resource pack offering worship leaders prayers of intercession.</p> <p>Morningside Parish and Edinburgh: St Margaret's held services for anyone in the community or the church who had been affected by recent or historic pregnancy or infant loss. Both SANDS Lothian and SiMBA publicised the services on their website and their publicity was circulated within Presbytery; and: called on the City of Edinburgh Council to rededicate the ground at Mortonhall.</p>
<p>55. Note that the United Kingdom has a long tradition of being a country of sanctuary for those fleeing persecution and the words of Jesus to love our neighbour; urge the UK Government not to repeat offensive publicity campaigns such as 'Go Home' either on the streets or in Home Office centres such as the one in Brand Street in Glasgow.</p>	<p>The Council is pleased to note that since the offensive campaigns emerged in the summer of 2013 they have not been repeated. The Convener has written to the Home Secretary and the Shadow Home Secretary to inform them of the Church's position and to seek a meeting with them to discuss these issues further. She urged them to refrain from making asylum and refugee issues a political football at the 2015 General Election.</p>
<p>56. Urge the UK government to redress those policies, such as the Azure Card and refusal of permission to work, which force so many asylum seekers and their children seeking safety in the UK into severe poverty, and many into destitution, often for years.</p>	
<p>57. Thank the Scottish Churches Anti-Human Trafficking Group for its ongoing work on the issue of human trafficking and welcome the group's engagement with the Proposed Human Trafficking (Scotland) Bill in the Scottish Parliament and the Draft Modern Slavery Bill in the UK Parliament.</p>	<p>The Council is pleased to report that this ecumenical group is now convened by Hazel Watson, a member of the Church and Society Council. A report on this and related issues can be found below at section 17.</p>
<p>58. Instruct the Church and Society Council to reflect theologically on corporal punishment of children the context of the discourse on international human rights, and to report on this subject to a future General Assembly.</p>	<p>A working group has been formed, with representatives of Crossreach, the Safeguarding Service and the Theological Forum; the Council hopes to report on this in 2016 or 2017.</p>

<p>59. Endorse the partnership-based community asset development approach to spiritual care by faith communities and health and social care chaplaincy; recognise that this approach will require a significant shift in understanding of what is meant by health and social care chaplaincy; and support the work of the Spiritual Care Strategic Development Group in taking this work forward</p>	<p>The Council has published a discussion starter leaflet 'Why Health Matters for Ministry: healing is more than physical healing', which is available from the Church and Society department in the Church Office and is ideal for personal information or reflection within a small group setting.</p>
<p>60. Instruct the Ministries Council and the Church and Society Council to investigate ways of promoting the new approaches to 21st Century Health Care outlined in the report in collaboration with the chaplains training development unit of NHS Education Scotland.</p>	
<p>61. Recognise the human rights implications of forced treatment under current mental health legislation, and instruct the Council to reflect these in contributing to public debate as appropriate.</p>	<p>Several meetings have taken place with relevant agencies, patients and academics. A report can be found below at section 25.</p>
<p>62. Urge the Scottish Government to set specific targets for Health Boards to reduce the rate of early mortality in people with severe and enduring mental health problems.</p>	<p>A letter has been sent to the Scottish Government and it is hoped they will offer a meeting to discuss this matter in the spring.</p>
<p>63. Call on members of the Church to affirm that violence against women is a sin and urge all men and women to renew efforts to live and work for gender justice.</p>	<p>The Council supports the Church of Scotland's Violence Against Women Task Group, for details of their work please see the report below at section 13.</p>
<p>64. Recognise that there is much more to be done in our churches to make it clear that women and men are equally made in the image of God, through care taken in the language used for worship, through sensitive preaching, use of the Bible, and in our relationships with each other.</p>	

<p>65. Urge Councils and Committees, Presbyteries and Kirk Sessions to consider how they can live and promote a theology which counters violence and discrimination against women</p>	<p>The 16 Days of Activism Against Violence Against Women (Nov-Dec 2014) was marked by a successful social media campaign run by the Church of Scotland, involving a wide range of individuals involved in the life of the Church who agreed to 'Speak Out' about the issue and what it meant to them.</p>
<p>66. Commend partnership working between Councils and Committees, Presbyteries and Kirk Sessions, other agencies and ecumenical partners to challenge and eliminate violence against women in all its forms.</p>	
<p>67. Welcome the continuing work of the Scottish Government on the issue of challenging violence against women.</p>	
<p>68. Instruct the Church and Society Council to work with other partners to develop a national process to promote appropriate responses by the Church to the issues identified in the report.</p>	<p>The Council supports the Church of Scotland's Violence Against Women Task Group, for details of their work please see the report below at section 13.</p>
<p>69. Commend the resource from the World Council of Churches and the World Communion of Reformed Churches Created in God's Image for study and action by local churches and Kirk Sessions and instruct the Church and Society Council, the Mission and Discipleship Council and others to publicise and promote related resources and issues.</p>	<p>This resource was regularly highlighted in the Council's E-news and was promoted by the Moderator during the 16 Days campaign in Nov-Dec 2014.</p>
<p>70. Note with deep concern the abduction of 230 school girls from their school in northern Nigeria on 15 April 2014, and their continued captivity.</p>	<p>A letter was sent to the Foreign Secretary expressing the Church of Scotland's concern and calling on the UK Government to confirm that they are doing all that is reasonably possible to ensure the safe return of those concerned, and taking the appropriate steps to help end these abhorrent incidents.</p>

<p>71. Commend the Church of Scotland's Violence Against Women Advisory Group for its work and urge it to continue to consider emerging issues and to bring concerns to the attention of the General Assembly in the future.</p>	<p>Following a review and renewal of membership, the group is now a Task Group; a report can be found below at 13.</p>
<p>72. Note that the Violence Against Women Advisory Group is able and willing to offer advice and information to anyone in the Church who would like to think about how they and their work can contribute to the eradication of violence against women in Scotland</p>	
<p>73. Express appreciation to the Scottish Churches Parliamentary Office for the work it has co-ordinated with regard to the Churches' preparation of the referendum and encourage congregations to find out more about the work of the office and its resources in the run up to the referendum and the UK General Election in May 2015.</p>	<p>A report on Parliamentary activity is included below at paragraph 26.</p>
<p>74. Urge the Scottish Government to change the name of Religious Observance (RO) to Time for Reflection to better reflect current practice in schools following its 2005 guidelines and 2011 letter which encouraged the use of that or other appropriate titles to increase a sense of inclusivity in Religious Observance events.</p>	<p>The Convener of the Education Committee has raised this issue with the Cabinet Secretary for Education and Lifelong Learning at one of their regular meetings.</p>
<p>75. Affirm and give thanks for the contribution that the Church of Scotland appointed representatives to Local Authority Education Committees make to the education experience in Scotland's schools, and affirm the belief that the Church appointed representatives provide a model for an expanded understanding of what is meant by democratic decision making that is truly participatory and rooted in communities.</p>	<p>The Council has held three conferences to support local authority representatives. Following representations, a proposed Scottish Parliament Member's Bill to abolish these representatives was dropped. A report on the work of the Education Committee can be found below at 22.</p>

<p>76. Instruct the Church and Society Council, through its Education Committee, to continue to review the provision of core Religious and Moral Education and to offer appropriate support to teachers, local authorities and young people.</p>	<p>The Council maintains strong links with the Scottish Joint Committee on Religious and Moral Education (who run conferences for RME teachers) and with the Religious Education Movement Scotland (with whom a funding application has been lodged to develop online resources for RME). A report on the work of the Education Committee can be found below at 22.</p>
<p>77. Note that the Curriculum Impact Review into Religious and Moral Education produced by Education Scotland highlights that "in most secondary schools, young people are not receiving their entitlement to religious and moral education in the senior phase" and instruct the Council, through its Education Committee, to meet with Education Scotland to urge that action be taken to ensure that pupils across Scotland receive their entitlement to high quality RME.</p>	<p>These concerns were raised at a meeting with Mike Russell MSP, then Cabinet Secretary for Education and Lifelong Learning, with officers from Education Scotland and were included in a letter to the new Cabinet Secretary, Angela Constance MSP. A report on the work of the Education Committee can be found below at 22.</p>
<p>78. Urge the Council, through its Education Committee, to emphasise the provision of financial preparation and other relevant life skills, as outlined in the Curriculum for Excellence, as a matter of importance.</p>	
<p>79. Encourage all parts of the church to pray for the success of peace talks in Syria and Israel/occupied Palestinian territories.</p>	<p>The Council has worked with World Mission, Christian Aid and the Scottish Episcopal Church to run prayer vigils on the 24th of each month as part of the ACT Alliance campaign to pray for peace in the Middle East. These events have also been promoted on the Church website, and through other publicity.</p>
<p>80. Note the UK Parliament's vote not to intervene with British military force in Syria and consider this to be an important and welcome step forward in the power of the legislature over the executive in matters of war.</p>	<p>The Council Convener wrote to senior members of the UK Cabinet including the Secretaries of State for Defence and Foreign and Commonwealth Affairs. The Convener also wrote to Scotland's MEPs elected at the European elections in 2014.</p>

<p>81. Note that 2014 is the 100th anniversary of the outbreak of World War One and the 80th anniversary of the Barmen Declaration; express sorrow and regret for the terror and loss of life caused by war and totalitarianism and instruct the Church and Society Council to continue to work for peace and justice.</p>	<p>The Council has continued to seek to make positive contributions in the public square on issues of international peace and justice. A fuller report on international issues can be found below at sections 18-21.</p>
<p>82. Commend the Conference of European Churches, and especially its Church and Society Commission, for working to represent the Churches at a European level, and urge that in European Union policy-making the Gospel priority for the poor is considered first, especially in matters relating to the economy, employment, trade, security and sustainability.</p>	
<p>83. Note and reaffirm the deliverances agreed by the General Assembly of 1996 which give thanks for the work of the European Union in promoting peace, security and reconciliation amongst European nations, note that Scotland has been part of the European Union since 1973 and believe that Scotland should continue to be a member; affirm that, whether as an independent nation state or as a part of the United Kingdom it is better for Scotland, Britain and Europe for the United Kingdom to remain in the EU.</p>	
<p>84. Urge the UK Government to abandon its nuclear weapons; welcome the statement by the World Council of Churches General Assembly encouraging the total global elimination of nuclear weapons and encourage members of the Church to participate in or to pray for the Faslane Easter Witness for Peace to be held on Saturday 28 March 2015.</p>	

<p>85. Note that the UK is the only country in the EU to recruit 16 and 17 year olds into the armed forces; urge the UK Government to adhere to the United Nations Convention of the Rights of the Child by ceasing to recruit below the age of 18.</p>	<p>The Council has written to Forces Chaplains and a letter has been sent to the Ministry of Defence.</p>
<p>86. Note and give thanks for the successes of the Enough Food For Everyone...IF campaign, instruct the Church and Society Council and the World Mission Council working with Christian Aid to raise awareness of related issues, especially around tax and financial transparency, and to report concerns to future Assemblies, and congratulate the UK Government for meeting its commitment for spending 0.7% of Gross National Income in Overseas Development Assistance.</p>	<p>The Council Convener has written to the Secretary of State for International Development, the Shadow Secretary of State, and other politicians including Scottish MPs. A Private Member's Bill introduced by Michael Moore MP to enshrine this target for future governments is, at the time of writing, being considered by the UK Parliament</p>
<p>87. Thank all those who assisted the Council in the preparation of the report and instruct the Council to write to Members of Parliament representing Scottish constituencies, Members of the Scottish Parliament, Members of the European Parliament representing Scotland, relevant Scottish and UK Government Ministers and others involved in the issues raise in the report.</p>	<p>Correspondence and messages from the Council Convener to relevant and appropriate groups and individuals were sent out.</p>

SOCIAL JUSTICE

4. Common Wealth? Sharing through tax and giving

Now the whole group of those who believed were of one heart and soul, and no one else claimed private ownership of any possessions, but everything they owned was held in common. With great power the apostles gave their testimony to the resurrection of the Lord Jesus, and great grace was upon them all. There was not a needy person among them, for as many as owned lands or houses sold them and brought the proceeds of what was sold. They laid it at the apostles' feet and it was distributed to each as any had need.

Acts 4: 32-35 (NRSV)

4.1 Introduction

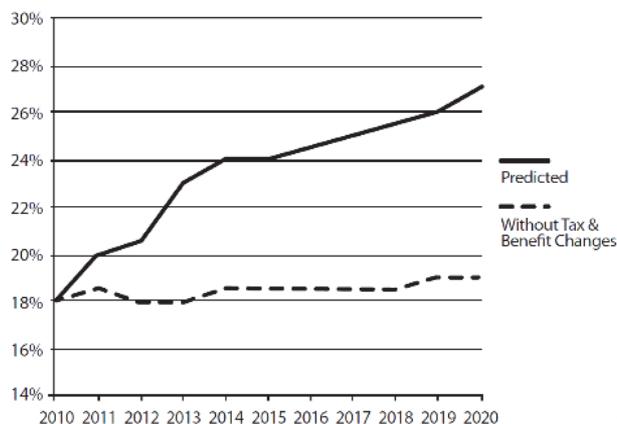
4.1.1 The political and financial landscape of our country is evolving. The work of the group writing this report began in 2013 and we are completing it in 2015 in a post referendum Scotland. And indeed by the time this report is presented to the General Assembly there will have been a UK General Election. However this report is an attempt to encourage people to reshape their attitude towards tax, financial giving and wealth sharing.

4.1.2 During the referendum campaign and following the referendum there has been a ground swell in the number of people getting involved in politics at a grass roots level. We have seen the growth of the Common Weal movement and other groups such as Women for Independence. There appears to be an appetite for

exploring new ways and different ways of financing government and sharing wealth. In this report we also explore attitudes with in the church towards our own system of financing the work of the church.

4.1.3 We are living in times of 'austerity' so we are told. However, in the UK today the richest 10% of the population own 44% of the wealth, while the poorer half owns a mere 9%¹. According to a report by the company Credit Suisse, this level of inequality has continued to grow since 2007². That the rich might become richer³ in times of austerity suggests that it is not just what a country has, but what a country does with what it has that impacts upon its levels of poverty. Nowhere is this reality more poignantly presented than by the Institute for Fiscal Studies who have calculated the impact of the UK Government's tax and welfare reforms on the increased levels of child poverty within the UK:

4.1.4 This graph is a forecast of the proportion of children living in relative poverty and is based on data calculated by the Institute for Fiscal Studies. It shows the estimated proportion of child poverty in the UK, compared with an estimated level of child poverty if the UK Government's tax and benefit changes since 2010 had not been implemented. Proportion of children living in poverty:⁴



4.1.5 Despite these figures, reports within the media and by those in power often give the impression that the poorest and vulnerable are a burden, and that the cost of supporting them is to blame for the country's current financial situation⁵. The sentiment presented to us is that decreasing expenditure, primarily through budget cuts, rather than increasing revenue, is our only course of action. However, more than thirty years of widening wealth inequality, an ongoing political rhetoric against the poor, and the economic crash of 2008 are among the many triggers that have sparked a growing concern about our existing economic system.

4.1.6 Through a series of reports on justice and the markets, culminating in the report of the Special Commission on the Purposes of Economic Activity in 2012, the Church has formed the view that 'business as usual' is not tenable. We must reassess our relationship with wealth, how we share it, and how it shapes our relationships with one another. At a time of growing national and global inequality this report explores our attitude to wealth and tax, the ineffectiveness of current taxation policies to address poverty and inequality, and

¹ http://www.ons.gov.uk/ons/dcp171776_362809.pdf , accessed 10/12/2014, p.1,

² <https://publications.credit-suisse.com/tasks/render/file/?fileID=60931FDE-A2D2-F568-B041B58C5EA591A4>, accessed 10/12/2014, p.33

³ http://b.3cdn.net/nefoundation/9f13eb419294bb7cfe_abm6bc76e.pdf , accessed on the 17/12/2014

⁴ <http://www.ifs.org.uk/comms/r78.pdf>, accessed 10/12/2014, p.30

⁵ <http://www.jointpublicissues.org.uk/wp-content/uploads/2013/05/Truth-And-Lies-Report-smaller.pdf>, accessed 10/12/2014, p.27

possible alternatives which should be discussed and considered. The premise of this work, as laid out by Angus Ritchie in Christian Aid's latest report '*Tax for the Common Good*', is that:

The promise of a good tax system is that it stops 'charity' from being a set of one-way transfers ameliorating an otherwise unjust economic order. Rather, a tax system which promotes good governance, which enables the state to provide a robust, accountable framework in which civil society can flourish, and which shares the fruits of creation more equitably, can help every citizen to participate more fully in the 'charity' for which we were created.⁶

4.1.7 The Church of Scotland's 2012 report *A Right Relationship with Money* begins by saying: "Love of our neighbours is the ultimate test of our economic arrangements. All economies are embedded in social relationships."⁷ From this interdependent perspective the purpose of an economic activity should be as much about wealth distribution as wealth creation. The way in which we share what we have denotes something of the quality and type of relationship we hold with each other. While there are several ways to spread wealth across society, such as wages for employees, profits for shareholders and, goods and services which can benefit society, the focus of this report is the method of direct re-distribution through resource sharing, charitable giving and taxation. We offer this report as a challenge within and outwith the church to look beyond the paradigm of personal advantage and explore how that which is God's can be used in the service of all.

4.1.8 Throughout scripture we repeatedly encounter the challenge to set aside individual selfishness and to live with and for others as we seek to build God's kingdom⁸. The money and possessions we acquire in life depend on

how our society allows the resources of God's creation to be exploited, kept, used and shared for the benefit of others or ourselves. Our 'ownership' of the fruits of God's creation is only temporary and conditional. Ultimately what we have is not ours but God's and so should be used to build God's kingdom. As God freely gives in love we are challenged to hold nothing back. The redistribution and sharing of our wealth is not a burden to be avoided but an act of service in our relationship with Christ and one another. This is the basis of our understanding of Christian stewardship. This report seeks to explore what this understanding and model might mean firstly for our understanding of taxation, before going on to explore how we individually can share our money, possessions, time and talents.

"A Nation State is a kind of community with a sense of being 'we', belonging together, sharing resources and responsibilities entailing diverse modes of neighbourliness, some of which are exercised locally at the community level and some through national institutions, including the tax office!"

Tax for the common good: A study of tax and morality, October 2014, p.14 (Christian Aid)

4.2 Taxation: towards a new appreciation of tax

4.2.1 The dictionary definition of tax is 'a compulsory contribution to state revenue levied by government on personal income and business profits or added to the cost of some goods, services, and transactions'⁹. While this adequately describes the mechanism of taxation it does not begin to answer the more significant question: what is it for?

4.2.2 When the word 'tax' is mentioned, most people think of income tax but there are a variety of ways of collecting tax, some of which are more 'hidden' eg National Insurance and VAT.¹⁰

⁶ Ritchie A, *Tax for the common good: A study of tax and morality*, October 2014, pp. 21-22 (Christian Aid)

⁷ "A right relationship with Money", The church of Scotland Special Commission on the Purposes of Economic Activity (May 2012), p.12

⁸ Luke 14:25-35 is a good example of this

⁹ Oxford Concise English Dictionary tenth edition, Oxford University Press

4.2.3 Through these different levies taxation is meant to fund the activities of the state such as education, healthcare, welfare and defence. A theology of tax then is in some way part of a theology of the state. If Christians accept the necessity of government, then we accept the necessity of taxes. Moreover, taxes are more than a source of government revenue. They are often used to encourage behavioural change; *eg* for tobacco. Broadly speaking then, taxes help shape our society; providing both funding for national institutions and incentives for desired behaviours.

4.2.4 Richard Harries, former Bishop of Oxford, says that "Taxes exist between what we want in our best moments and the much lower standards we habitually observe."¹¹ And a 2003 Church and Nation Report on *Theology of Taxation* observed: "The problem in our view is not the lack of funds but lack of the will to provide the necessary funds...We can afford it if the will to do so is there. We submit that Christians should be in the vanguard of those working for a change of will in this regard."¹²

4.2.5 In 2012 the Church received the report of the Special Commission on the Purposes of Economic Activity and agreed that reducing inequality should be a primary goal of government. The Special Commission said that it was right that the heaviest burden of taxation should be placed on those most able to pay, in the context not only of raising revenue to pay for state expenditure, but with the principle of challenging inequality at the centre. The General Assembly agreed a target of reducing the difference in wealth of the top 20% and bottom 20% from 7.2 times in 2012 to 6 by 2025 and to 4 by 2040. The success of such targets will require a review of the current taxation system within the UK. In particular, a change from supporting taxation that benefits us individually, to

supporting a system that allows us to serve one another. It is important that the Church and its members let politicians know that there is public support for changes in society; including a potential increase in taxes for those of us who can afford it.

4.2.6 An appreciation of taxation inevitably relates to an understanding of the type of society we live in and a shared vision of the society we wish to create. In an ideal scenario taxation is about redistributing the country's wealth in a way that we all benefit. Provisions such as education, policing, defence, the National Health Service and much more are funded through our taxes. Individuals and multinational corporations, who have been criticized for tax avoidance, benefit from the rule of law and state infrastructure. A functioning state relies on taxation to contribute to a good standard of living and for a positive economic and business environment.

4.2.7 Romans appears to call us to pay taxes even when it comes at personal cost but without personal benefit. Paul in Romans 13 urged that Christians should be subject to state authorities:

*Therefore one must be subject [to the authorities]... For the same reason you also pay taxes, for the authorities are God's servants, busy with this very thing. Pay to all what is due to them- taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honour to whom honour is due.*¹³

4.2.8 Paul's argument is particularly challenging: he suggests that taxes should be paid because governments are in the business of doing God's work. But what should happen when we feel that governments are not pursuing this business – are we to stop paying tax? Paul continues: "Owe no one anything except to love one another; for the one who loves another has fulfilled the law... Love does no wrong to a neighbour; therefore, love is the fulfilling of the law"¹⁴. While at the end of Romans 12: 21 we are

¹⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/372565/disag-main.pdf, accessed 04/12/2014, p.11

¹¹ R. Harries, *Is There a Gospel for the Rich?: Christian Obedience in a Capitalist World* (Mowbray, 1992), p.9

¹² RGA 2003 – Committee on Church and Nation *Theology of Taxation*, p. 12/38-39, para. 5.3

¹³ *Romans 13.5-7*

¹⁴ *Romans 13:8, 10*

told "If your enemy is hungry, feed him; if he is thirsty, give him something to drink. In doing this, you will heap burning coals on his head. Do not be overcome by evil, but overcome evil with good." In both these verses the thread is clear: Paul calls the church to overcome evil by giving of oneself, sharing with ones neighbour and contributing to the common good. Our understanding of Paul's call to Christians to pay tax, then must be set in the context of love for our neighbour¹⁵. We might add that by opting out of paying taxes, we may be said to lose the legitimacy of voicing our opinions about how they are implemented or spent.

4.2.9 Most debates about tax in our own culture are about the rate of tax, how tax is spent, and what social good we can expect from taxation policy. Familiar arguments include the following:

- too high a rate of taxation on wealth or business discourages entrepreneurs and business investment
- tax should be used to increase the price of potentially antisocial activities, such as gambling or alcohol
- tax policy should aim to lessen inequality between rich and poor
- tax allowances should be used to help families, *eg* those with children, or couples who marry
- charitable giving can be encouraged through the use of Gift Aid 'topping up' gifts, and tax breaks for donors

4.2.10 More recently, interest has focussed on the issue of tax avoidance¹⁶ by wealthy individuals or multinational corporations using legal means to avoid what many would see ought to be a proportional contribution to the tax take. A number of leading companies have been found to be paying little or no corporation tax, by use of legal

and accounting methods which, whilst strictly lawful, are widely seen as unethical.

4.2.11 In their work on this issue Christian Aid have understood taxation to be part of the relationship we have with one another. Relationships in the modern world are complex: often our social networks are not as broad or diverse as they might be. As a result the neighbour who could most benefit from our tax payments may not be personally known to us. In this instance the state can act to make those connections for us, collecting taxes from some and spending the money in a way which benefits society as a whole. Where it is felt that the state is failing to do this, the church must speak out and keep the government to account.

4.2.12 Moreover, not only then is it essential that Trans-National Corporations and other businesses pay the taxes required of them, but also that citizens are given the opportunity to contribute to the 'Common Weal', for such contributions have the potential to strengthen relationships and increase accountability. Although it must be acknowledged that not all taxes are spent on protecting human life, the ethical imperative of putting other human beings before our own selfish interest is grounded in Gospel principles. And it is the opportunity to contribute to the well-being of each other that should inform our attitude to taxation.

4.2.13 *The Gospel and the Rich*¹⁷ offers insights into parts of the Bible which deal with taxation. It notes that: "in both the Old and New Testaments, the Bible has little to say on taxation for non-religious purposes"; and that: "In the Old Testament, the concept of taxation as a means of redistributing wealth is seen in terms of physical goods rather than monetary profit" (cf Deuteronomy 24, re: the harvest gleanings). Yet the Christian Aid paper points to a story of a king setting a fair tax (p7):

¹⁵ The Gospel and the rich: theological views of tax A Christian Aid report June 2009. Part I: 'Theology, tax and Christian Aid', Paula Clifford, head of theology, Christian Aid; The Contextual Theology Centre, London <http://www.christianaid.org.uk/images/the-gospel-and-the-rich.pdf>, accessed 5/03/2014, p.7

¹⁶ Tax avoidance: 'legal evasion of payment of tax'. Tax evasion: 'illegal evasion of payment of tax' (Chambers Dictionary)

¹⁷ *The Gospel and the rich: theological views of tax*, Christian Aid: June 2009 <http://www.christianaid.org.uk/images/the-gospel-and-the-rich.pdf>

One example in the Old Testament is the tax imposed by King Jehoiakim. Faced with huge financial demands from the Egyptian Pharaoh, the king taxes people proportionately: 'He exacted the silver and the gold from the people of the land, from all according to their assessment' (2 Kings 23:35). This is more likely to have been a pragmatic decision, seeking wealth from those most able to provide it, than a social model, but it was very much in the community's interest to conform, given the Pharaoh's previous record of violence against the kings of Judah.

4.2.14 In a way, this is a fair tax for an unfair purpose- the Pharaoh was blackmailing the nation of Judah. However, the power politics were such that King Jehoiakim clearly felt that he had no choice but to meet Pharaoh's demands to maintain peaceful relations. Yet he does so in a way that people pay according to their means.

4.2.15 Turning to the New Testament, Angus Ritchie of The Contextual Theology Centre, London, notes: "Taxation features heavily in the context of Jesus' own life and ministry"¹⁸ (p21). Jesus is born during a census for a Roman poll tax. One of the allegations at his trial before his crucifixion is that he advocated non-payment of tax (Luke 23:1-4). Tax collectors worked for Rome on a franchise type model and were proverbial outcasts notorious for their dishonesty, yet Jesus reaches out even to *Matthew and Zacchaeus. Along with land rents, taxes to the temple, local rulers, and the Romans helped to ensure that a small elite benefited from the labour of a peasant class.*

4.2.16 We might also note the following descriptions of taxation in Jesus' time:

Taxation in Roman Palestine was extractive, that is, designed to exert elite control over agrarian production. In the society of early Roman Palestine, villagers preferred to conduct business along the lines of reciprocity; but, since elites controlled taxation (land products), labor, and commerce, redistributive

arrangements tended to prevail. Caesar's agents collected taxes and redistributed them to clients. The priests and the Jerusalem temple collected offerings and redistributed them. Redistribution exchanges were replicated throughout society. Their major impact was to remove most goods from the control and enjoyment of most people. The terms "extraction", "redistribution" and "tribute" reflect the political nature of these distributive mechanisms. All of these terms emphasize that the benefits in ancient economy flowed "upward" to the advantage of elites.¹⁹

And:

The question put to Jesus, 'Is it lawful to pay taxes to the emperor?' is not an academic one – it was a burning issue. The tax in question was the hated poll tax, imposed by the Romans in AD6 when Judea became a Roman province, and it had already been the cause of a bloody revolt. If Jesus had said no, he would have laid himself open to charges of political agitation; if he had said yes, he would have alienated the people. Using the visual aid of the Roman silver coin bearing Caesar's head (and surprisingly the Jewish leaders seemed to have one on them even though it was considered offensive), Jesus' reply was that the Roman government had a legitimate demand on people's income. But much more important are the demands of God.²⁰

4.2.17 *Is tax theft?* There are those who claim that tax is theft²¹ and the Bible is against theft (Exodus 20.15). Yet the whole notion of 'private property' is brought into question when we sing 'The earth belongs unto the Lord' (Psalm 24). For all that we are and all that we have ultimately belongs to God.

¹⁹ KC Hanson and Douglas E Oakman, Palestine in the time of Jesus: Social Structures and Social Conflicts, Augsburg Fortress 1998, p.116

²⁰ Paula Clifford, *The Gospel and the Rich*, p7

²¹ Murray Rothbard argues that taxation is theft in 'The Ethics of Liberty' New York University Press 1998.

¹⁸ *The Gospel and the Rich* (Christian Aid etc.) – appended paper, p. 21

4.2.18 The Christian Aid report makes an interesting comparison between Pharisaic legalism and those who use the law today to avoid paying their dues. It quotes a code of conduct for taxation developed by tax expert and anti-poverty campaigner Richard Murphy²²: “Tax planning seeks to comply with the spirit as well as the letter of the law”. The spirit and the letter is, of course, a Gospel phrase:

The insistence of [the] ‘Code of Conduct’.. on upholding the spirit of the law has a sound theological basis in terms of maintaining the relationship with one’s neighbour and is rooted in New Testament teaching. Indeed, the tax avoider’s obsession with the intricacies and loopholes in tax legislation strangely mirrors the pharisaic dedication to scrutinising the letter of the law in minute detail. For while the Pharisees as portrayed in the Gospels saw themselves as upholding a thorough-going obedience to the law, they were in fact promoting an excessive legalism at the expense of their neighbours’ wellbeing: ‘Woe to you Pharisees!’ says Jesus. ‘For you tithe the mint and rue and herbs of all kinds, and neglect justice and the love of God’ (Luke 11:42).²³

4.3 Christian Stewardship as a Model for Taxation

4.3.1 In the Church of Scotland ‘stewardship’ is usually understood as how the Church uses and transforms the contributions from its members of their time, skills and crucially money. There are parallels between the money collected from congregations into the central Ministry and Missions fund and secular taxation. Both might be perceived as being imposed by a distant centre on a reluctant local community.

4.3.2 Within this discussion it is worth re-affirming that the Church of Scotland is a national church with a territorial ministry. This ministry of interdependence and mutual support binds congregations together. It is a

model that relies upon a responsible attitude to both the ingathering of resources and the employment of these for maximum effect and has given rise to the National Stewardship Programme which: “calls for some action in every congregation in relation to the teaching and promotion of Christian stewardship every year.²⁴” It is a model which might usefully be affirmed not only for the Church’s wellbeing but as an example to those charged with the welfare and cohesion of Scottish society.

4.3.3 Christian Stewardship proclaims that the earth is the Lord’s and all that is in it, the world and those who live in it; for he has founded it upon the seas and established it on the rivers.²⁵ God is the author of all that there is, material and non-material. It is by the abundant grace of God that we are created, called, redeemed and sanctified. Our God is a God of relationship – in Trinity and with all the people of God. We are brought into this relationship through the life, death and resurrection of Jesus Christ and as part of the universal plan of salvation.²⁶ We are invited to share the grace of God; it is through grace alone we are bound to God and to one another, and it is what prompts us to look out for our neighbour’s welfare as much as our own. Grace works for us, and through us.²⁷ It flows through our relationship to God, our relationships in Christ’s name, and our relationship to the world.

4.3.4 However both in the Church and in wider society grace is confronted with fear. Fear resists the free and fair sharing of God’s material and spiritual blessings. Fear insinuates that *there is only so much prosperity to go around, and it should go to those most deserving*. This fear drives political rhetoric about ‘hard-working families’ and ‘benefits scroungers’. Fear of scarcity does not recognise need as the basis for help, but instead, masquerading as necessary measures in a time of austerity, it puts the blame on the shoulders of those who are vulnerable for not doing the right thing. Prof John M

²² Richard Murphy, ‘A Code of Conduct for Taxation’ Association for Accountancy and Business Affairs, Tax Justice Network, and Tax Research LLP, October 2007. Quoted in *The Gospel and the rich*, p12.

²³ *The Gospel and the Rich*, p.11 (Christian Aid, 2009), <http://www.christianaid.org.uk/images/the-gospel-and-the-rich.pdf>

²⁴ CoS General Assembly Reports 2013, pp.1-5

²⁵ Psalm 24:1-2

²⁶ Eph:1.10, Eph:3.9, Col:1.25.

²⁷ Eph 2:8-10

Hull²⁸ argues that the secrecy and vagueness and societal taboos about talking about money and wealth and income are part of the problem; raising up a money god with special mysterious and powerful influence. The money god is utterly selfish, and has made people believe that money belongs to individuals. But like everything humankind shares on this planet, money is social. Money is a community asset, and good taxes are a way we can give to support the community and as such should not be feared.

4.3.5 Christian stewards know that “The Bible is about abundance”²⁹, and that: “appearance notwithstanding there is enough to go around, so long as each of us takes only what we need. In fact, if we are willing to have but not hoard, there will even be more than enough left over.”³⁰

“Our economic culture needs to be shaped by public values which promote social cohesion and common good. These values need to be translated into enforceable regulations. We need an ongoing public conversation about the relationship between ethics and economic policy, and the churches have a vital role to play in this debate.”

From *A Right Relationship With Money*, a report of the Church of Scotland Special Commission on the Purposes of Economic Activity, May 2012

4.3.6 Jesus’ parables are illustrative here. The Parable of the Good Samaritan³¹ suggests that relationships are central to faith (“Imperfect or broken relationships between ourselves as human beings and between us and God results in unjust behaviour towards one another and a damaged relationship with God”³²). In Christianity, living

a life of righteousness is about loving God and doing good where one can. The Parable of the Talents³³ calls Christians to use their God-given time, ability and money for the work of the Kingdom. (A more detailed consideration of this parable is available online).

4.3.7 The Parable of the Dishonest Servant³⁴ teaches the wisdom of investing in relationships. The Parable of the Prodigal Son³⁵ shows that even in the face of failure and crisis it is possible to make decisions which are generous, faithful and unencumbered by the normal concerns for wealth, and that the promise of eternal life cannot be assured through how we dispose of our material possessions, but by a radical trust in God’s abundant grace.

4.3.8 Because God is gracious and the source of all graces we are as free as the Samaritan to make good decisions which will facilitate a meaningful life for ourselves and our neighbours. As recipients of grace we have an inherent responsibility to all those who are equal recipients of God’s grace so that ‘Justice, forgiveness, reconciliation and equity is ours to strive for in every relationship.’³⁶ Indeed:

*Our duty, according to the parable, is a duty of care, justice informed by love, to our neighbour, who is every person, everywhere, in every time. Our responsibility neither rests on reciprocity nor on contract. Nor is it limited by nation. It inheres in our common humanity. Just as the Samaritan was the quintessential outsider, hated and scorned, so human rights, if they mean anything cannot be only for those we affirm and approve.*³⁷

²⁸ Blaspheming the Money God, *RE Today*, [Christian Education Publications] Vol. 27 No.1 Autumn 2009. pp. 4-5

²⁹ Brueggemann *Enough is Enough* p. 1

³⁰ *Ibid.*

³¹ Luke 10:25-38

³² The Gospel and the Rich: theological views on tax, Christian Aid June 2009, p. 5 <http://www.christianaid.org.uk/images/the-gospel-and-the-rich.pdf>

³³ Matthew 25:14-30; Luke 19:11-27

³⁴ Luke 16:1-13

³⁵ Luke 15:11-32

³⁶ *Ibid.* para. 2.8.2

³⁷ Human Rights: what does God require of us? Justice informed by love, Reports to the General Assembly of the Church of Scotland, May 2013, Supplementary report of the Church and Society Council, para 2.5.3 http://www.churchofscotland.org.uk/_data/assets/pdf_file/0019/13843/Supplementary_report.pdf

4.4 Our attitude to those who struggle against poverty

4.4.1 Public attitudes towards the vulnerable and marginalised within society are constantly shaped by the rhetoric within the media and politics which can demean, stigmatise and blame people for their poverty. 'The war on the poor' has not gone away. The language of 'benefit scroungers' contrasted with 'hard working families' incites feelings of resentment towards those who receive welfare support; but it ignores the truth that in-work poverty is greater than out-of-work poverty³⁸. In fact there are currently so many low paid jobs that tax credits are needed to avoid the sort of desperation that leads people to go to foodbanks.

4.4.2 The issues raised in the 2013 joint report (published by the Church of Scotland, Methodist Church, United Reformed Church and Baptist Union of Great Britain) *Lying to ourselves: ending comfortable myths about poverty*³⁹ are still relevant. Understanding the systemic injustice which leads to poverty and inequality is key to building a society which is fairer and cohesive rather than divided and unequal. The 'war on the poor' has been a major driver in the hardening of public attitudes towards welfare and poverty. According to the British Social Attitudes Survey, during the 1991 recession 58% of people were in favour of higher spending on welfare even if it meant higher taxes. By contrast, In 2011, following the recession of 2008, this figure had fallen to 28%. Support for more benefits for people with disability fell from 63% in 2008 to 53% in 2011. Whether it be the political discourse, print media, televised or social media, it is often the case that those who have the greatest ability to shape public attitudes within society are not those who are on the margins of society. It is the responsibility of the church to encourage love of one's neighbour, and to ensure that those who are vulnerable and marginalised have a voice in the public square.

³⁸ <http://www.jrf.org.uk/sites/files/jrf/MPSE2013.pdf>, accessed 10/12/2014, p.26

³⁹ <http://www.jointpublicissues.org.uk/wp-content/uploads/2013/02/Truth-And-Lies-Report-smaller.pdf>, accessed 10/12/2014,

4.4.3 Alongside practical redistributive measures then, the church and others must affirm and work to promote the cause of those who are vulnerable within society and with it the message that we all have a part to play in contributing to the common good.

4.5 Towards a Different Approach

4.5.1 The argument about the common good is echoed in the cogent and clear message in Pope Francis' 2013 Encyclical *Evangelii Gaudium*; itself a gift to the church universal. Church groups of all traditions will benefit from studying it in the context of their own life and witness. Chapter Four, *The social dimension of evangelisation*, underlines the importance of social justice as integral to the authentic mission of the church.

Extract from *Evangelii Gaudium*, (the Joy of the Gospel)

Pope Francis, November 2013

203. The dignity of each human person and the pursuit of the common good are concerns which ought to shape all economic policies. At times, however, they seem to be a mere addendum imported from without in order to fill out a political discourse lacking in perspectives or plans for true and integral development... Business is a vocation, and a noble vocation, provided that those engaged in it see themselves challenged by a greater meaning in life; this will enable them truly to serve the common good by striving to increase the goods of this world and to make them more accessible to all.

204. We can no longer trust in the unseen forces and the invisible hand of the market. Growth in justice requires more than economic growth, while presupposing such growth... I am far from proposing an irresponsible populism, but the economy can no longer turn to remedies that are a new poison, such as attempting to increase profits by reducing the work force and thereby adding to the ranks of the excluded.

205...Politics, though often denigrated, remains a lofty vocation and one of the highest forms of charity,

inasmuch as it seeks the common good. We need to be convinced that charity "is the principle not only of micro-relationships (with friends, with family members or within small groups) but also of macro-relationships (social, economic and political ones)". I beg the Lord to grant us more politicians who are genuinely disturbed by the state of society, the people, the lives of the poor! It is vital that government leaders and financial leaders take heed and broaden their horizons, working to ensure that all citizens have dignified work, education and healthcare. Why not turn to God and ask him to inspire their plans? I am firmly convinced that openness to the transcendent can bring about a new political and economic mindset which would help to break down the wall of separation between the economy and the common good of society...

4.5.2 Prayer and understanding, study of the Bible and common worship – these are the privileges and responsibilities of all Christians who seek justice and wholeness in our own lives and for society. Thus equipped we may address the ethical decisions surrounding issues of tax, giving and sharing.

4.6 The Joy of Tax

"An efficient and fair taxation system is essential to reducing inequalities in our society. Because taxes are used to support a just and compassionate society, paying tax can be viewed as a social obligation akin to loving one's neighbour. But there is mounting evidence that the taxation system in the UK is not working well: not all people are paying taxes in proportion to their wealth and income."

From *A Right Relationship With Money*, a report of the Church of Scotland Special Commission on the Purposes of Economic Activity, May 2012.

4.6.1 The 2003 Church and Nation report on a *Theology of Taxation* set out a number of criteria for assessing the ethics of a particular tax system:

- One in which people give cheerfully in recognition of that which has been graciously given to us.
- One which is designed to offer justice to all.
- One which provides the means for a community to offer all of its members dignity and equality of opportunity.

4.6.2 The 2003 report also set out clear preferences for direct over indirect taxation, and that fundamentally taxes should be levied on the ability to pay and have a real connection with either income / property or through participation in financial transactions such as buying goods or services.

4.6.3 Of particular note in this area is Christian Aid's work to hold companies to account on this matter through working with governments to tighten legal and regulatory frameworks and by challenging a culture that says it is acceptable to avoid paying taxes. While company directors often refer to fiduciary duty, the way this concept has been narrowly interpreted (to refer to a legal duty to maximise profits) and used in isolation of other social and moral obligations is increasingly being challenged. In this area the reports by Christian Aid are a prime example of the role the church can play both in tightening the system but also in changing attitudes towards tax.

4.7 Wealth Sharing

4.7.1 Equality, fairness and justice were the top three values identified in the Church's community consultation process held in the run-up to the referendum.⁴⁰ The ideas and aspirations of church members when asked to think together about Scotland's future were shaped by our attitude to money; scrapping Trident and using the savings for social good, challenging consumption and materialism and the promotion of wealth and prosperity as virtues. On fiscal matters, many of the responses during these consultations called for radical redistributive tax systems. The bible tells us that we all have a part to play in each other's wellbeing.

⁴⁰ Our Vision: Imagining Scotland's Future (Church of Scotland, 2014), p. 9

4.8 Charitable Giving

4.8.1 Giles Fraser, a Church of England priest and commentator, has said that: “the best way to assess what someone believes is to look through their bank statement. Forget fancy words and sermons, money is the way we mean it – or we don’t. Money is the sacrament of moral seriousness.”⁴¹

4.8.2 As we work to hold governments and businesses to account in this matter it is important that we reflect on the way we share our own wealth. Charitable giving, like taxation, should be done cheerfully and affirmed and encouraged. According to a recent article, Scotland is one of the most generous parts of the UK; Scottish households give substantially more to charity than those in London and the South East of England, despite not being as affluent, according to a March 2013 survey⁴². A challenge for all people of good will who care about the development of society is to maintain and increase levels of giving; can institutions such as the Church encourage others to do so?

4.9 Practical Alternatives

4.9.1 At the time of writing, February 2015, proposals which will ensure that the Scottish Government gains substantial further fiscal powers have been made by the Smith Commission, and it is likely that taxation arrangements across the whole of the United Kingdom will change. In addition, the Scottish Government itself plans legislation on both rural and urban land reform, including taxation changes and measures to end the use of tax havens to avoid paying tax.

4.9.2 These all provide a great opportunity to achieve major changes in taxation which affirm widespread concern about inequality, unfairness and both economic and environmental injustice, including that expressed during the 2014 Referendum process. The important

Mirrlees tax review in 2011, “Tax by Design”, from the Institute of Fiscal Studies (IFS), made proposals for major change to reverse growing wealth and income inequality. This is long overdue. While time constraints have meant that certain important issues, such as tax and its avoidance in relation to inheritance, and the parity in tax treatment of employment, self-employment and corporate-source income (corporation tax), are beyond the scope of this report, we nonetheless offer the following practical issues which are in need of detailed and widespread discussion; none of which in themselves are ‘the answer’ to the issue of economic inequalities, but the Church and Society Council think they are worth further consideration and would like there to be an open national debate about tax and redistribution.

4.9.3 *A move from Council Tax* – Many pertinent questions exist around the current system of local government financing, including the Council Tax. Since the 2011 Concordat between Scottish local and national government, Council tax rates have been frozen. Some additional funds have been made available from the centre. The effect has been to reduce the proportion raised locally, weakening the connection between Council taxpayer and local authority. This centralisation affects poorer people more, since they rely more on free and subsidised local services. More than that, in Scotland and England Council Tax valuation bands are still based on valuation estimates made in 1991 and do not correspond to current land and property values. All this has a negative effect on the common good.

4.9.4.1 *Land Value Taxation* – One alternative could be a Land Value Tax which at the time of writing is under consideration⁴³. The IFS, amongst others, proposed a partial introduction of LVT⁴⁴. LVT has been summed up simply as “tax on all land on the basis of what it would fetch in the market”⁴⁵. Instead of paying a tax based on

⁴¹ <http://www.theguardian.com/commentisfree/belief/2009/jul/19/greed-city-christianity-wealth-morality>, accessed 10/12/2014,

⁴² <http://www.theguardian.com/uk/2013/mar/14/charitable-giving-survey-donor-information?guni=Article:in%20body%20link>, accessed 10/12/2014,

⁴³ <http://www.scotland.gov.uk/Publications/2014/05/2852/298172>, accessed 10/12/2014, paragraphs 21-25

⁴⁴ <http://www.ifs.org.uk/docs/taxbydesign.pdf>, accessed 10/12/2014, p.371

the value of one's house, it would be a tax based on the value of all the land a person owns. Land is an "inelastic resource", and a gift of God with no cost of production, unlike capital and labour, so its value varies more in relation to the economy compared to assets such as infrastructure or housing developments. Taxing land would share windfall capital gains especially, and wealth in general, across society.

4.9.4.2 Within this system the vast majority of people would pay less than their current Council Tax. Those who own large or valuable landholdings would pay more. This will result in many challenges and complex choices for many, including the Church. An appropriate system of relief for particular circumstances might also need to be considered.

4.9.4.3 A basic LVT would be a tax on land rather than property on the basis of the price when last sold. Levied as an annual charge on the rental value of land, it is in effect a payment for benefits received and is a natural source of public revenue. It is one of the most efficient ways for a country to raise its revenue, and could be administered by local authorities. The few who would lose out have most of the money and the land! Such a tax would result in housing being valued more for its "use" than its "exchange" value. Amongst the other advantages claimed by various proponents are: a reduction in the widening wealth gap between rich and poor; reduction in land prices; replacement of the unpopular, inefficient and inequitable Council Tax; replacing current business rates; encouraging development or sale of unused and unproductive land, including developers' "land banks"; bringing agricultural, other rural land, and second or empty houses into taxation; and raising revenue to build more social housing. Martin Wolf, in "The Shifts and the Shocks: what we've learned and still have to learn from the financial crisis" (2014), advocates such a tax for sustainable economic growth, as part of de-leveraging the economy and ending speculation in land values.

4.9.4.4 Some current political proposals, such as a "mansion tax" are a cautious partial measure. The Mirrlees review pointed out that all reform of taxation results in some losers. With LVT this means those with more wealth, especially big land-owners. The taxation of wealth excites strong passions, the rich regarding it as unjustified confiscation: the poor as the most direct means of redistribution. This largely explains why existing UK wealth taxation, such as inheritance tax, stamp duty, and Council Tax, is full of loopholes, favouring the "healthy, wealthy and well-advised". This is a good reason for the churches to support wider political discussion of the topic. [see www.landvaluetax.org].

4.9.4.5 One advocate of Land Value Tax, Lesley Riddoch, in "Blossom" (2013) writes: "The easy way to transform Scotland overnight is to swap our current property-based Council Tax for a Land Tax so large landowners and speculators would have a financial incentive to 'divest' fallow acres and unused buildings or face eye-watering tax demands. The Scottish Parliament could legislate to give all children (not just the eldest son) the legal right to inherit land – the main way large estates elsewhere were 'naturally' broken into manageable, diverse blocks. Holyrood could make 'sporting estates' pay business rates – currently they don't - and could replace toothless community councils with tax-raising parish councils as an 'ultra-local' tier of democratic control and service delivery."

The Scottish dimensions of land reform including its taxation are well set out in Andy Wightman's "The Poor Had No Lawyers". He summarises four remedies to injustice that would be addressed by LVT. It would:-

1. spread the burden across all property owners;
2. remove the regressive effects of the council tax;
3. provide an equitable source of revenue for public infrastructure projects;
4. provide affordable housing.

4.9.5.1 *Consideration of a Citizen's income*⁴⁶ – The idea of a basic income for everyone regardless of their employment status has been round for many decades.

⁴⁵ Dorling, D., *All that is solid: The Great Housing disaster*, (Allen Lane Feb 2014), p.

Most recently the idea of a 'Citizen's Income' has been promoted by the Citizen's Income Trust.

4.9.5.2 A Citizen's income is a tax-exempt, universal cash transfer payment that is based on the individual citizen. They are unconditional, not means-tested or reliant on prior contributions. Such a programme has to be co-ordinated with the income tax system, where the revenue would be generated to finance a Citizen's income, but it does not have to be combined administratively with income tax. In practice, it means an automatic, regular payment to every citizen, which would vary according to disability and possibly age. It would replace almost all income tax reliefs (including tax credits) and other means-tested benefits. (There are other sources of finance, such as a Financial Transaction Tax, or Sovereign Wealth Funds.) The sum being suggested is barely enough to live on a below the minimum wage level.⁴⁷ Those who stand to gain most include those on low or unstable wages, students, self employed, families on low incomes and pensioners with low levels of savings.⁴⁸

4.9.5.3 Some of the prime advantages to the scheme would be the end of situations where people fear moving off benefits for fear of their income being reduced if they took up low paid work or were employed on a zero hours contract. It also provides a universal safety net to help stave off poverty, and it is egalitarian; it would diminish the stigma of being a 'benefit scrounger' and put everyone on the same level. If every income tax contributor knew that they – and everyone else – received something back, it might also help change individuals' attitudes to taxation. And it would be much simpler and less complex than our current benefits system.

4.9.5.4 The idea has its critics. Those on higher incomes would pay more tax. Some argue that it creates a 'something-for-nothing' culture. It is politically potentially

⁴⁶ The General Assembly of 2013 instructed the Church and Society Council specifically to consider the merits of a Citizen's Income.

⁴⁷ Citizen's Income – A Brief Introduction, Citizen's Income Trust, 2013, p8

⁴⁸ Citizen's Income – A Brief Introduction, Citizen's Income Trust, 2013, p12

very risky, especially as the Government has had some high-profile disasters when it comes to large scale computer projects as they relate to tax and benefits. The determination of eligibility might also raise issues about citizenship and migration. Citizen's Incomes are already being explored in Brazil, Namibia, Iran and India.

4.9.5.5 The idea is a worthy of further and more in depth study and one which organisations with greater understanding of the complexities of our tax system would serve us well by looking into.

www.citizensincome.org

4.9.6 *Institute a Living Wage* – The principle of a living wage is supported by the Church of Scotland⁴⁹ which aspires to be a living wage employer. It has supported reforms to procurement processes by local authorities tendering for care services to take regard of paying the living wage as a criterion for awarding a contract, and for there to be adequate payment to take this into account. It has also called for the rate of the National Minimum Wage to be raised to that of the Living Wage. The National Minimum Wage has failed to increase in real terms, and according to research by the Resolution Foundation, the value of a salary on the National Minimum Wage in 2013 was worth £1010 less than in 2008.⁵⁰ According to the Scottish Living Wage campaign, 18% of employees are still paid less than the living wage; 418,000 people. 93% work in the private sector, 64% are women, and 40% are women working part time.⁵¹

<http://slw.povertyalliance.org/>

4.9.7.1 *Fair Tax* – The longstanding commitment and support of Christians to the principles of Fairtrade are now

⁴⁹ The General Assembly of 2012 agreed in a Deliverance its support for the principle of the Living Wage. For further information see sections 8.8-8.20 for the Church and Society Report to the 2012 General Assembly http://www.churchofscotland.org.uk/_data/assets/pdf_file/0009/9648/03_CHURC.pdf, p. 3/28-3/30.

⁵⁰ <http://www.theguardian.com/news/datablog/2013/oct/01/uk-minimum-wage-history-in-numbers>, accessed 10/12/2014,

⁵¹ *Beyond the Bottom Line*, Resolution Foundation and the Institute for Public Policy Research, January 2013, p. 5.

well-established; there are more than 7000 Fairtrade certified faith groups. Congregations and Presbyteries, Church offices and workplaces of individual members which are not already 'Fairtrade' certified should be strongly encouraged to consider taking a small step which makes a great difference.

www.fairtrade.org.uk

4.9.7.2 The Fair Tax Mark aims to offer the same service for businesses – instant recognition that their tax practices are not only legal but are fair and just. A set of criteria have been drawn up by which a company's performance can be monitored. The hope is that businesses will apply for accreditation and will then be able to display to their customers that they are a Fair Tax company – winning new business and helping to encourage improving standards with their competitors – just like Fairtrade.

www.fairtaxmark.net

4.9.8 *Robin Hood Tax* – The Church & Society Council along with other church organisations is a member of the Robin Hood Tax Campaign. The campaign promotes the idea of a Financial Transaction Tax which would tax financial transactions such as stocks, bonds, foreign currency and derivatives at a level of 0.05%. Current estimates are that this would raise in the region of £250 billion a year.

Do not store up for yourselves treasures on earth, where moth and rust consume and where thieves break in to steal; but store up for yourselves treasures in heaven, where neither moth nor rust consumes and where thieves do not break in and steal. For where your treasure is, there your heart will be also.

Matthew 6:19 (NRSV)

4.10 Conclusion

4.10.1 The 2012 Special Commission on the Purposes of Economic Activity has urged us: "to reimagine our economic life in a spirit of hope and realism". As we within the Church, within Scotland and beyond look to transform this situation taxation, our attitudes to wealth

and the way in which we share it must all come under scrutiny. As John M. Hull states:

It is not the task of the church to manage the world's money. It is the task of the church to proclaim good news to the poor. In this connection, it is necessary for the church to attack the mismanagement of money (and the church itself is not exempt) and to enable church affiliated men and women to distinguish between money as a means of exploiting the poor and money as a means of creating social justice.⁵²

4.10.2 The Church must set an example, part of which is presenting a challenging and prophetic vision for society, calling our politicians, our leaders, our congregations and ourselves to be more generous as we give that which is God's in the service of building God's Kingdom.

4.10.3 The political climate of our country has changed. There is no better time for the church to be speaking out with regards to creating a fairer more equal society.

4.10.4 We do not have definitive answers and nor are we offering any conclusions that commit the church to affirming one suggestion over another. We offer this report simply as both a starting point to aid discussion or as a building block on previous work by the church and other organisations.

An efficient and fair taxation system is essential to reducing inequalities in our society and achieving a fairer distribution of each nation's and the world's resources."

From Imagining Scotland's Future: Our Vision (Church of Scotland, 2014)

⁵² Hull, J.M., "Christian Education in a Capitalist Society: Money and God" in David Ford and Dennis L. Stamps (eds) *Essentials of Christian Community: Essays in Honour of Daniel W. Hardy* Edinburgh, T. & T. Clark 1996, pp. 241-252

I am no longer my own but yours. Put me to what you will, rank me with whom you will; put me to doing, put me to suffering; let me be employed for you, or laid aside for you, exalted for you, or brought low for you; let me be full, let me be empty, let me have all things, let me have nothing: I freely and wholeheartedly yield all things to your pleasure and disposal. And now, glorious and blessed God, Father, Son and Holy Spirit, you are mine and I am yours. So be it. And the covenant now made on earth, let it be ratified in heaven.

Methodist Covenant Prayer

5. Benefit Sanctions and Welfare Reforms

5.1 There is a growing volume of evidence - both anecdotal from church-supported food banks and published research, such as reports by Oxfam and the Church of England⁵³, and the Westminster All-Party Group on Food Poverty⁵⁴ - that one of the main reasons for the increase in food bank use is the imposition on claimants of sanctions on benefit entitlements by the Department of Work and Pensions.

5.2 The 2012 General Assembly received the report of the Special Commission on the Purposes of Economic Activity, which described the 'war on the poor' as an effort to remove dignity and material support from our fellow-citizens in most need. The suggestion that sanctions will change the behaviour of job seekers has been challenged recently. There is also concern that sanctions are unduly harsh, disproportionate and seemingly arbitrary.

⁵³ 'Emergency Use Only: Understanding and reducing the use of food banks in the UK' published by Oxfam, Child Poverty Action Group (CPAG), the Church of England and the Trussell Trust, November 2014 <http://policy-practice.oxfam.org.uk/publications/emergency-use-only-understanding-and-reducing-the-use-of-food-banks-in-the-uk-335731>

⁵⁴ 'Feeding Britain - a strategy for zero hunger in England, Wales, Scotland and Northern Ireland' published by the All-Party Parliamentary Inquiry into Hunger in the United Kingdom, December 2014 <https://foodpovertyinquiry.files.wordpress.com/2014/12/food-poverty-feeding-britain-final.pdf>

5.3 The Council has worked with partner Churches (the Methodist Church, the Church in Wales, the United Reformed Church and the Baptist Union of Great Britain) to investigate in particular sanctions on people with mental health issues or on families with children. At the time of writing, a report (*Time to rethink benefit sanctions*) is being published; the full report is available on the Church of Scotland website and the executive summary and recommendations are as follows:-

5.4 Time to rethink benefit sanctions

5.4.1 Last year over one million sanctions were imposed. Over time more than a fifth of all Jobseekers are sanctioned. This means that their benefits were stopped, usually for one month, but in a small number of cases for up to 3 years.

5.4.2 Sanctions are a system of penalties imposed on those who have not obeyed, in full, detailed instructions related to finding work. This policy has been slowly introduced into the benefit system since the mid 1980s. Before this people who did not meet basic conditions such as being available for work were removed from the benefit roll. However, unlike sanctions, there was no punishment intended - therefore a person was able to reapply for benefit when they became available for work.

5.4.3 Sanctions are more than a simple withholding of benefit whilst a person is not compliant, they are imposed for fixed-periods, effectively making them a deliberate punishment. While people are not receiving money because of a sanction they must continue to obey these detailed instructions - or face further often longer sanctions. We are disturbed that a benefit system intended to provide for the needy and vulnerable is used as a means of coercion and compliance.

5.4.4 The penalties attached to sanctions do not appear reasonable or proportionate to the "failure" that has occurred. If a similar system operated in a workplace - where pay was immediately removed for a month for being late for a meeting or not achieving a weekly target - we might reasonably expect action to be taken against the employer.

5.4.5 The implementation of Universal Credit will extend the sanctions system to many working people. We do not believe the system should be escalated while there are significant questions about its effectiveness and appropriateness.

5.4.6 There is a great deal of evidence to show that those with the most difficult lives are greatly affected by sanctions. Research for this report indicates that:

- over 100 people assessed as unfit for work due to mental health problems are sanctioned each day
- approximately 100,000 children were affected by sanctions in 2013/14.
- a total of 7 million weeks of sanctions were imposed in the year 2013-14; up from 1-1.5 million weeks during the previous decade

5.4.7 Those who have devised the sanctions system accept that *"it would be usual for a normal healthy adult to suffer some deterioration in their health"* if the person has no other resources to fall back on. The policy requires that many people in this situation must wait for two weeks before receiving any assistance.

5.4.8 Sanctions have a financial impact on individuals, but the personal costs of shame, demoralisation and destruction of self worth are much harder to measure. This is a system that leaves many people feeling under suspicion and valueless simply because they do not currently have work.

5.4.9 The UK's sanctions regime is one of the most severe in the developed world. The evidence that *any* sanctions system has long term beneficial effects is notably thin. There is however no evidence that a system as harsh as the UK's has beneficial effects.

5.4.10 Churches are concerned that the imposition of sanctions, in the way that is currently experienced by many, undermines human dignity and threatens the underlying philosophies of the Welfare State to which British citizens contribute through taxation. There are

foundational Christian principles that call into question the sanctions system in operation today.

5.4.11 We have concluded that it is very hard to justify a system which impacts most harshly on the people who most need help and support. Irrespective of circumstances or material need, all people have innate human dignity and are created in the image of God. It is incumbent upon the Christian community to speak out against any system which treats people so unjustly.

5.4.12 The current sanctions system hurts those the benefits system is supposed to be helping, often by punishing people for their frailties or their misfortune. It also fails in its goal of getting people into work, in fact for many it has the opposite effect. We believe there is an urgent need to re-think sanctions and commend the following:

- It is never justifiable to punish people with prolonged hunger. Therefore, as a matter of urgency, the two week waiting period before "non-vulnerable" people can receive a hardship payment should be removed. As the DWP itself recognises this rule causes deterioration in health, this is sufficient to warrant immediate action.
- A full and independent review should be undertaken examining evidence for any positive effects on employment outcomes due to the sanctions system, alongside evidence of both the human and financial costs of sanctioning.
- In the interim, sanctions should be suspended for families with children, and for people suffering from mental ill health.
- Most importantly there needs to be a change of culture, from one of enforcement and punishment to one of assistance and support.

5.4.13 The relentless focus on conditionality has led to claimants feeling mistrusted and under suspicion simply because they have the misfortune of not currently having work. A repeated message is that this has changed the culture in Jobcentres undermining the human dignity of

both the claimant and the official. As Christian people this is a matter of particular concern as it flies in the face of our understanding of human value. Therefore would like to endorse a main recommendation of the Scottish Parliament's Welfare Reform Committee: that there should be "a sea change in the culture of the policy from punitive to supportive".⁵⁵

5.5 Universal Credit

In January 2015 the Moderator, Rt Rev John Chalmers, signed a joint letter co-ordinated by the Scottish Federation of Housing Associations to the Secretary of State for Work and Pensions, Iain Duncan Smith, call for a postponement in the roll out of Universal Credit in Scotland, pending the outcome of the negotiations on more powers for the Scottish Parliament. Some limited proposals on welfare were included in the Smith Commission Agreement, and subsequently there has been further debate about what role a Scottish welfare policy could have. It was hoped that a delay to the introduction of Universal Credit until such a time that a Scottish framework was in place meant that both Scottish and UK systems could interact and complement one another. However, recent announcements by the Department for Work and Pensions indicate that this call for joined-up thinking has not been heeded as the roll out of Universal Credit in Scotland is continuing: In January Scotland's largest local authority, Glasgow City Council, learned that Universal Credit would be introduced in Glasgow from May-July for single jobseekers (excepting those with mortgage costs).

6. Food banks

6.1 Last year's General Assembly congratulated congregations involved in responding to local needs through food banks, and expressed concern at the increasing reliance on food banks, recognising that tackling food insecurity is a matter of justice. In taking this forward, the Council has responded to the Scottish

Government's "Good Food Nation" consultation by emphasising that this should be the priority. We were pleased that the Scottish Government has included representation from the Poverty Truth Commission in the new Good Food Commission as a sign of their recognition of this priority.

6.2 This past year has seen food banks continue to grow in number, and several reports reflecting the Assembly's concerns. These include reports by Oxfam and the Church of England, and the Westminster All-Party Group on Food Poverty (both noted in the section on benefit sanctions) and "Food, Fuel and Finance", produced by Church Action on Poverty, the Iona Community and Faith in Community Scotland⁵⁶. Our work with the Joint Public Issues Team on benefit sanctions (see section 5, above) has also reflected one major driver of need.

6.3 Our next step has been to work with partners in Faith in Community Scotland and the Centre for Human Ecology in planning a major conference "Beyond Food Banks?" on 28 February in Glasgow. The conference will mirror the three dimensions from last year's Assembly, affirming work being done to meet needs, campaigning for political action to tackle the need for food banks and looking at innovative approaches going a step beyond provision of food. We hope to be able to update the Assembly on the outcome of the conference and on where we go from here.

7. Priority Areas

7.1 As noted above in our work on Deliverance 35 from last year's Assembly, the Council has continued to work closely with the Priority Areas Committee of the Ministries Council on a number of issues and we are actively looking at ways of strengthening working relationships with that Council and Faith in Community Scotland. The Church's commitment to express as the Gospel imperative the bias to the poor, the suffering and the struggling in all our work has to reflect in the Council's local, national and international work; the credibility of our engagement on issues of tackling poverty has to be rooted in our

⁵⁵ Interim Report on the New Benefit Sanctions Regime: Tough Love or Tough Luck? (2014) WR/S4/14/R4 <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/78114.aspx>

⁵⁶ <http://www.church-poverty.org.uk/foodfuelfinance>

engagement with people on the ground. The Council have therefore begun conversations with Faith in Community Scotland and the Ministries Council through its Priority Areas Committee about how this vital work may be more effectively integrated.

8. Scottish Leaders Group on Welfare Reform

8.1 The Church and Society Council, on behalf of the Church of Scotland, has joined the Scottish Leaders Welfare and Benefits Group, a coalition of civic groups concerned with issues of social and economic justice. The group presently includes representation from the Church of Scotland, Faith in Community Scotland, the Catholic Church, COSLA, the STUC, and Citizens Advice Scotland and its purpose is to highlight the devastating impact of welfare reform on our most vulnerable citizens and to speak and work together to advocate for change. By working in tandem we make an important statement and are much more effective. By sharing experiences, insights and resources, positive change is much more possible.

9. Credit Unions

9.1 During 2014, the Council had the benefit of a secondee from the Scottish Government, David Hunter, who was able to take forward several aspects of our work on credit unions:

- **CMCU:** The Churches Mutual Credit Union, an initiative in conjunction with the Church of England, Methodist Church, Scottish Episcopal Church and the Church in Wales, was launched in February. This is a newly-formed Credit union (CU), aimed specifically at those ordained within the church; for the Church of Scotland, that means ministers, deacons, elders and church employees. We hope this will not only give many people a chance to enjoy the benefits of credit union membership, but also enable them to encourage others to join a credit union. Information and an opportunity to join CMCU will be available at the General Assembly.
- **Lothian Presbytery:** we have been working closely with Capital Credit Union in order to develop the

hosting of CU branches on church premises within the Presbytery. This was launched in September at Penicuik North Kirk, and it is hoped that the success of this pilot project will encourage other congregations to initiate similar engagements with their local credit unions.

- **Contacts with other presbyteries, congregations and CUs:** other parts of the church, and also a number of existing CUs, have expressed an interest in working with us on increasing links and encouraging church members to be involved in their local CU. For further information please see http://www.srtp.org.uk/assets/uploads/Credit_Unions_10_ways_Leaflet_0414.pdf.

9.2 Although the secondment has now ended, we hope to continue to support these and future developments going forward.

CLIMATE JUSTICE

Climate Change is perhaps the most pressing issue in human history, its effects are most keenly experienced by the poorest of the world's poor; so, it is also a matter of social justice and it needs to be tackled with great urgency.

Address by the Rt Rev John Chalmers to His Holiness, Pope Francis, February 2015.

10. The search for climate justice

10.1 The involvement of churches and other faith groups in promoting climate justice has developed rapidly in the past 12 months. The conference *Religions for the Earth* held at Union Theological Seminary in New York City brought together faith leaders from around the world to share concerns about climate change and its impacts on both people and the planet, including representatives from the Church of Scotland. It coincided with the UN summit on climate change and the People's Climate March in which over 300,000 people marched through midtown Manhattan to demand action on climate change, including a sizeable contingent of churches and other faith groups. The summit and subsequent conference in Lima continue the diplomatic negotiations to bring about a

treaty on climate change and reconciliation between the countries of the north, the main sources of greenhouse gas emissions (China, USA and the countries of the European Union) and the developing countries of the south upon whom many of the consequences of climate change are most pressing. This has become a profound debate on climate justice in which churches are playing a significant role.

10.2 The World Council of Churches is an accredited participant in the UN climate conferences and brings together churches from the global south who are struggling with the impacts of climate change and churches from the richer countries, working with their congregations and governments to reduce carbon emissions. The European Christian Environment Network met in Hungary in 2014 in a conference to promote the same theme. The Church of Scotland, through the World Mission Council, provided financial support to its partner church the Reformed Church of Hungary to help host the conference.

10.3 Paris 2015

10.3.1 The UN Climate Change Conference will be held in Paris in December 2015. This is the 21st conference held under the UN Framework Convention on Climate Change. The progress of twenty previous conferences in attempting to deliver agreement has been slow and halting but the Paris conference does offer the opportunity to make a significant step forward in promoting climate justice.

10.3.2 Eco-Congregation Scotland has embraced this debate and made 'Preparing for Paris' the theme of its annual gathering at Falkirk Trinity Church on 25 April 2015 with a keynote address by Dr Aileen McLeod, Scottish Government Environment Minister. Members of eco-congregations were invited to consider how they promote climate justice through involvement in campaigning activities promoted by Christian Aid, Stop Climate Chaos Scotland and the new interfaith climate change campaign, Our Voices. The General Assembly is asked to support the growing demands of churches and other faith groups

around the world for a just and equitable agreement on climate change at the Paris conference.

10.4 Energy and Fracking

The debate about fracking has developed across the UK and beyond. This is the subject of a separate report to the Assembly based on a series of meetings held with congregations across Scotland throughout 2014. As supplies of gas from the UK sector of the North Sea decline and as long as gas remains the principal source of energy for domestic heating there will be important decisions to consider about whether fracking could meet some of Scotland's demand for gas. The report explores the environmental and economic issues for and against in more detail.

10.5 Eco-Congregation Scotland

10.5.1 The charity has now grown to over 320 registered churches, over 230 of which are Church of Scotland congregations. A new registration is the staff green group in the Church offices at 121 George Street who have been active in promoting office stationery recycling and a new business travel policy to reduce our dependence on car and planes.

10.5.2 The charity has received further financial support from the Scottish Government in recognition of its effectiveness in promoting awareness and action on climate change in communities across Scotland. The Rev Trevor Jamison, Environmental Chaplain, has led a series of talks, walks and reflections to mark the centenary of the death of the Scots American environmentalist John Muir. This work, that involved Trevor walking the new John Muir Way across central Scotland, has explored the profound influence of Muir's Christian heritage upon his thought and writings and its contemporary relevance for churches in Scotland.

10.6 Business travel

While encouraging others to show concern for the impact of climate change, the Church has to be aware of its own impact and where possible lead by example. Business travel is a necessity for many staff, ministers and members of councils and committees but all travel comes at a cost,

whether financial or environmental. In January 2015 the Church published guidance for staff on how to reduce the carbon footprint of their travel. Road traffic is now one of the largest sources of carbon dioxide emissions in Scotland, accounting for over ten million tons, out of the Scottish total of 45million tons. This is over 20% of the total and the proportion is growing. For these reasons reducing the carbon footprint of travel is essential. Managers will be asked to take the guidance into account in agreeing to business travel and Heads of Departments will be asked to monitor mileage and report to SMT on progress in implementing the guidance. We also hope members of councils and committees attending meetings in 121 will take account of the guidance when planning their travel.

10.7 Church investment in fossil fuel companies

10.7.1 The General Assembly 2014 instructed: *the Church and Society Council to investigate, with the Church of Scotland Investors Trust and Pension Trustees, the arguments for and against disinvestment from fossil fuel companies and to report to a future General Assembly.*

10.7.2 Discussions have taken place at meetings with the Investors Trust, at the Church and Society Council 2014 conference and elsewhere, and further meetings are planned to explore this challenging and complex subject. The debate on investment in fossil fuel companies has been reported widely in the media and while the number of organisations choosing to sell investments in fossil fuel companies is relatively small it is clear that investors are increasingly aware of the risks and uncertainties associated with carbon assets. At a time when there is increasing pressure on governments to take action to reduce carbon emissions and when global oil prices have shown remarkable instability the debate may well intensify. A full report will be made to the General Assembly 2016.

11. Fracking and the development of onshore oil and gas resources in Scotland

11.1 2014 saw the initial steps which could lead to the development of fracking in the UK. Reviled by some as

a dangerous and unnecessary prolongation of gas as an energy source and an environmental hazard, it has been strongly supported by others, including the UK Government, as a useful source of cheap gas for future decades. The furious debate and demonstrations it has sparked off have not always been very enlightening and facts about fracking in the UK have been slow to emerge. Developments in Scotland in recent months have been fast moving and at the time of writing (February 2015) proposals for a moratorium of fracking in Scotland have been announced by the Scottish Government. This remains an important debate and, along with other controversies such as wind energy and nuclear power, is central to the future of our energy use and how we respond to climate change.⁵⁷

11.1 The context

A report to General Assembly in 2007 (Energy for a Changing Climate) was a landmark and remains the ethical basis of much subsequent work, including the climate change project. The report identified that energy policy must have an ethical basis and that using the market alone to determine energy use was not an acceptable approach. It highlighted the critical importance of responding to climate change and suggested that energy efficiency and renewable energy sources were the best approaches. A summary of the theology and conclusions of the 2007 report is given in an appendix (available in the online version).

11.2 What has changed?

There have been technological, scientific and political changes that have transformed the subject. These changes include the following.

- Responding to climate change has assumed ever more importance. The Intergovernmental Panel on Climate

⁵⁷ This report was prepared following expert input at a mini conference on fracking at Cadzow Church in Hamilton and a series of facilitated discussions hosted by eco-congregations around Scotland in 2014. We are very grateful to all the participants in these meetings. Further details of these meetings are given in an appendix. All appendices are available in the online version.

Change (IPCC) Fifth Assessment Review published in 2013 and 2014 highlights with greater detail than before the grave consequences of climate change brought about by our massive exploitation of fossil fuels.

- North Sea gas and oil production is declining; leading to greater dependence on imports and some uncertainty about security of future supplies particularly given political instability in Eastern Europe and the Middle East.
- The development of fracking in the USA has led to an upsurge in the use of gas and a reassessment upwards of the likely reserves of fossil fuels worldwide.
- There has been a rapid development of renewable energy in Scotland, particularly wind power, reducing the carbon footprint of electricity generation but also causing controversy over its local impacts.

11.3 Why should we be interested in fracking?

Fracking has been widely used in the oil and gas industry in the North Sea. It is a technique for extracting 'hard to reach' resources and in that sense it is neither novel nor new. Wells are drilled down into the oil or gas bearing strata then water, sand and some lubricants are pumped down the well and into the strata, opening up cracks in the rock to release the gas or oil.⁵⁸ The development of shale gas resources in the USA means that it could now be used to access reserves of oil and gas in the UK previously considered inaccessible. This raises a number of issues and poses the question: should fracking for gas or oil be part of the future energy mix in Scotland and the rest of the UK?

11.4 Fracking in the USA

The application of fracking to onshore shale rocks started in the USA in the 1990s. Strata such as the Barnett or Marcellus Shale contain large amounts of hydrocarbons tightly trapped between thin layers of shale. Such reserves are sometimes called 'unconventional' oil or gas. Techniques to access shale gas developed in the USA have

led to a spectacular revival of the onshore oil and gas industry in the USA. The amount of shale gas recovered has increased from 1,293 billion cubic feet in 2007 to 10,371 in 2012⁵⁹.

11.5.1 Fracking in the UK

The success of shale gas fracking in the USA has led to increased interest and debate in the UK in the past couple of years. On the 28th July 2014, the Energy Minister, Matthew Hancock, invited applications for drilling licenses in the 14th Landward Licensing Round. Companies were invited to apply for licenses for large areas of land across the UK where there is a reasonable expectation of finding oil and gas. This includes large areas of the south and east of England; a wide swathe of the north of England including Lancashire and Yorkshire and the central lowlands of Scotland. Ineos, the company that owns the Grangemouth Refinery has indicated that it is interested in exploratory drilling in the UK, including sites near Grangemouth, and is investing over £600 million in exploration.⁶⁰

11.5.2 The British Geological Survey has published estimates of the possible resources of shale oil and gas. These estimates are wide ranging and do not correspond to accessible resources. Potentially large reserves of oil and gas have been identified in the Bowland shales in the north of England where there is likely to be much interest in exploratory drilling. In Scotland the potential resources are much smaller (only about 5% of the estimated resource identified in the Bowland shales) and may not be as easy to access given the complex geology of the area. A short summary of the BGS report is included as an appendix in the online version of this report.

11.6 Why is the Church of Scotland interested in this issue?

The General Assembly of the Church of Scotland has made a commitment to respond to climate change and its

⁵⁸ For an introduction to hydraulic fracturing see: http://en.wikipedia.org/wiki/Hydraulic_fracturing

⁵⁹ Data from US Energy Information Administration (2014): http://www.eia.gov/dnav/ng/ng_prod_shalegas_s1_a.htm

⁶⁰ <http://www.ineos.com/news/ineos-group/ineos-moves-to-become-biggest-player-in-the-uk-shale-gas-industry/>

implications for energy policy. The 2007 report to the General Assembly *Energy for a Changing Climate* examined electricity generation and identified energy saving measures and renewable sources of electricity as preferred options to reduce carbon emissions. The report found that neither coal nor nuclear power provided a solution pointing out that there were significant environmental issues associated with both. However fracking of shale gas was not considered in the report as the technology was at that time still in its infancy. It is only in the years since 2007 that this technology has been developed on a commercial scale. It is therefore timely to consider this new technology and how we should respond to it.

11.7 We are dependent on gas for heating

Since the development of the North Sea fields, gas has become the most widely used, cheapest and most convenient way to heat homes in Scotland with over 75% of homes now heated by gas. Most homes in urban Scotland are connected to the gas grid and houses not connected to the gas grid, principally in rural and remote Scotland, tend to have higher heating bills and a higher incidence of fuel poverty. The links between fuel poverty and climate change will be explored in a future report to General Assembly but for the purpose of this report it is important to note just how dependent we have become on gas for domestic heating.

11.8 What are the concerns?

Campaigners have identified a number of environmental concerns about fracking. These include the following.

11.8.1 Earthquakes

A small earthquake was associated with a test drilling rig in the Fylde near Blackpool in May 2011. The report into the event *The Geo-mechanical Study of Bowland Shale Seismicity* confirmed "It is highly probable that the hydraulic fracturing of Cuadrilla's Preese Hall-1 well did trigger a number of minor seismic events." None of the events recorded, including one in April of 2.3 and one in

May of 1.5 on the Richter scale, had any structural impact on the surface above.⁶¹

11.8.2 The report suggested that the circumstances causing the earthquake were unusual and unlikely to cause any threat to surface property. While some environmental groups have been concerned about the link between fracking and earthquakes it would appear that this was an unusual event and that fracking is unlikely to be the cause of damaging earthquakes in the UK.

11.8.3 A complicating issue in Scotland is that the area of gas and oil shale overlaps with old coal mining areas and there may be a risk of collapse of old mine working or of release of contaminated water from mine workings. The uncertainty surrounding the location of old mine workings was noted by the BGS as a potential constraint on developments in the central belt of Scotland.

11.8.4 Water pollution

Pollution of water courses is a significant concern with evidence from the USA that fracking can lead to contamination of water supplies. A major study of drinking water contamination is underway in the USA by the Environmental Protection Agency (EPA)⁶². The table below summarises the issues identified by the EPA associated with different stages of water use in the fracking process.

⁶¹ The Church of England Diocese of Blackburn has been following developments in the area and has expressed concern about the impact of fracking; for further details see: http://www.blackburn.anglican.org/more_info.asp?current_id=469

⁶² Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources: Progress Report December 2012. The final report has not been published at the time of writing (January 2015).

Stage	Process	Description	Potential Impacts on Drinking Water Resources
1	Water Acquisition	Ground water or surface water are abstracted to be used in the hydraulic fracturing process	<ul style="list-style-type: none"> • Change in the quantity of water available for drinking • Change in drinking water quality
2	Chemical Mixing	Water is combined with chemical additives and proppant (eg sand) to make the hydraulic fracturing fluid.	<ul style="list-style-type: none"> • Release to surface and ground water through on-site spills and/or leaks
3	Well Injection	Pressurized hydraulic fracturing fluid is injected into the well, creating cracks in the geological formation that allow oil or gas to escape through the well to be collected at the surface.	<ul style="list-style-type: none"> • Release of hydraulic fracturing fluids to ground water due to inadequate well construction or operation • Movement of hydraulic fracturing fluids from the target formation to drinking water aquifers through local man-made or natural features (eg, abandoned wells and existing faults) • Movement into drinking water aquifers of natural substances found underground, such as metals or radioactive materials, which are mobilized during hydraulic fracturing activities
4	Flowback and Produced Water (Hydraulic Fracturing Wastewaters)	Pressure in the well is released and hydraulic fracturing fluid, formation water, and natural gas begin to flow back up the well. This combination of fluids, containing hydraulic fracturing chemical additives and naturally occurring substances, must be stored on-site—typically in tanks or pits—before treatment, recycling, or disposal.	<ul style="list-style-type: none"> • Release to surface or ground water through spills or leakage from on-site storage
5	Wastewater Treatment and Waste Disposal	Wastewater is dealt with in one of several ways, including but not limited to: disposal by underground injection, treatment followed by disposal to surface water bodies, or recycling (with or without treatment) for use in future hydraulic fracturing operations.	<ul style="list-style-type: none"> • Contaminants reaching drinking water due to surface water discharge and inadequate treatment of wastewater • By-products formed at drinking water treatment facilities by reaction of hydraulic fracturing contaminants with disinfectants

Source: *The Hydraulic Fracturing Water Cycle* US Environmental Protection Agency, 2014 <http://www2.epa.gov/hfstudy/hydraulic-fracturing-water-cycle>

11.8.5 The results of the study will form a useful guide to potential problems associated with water contamination

and how they can be managed. Scotland is fortunate in that a relatively small amount of drinking water is sourced

from ground water; most is abstracted from surface waters. However the proper management of water used in the hydraulic fracking process will be of great concern to regulatory authorities, particularly SEPA, if any fracking proposal is to go ahead.

11.8.6 *Fugitive emissions and other environmental concerns*

Methane gas leaking from gas wells is itself a potent greenhouse gas and would contribute to overall greenhouse gas emissions. (The comparative impact of methane on climate change is over 20 times greater than CO₂ over a 100-year period.⁶³) Any such leaks would have to be included in Scotland's overall greenhouse gas emissions and if serious would form an argument not to proceed with fracking. Research findings on fugitive emissions are not easily available but a recent review from the USA by Robert Howarth suggests they may be considerable.⁶⁴

11.8.7 In the crowded central belt of Scotland the intrusion and nuisance associated with the construction of fracking rigs may be an issue, as it has been in proposed drilling sites in Lancashire.⁶⁵ While fracking rigs are small compared to the infrastructure required to drill at sea and much less intrusive or destructive than open cast coal mining there will still need to be proper consideration of the impact of surface activities on neighbours, landscapes, and ecology.

11.9 Proper Regulation is Essential

11.9.1 The UK Government's Chief Scientific Adviser, Sir John Beddington FRS, asked the Royal Society and the Royal Academy of Engineering to review the scientific and engineering evidence and consider whether the risks

associated with hydraulic fracturing as a means to extract shale gas could be managed effectively in the UK. The review was published in 2012 and among the conclusions were the following.⁶⁶

- Health, safety and environmental risks can be managed effectively in the UK but that operational best practices must be enforced through strong regulation.
- Well integrity is the highest priority and faulty wells are a likely source of ground water contamination.
- Robust monitoring to detect methane and other contaminants in groundwater and atmosphere is vital.
- An Environmental Risk Assessment should be mandatory for every shale gas operation across the entire lifecycle of operations.
- Regulation must be fit for purpose and examine the way in which risks scale up should a future shale gas industry develop nationwide. Regulatory co-ordination and capacity must be maintained.

11.9.2 The report makes clear that strong and effective regulation must be in place before any commercial shale gas extraction begins. In Scotland the Smith Commission report of November 2014 proposed that the licensing of onshore oil and gas extraction in Scotland be transferred to the Scottish Parliament suggesting responsibility for proper regulation will in future lie primarily with the Scottish Government and its agencies.⁶⁷ Whether authorities in Scotland, including SEPA, have the resources to put into effect such regulation will be an important question for the Scottish Parliament to consider.

11.10 Scottish Government Moratorium

In January 2015 the Scottish Government announced a

⁶³ <http://www.epa.gov/climatechange/ghgemissions/gases/ch4.html>

⁶⁴ A bridge to nowhere: methane emissions and the greenhouse gas footprint of natural gas, Robert W. Howarth, Energy Science & Engineering, 2014.

⁶⁵ A report by officers at Lancashire County Council recommended two drilling applications should be turned down due to concerns over noise and an increase in heavy road traffic. See <http://www.bbc.co.uk/news/uk-england-lancashire-30913269>

⁶⁶ This is a brief extract from the Royal Society report Shale Gas Extraction in the UK: A Review of Hydraulic Fracturing, published by the Royal Society in June 2012. The report is available at: <https://royalsociety.org/policy/projects/shale-gas-extraction/report/>

⁶⁷ Report of the Smith Commission for further devolution of powers to the Scottish Parliament, 27 November 2014, Recommendation 69, page 21.

moratorium on granting consents for unconventional oil and gas developments in Scotland whilst further work on public health impacts, planning guidance and environmental regulation, along with a full public consultation, are carried out. This goes a long way towards satisfying critics of fracking in Scotland and provides an opportunity to examine those issues identified in this report. The moratorium is in contrast to the refusal of the UK government to consider such a step and comes into effect before any transfer of powers as envisaged by the Smith Commission.

11.11 Economic issues

11.11.1 *Will fracking create jobs locally?*

There will undoubtedly be jobs associated with the development of shale gas but it is difficult to find impartial assessments of how many jobs there might be and where they will be created. The Institute of Directors suggested that over 35,000 jobs could be created in the UK⁶⁸. Aberdeen is a global centre of oil and gas technology and any development of fracking could contribute to its continued prosperity and to its continued dependence on the fossil fuel industry. Whether jobs would be created in the areas where fracking is likely to take place is another matter. Many workers in the oil industry are highly mobile and move around the country or around the world as necessary; and at a time when the North Sea oil industry is shedding staff any new onshore employment in this industry in Scotland is likely to be welcomed. On the other hand it is clear the development of renewables has created jobs in Scotland and a further expansion of renewables would also lead to further job creation.

11.11.2 *Will it reduce the price of domestic gas supplies as in the USA?*

In the USA there was a significant fall in gas prices in the years after fracking was developed leading to a switch from electricity generation by coal to gas fired power generation. However it has been questioned whether

such a substantial substitution would happen in the UK as the UK is part of a larger European gas market where prices are smoothed by trading between countries and by imports from outwith the EU, both from Russia and in liquefied gas tankers from more distant locations such as Qatar. Reports from the UK House of Commons Energy and Climate Change Select Committee (ECCC) inquiry in 2011 and 2013 concluded that

- shale gas was unlikely to be a “game-changer” as in the US
- it was too early to say whether domestic production of shale gas could result in cheaper gas prices in the UK
- it would be wrong to assume that prices would come down as a result of domestic or foreign shale gas.⁶⁹

As we have seen in late 2014 and early 2015 world oil and gas prices can be subject to remarkable fluctuations as a result of changes far beyond the UK and over which we have little control. Fracking in the UK is unlikely to change this as total UK production would be an insignificant part of the global total.

11.11.3 *Will it replace coal or just add to carbon fuel usage?*

Coal fired power stations generated 50 percent of total U.S. electricity generation in 2005 but this proportion fell to a record low of 37 percent in 2012 as gas prices tumbled to a ten year low in April of that year. However the exceptionally cold winter of 2013/14 reversed this trend and demand for coal and the associated carbon emissions started to rise again.⁷⁰ Assumptions that fracking will lead to a systematic reduction in the use of coal look a little shaky in the light of this experience.

11.11.4 *Will it slow the development of renewables and prolong our dependency on carbon fuels in Scotland?*

This is a critical issue: will fracking divert attention from the

⁶⁸ <http://www.iod.com/Influencing/Press-Office/press-releases/british-shale-gas-could-create-35000-jobs-reduce-carbon-emissions-and-lower-energy-prices>

⁶⁹ Shale gas and fracking, House of commons Library Briefing Note SN/SC/6073, last updated 5 June 2014

⁷⁰ <http://www.bloomberg.com/news/2014-02-13/coal-burns-brighter-as-utilities-switch-from-natural-gas.html>

need to decarbonise the economy in coming decades and could it help reduce our dependence on imported fuels?

As noted above most houses in urban Scotland are heated with gas and it is unlikely that will change quickly in the foreseeable future given the relatively low cost and the convenience of gas central heating. Reserves of gas in the UK sector of the North Sea are dwindling and the UK is importing a growing proportion of its natural gas. In 2009, 45% of the natural gas used in the UK was imported, and according to EDF this figure is expected to reach 69% by 2019. Three quarters of the gas imported into the UK arrives via pipelines from Norway, Belgium and the Netherlands. The other quarter is imported by sea in liquefied form.⁷¹ In this context onshore shale gas could provide an alternative to importing gas. This would do nothing to reduce Scotland's carbon footprint but might provide some buffer against volatility in European gas supplies.

11.11.5 *Will it add to or reduce the overall carbon footprint of the Scottish economy?*

In the USA demand for coal declined when shale gas became available and this reduced the carbon footprint associated with electricity generation. Could this happen in Scotland?

The coal-fired power station at Cockerzie in East Lothian was closed in 2013 in accordance with the EU 'Large Combustion Plant Directive', a directive that aims to reduce acidification, ground level ozone and particulates by controlling the emissions of sulphur dioxide, oxides of nitrogen and dust from large combustion plants. This power station has, in effect, been replaced by the rapid development of wind power. However wind power is intermittent and the Scottish Government suggests that there is a need for a gas fired plant as back up, in the absence of much larger pump storage capacity. In December 2009, Scottish Power Generation Limited applied to the Scottish Government for consent to

construct and operate a 1000 MW gas-fired Combined Cycle Gas Turbine generating station and this proposal was approved by the Scottish Government in 2011. If and when the plant is built and brought into operation it will have a substantially smaller carbon footprint than a coal fired power station of similar size but will of course require a reliable source of natural gas for its operation. However it is the Scottish Government policy of promoting renewable energy, particularly wind power, that is the main reason for the 'decarbonising' of electricity supply in Scotland.

11.12 Conclusions

The 2007 report to the General Assembly identified energy efficiency and renewable energy as the best options for reducing Scotland carbon emissions. That conclusion remains valid despite the developments that have taken place since. However that report focused mainly on electricity generation and did not consider in detail our dependence on gas for heating. There has been good progress towards 'decarbonising' Scotland's electricity supply with approximately half of all the electricity consumed in Scotland now coming from renewable sources. Far slower progress has been made in reducing our dependence of gas for heating and until this has been achieved we will continue to need a reliable gas supply. As the supply from the UK sector of the North Sea declines there is a choice: either accept dependence on imports of gas or develop new sources of gas in the UK, including shale gas.

If demand for gas continues then fracking for shale gas may have to be considered as an option, either in Scotland, or more likely in England, provided that the local environmental issues particularly ground water contamination can be addressed and that a proper regulatory regime is in force. But it is not a long term solution and the drive towards a low carbon Scotland should remain the priority. This will require us to address how we can reduce the demand for gas for heating without increasing heating bills and increasing fuel poverty. This is no easy problem to resolve and perhaps

⁷¹ <http://www.edfenergy.com/energyfuture/energy-gap-security/gas-and-the-energy-gap-security>

forms the greatest energy management challenge of the next decade.

12. Land Reform

12.1 The Council worked with the General Trustees on a Church of Scotland response to the Scottish Government's consultation on land reform⁷². This followed the report of the Land Reform Review Group chaired by Dr Alison Elliot. The response reflected the Church's established position as an advocate of land reform, and its role as landowner.

12.2 The Council's contribution reflected the major report on land reform received by the General Assembly in 1998. Rooted in our understanding that the earth belongs to the Lord, that report welcomed land reform as a way of promoting good stewardship of the land for the common good, as a means of tackling rural poverty, and as a tool for empowering communities. In receiving the report, the General Assembly recognised

- a. *the injustices and anomalies of the present system of land tenure in Scotland;*
- b. *the absence in the present system of co-ordinated measures regulating land tenure and use;*
- c. *the consequent environmental damage;*
- d. *the urgent need for land reform; and*
- e. *the need for such reform to be widely based, including legal, social, economic and environmental perspectives.*

12.3 In 2002 the General Assembly again discussed land reform, this time in response to the Scottish Government's Land Reform Bill. The report to the assembly supported the objectives of the Bill '*to remove the land based barriers to the sustainable development of rural communities*' but was '*not persuaded that the mechanisms of the Bill for enabling communities to buy their land provide an effective means of achieving that*' and called for a '*more radical and far reaching agenda*'. The report did note that the Land Reform Bill was part of a programme of reform

and encouraged the then Church and Nation Committee to pursue the Church's concerns.

12.4 The Church had submitted evidence to the Scottish Government Land Reform Review Group, drawing attention to the rapid development of renewable energy in Scotland since the Land Reform Act and suggesting that land reform may need to be reviewed in the light of this development. The submission argued that community owned renewables could help address fuel poverty and help promote development in rural and possibly urban communities.

12.5 The response also reflected the Council's broad support for Community Empowerment, as in our submission to the consultation on the Community Empowerment (Scotland) Bill. It is clear that in community empowerment, community energy and local democratic decision making, ownership, management or use of land will often be a vital consideration.

12.6 The response also addressed several concerns about the lack of clarity in some of the Government's proposals, and about the singling out of charities for new duties of community consultation when other landowners were not to have these obligations.

GENDER JUSTICE

13. Violence Against Women – a challenge for all in the Church

13.1 Following the Church & Society Council's 2014 report on Violence Against Women, the General Assembly agreed to 'commend the Church of Scotland's Violence Against Women Advisory Group for its work and urge it to continue to consider emerging issues and to bring concerns to the attention of the General Assembly in the future'.

13.2 The Group held a consultation with a wide range of Councils and others within the Church and was encouraged by all present to see itself as a Task Group with a more proactive remit. The Group has therefore proceeded with an augmented membership from several

⁷² This can be found on the SCPO website.

Councils, the Guild, Safeguarding Service and others, towards drawing up a strategy which was noted by the Council of Assembly in February; the revised membership and strategy are available on the Church of Scotland website.

13.3 Significantly, in the past year the Group welcomed:

- A report being prepared by the World Mission Council in association with partner churches reflecting experiences of violence against women across the world; and
- Work being progressed by the Safeguarding Service towards a Church of Scotland policy on violence against women as part of a wider public protection policy.

13.4 The Group is keen to ensure that this work involves, and requires a response from, the whole church. Therefore, it has drawn up this statement of its view of the challenge that violence against women poses for all in the church (as stated on the Speak Out pages of the Church of Scotland website):

"You don't have to look far these days to uncover the reality that we still have a long way to go to achieve gender equality and gender justice. Open a newspaper and the pages are littered with stories reflecting the challenging and often dangerous experiences women face on a daily basis because of their gender - both in the UK and throughout the world.

*In the UK we see this manifested in the scandalous under-representation of women in public life, with women making up just one in five MPs. We see it in the chilling statistics of violence that permeate our newspapers: that around 90,000 women are raped each year **in the UK alone** - that's almost 2,000 per week. The rate of conviction is only **7 per cent**. **Two women a week** in the UK are murdered by their partner or ex-partner.*

We also see gender inequality displayed through the casual objectification of women's bodies: in advertising, the media, in newspapers like the Sun, and also through

*street and work place harassment, as distressingly documented by the **Everyday Sexism project** and bravely challenged by the **Hollaback campaign**.*

Randomly dispersed throughout the pages of a newspaper they may not appear significant – but piece them together and they form a web of haunting experiences and voices that underpin the declaration by Amnesty International of violence against women as 'the greatest human rights scandal of our time.'

But to what extent is the lack of gender justice and the resulting violence against women an issue for the Church? And how can we even begin to address it?

*The Church of Scotland has demonstrated clearly its commitment to responding to violence against women as a fundamental matter of faith. We know that many individual ministers and congregations have supported individual women in their midst, and over the last two years Councils and Departments in the Church of Scotland have risen to the challenge to identify specific and practical responses to address and prevent violence against women. The culmination of this work has been the creation of the Violence Against Women Task Group, which consists of a broad range of members from across the life of the Church with the remit of creating a clear strategy for enabling gender justice to become central to the Church's life and work. The task group also seeks to engage with the broader public debate on violence against women, as demonstrated by its recent **Speak Out! Campaign** as part of the '16 Days of Activism to end Gender based Violence.'*

The work of the task group does not seek to diminish the voices of anyone - male or female - who experiences violence. While we see many forms of violence such as domestic abuse overwhelmingly directed at women specifically because they are women and linked to society's expectations of women, the Church acknowledges that violence can be experienced by both men and women. Violence perpetrated by men against other men, and male homicide is a well-known scar on Scotland's social fabric. The Church also recognises that culturally held gender norms and values have created a

landscape in which expectations about men and women's roles in society are limiting and damaging – for everyone.

*The Violence Against Women Task Group seeks to make explicit and challenge these gender constructions, and the structures and ideologies in the Church and in broader society that perpetuate gender injustice and lead to violence against women. We need women **and** men, to be those challenging voices."*

CRIMINAL JUSTICE

14. Joint Faiths Board on Community Justice

14.1 The Board, having had a change of name and constitution, stepped forward bravely on this new part of its journey. The Board has engaged with the Scottish Government in the areas of community justice and electronic monitoring, and continues to interact with representatives of the criminal justice system. Most recently, the Board has joined with the Howard League Scotland in the campaign to reverse the decision to build a new women's prison in Inverclyde. The campaign was successful and the Board looks forward to being involved in taking forward the radical strategy for women offenders that the Angiolini Commission called for.

14.2 The Board continues to believe that the ways in which criminal activity will be reduced are to be found within communities and their attitudes and not in punitive measures, and so agreed that its next step would be in the area of research into *why people end up as prisoners*. The Board is in the process of setting up an exploratory round table meeting in order to facilitate a conference. This conference will consider the question 'whose crime is it anyway?'; will explore the ways in which community can be stimulated into being just and will focus on "Creating Just Communities".

14.3 Further information can be found on the ACTS website at: <http://www.acts-scotland.org/index.php/activities/community-justice>

15. Prison Visitors

15.1 On Tuesday 13th January, the innovative Visitors' Centre for families and friends of young people in custody at Polmont Young Offenders Institution was officially launched to national and local news coverage.

15.2 Working closely in partnership with the Scottish Prison Service, The National Prison Visitors' Centre Steering Group (with the Church of Scotland as the lead partner) has been overseeing the development, operation, and evaluation of the Family 'Help Hub' at HMYOI Polmont.

15.3 Children and families of young people in custody are a hidden population who suffer greatly from the impact of a family member's imprisonment. Few prisons in Scotland have prison visitors' centres, or 'family help hubs'. The impact of imprisonment on these vulnerable children and families is extensive, including attachment difficulties, breakdown in family relationships, safety issues and poor outcomes in education and health. Prison visitors' centres have been identified as an important means of reaching these families at an early opportunity when they otherwise may go unidentified and unsupported. This in turn can link families with local resources such as early years' services, schools, health services, and financial support.

15.4 The 'Family Bus', designed and named by the young people at Polmont YOI, has a kitchen, confidential meeting space, a play area, quiet seating, a library and a toilet with baby changing facilities. With support from the NHS, healthy snacks will be provided by the Bus staff, as well as hot and cold drinks.

15.5 The Polmont Family Bus and Hub will receive core funding from the Scottish Government for 2015 – 16, and it is anticipated that the development work carried out on behalf of the NPVC Steering Group will also be funded by the Scottish Government.

16. Corroboration

16.1 The General Assembly instructed the Council "to consider the implications of the ending of corroboration

in criminal trials and to report to the General Assembly of 2016”.

16.2 By the law of Scotland, no person can be convicted of a crime or a statutory offence, except when the Legislature otherwise directs, unless there is evidence of at least two witnesses implicating the person accused with the commission of the crime or offence with which he is charged. This rule does not require every circumstance to be proved by two witnesses. The basic requirement is that the crucial features of an offence (ie the fact that the offence was committed and that it was committed by the accused) must be established by evidence from at least two sources.

16.3 Indeed, the roots of the corroboration requirement are Biblical (Numbers 35.30, Deuteronomy 17.6 and 19.15, Matthew 18.16 and 2 Corinthians 13.1) and reflected in the early church (canon law); the Biblical understanding of justice here includes at its heart the protection of the innocent from unsubstantiated accusations.

16.4 Other jurisdictions, of course, seek to protect the innocent accused in other ways. Scottish Government proposals for removing this requirement emerged from a review of key elements of Scottish criminal law and practice led by Lord Carloway: “The Review is in no doubt that the requirement of corroboration should be entirely abolished for all categories of crime ... it would bring Scots law into line with modern, and almost universal, thinking on how to approach evidence in criminal, and indeed all other, cases.”

16.5 This proposal is included in the Criminal Justice (Scotland) Bill currently before the Scottish Parliament. Following opposition to the removal of corroboration, the Cabinet Secretary for Justice set up an independent reference group headed by Lord Bonomy to look into the safeguards that would be needed if the corroboration requirement were abolished; this review is expected to be published in the spring of 2015, and the Parliamentary process is in abeyance until that happens.

16.6 A main driver behind the proposed change has been the low level of convictions in rape cases. Scotland has one of the lowest rape conviction rates in Europe, with the most recent available figures suggesting that only 5.6% of rapes recorded by the police result in a conviction. This is a matter of serious concern, but the figure is comparable, for example, to one of 7% in England and Wales. If corroboration were the crucial factor, one might expect a much bigger gap between Scotland and England and Wales (as well as other jurisdictions where there is no corroboration rule).

16.7 In addition, Rape Crisis Scotland, who argue strongly for removal of the corroboration requirement, express concern that one of the options being considered by Lord Bonomy is for a move away from the Scottish simple majority verdict towards a qualified or weighted majority. This might more than outweigh any apparent gain from abolishing corroboration. Our report last year on Violence against Women emphasised that the real answers here are to be found in continuing to tackle the attitudes surrounding rape and other forms of violence against women. That should remain the priority in a holistic approach.

16.8 We are not persuaded that removal of corroboration, with the attendant risks of losing a protection of the innocent, would make a major impact on a problem shared with jurisdictions which do not have the corroboration requirement.

16.9 It is also of concern that little attention appears to have been given to the effect of the removal of corroboration on Summary Justice (although this is one aspect that Bonomy is expected to comment on). Most crimes committed are much less serious than rape and trials take place in Sheriff Courts or Justice of the Peace Courts where judgement is made without the involvement of a jury. It is a serious matter to convict someone of any criminal offence and safeguards are necessary in the lower courts so that justice is seen to be fair to both victim and accused.

16.10 We bring this report now, conscious that the Bonomy review may have reported before the General Assembly and that the Parliamentary process may have moved on. We may therefore be able to offer an update in May, but we are also conscious that, by 2016, either the proposal will have been dropped or it will have passed into law, with safeguards suggested by the Bonomy report. If passed, there will have been insufficient time by 2016 to assess any impact, though it may be something we would return to in later years.

17. Human Trafficking

17.1 The Church and Society Council was instructed by the 2011 General Assembly to examine the potential rise in human trafficking at the time of the Commonwealth Games and to report to the General Assembly of 2012 with a strategy for action. In the event, evidence from Police Scotland and first responder organisations, i.e. Trafficking Awareness raising Alliance (TARA) and Migrant Help, confirmed that there had been no increase in trafficking in the period leading up to, or during, the Games.

17.2 Despite this, human trafficking remains one of the most lucrative illicit businesses in Europe and evidence suggests that the trade in human beings is rising (<http://www.unodc.org/toc/en/crimes/human-trafficking.html>). The Scottish Churches Anti-Human Trafficking Group, on which the Council is represented, decided early on that its work should not be confined to the short term efforts to combat trafficking at the time of the Games. It has therefore been involved in a number of awareness raising activities (including an upcoming live theatre production at Heart and Soul and the Edinburgh Fringe Festival). We continue to publicise leaflets on trafficking. The Group has also been active in responding to a range of relevant consultations, in particular in relation to the Human Trafficking and Exploitation (Northern Ireland) Bill and the Modern Slavery Bill at Westminster.

17.3 In December 2014 the Scottish Government introduced the Human Trafficking and Exploitation (Scotland) Bill. The Council responded to the call for

evidence and a joint faiths letter was sent to the First Minister urging her to consider using the Bill to criminalise the purchase of sex as a way to tackle demand for sexual services which fuels modern slavery. A letter writing campaign for individuals and local congregations on this issue was also publicised.

17.4 The Church and Society Council, the World Mission Council and the Guild have been working together with the Scottish Churches Anti-Human Trafficking Group to try to find ways of reducing human trafficking. A two day symposium for international partners from Africa, the Caribbean, Asia and Europe has been planned to take place in Edinburgh in October 2015. The aim is to form a global network where knowledge and experiences can be shared with a view to developing a deeper understanding among partners from both source and destination countries of the reach and complexity of human trafficking. It is hoped that this will facilitate the development of strategies to contribute to eradicating human trafficking. The symposium will be followed by a full day conference for members of congregations across Scotland.

17.5 We shared in a meeting on trafficking and migration held in August with Doris Peschke of the Churches Commission for Migrants in Europe, and held a talk-back session after a Fringe play with a trafficking theme.

INTERNATIONAL JUSTICE

18. Israel and the occupied Palestinian territory

18.1 The Council has continued to support the joint prayer events on the 24th of each month with the World Mission Council, Christian Aid Scotland and the Scottish Episcopal Church. In 2014 as prospects for a permanent peace settlement seem increasingly remote, the Palestinian Authority engaged in diplomatic moves to gain wider political recognition for their statehood, including applying to join the International Criminal Court, seeking recognition of an independent state by national parliaments (including the UK House of Commons, which

voted in favour on a non-binding motion) and to the United Nations Security Council (where they failed to secure a sufficient majority).

18.2 The General Assembly has in the past supported a two-state solution as being in the best interests for justice and peace of both Israelis and Palestinians. Whether recognition of the Palestinian state should await the successful outcome of a peace process or should be a means to that end remains a contentious issue which we will pursue. The Church and Society Council will continue to support all constructive leads and will continue to work with the World Mission Council and ecumenical partners in the ongoing development of our response.

19. Christian Aid

19.1 2015 is the 70th Anniversary of Christian Aid; Christian Reconstruction in Europe was founded in May 1945, initially to assist homeless and hungry refugees in Europe. An ecumenical commitment involving the provision of food and blankets to the defeated enemy, at a time when rationing was still in force, is a remarkable example of love-of-neighbour. This year Christian Aid commemorates its 70 years of work, celebrating the progress that has been made but also recognising the scale of global inequality still present today.

19.2 Since 2012 Christian Aid has developed its work around one of its key themes: 'Tackling Violence, Building Peace'. Through this work Christian Aid acknowledges that violence is a prime agent of poverty, capable of wiping out years of development and destroying thriving societies. In their work they seek:

- increased protection for those most vulnerable to violence – women, children, minorities and refugees – and equipping them to address the causes of violence, to tackle impunity and resolve conflict peacefully;
- the development of peaceful and effective alternatives to violence and armed conflict
- broad social movements for change with women at the centre, that successfully address root causes of violence and act to transform them with justice.

19.3 With Christian Aid Scotland, the Church of Scotland (Church and Society and World Mission) works in partnership around two issues relating to 'Tackling Violence, Building Peace'; Israel and the occupied Palestinian territory and gender violence.

19.4 One of the innovative links has been with Bolivia, following the Convener's visit to the country in October 2013. Last year a partnership between Dunblane and La Paz explored the issue of gender. A new dialogue has recently begun between Ness Bank Church in Inverness and La Paz on environmental issues.

19.5 Christian Aid continues to produce high-quality advocacy, theology and worship resources. Recent publications which are to be commended to local congregations included:

- Of the same flesh: exploring a theology of gender. This report which begins with a theological exploration from the experience of Christian Aid partners that 'poverty has a woman's face'. It calls for the church to be a community committed to a re-imagining of gender in mutuality and unity.
- Song of the prophets: a global theology of climate change. This report which draws on voices from the global South to frame a theological response to climate change. It also draws on the prophets of the Bible, who warn of the consequences of actions and help to imagine a more just world.
- Tax for the common good: a study of tax and morality. This paper is a useful complement to our own work on Common Wealth, which can be found elsewhere in this report. Groups and individuals are encouraged to look at both papers and compare them.

20. Europe

20.1 The Council has for many years been part of the Conference of European Churches' Church and Society Commission, based in Brussels and Strasbourg. The Church and Society Commission has worked on behalf of CEC's member churches to connect with the European

Institutions, including the Commission, the Parliament and the Council of Europe.

20.2 After a year of upheaval in Europe, the importance of solidarity and working together with other Churches remains. In December 2014, the Council was represented at a series of meetings in which a merger of CEC and the CSC took place; we look forward to ongoing work with European partners, particularly on climate change, refugees and human trafficking.

20.3 Migrants and Refugees

20.3.1 According to the United Nations High Commissioner for Refugees (UNHCR), more than 3,400 people died in 2014 in "the most lethal route in the world", trying to cross the Mediterranean to reach Europe. While addressing the European Parliament for the first time in November 2014, Pope Francis called for European leaders to stop the Mediterranean from becoming "a vast cemetery".

20.3.2 The UN High Commissioner for Refugees, António Guterres, said that some governments were increasingly seeing keeping foreigners out as being a higher priority than upholding asylum: "This is a mistake, and precisely the wrong reaction for an era in which record numbers of people are fleeing wars," he said. "Security and immigration management are concerns for any country, but policies must be designed in a way that human lives do not end up becoming collateral damage."

20.3.3 In February, the UN refugee agency mourned the first major maritime loss of life this year off the coast of Italy, and called on the European Union to step up search and rescue capacity in the Mediterranean Sea. At least 29 people lost their lives in the tragedy off Italy's Lampedusa Island. UNHCR spokesman Adrian Edwards said. "UNHCR is both deeply saddened by this news, and concerned about the manner of the deaths – all but seven of which appear to have occurred on board the rescue vessel, with people dying of hypothermia."

20.3.4 In October, the UK Government announced that Britain (along with other EU member states) would not

support any future search and rescue operations to prevent migrants and refugees drowning in the Mediterranean, claiming such rescue operations simply encourage more people to attempt the dangerous sea crossing.

20.3.5 Alerted to the by ecumenical partners and aware of the valuable work of our congregation in Malta with these refugees, the Council wrote to the UK Government to protest at this callous action and call for it to be reviewed; we received a response reaffirming the Government's position.

20.3.6 The Council has also joined the Moderator in calling on the UK Government to accept more refugees from the Syrian crisis.

21. Nuclear Weapons

21.1 Since the early 1980s the General Assembly has consistently and repeatedly expressed its abhorrence towards nuclear weapons. We continue to believe that nuclear weapons are inherently evil, and as such urge their immediate elimination. As a Church in the United Kingdom, we look to our own government to show moral leadership and take action, both with regards to the British bomb, as well as internationally.

21.2 In 2014 the Church of Scotland supported a joint UK Church advocacy initiative aimed at urging the UK Government to participate at the Vienna Conference on the International Humanitarian Consequences of Nuclear Weapons in December, a process they had hitherto declined to take part in. We are happy to report that both the UK and the US took part at the conference and this has given renewed impetus for the global non-proliferation and disarmament agenda.

21.3 One possibility out of this Conference is for a new international process for a Nuclear Ban Treaty, which could help add to the increasing international legal and moral pressure on nuclear weapons states to disarm. The General Assembly is invited to support this proposal.

EDUCATION

22. Church of Scotland Education Committee

22.1 During the last year the Church's Education Committee has continued to work on five key areas:

- Religious Observance/Time for Reflection
- Provision of Religious and Moral Education
- Chaplaincy in schools and FE colleges
- Supporting Church of Scotland Representatives on Local Authority education committees
- Participating in national policy debate on education issues

22.2 Meetings

22.2.1 The Convener of the Education Committee, the Rev Alexander Fraser, along with members of the Committee, met with the then Cabinet Secretary for Education and Lifelong Learning (Mike Russell MSP) and the Minister for Learning, Science and Scotland's Languages (Alasdair Allan MSP) as well as opposition education spokespersons. They also met Cllr Douglas Chapman (Fife), COSLA Spokesperson for Education, Children and Young People and representatives of the Educational Institute of Scotland. The main subjects of these meetings were budget cuts and low staff morale.

22.2.2 The Convener along with members of the Committee also met with members of the Executives of the General Teaching Council Scotland and the Scottish Qualifications Authority. The two main topics were the possibility of gaining some accreditation for Chaplains attending professional training and providing career-long professional learning which is a continuous process from the point that student teachers begin the early phase of teacher education to the end of their careers.

22.2.3 The Committee have begun exploring how the Church could contribute to teacher development through Career Long Professional Learning (CLPL) with particular focus on supporting those teaching about Christianity in both primary and secondary sectors. CLPL is now a required standard to be met by all teachers and the Church

has an abundant wealth of personnel and resources which can consolidate their understanding.

22.2.4 The Education Convener and the Committee continue to work closely with Education Scotland and have twice yearly meetings. These meetings concern Religious and Moral Education (RME) and Religious Observance / Time for Reflection. It is of concern to the Committee that an increasing number of schools do not have specialist RME Teachers and many schools have no provision for RME for 5th and 6th year pupils, despite it being a core subject under Curriculum for Excellence.

22.2.5 The Committee works very closely with the Scottish Catholic Education Service. Regular meetings are held to discuss topics that are common to both the Denominational and non-Denominational sector.

22.2.6 The Committee has continued to be involved in the work of the Scottish Joint Committee on Religious and Moral Education, the Scottish Churches Education Group, the Religious Education Movement Scotland and the European Federation of Teachers of Religious Education.

22.2.7 The Committee also responded to Scottish Government consultations and enquiries from Church colleagues on educational and policy matters.

22.3 Policy Officer

22.3.1 The Council created a new role of Education Policy Officer; this part-time post was filled by the Rev Ken Coulter from June 2014. Sadly the funding for this post came to an end at the end of March 2015.

22.3.2 The work of the policy officer has enabled support for the Presbytery of Lothian (developing a strategy for school chaplaincy) and the Presbytery of West Lothian (developing Time for Reflection / Religious Observance) in addition to the success of a number of conferences throughout the country on school chaplaincy issues. Discussions have also taken place about how to develop and promote the Serve Your Local School web based resource for local congregations.

22.4 Chaplaincy

22.4.1 The role of school chaplain continues to be a vital role in the life of a school. The Committee would stress that it is the responsibility of the Headteacher to appoint the school chaplain(s) and this may or may not be the local parish minister. The Committee would strongly discourage nominating committees from putting any suggestion that a chaplaincy 'goes along with' any appointment. Chaplains are reminded that social media is not private and can be seen by parents and staff of the school. Chaplains should have due regard for the ethos and the values of the school and to respect the authority of the Headteacher to decide who is welcome in the school.

22.4.2 The Committee notes that many chaplains take on differing roles within the school, at the request of Headteacher. Reports have been received of chaplains taking on the role of mentoring young people; being an adult helper on school trips; assisting the school to help support and develop the religious observance calendar of events; providing pastoral care and support for staff and pupils; visiting classes at the invitation of teachers to assist in the delivery of the curriculum; and helping out in many different ways.

22.4.3 The Committee is writing a new handbook for chaplains. This will be a large piece of work and the Committee is aiming to launch the document in 2016. The Committee believes that training in chaplaincy work is vital if chaplains are to be effective in schools.

22.4.4 Several Local Authorities have hosted chaplains conferences, with support from the Committee.

22.4.5 Along with representatives from Glasgow University, plans have been made to update and relaunch the Masters level Module "Religious Observance: design and practice"⁷³. In this respect, discussions have also taken place with colleagues from the General Teaching Council

for Scotland (GTCS) and Education Scotland. This course builds confidence and skills for Chaplains in schools and if standards of competence are met might be accredited by the GTCS.

22.5 Resources

22.5.1 Chaplains can find links to many excellent resources on the Church of Scotland Education resources webpage and Chaplains are encouraged to use this: http://www.churchofscotland.org.uk/resources/subjects/schools_resources

22.5.2 During this year the educational resource for schools "Learning at Greyfriars" has continued to be developed and Phase One was brought to a conclusion. This resource tells the history, values and community life of the Edinburgh congregation in a way that supports delivery of Curriculum for Excellence and National Qualifications. Discussions have begun with the leadership of another historic congregation to explore something similar. Resourcing teachers in a relevant and professional way is an important priority for the Church.

22.6 Stevenson Prize and Moderator's Medal

A list of the 2014 prize-winners can be found in an online supplement to this report. The 2015 winners will be announced at the General Assembly.

22.7 Local Authority Representatives

22.7.1 Every Local Authority is obliged to have three 'Faith Representatives' on the committee that deals with the education of our young people (exceptions being Orkney and Shetland). The Church of Scotland is allocated one place on each council. These unpaid representatives bring to the table a great deal of experience and expertise. They give a vast amount of time and effort in fulfilling this demanding role. The Committee strives to support the representatives in every way it can. Last year two training conferences were held, and at the request of the Representatives a residential conference is planned for the autumn.

22.7.2 The Committee encourages all Church of Scotland Representatives to keep the office informed of

⁷³ Worth 20 Masters credits, which can be used towards a Certificate (60 credits) or a Masters (180 credits) in Education.

local issues and to provide at least a yearly report of issues. The Committee has produced a template to make this task easier.

22.7.3 The Committee recognises the value of the practice in some Local Authorities, where the Director in charge of educational matters meets with the non-elected representatives before the council meeting to hold impartial discussions.

22.8 The Wood Commission

22.8.1 In conversations with other bodies, the Education Convener discussed Sir Ian Wood's report *Education Working For All! Commission for Developing Scotland's Young Workforce – Final Report* (June 2014). The report recommends that employers be given more support to take on young people and give them apprenticeships. The Report states: "Skills Development Scotland should actively work with and challenge employers to develop new models to deliver higher level Modern Apprenticeships up to and including degree level on a more significant scale across the economy."

22.8.2 The report further states:

Employers have lost the habit of employing young people. Only 29% of businesses in Scotland recruit young people directly from education, only 30% of Scottish businesses have any meaningful contact with schools, only 27% offer work experience placements and only 13% take on apprentices. We currently have 53,000 young people unemployed and a youth unemployment rate more than double the adult rate. The priority is to encourage more companies to employ young people in their workforce and to engage with schools and colleges to ensure that young people are developing the skills, knowledge and attitude that they need.

22.8.3 The Committee supports the report and believes that further work by the Church to explore its recommendations could be a positive contribution to the lives of young people and of society as a whole.

22.8.4 All young people in secondary schools are offered a workplace experience, normally in 4th year. The placement is often for one week. Many schools and young people find difficulty in accessing workplaces for the experience. These experiences can help the young person to decide what their future employment might be. It can also be a positive situation for the employer to have young people on their premises. The Committee would encourage church members who run their own business, no matter how small, to contact the local secondary school with a view to offering a placement for a young person.

HEALTH

23. Transplantation – Opting in or presumed consent for organ and tissue donation?

23.1.1 The Church of Scotland, along with many other Christian and faith groups, supports the practice of organ and tissue donation.⁷⁴ This is part of humanity's commitment to healing and, with the real potential for the death of one person to prolong or greatly improve the quality of the life of another, an action with strong symbolic Christian resonance.

23.1.2 In May 2014, the General Assembly requested this report on organ donation choices (and, by extension, we also consider the same principles to apply to tissue donation)] anticipating possible changes to the law in Scotland.

23.1.3 Currently in Scotland the system for using organ and tissue involves an active opt in by an individual: requiring them to sign up to the organ donor register. The relevant law is the Human Tissue (Scotland) Act 2006. Demand for organs far exceeds supply, and so there is a need to increase the number of potential donors.

⁷⁴ In the report of the Church and Society Council to the 2009 General Assembly, the Assembly agreed the following *Deliverance: 44. Encourage Church members to make blood donations regularly and to join the Organ Donor register and to make their wishes known to their family; and honour the families who have agreed to the donation of their loved ones' organs after death.* In November 2013 the Church and Society Council signed the Church of Scotland up to the **fleshandblood** campaign: <http://fleshandblood.org/about/associates/churchofscotland/>

23.1.4 The most recent year for which figures are available (2013/14) saw the highest ever number (106) of deceased organ donors in Scotland – an increase of nearly 60% from 2010/11. In addition, Scotland now has the UK's highest percentage of residents signed up to the NHS Organ Donor Register. Over 41% of the population had joined the register at the end of 2013/14, compared to the UK average of 31%, and 2013/14 saw the highest ever number (342) of transplant operations from deceased donors undertaken on Scottish recipients, an increase of almost 20% from 285 in 2011/12.⁷⁵ The numbers of children's organs available for transplant are generally small: in 2011/12 there were 6 organ donors under the age of 18 in Scotland (compared to 43 in UK as a whole), a single donor in Scotland in 2012/13, and none in 2013/14.

23.1.5 There is current active research on growing tissues and organs for transplantation in a laboratory setting, but such technology is unlikely to be available for routine clinical use for a number of years. In the meantime, retrieval of donated organs remains an important measure in saving and improving the quality of the lives of many.

23.1.6 **There is current discussion around an opt-out model for organ and tissue donation**, where it would be presumed that an individual had consented to allow their organs and tissues to be retrieved for transplantation **unless** they had expressed a contrary opinion, either in writing, or orally to family and friends. This policy has already been legislated for in Wales through the Transplantation (Wales) Act 2013), and the change will come into effect in December 2015. The Scottish Government plans to assess the impact of the change in Wales before considering a similar move in Scotland.

23.1.7 However, Labour MSP Anne McTaggart has launched a consultation for her proposal for a Members' Bill on Organ and Tissue Donation for Scotland, which would seek to introduce 'presumed consent' to Scotland.

The Church and Society Council responded to this consultation, recommending that the Welsh experience be analysed first before making a decision for Scotland. There are at least two ethical issues which need to be considered:

- the nature of donation and gift
- not neglecting the opportunity to prolong and greatly improve the quality of a life if it is appropriate to do so.

We shall return to these questions later.

23.2 Organ Donation

In 2008, the Organ Donation Taskforce produced a report, *Organs for Transplants*⁷⁶, setting out 14 recommendations which, it was suggested, would increase the number of organs available by 50% in 5 years. These recommendations have all been implemented and the increased number of organs for transplantation has exceeded the 50% target. There is now an 8% year-on-year increase in donors after brain death and a 16% increase in donors after circulatory deaths. The recommendations copy the 'Spanish model' of putting more staff (Specialist Nurses in Organ Donation or SNODs) into the intensive care units to identify potential donors and by skilled, sympathetic interaction with family members to obtain authorisation for organ retrieval.

23.3 The Spanish Model

23.3.1 In organ transplantation, the 'Spanish Model' for organ donation is often referred to and is held by many to be the current best practice. Assumed consent legislation was passed in Spain in 1979 but this made little impact on donor numbers. However in 1989 a national transplant organisation was set up putting a large emphasis on organ donation. Many more staff were employed, allowing a medically trained co-ordinator to be embedded in every intensive care unit throughout the country. This person has the responsibility of identifying every potential organ

⁷⁵ Organ Donation and Transplantation in Scotland. How are we doing? <http://www.organdonationscotland.org/pdf/files/assets/basic-html/page-1.html>

⁷⁶ *Organs for Transplants: A Report of the Organ Donation Taskforce*. Dept of Health Publications 2008. <http://www.bts.org.uk/Documents/Publications/Organs%20for%20transplants%20-%20The%20Organ%20Donor%20Task%20Force%201st%20report.pdf>

donor. Having been given the necessary training in discussing with the relatives of these possible donors and by spending time with the family members, the coordinators frequently gain consent from the relatives for the person to become an organ donor. In Spain this intensive approach to organ donation doubled the donation rate, and in other areas of Europe which then adopted similar systems the same result has been observed.

23.3.2 This approach of appointing a specially trained practitioner to every intensive care unit to identify all potential donors was adopted in the UK following the recommendations of the Organ Donation Taskforce's first report in 2008. Additionally, in the UK each Health Board (Hospital Trust in England, Wales and Northern Ireland) must have an Organ Donation Committee to oversee organ donation, and requires the Chief Executive to be accountable for the donor numbers within the Health Board's activities.

23.3.3 The 2008 report from the Organ Donation Taskforce did not address the issue of presumed consent (opt-out), so a second report was requested from the group to consider this question⁷⁷. In a very detailed report the taskforce noted that "before" and "after" studies in countries which have changed to an opt-out system the donation rate had risen by up to 25%, but that the legislative change was not the only factor because other initiatives were also introduced. These included increased funding for transplant programmes, better infrastructure and increased public awareness. The taskforce reported evidence that the recommendations proposed in its first report, if fully implemented, would achieve a greater increase in donor numbers than 25%.

23.3.4 There are also examples where a change to an opt-out policy has had detrimental effects on the number of organs retrieved for transplantation; for example, in

Brazil, where the law had to be repealed because of mistrust in the government and accusations of body snatching, and in France where a specific case, although fully compliant with the law, caused a great deal of negative press and a fall in donor numbers. In its conclusion the taskforce could find no convincing evidence that the change to an opt-out system would deliver significant increases in the number of donated organs and stated that: "Only if donor numbers have not grown by 50% by 2013 should the question of opt-out be revisited."⁷⁸ As this target has been achieved, we would consider this a strong argument against revisiting the opt-out system.

23.4 Current practice

In the current "opt-in" process for organ donation everyone is encouraged to register as an organ donor and this list of possible donors is held centrally for the UK on the Organ Donor Register (ODR). At the time of a death the ODR is consulted and if the person is registered the SNOD will inform the family members that the person wished to donate his/ her organs. Barring any change of mind that the person may have had, or the organs being medically unsuitable, then that donation will proceed. This system is very effective: 90% of deaths which meet transplant criteria and where the person registered as a donor during life result in organ donation. When someone who has not registered on the ODR dies then the next of kin, according to a pre-determined ranking table, is asked to consider what the deceased may have wished and if deemed appropriate grant authorisation for the organs to be removed for transplantation.

23.5 Presumed consent / opt-out

In an opt-out scheme, people would need to register their wish not to be a potential donor in the event of death, and so the 'norm' in society would be for all people to be donors unless they had specifically said they did not want this. This system can be implemented as a 'hard' option where, at the time of death, unless the deceased is registered not to be a donor then the organs will be

⁷⁷ The Potential Impact of an opt-out system for organ donation in the UK: An independent report from the Organ Donation Taskforce. Dept of Health Publications 2008 <http://dteq.org/ODT%20PC%20report.pdf>

⁷⁸ Ibid p36

retrieved; or as a 'soft' option where, at the time of death of someone who has not registered his/her wish to opt out of organ donation, the family members will be consulted to 'confirm' that the deceased was happy to donate organs. This latter system affords the family the choice of agreeing to the organ donation or not.

23.6 Wales

23.6.1 Following a campaign for an opt-out system for posthumous organ donation in Wales, legislation was passed by the Welsh Assembly in 2013. This will come into force at the beginning of December 2015 to change to a soft opt-out system in that part of the UK.

23.6.2 Although both the 'Spanish model' and changing to an opt-out system for authorisation for organ donation increase the numbers of available organs for transplantation, the effect is not additive. The most effective method to increase donations seems to be the 'Spanish model'. Thus, it is likely that, given the situation in Wales, with effective implementation of a model similar to the 'Spanish model' already in place, the additional increase in organ donations following a subsequent change to an opt-out process would not be large. There is therefore a good argument to await the results of the change in Wales to see if the size of any increase in organ numbers justifies the legislative and financial costs of changing to an opt-out system.

23.6.3 It must be appreciated that what happens to a body after death and whether or not the deceased wished during life to donate organs are highly emotive issues. Also, discussions with a family at the time of the death of a loved one take place in very distressing circumstances. Under the present opt-in system, organ donation has always been seen as a gift. At the time of significant distress, people have made the altruistic decision to help other people by allowing their relative's organs to be used to prolong or greatly improve the quality the life of other people. This often allows the bereaved relatives to reflect later on the fact that, in the midst of their distress, other people have been helped.

23.6.4 In an opt-out system, however, all concept of a gift or of donation is lost, and it may simply become the accepted fact that following death organs are removed for transplantation. There must therefore be concern to maintain a balance, whereby the benefit to society of increased numbers of organs for transplantation justifies the potential loss of the concept of a freely given gift.

23.7 Potential harms

As has been stated, the primary purpose of a change in the system of gaining consent or authorisation for retrieval of organs after death would be to increase the numbers of organs available for transplantation. This would only be of overall benefit to society if the gain in terms of lives saved or prolonged outweighed any harm done by an 'opt-out system' of donation. The likelihood of a significant increase in transplantation has yet to be established, but it is also worth considering at this stage some of the potential harms from an opt-out system of organ donation.

23.8 Equality

The rights of the person who has not explicitly opted in as a donor must be carefully considered. Not all persons who fail to opt out will have wished to give consent for retrieval and transplantation of their organs in the event of death. We consider that there is a risk of inequality in accessing the means of opting out of organ retrieval. Some people will never want to address the concept of their death and therefore will not make a decision about organ donation. People with social or emotional stresses or less family support may find it harder to have hypothetical discussions about dying and therefore to make their wishes about organ donation known to those who may be consulted in the event of their deaths. Some may not have the education, capacity or social circumstances needed to allow them to engage with health or legal organisations responsible for compiling the opt-out register. Those with learning difficulties, homeless people or mentally ill people are among the groups who may be, or who may perceive themselves to be, less able to opt out. Those with supportive families and better resources may be more readily able to make choices about organ donation and to opt out if that is their wish. There is therefore a danger

that, in the long run, the pool of donors be drawn disproportionately from the 'voiceless'.

23.9 Loss of trust

There is also a risk of a loss of trust between families of critically ill patients and medical staff. What happens to the body after death may be important to the deceased, but perhaps more often, the handling of the body is not as relevant to the one who has died as to the bereaved family and friends. Many of us might wish consideration for the feelings of our loved ones to take precedence over our own wishes after our deaths, and therefore even if we had failed to opt out of organ donation, we may not strongly wish it to proceed if, in traumatic circumstances, the donation was likely to cause distress to a loved one. With an opt-out system, the default position may be to retrieve the organs of a recently deceased person, without requiring the authorisation of the person's family. There is a potential for harm to the bereaved, if they do not want organ donation to proceed, but feel that they cannot refuse in the absence of an opt-out order by the deceased. It is likely that this would be sensitively handled by medical teams and that the family's wishes would still be carefully considered but if the family feel removed from decision making by the absence of an opt-out directive, then we can foresee distress and loss of trust which could be harmful to the bereaved and to medical teams alike.

23.10 Reduced public support for transplantation

At present there is broad general public support for those people on transplant waiting lists and also for those who, sometimes tragically, become organ donors. However, there is the potential for an opt-out system to lead to cases where the bereaved family later resent the taking of organs and complain that their wishes were not considered or that they were pressurised into agreeing to organ retrieval. In the event of such cases being publicised, it may be that the general public becomes less supportive of the medical teams seen as the takers of the organs and perhaps even of the recipients of the organs. It is likely that a new policy such as this one would receive much publicity and be the subject of news interest. We are concerned that there could be sensationalised reporting of any cases of

bereaved families who felt that organ retrieval proceeded against their wishes. There have been previous examples of prominent media attention leading to a reduction in the support for transplantation. For example, the Alder Hey Hospital scandal where children's organs were retained following post mortem examination for scientific research without the permission of parents. Even though the specific tissues in question were not being used for transplantation, there was enough of a link in the public mind for this to lead to a temporary dip in rates of organ transplantation.

23.11 Virtue ethics and consequentialism

23.11.1 Two competing approaches to this question are virtue ethics (i.e. looking at the character and morality of an ethical framework which determines what action to take), and consequentialism, where a positive final outcome could override lesser ethical concerns about how those outcomes are reached.

23.11.2 A virtue ethics approach to the question of 'presumed consent' might say:

- Organ donation in the UK at present is a voluntary gift, freely given.
- The profound generosity of this decision suggests it is one of the greatest gifts one human being can give to another.
- Presuming consent is no consent at all, and the act of organ retrieval and transplantation can no longer be seen as being a consensual gift in the same way. 'Deeming' a deceased person to have given their consent is a legal fiction and is not real consent.
- The role of state intervention and control over such a personal aspect of life changes the relationship between the individual and society.
- Such a change could discriminate against groups who might not be aware of any change, through lack of knowledge or understanding.
- Current efforts to increase voluntary increase in donor registration appear to be working well, and there are

still many other opportunities to improve the current system which is widely accepted and supported.

23.11.3 A consequentialist approach might respond:

- Any individual can still opt out, either in writing or simply by letting family, friends and medical staff know what their wishes are.
- A publicity and awareness raising campaign would help let everybody in society know – as well as catalysing a national debate about organ and tissue transplantation and end of life issues more broadly.
- It would be a moral wrong not to do everything ethical to prolong and greatly improve the quality of lives of those in need of transplant; if presumed consent increases the number of people receiving transplants then a change in society's view about organ and tissue donation / retrieval is acceptable.

23.12 A Christian approach

23.12.1 Roman Catholic, Anglican and Orthodox tradition would lean towards the virtue ethics approach; Thomas Aquinas' approach to both circumstances and intention has clearly informed the joint response by the three traditions to the Welsh legislation.⁷⁹

23.12.2 However, it is true that Christians can hold a diversity of opinions on the question. The Presbyterian Church in Wales, in its response to a Welsh Government pre-legislative consultation paper, outlined its support in principle for the change as it was ultimately designed to prolong or greatly improve the quality of people's lives.⁸⁰

⁷⁹ Welsh Catholic Bishops:

<http://www.senedd.assemblywales.org/documents/s15617/HTOrg3%20Catholic%20Bishops%20in%20Wales.pdf>

Church in Wales Bishops:

<http://www.senedd.assemblywales.org/documents/s15615/HTOrg1%20Bench%20of%20Bishops%20of%20the%20Church%20in%20Wales.pdf>

⁸⁰ Pages 74-76:

<http://wales.gov.uk/docs/dhss/consultation/120427odresp93-131en.pdf>

23.12.3 It is the view of the Church and Society Council that neither approach can be dismissed out of hand but both are valid understandings of this ethical question. At the current time, however, there is not yet evidence that such a change would necessarily significantly increase the number of organs available for transplantation. This is why the Council has supported the current strategy and the activities of the Scottish Government and NHS Blood and Transplant to increase the number of people registering for organ donation, for example through promotion of the *fleshandblood* campaign.

23.13 Conclusion

23.13.1 The Council anticipates that the results of the Welsh experience after the change in December 2015 will inform future debate about whether or not Scotland should change the current policy. From the Church's point of view there would need to be clear and substantial evidence that the change did have the effect of prolonging and improving the quality of more lives. In the meantime, the Council recommends that families and groups of friends are encouraged to discuss end of life issues in a calm and non-emotional setting at a time when death is not imminent. Such discussions can naturally include expression of views around organ donation and could be both helpful and comforting to relatives after a death.

23.13.2 As Christians, the Council supports the life-giving practice of organ transplantation and therefore the Council is keen to see promotion of donation of organs and a reduction in the suffering of those waiting for the chance of transplant surgery. However, the Council also recognises that many organ transplants involve the death of another, equally valued human being, often prematurely and in stressful circumstances in hospital. If an opt-out system of organ donation could significantly increase the numbers of organs available for transplant without harming those persons and families involved in the donation, then it might be justifiable and welcomed by the people of Scotland. The Council considers that further evidence of benefit without harm of such a system is

needed before supporting the proposal for change in Scotland.

24. Assisted Suicide

24.1 An important aspect of the ministry of the Church of Scotland lies in providing pastoral support to both individuals and communities, and particularly in caring for the most vulnerable in society. Our ministers, elders and other members spend much time alongside people who are close to death, and feel their pain. We are therefore sympathetic towards the fears and desires of those who may be afraid of a death which is painful, or where people fear the sense of dependency or powerlessness which may characterise various degenerative diseases.

24.2 However, we are perturbed by the currently proposed assisted dying legislation, and do not consider this to be the best solution to the dilemmas presented by the debate around end of life issues. Rather, there is a need to ensure that, as far as possible, all have access to good palliative care. Palliative care, in the widest sense, involves caring not just for the physical but also the emotional and spiritual needs of people coming towards the end of their lives. There is also a need to accept the inevitability of death, and that there are times when medical interventions are inappropriate.

24.3 Such legislation, breaching as it does the societal prohibition on the taking of human life, represents much more than simply a tinkering with the law. It carries implications for the whole of society, and for attitudes to many aspects of health and social care and we are concerned that it has profoundly negative implications for the most vulnerable in society, who may already feel voiceless and marginalised. These implications and concerns of those who will be most directly affected must carry as much importance as the views expressed by those who are pushing for a change in the law.

24.4 The law as it stands in Scotland, which makes it an offence for anybody to assist another person to attempt or complete suicide, is straight forward. To allow for provision of assistance in some circumstances would mean that

there is always the possibility of abuse of any "safeguards" included. Motivations of all involved would need to be assessed, which may be difficult. For example, families dealing with relatives at the end of their lives are often under extraordinary pressure, which may be misunderstood by their relatives that the best and most honourable thing to do would be to seek assistance to die. Such suggestions may be difficult for those outside the family to detect.

24.5 We need to explore in more detail how society understands, communicates and discusses death, dying and bereavement. One of the issues which a debate such as this reveals is the sense of loss of control which patients and their families sometimes feel as death approaches. We must beware of medical models which can depersonalise, and also need to avoid inappropriately aggressive medical interventions as people near the end of their lives: the (sometimes implicit) view that every death is a medical failure needs to be challenged. Care is spiritual as well as physical. There is a great fear of a painful death, which can be mitigated, although not always completely removed, by palliative care.

There is a need to accept that death is a natural process, and that not every death is a medical failure. It is clear that there is a role for the medical profession in supporting people at the end of their lives; however, that role should not include the intentional ending of life.

24.6 Much of our concern in relation to assisted dying legislation is motivated by a concern for the weakest and most vulnerable in our society. While the articulate and those with supportive families can get their voices heard, what of the marginalised? While recognising that medicine is constantly improving our ability to deal with physical pain, we need to also be aware that the anguish around death is much more than a fear of pain. Palliative care, which takes care of all aspects of the person, needs to be made more widely available.

24.7 In response to the instruction from the General Assembly in May 2014, the Council has been working with members of the Theological Forum, to reflect theologically

on the issues around assisted dying. As part of this, we held a “round table discussion”, bringing together a number of theological experts with interests in this area.

24.8 No amount of “safeguards” will ever be able completely to prevent abuse of a law which allows the deliberate ending of the life of another person. The current law, through its acceptance that some may wish to take their own lives, but its blanket prohibition of assisting another person to attempt or complete suicide, is clear, and provides a strong disincentive to abuse and exploitation whilst allowing prosecutors and judges discretion in hard cases. It does not, in our opinion, need changing.

25. Human Rights and Mental Health

25.1 Introduction

25.1.1 The 2014 General Assembly agreed to “recognise the human rights implications of forced treatment under current mental health legislation” and instructed the Church and Society Council to “reflect these in contributing to public debate as appropriate”.

25.1.2 This matter was brought to the floor of the Assembly to reflect the concerns of a number of people, arising largely from their personal experiences as patients or carers, in which they believe harm was done as a result of such compulsory treatment. Indeed, in at least two cases brought to the attention of the Scottish Parliament’s Petitions Committee, the death of a loved one is blamed on the side effects of such treatment.

25.1.3 The process of bringing this follow-up report to the General Assembly has involved careful listening to these and other experiences (good and bad) of mental health patients and those who care for them in families or professionally; we have also been informed by conversations with academics and others with expertise in human rights and the law. We do not comment on individual cases but do take note of concerns raised. We are grateful to all who made time to share their experiences and perspectives; for reasons of

confidentiality, those who shared personal stories are not named.

25.1.4 The case brought to the Assembly was summarised for us by the person who originated it, in these terms:

“A patient with legal capacity has the right to refuse treatment even though death would be the likely consequence. This follows from a number of court judgments ...

It has also been established that the presence of mental illness does not necessarily imply that there is a lack of capacity to refuse treatment ...

Given case law, it should be evident that section 242 Of the 2003 Act should be amended. Basically this section states that if a patient is capable of consenting to proposed treatment but does not consent then the treatment may nevertheless be given if the responsible medical officer is of the opinion that this would be in the patient’s best interests. As noted above, this paternalistic attitude to medical treatment has been rejected by the courts ...

The Millan Committee was well aware of case law regarding consent. It was this fact that led to its being specified in the 2003 Act that a necessary condition for the provision of long term compulsory treatment was that “because of the mental disorder, the patient’s ability to make decisions about the provision of medical treatment is significantly impaired”. However, “significantly impaired decision making capacity” seems to have no clear and agreed meaning ...

Regrettably, however, the 2003 Act, unlike the Adults with Incapacity Act, contains no explicit provision for an appeal against a decision as to incapacity. In theory, an appeal can be made to the Tribunal but, in reality, this safeguard is worthless since the Tribunal tends to accept without question the views of the responsible medical officer regarding lack of capacity ...

As the GMC consent guidance makes clear, doctors must work on the presumption that every adult patient has the capacity to refuse treatment. The 2003 Act fails to recognise this important principle. For example, the provisions regarding short-term detention permit the forced treatment of a patient to begin before the facts have been established.

Given the developments since the passage of the 2003 Act, steps should now be taken to ensure that there is a comprehensive review of Scottish mental health legislation with the aim of remedying the defects in the current legislation ...

*Article 12 (of the UN) Convention on the Rights of Persons with Disabilities guarantees the right to equal recognition before the law to persons with disabilities ... In April 2014 the UN Committee on the Rights of Persons with Disabilities issued a General Comment on Article 12 CRPD. It noted that **"Forced treatment by psychiatric and other health and medical professionals is a violation of the right to equal recognition before the law... This practice denies the legal capacity of a person to choose medical treatment and is therefore a violation of article 12 of the Convention."** Also **"State parties must abolish policies and legislative provisions that allow or perpetrate forced treatment, as it is an ongoing violation found in mental health laws across the globe, despite empirical evidence indicating its lack of effectiveness and the views of people using mental health systems who have experienced deep pain and trauma as a result of forced treatment"**.*

Any comprehensive review of Scottish mental health legislation should take account of how it is being implemented ... the evidence is clear that the 2003 Act has given too much power to psychiatrists and that many of them are not exercising that power in a responsible manner. That evidence is also clear that the safeguards within the Act are ineffective."

25.1.5 These, then, are the key points we were asked to consider in taking forward the Deliverance.

25.2 Responding as a Church

25.2.1 The Church's response to these and to any mental health issues has to be primarily pastoral, starting with careful listening. The Council's 2011 report on mental health encouraged congregations to take this pastoral responsibility seriously, thinking beyond individual support, and the leaflet produced in light of that report asks:

"What makes a church a good one to belong to if you are struggling with your mental health? Is it the fact they have a Counsellor on staff or have an annual Depression Awareness Day? Or is it that they are aware enough to care, small enough to notice and moving slowly enough to actually deliver?"

25.2.2 These are real challenges for churches, and some resources are available to help congregations meet them. We also have an important role in combating the stigma surrounding mental health, which can be found within churches. But last year's Assembly was asked to address concerns about how we, as a nation, approach mental health issues; specifically, our attention was drawn to the legal framework for this and the human rights dimension of that framework.

25.2.3 "Mental health" and "human rights" are very much part of the language and concepts of today, yet neither appears explicitly in the Bible. Yet, mental health issues and faith do not inhabit different worlds. William Cowper, whose 18th century hymn longs for "a closer walk with God" reportedly suffered from periods of "insanity": "where is the blessedness I knew ... what peaceful hours I once enjoyed" is his heartfelt cry. A history of mental health in Scotland speaks of "the enduring role of religion as an attributed cause, an identifying symptom and an aid in the cure of derangement"⁸¹.

25.2.4 It is clear from the gospels that Jesus encountered many people suffering from what today would be

⁸¹ R A Houston: *Madness and Society in Eighteenth-Century Scotland* (Oxford Studies in Social History), p392

described as mental health issues. In a series of encounters, he responds to their (and their carers') distress and performs acts of healing and release, often with violent reactions. In Mark 5.1ff, blown off course by a storm, Jesus and his disciples arrive in strange (Gentile) territory where the first person they encounter appears to be a man with severe mental health problems, leading to violence and self-harm. The local response has been to attempt (unsuccessfully) to restrain him with ever-stronger chains, and to banish him to living outwith the community. Jesus' response is doubly counter-cultural: in place of chains he brings release, and in place of exclusion he proposes a new role within the community. Despite the apparent success of the healing, neither appears to meet with local approval.

25.2.5 Significantly, Jesus takes the man seriously enough to ask him questions; only in the context of that conversation does the healing take place. This is surely not pointing us to an immediate throwing open of all the doors of locked wards across Scotland, but at least towards a respect for the humanity of those whose mental health problems are expressed in disturbing or violent behaviour. We may also notice that the man shows initial resistance to treatment, although this is apparently overcome in the conversation with Jesus.

25.2.6 The Council's 2013 Assembly report on human rights also developed a theological perspective which recognised human rights as manifestations of just human relationships, grounded in respect for the worth of all human beings, and focused on neighbours (with whom we share duties of care), rather than as a bundle of commodities belonging to individuals. "Seen from the perspective of faith, the discourse needs to be widened from narrow legalities to consider what might be the nature of human rights in the wider context of our relations with each other in community". Human rights are therefore seen as "fundamentally an expression of relational justice ... based on love-informed justice that comes from God".

25.2.7 We therefore approach the present Scottish mental health context with these pastoral, Biblical and theological perspectives.

25.3 Current Context

25.3.1 Current Scottish mental health law is substantially contained in the Mental Health (Care and Treatment) (Scotland) Act 2003, based on the Millan Report which signalled a radical shift in perception and practice: "it is time for the law to respond to the new directions which have emerged in mental health care: of more community based services; greater involvement of users and carers in decisions concerning treatment; and greater awareness of the need to respect human rights"⁸². The Millan process may even be an early example in Scotland of the "nothing about us, without us, is for us" principle of the disability movement, so effectively used by the Poverty Truth Commission.

25.3.2 The Act has been described as an international example of good legislative practice, pioneering when it was passed, moving from a medical model towards a social one and bringing a human rights approach to the care and treatment of mental health patients. Although human rights are not explicitly mentioned in the Act, it had to be (like all post-devolution Scottish legislation) compliant with the European Convention on Human Rights, and it is grounded in explicit principles of "equality, non-discrimination, respect for diversity, reciprocity, informal care (compulsory powers as last resort), participation, respect for carers, least restrictive alternative, child welfare, and benefit"⁸³.

25.3.3 The Act might not be unique in post-devolution Scotland in being pioneering as legislated aspiration but weaker in implementation. Change in ethos and established practice does not flow immediately or automatically from new legislation, nor do the resources for implementation. There is still a huge disparity between

⁸² Millan Report, Introduction

⁸³ Scottish Mental Health Policy: Context and Analysis (Jennifer Smith, Richard Freeman, Steve Sturdy), p7

the impact of mental illness (on individuals, their families and the economy, as measured by the World Health Organisation Global Burden of Disease study) and the resources currently devoted to its treatment and prevention; this reality of mental health as a “Cinderella service” (still lacking a Prince Charming) inevitably influences practice and puts pressure on caring professionals. Resource issues, particularly a scarcity of mental health officers (who have a crucial role in assessing emergency detention certificates, but this role is frequently by-passed in some areas⁸⁴ as no MHO is available) have recently been raised with Parliament by the Mental Welfare Commission. Further pressure comes from a risk-averse culture increasing the pressure to “do something” quickly to minimise risk; there is therefore a tension between risk management and patients’ rights.

25.4 “Forced Treatment”

25.4.1 The Millan report⁸⁵ stated “Perhaps the most fundamental issue in mental health law is the justification for imposing compulsory measures on someone without their consent. Such a justification should be ethically appropriate and also capable of practical application”. Despite the human rights principles underpinning it, the Act does allow for treatment under a Compulsory Treatment Order made by a Mental Health Tribunal, to be given without consent, or even against the patient’s wishes, where “if the patient were not provided with such medical treatment there would be a significant risk to the health, safety or welfare of the patient or to the safety of any other person (and) because of the mental disorder the patient’s ability to make decisions about the provision of such medical treatment is significantly impaired” (s64).

25.4.2 Crucially, treatment may also be given without consent under a Short Term Detention Order, before the legitimacy of this order has been tested by any legal process. There is provision for urgent treatment, when a patient is detained under the Act, for the purposes of

saving the patient’s life; preventing serious deterioration in the patient’s condition; alleviating serious suffering on the part of the patient; and preventing the patient from behaving violently or being a danger to the patient or to others. In law, these decisions must be made in accordance with the Act’s underpinning principles and ECHR rights.

25.4.3 Few would argue that there are not circumstances, along the lines of these provisions, in which there has to be scope for intervention (and possibly detention, although we were not asked to consider this); these might include obvious examples of violent behaviour but also problematic situations such as those of anorexic young people. At the end of the 17th Century, James Dalrymple, Viscount Stair, said that restraint used in relation to a person of unsound mind is something which is “not against any act of his lawful liberty and is done as a duty in us of love and mercy”⁸⁶. And in the early 21st century, as a representative of the Scottish Human Rights Commission told us, “autonomy is not an absolute right” here; rather, it is a qualified right which can be restricted in certain circumstances. Most respondents to a recent Scottish Parliament consultation (including SHRC) did not believe that compulsory treatment under the Act is in breach of ECHR.

25.4.4 The European Court of Human Rights has recognised that involuntary treatment for mental disorder may occur in limited circumstances and with appropriate safeguards. Indeed, there can be circumstances where failing to treat someone who is recognised by medical professionals as being in dire need of appropriate psychiatric treatment is seen by the European Court as a breach of Article 3 ECHR if the person endures degrading and undignified conditions as a result (that is, the failure to treat, itself, amounts to cruel or inhuman treatment); this can be so even where treatment would require a degree of compulsion because of the person’s condition⁸⁷.

⁸⁴ Figures for 2013-14 show 42% of emergency detention certificates across Scotland were issued without MHO consent.

⁸⁵ P51

⁸⁶ Stair: Institutions of the Law of Scotland, 1, 2, 5 (First Edition 1681)

⁸⁷ MS v United Kingdom

25.4.5 The 2014 General Comment of the UNCRPD (referred to above) - especially in its call for states to repeal legislative provisions which “allow or perpetrate forced treatment” - does not seem to allow for any such circumstances. It argues against any denial of decision-making capacity because of disability, and therefore against any intervention without consent. It differs from the current European Court view, and is not legally binding in the same way as ECHR⁸⁸; in a relevant case, it would be treated as important background material and, if doubt arose about the legal position on a matter under Scots law, the interpretation compatible with the UN Convention would be likely to prevail. It has not yet, apparently, been implemented in any state. Yet it is a challenge to both thinking and practice.

25.4.6 The questions then are of balance, and of whether the Act provides adequate safeguards against abuse and/or errors of judgment. While “vulnerable” may be an overused description today, the vulnerability of someone experiencing severe mental illness is undeniable, and it is the power imbalance between doctor (or other medical professional) and vulnerable patient here that calls clearly for safeguards. In these circumstances, it is not sufficient that they have rights but requires that these can be effectively upheld.

25.5 Mental Health Tribunal

25.5.1 At the heart of the safeguards embodied in the 2003 Act is the Mental Health Tribunal – not a conventional court of law, but working informally and aiming to be patient-centred in its practice of “therapeutic jurisprudence” which sees the law as “a social force that can produce therapeutic or anti-therapeutic consequences”. Tribunals hear over 4,000 cases each year; their panels comprise a legal member, medical member and a “general” or lay member; over a quarter of the lay members are either users of mental health services or their

carers. In the McManus review, the tribunal system was praised as fairer, more open and accountable and patient-focused (than the previous system); yet research published in 2009⁸⁹ also called for an outcome study of Tribunal decisions to assess the impact of service users’ views, and there is also some internal concern at the impacts of tribunal hearings on the relationships between patients and medical professionals.

25.5.2 Although the process is not adversarial, the Tribunal President emphasises that they do test the evidence presented to them, including medical evidence, but “if the Tribunal is provided with cogent medical evidence, it will require to provide good reasons if it is to reject that evidence”. While we are not in a position to test this thoroughly against the sense of some who feel that tribunals are too reluctant to challenge medical judgments as to capacity, we cannot agree that this safeguard is “worthless”. Nor do we believe that reverting to a traditional courtroom model is the way to give those who feel they have been mistreated more confidence in the system’s safeguards. Participation in the previous sheriff court hearings was very poor, and the McManus Report found “issues of perception of excessive formality and legality in tribunal hearings” restricting participation and confidence in the present system.

25.5.3 Because we recognise the commitment of those involved in the MHT, as well as the concerns of some about the working of tribunals, we believe that (as tribunals complete ten years of working under the 2003 Act) a constructive review would be welcome.

25.5.4 Linked to the call for a more traditional legal process is the call for a clearer definition of “capacity” to consent or refuse treatment than is provided by the Act’s reference to “significantly impaired” ability to make decisions. The Millan Committee wrestled with this (“one of the most difficult issues we faced as a Committee”),

⁸⁸ CRPD imposes international law obligations only, for the United Kingdom; Scottish Government should not act contrary to it and the European Court would take it into account, but CRPD rights are not incorporated into UK law and therefore not directly enforceable.

⁸⁹ Dr Julie Ridley and others “Experiences of the Early Implementation of the Mental Health [Care and Treatment] [Scotland] Act 2003: A Cohort Study”.

noting that “respondents from the voluntary sector showed more support for a capacity test than did medical professionals”. What was enacted reflects Millan’s recommendation of the “less legalistic formulation, and one which may be easier to apply in practice”, although this is still a difficult judgment to make from a physician’s viewpoint.

25.5.5 The challenge to this comes from a perception that it leaves too much power with psychiatrists and other medical professionals who may (it is said) be too ready to assume lack of capacity or impaired decision-making ability. Doctors are of course professionally bound by the first principle enshrined in the Hippocratic Oath: “do no harm”, and the GMC take this seriously. Yet, it would be surprising if people with a commitment to care, and the professional training and skills to deliver that care, did not feel a pressure to put that into practice (the “duty of love and mercy” which Stair recognised three hundred years ago), and a frustration when that is resisted by the patient.

25.5.6 As well as hearing from people who personally or in their loved ones have experienced compulsory treatment which they believe was inappropriate, we have heard from those who recognise the value of having been treated against their will. One was grateful for those who “kept me safe when I couldn’t make decisions for myself and couldn’t see that it could get any better”, and for the experience of “being valued enough to care” even when “fighting for the right to commit suicide”. What does “being valued” mean in these testing circumstances?

25.5.7 Even if we are reluctant to have such judgments moved more frequently into the courts, there are serious human rights issues in treating people against their will when the impact of that treatment (by drugs or ECT, for example) can be permanent and dramatic, for good or ill. There are concerns as to the side effects of anti-psychotic drugs and also significant debate as to the effectiveness of non-consensual treatments, which may take us back to the theological perspectives on the importance of good relationships. Better relationships are likely to produce improved outcomes.

25.5.8 There are also questions which arise when we recognise the possibility of human error. Medical professionals, like other human beings, are fallible, and few people would see mental health treatment and diagnosis as a precise science which excludes the need for skilled judgment. More than one patient whose story we have heard has made a heart-felt plea for people to admit mistakes, yet our litigious culture constrains any such admission⁹⁰. The balance between holding people in situations of power accountable in law and facilitating the candid conversation that could turn things around is not an easy one to hold.

25.6 Advocacy and supported decision-making

25.6.1 The 2003 Act provides for forms of supported decision-making as a key part of its strategy to give weight to patients’ autonomy (moving away from substitute decision-making) - a way of recognising that people can be bearers of human rights without full capacity to make decisions for themselves; and the CRPD clearly points to expanded use of these. Formal “advance statements” of a person’s wishes⁹¹ may be helpful, though many feel the use of these has been restricted by the fact that they are not legally binding. “Named persons”⁹² may also assist in decision-making, but may not be seen as sufficiently independent.

25.6.2 Independent advocacy is probably the most crucial dimension if supported decision-making is to help

⁹⁰ The Scottish Government has recently consulted on the possibility of introducing a statutory duty of candour for health and social care services and the outcome is awaited. <http://www.scotland.gov.uk/Publications/2014/10/9897>

⁹¹ “This is a written statement, drawn up and signed when the person is well, which sets out how he/she would prefer to be treated (or not treated) if he/she were to become ill in the future. It must be witnessed and dated. The Tribunal and any medical practitioner treating the person must take notice of an advance statement but are not bound by it. If the wishes set out in an advance statement have not been followed by the medical practitioner or the Tribunal, they must send to the patient, the patient’s named person and the Mental Welfare Commission a written record giving the reasons for this.”

⁹² This is someone who will look after the person’s interests if he or she has to be treated under the Act

safeguard the patient's autonomy, but questions remain as to resourcing, scrutiny, commissioning and monitoring of this to ensure its effectiveness. It is welcomed by some patients as enabling them to challenge "the system", but others feel it has not worked for them. There is a clear need to review why there is a lack of confidence in, and use of, these key tools in the legislative system.

25.7 Conclusion

25.7.1 The "love-informed justice that comes from God" means we cannot fail to respond to those who have had painful experiences in which they feel let down by the current mental health framework in Scotland; nor can we fail to recognise the commitment and skill of many who work within that framework, often under pressure.

25.7.2 We welcome and encourage the changing ethos of mental healthcare in Scotland, the drive to remove stigma, and the move towards more holistic treatments and facing the challenges of what can be competing values. While we do not believe that compulsory treatment is always a breach of human rights, we recognise the value of working with people experiencing mental health problems and the contribution good relationships (reflecting human rights) can make to treatment. Coercion may sometimes be necessary but is always to be approached with reluctance.

25.7.3 While we have been producing this report, the Scottish Parliament's Health and Sport Committee has been taking evidence on new Mental Health legislation based on a limited review of the 2003 Act. In that setting, there have been calls for a wider review. The Committee was told that the Scottish Government was currently considering the findings of the Scottish Law Commission's long term review of incapacity legislation and the broader issues of restriction of liberty and capacity⁹³. The previous First Minister has also stated that work to respond to the recent UN CPRD report is "under way", and a review would also reflect the commitment in Scotland's National Action

Plan on Human Rights to "increase awareness, understanding and respect for human rights in the context of mental health services, ensuring rights are a key component of mental healthcare in Scotland".

25.7.4 We would strongly urge that this wider review take place, and include the issues highlighted here along with a recognition that good legislative policies need appropriate resources to implement them. We would also urge that the views of service users and their carers should be a significant part of that review reflecting the principles of "nothing about us, without us, is for us".

25.7.5 In preparing this report, the Council was grateful to hear from people with personal experiences of mental health services and their carers; we were also grateful for conversations with representatives of the Centre for Mental Health and Incapacity Law, Rights and Policy Edinburgh Napier University, Crossreach, the Mental Welfare Commission, the Mental Health Tribunal, and the Scottish Human Rights Commission

POLITICS AND GOVERNMENT

26. Scottish Churches Parliamentary Office

26.1 The Scottish Churches Parliamentary Office works to serve a broad range of Scottish Churches on parliamentary and political affairs – at Holyrood as well as Westminster. The SCPO is part of the Church and Society staff team, but works very much with an ecumenical focus. For further information about the work of the SCPO and specific activities and changes over the last year, see the SCPO Annual Report for 2014 on the website www.actsparl.org

26.2 Parliamentary Visits

Each February the Moderator of the General Assembly spends a week in the Scottish Parliament. The Rt Rev John Chalmers met with the party leaders and others, and chaired a roundtable event on international religious freedom hosted by Dave Thompson MSP. In the summer of 2014 the Convener and Secretary of the Church and Society Council spent some time at Westminster meeting MPs, Lords and Government Ministers, as well as

⁹³ The Stage 1 Debate on the Bill is likely to take place before the end of Feb and it may be appropriate to update this para further in light of that.

ecumenical partners. The Moderator's St Andrewside visit also included time spent at Westminster and at Dover House, the base for the Scotland Office (the UK Government's Whitehall department which co-ordinates Scottish policy issues).

26.3 Liaison, communication and relationships

26.3.1 The SCPO keeps in touch with local congregations with regular mailings, including Parliamentary Updates which monitor key issues, informal Newsletters and the popular *Interview with a Politician*, all of which can be found or subscribed to on the website www.actsparl.org – or by contacting the office info@actsparl.org telephone 0131 220 0246).

26.3.2 The Office is always happy to receive requests to speak or lead workshops from churches, presbyteries or other groups who would like to find out more about the work of the SCPO in general, or on a specific topic.

26.3.3 One of the primary functions of the Office is to connect churches and politicians and to build and maintain positive and constructive relationships. In the last year conversations and work have developed on a wide range of issues, from food poverty and welfare reform to water rates exemption for small organisations and the costs of metal theft to churches. There have also been debates in the Scottish Parliament on loneliness, religious freedom and credit unions which the SCPO briefed MSPs on, and a number of Motions which have supported the work of the Church, including the Imagining Scotland's Future referendum project. At Westminster the SCPO has supported Scottish MPs in preparing for a debates on mitochondrial replacement therapy and public safety, and from July to December chaired a monthly meeting of UK Churches' Westminster Parliamentary Officers.

26.4 Index of consultation responses

26.4.1 The following official responses were made by the Church of Scotland to consultations or inquiries in the calendar year 2014. Copies of the responses are available from the SCPO website www.actsparl.org, under 'Official

Responses'. All responses were from the Church and Society Council, except where noted:

26.4.2 Scottish Government Consultations

- Strategy to Address Violence Against Women (Feb 2014)
- Defining Sectarianism in Scotland: supporting the work of the Scottish Government and the Advisory Group on Tackling Sectarianism in Scotland (Sep 2014)
- Becoming a Good Food Nation (Oct 2014)
- Scottish Independence Bill: A consultation on an interim constitution for Scotland (Joint with Legal Questions Committee and Ecumenical Relations Committee) (Oct 2014)
- Community Energy Policy Statement (Nov 2014)
- Planning Controls, Pay Day Lending and Betting Offices – consultation paper on changes to planning legislation (Nov 2014)

26.4.3 Scottish Parliament Inquiries

- Proposed Local Government (Accountability and Transparency) (Scotland) Bill – John Finnie MSP (Jan 2014)
- Petition PE 1498 (Church Representatives on Local Authority Education Committees) – Petitions Committee (Feb 2014)
- Community Empowerment (Scotland) Bill – Local Government and Regeneration Committee (Sep 14)
- Proposed Organ and Tissue Donation (Scotland) Bill – Anne McTaggart MSP (Sep 2014)
- Air Weapons and Licensing (Scotland) Bill – Local Government and Regeneration Committee (Sep 14) (Joint ecumenical response)

26.4.4 UK Government Consultations

- Mitochondrial Donation – Department of Health (May 2014)
- British Credit Unions at 50 – Treasury (Sep 2014)

26.4.5 UK Parliament Inquiries

- Current and future uses of biometric data and technologies - Science and Technology Select Committee (Sep 2014)

26.4.6 Other organisations

- The Smith Commission: Further Powers for the Scottish Parliament (Interim Response and Final Response) (Oct 2014)

26.5 Bills of interest

26.5.1 Air Weapons and Licensing (Scotland) Bill

There has been some interest in this Bill which seeks to reform the regulation of scrap metal dealers in an attempt to reduce crime. A new licensing regime for sexual entertainment venues proposed in the Bill was welcomed by a broad range of Churches who submitted a joint response to the Committee.

26.5.2 Criminal Justice (Scotland) Bill

The consideration of this Bill has been stalled whilst Lord Bonomy has been conducting a review into the merits of ending the general need for corroboration in criminal trials. Lord Bonomy is expected to report between the time that this report has been written and the General Assembly meeting. For further details see the report above at section 16.

26.5.3 Assisted Suicide (Scotland) Bill

In January the Health and Sport Committee took oral evidence from the Convener of the Church and Society Council. For further details see the report above at section 24.

26.5.4 Human Trafficking and Exploitation (Scotland) Bill

For a fuller report of activities, see the report on Human Trafficking above at section 17.

26.5.5 International Development (Overseas Development Assistance Target) Bill

This Private Members' Bill in Westminster has been sponsored by Scottish MP Michael Moore. It aims to enshrine in law the 0.7% target for overseas aid spending, a move welcomed by Christian Aid and many church based development organisations.

27. The Referendum: Scotland's Future Now

27.1 In 2013 the SCPO and Church and Society ran a series of community consultation events called *Imagining Scotland's Future*. The results of this consultation were published in February 2014 as *Our Vision: Imagining Scotland's Future*. This booklet (which is still available for download or printed copies are available from the Church and Society office) was presented to Scottish and UK politicians as well as campaign organisations, civic society groups and ecumenical and interfaith partners. This helped to inform the Respectful Dialogue session held at last year's General Assembly, and the follow-up event from St George's Tron Parish Church, Glasgow. Both events were live-streamed on the web and are still available to view on the Church's YouTube channel, and over 500 people met in ten churches from Kirkwall to Lanark to follow the St George's Tron event on the web before holding their own local discussions. In the summer, the Moderator hosted an interfaith conference on what a future Scottish constitution might look like if independence were the outcome of the referendum.

27.2 After the result the SCPO hosted a day conference for people working on Scottish political issues for Scottish churches and Christian organisations. On November 5th, a third Respectful Dialogue event was held for members of the Church taking the discussion forward to focus on "Scotland's Future Now".

27.3 After a long and intense campaign, the Moderator invited representatives of political parties – and all citizens – to attend a service for reconciliation at St Giles' Cathedral in Edinburgh. The event itself generated significant media interest and spoke to many people within and outwith the Church, in Scotland and beyond.

27.4 Promises made before the Referendum by representatives of the Unionist parties included an ambitious timescale for the consideration and delivery of further powers for the Scottish Parliament. The Church and Society Council and the Moderator engaged with the Smith Commission process which followed from this, reaffirming the Church's views of sovereignty and subsidiarity, its commitment to powers with a social justice purpose and call for strategic powers over the tax and benefits system (the full response is available on the Church's website). The Council has continued to participate in stakeholder groups organised by the Scotland Office on devolution.

27.5 A Draft Bill embodying the conclusions agreed by the political parties in the Smith Commission (although with some controversy around this) was published in January, with commitments from the three main Unionist parties to reintroduce it after the election.

27.6 It is however, a matter of concern that following such an active and lively political campaign – especially during the final few months - which engaged so many people and led to a record turnout at the polls, the formal discussion and debate about Scotland's future seems to have reverted to a purely political and media discourse. With others from civic Scotland, the Church has argued for a citizen-led process to test the Smith Commission conclusions before they are enacted, and for a process of review – again citizen-led – of what is enacted, recognising that in the complexity of shared powers (*eg* over tax and benefits) we are unlikely to get the mixture right first time. Such a process might learn from the Poverty Truth Commission that “nothing about us, without us, is for us”.

27.7 The high level of wide public engagement in this debate about our nation's future, reflected in the 85% turnout, is to be celebrated and built upon. So too is the fact that so much of the debate focussed on how best to work for social justice. On reflection, we believe that the Church's impartial stance on the Referendum question allowed space both for constructive dialogue within the church on how we imagine Scotland's future and for the

Church to play a creative wider role during and after the campaign.

28. UK General Election 2015

28.1 The General Election on 7 May will have taken place before the General Assembly meets, but after this report has been written. Plans are in place to resource local churches with ideas, information, encouragement and support to pray, learn, debate and participate in the election campaign. This might be through running a hustings meeting, praying for wisdom and for candidates, or by making sure all members of a congregation and their family and friends know about the importance of using the right to vote. A full list of resources and ideas for the Election was published on the SCPO website www.actsparl.org

DEVELOPMENTS IN THE COUNCIL'S WORK

29. Local involvement

29.1 The dynamic relationship that the Council has with local congregations and Presbyteries remains essential to ensuring that the Church's national voice is authentic and rooted in the real life experience of the communities it serves. The Council is made up of church members and ministers from all over Scotland and all walks of life; at its core is a commitment to listen to and engage with Presbyteries and local congregations on issues related to justice, peace and the integrity of creation.

29.2 The Council's Local Involvement Officer is Fiona Buchanan, email. fbuchanan@cofscotland.org.uk tel. 0131 240 2276. Fiona co-ordinates this area of the Council's work and is the first point of contact for enquiries and information.

29.3 The Council's local involvement work over the past year has included:

- Church and Society Joint Conference with CrossReach “Inside Out: Faith Driven Action”. In November around 100 participants joined the Moderator, Conveners, members and staff from both Councils at Dalziel St. Andrew's in Motherwell for a day focusing on how

faith drives people to engage in society and the role of faith in local and political involvement. Plans are in development for a national Church and Society event in 2015.

- Events – Our Presbytery Road Shows were put on hold over the last year as we developed a programme of community consultation events in the lead up to the referendum entitled Imagining Scotland's Future. We are keen to work with Presbyteries to restart our roadshows, providing support and encouragement to local congregations seeking to challenge injustice and inequality in their local contexts.
- Cross-Council Work – In the last year we have worked closely with many other areas of the Church, including: World Mission, Mission and Discipleship, CrossReach, Priority Areas and Go For It. We believe that the sharing of stories and cross-fertilisation of ideas can continue to be a point of dialogue and inspiration in our work seeking to influence society and the Church. We are always pleased to join with other Councils and Committees to enhance interest in the wider work of the Church.
- Presbytery Church and Society Committees – Presbytery Committees are a way for us to disseminate information, and to hear news and reports of what is happening locally which is relevant and of interest nationally. All Presbytery Committees are encouraged to keep us updated on their work and to share good practice.
- Congregational contacts – In 2010 the General Assembly instructed every Presbytery to ensure that each congregation appoint a Church and Society Contact person. This network of around 650 volunteers is essential to our local involvement work, and we are very grateful for their commitment. We want to be as helpful as possible in serving congregations; if you are a congregation without a contact and would like to find out more about this role, or if you are an existing contact but need more support, please contact Fiona Buchanan.

- Leaflets and resources – We now have 35 discussion starter leaflets covering a huge range of social, political and environmental issues such as nuclear weapons, climate change and welfare reform. Copies of all leaflets and study guides are available on the website www.churchofscotland.org.uk/speak_out or from Fiona Buchanan.
- E-news – The Council produces a monthly E-news, which is designed for Church and Society Contacts and others with an interest in our work. News, events, opportunities and campaigns are highlighted, and congregational and presbytery contacts are encouraged to share the material in a parish magazine or with Presbytery papers.
- Social Media – How information and ideas are shared and communicated is always evolving. In November 2014 the Church and Society Council coordinated the first Church of Scotland social media campaign, engaging with congregations and the wider world on the issue of violence against women through facebook, twitter, and vlogs (video blogs). As more and more churches and members begin to use social media, it is essential we respond in an appropriate way to effectively engage congregations with our key themes. It is also vital that we give church members at a grassroots level the tools and knowledge to speak out in a variety of ways.
- Broadcast and print media – The Council continues to work closely with and rely on the Communications team in the Church Offices for assistance, advice and support in spotting opportunities and increasing the positive profile of the Church and its message. We are committed to augmenting the profile of local good news stories and ensuring that stories of local social and political engagement are visible at a national and local level.

30. Campaigns

30.1 As in previous years, the Council has classified the campaigns it engages with according to the following criteria:

- In sympathy with the campaign
 - The Church broadly shares the campaign's objectives and ways of working.
- In association with the campaign
 - The Church shares the campaign's objectives and agrees that its name and logo can be used in publicity.
- A member of the campaign
 - The Church is in full membership of the campaign and is active in promoting its aims, involved in developing its strategy and in implementing activities. This may have financial or resource implications for the Council.

30.2 In sympathy with:

Campaign for a Fair Society

"We believe everyone is equal, no matter their differences or disabilities. A fair society sees each of its members as a full citizen – a unique person with a life of their own. A fair society is organised to support everyone to live a full life, with meaning and respect".
www.campaignforafairsociety.com/

Churches Together in Britain and Ireland's Good Society Vision 2020

The '2020 Vision' is drawn from a common desire to see a society that works for all – in which each of us are valued and which respects the Earth. In short - a society for the common good. www.ctbi.org.uk/pdf_view.php?id=978

Kairos Britain

Kairos Britain is a network of individuals, organisations and faith communities formed in response to the Kairos Palestine document, 'A Moment of Truth'. The network continues the work of a group of Christians who met on Iona in May 2012 and issued the Iona call to the Christian communities in Britain and Ireland.
www.kairosbritain.org.uk

Scottish Campaign on Welfare Reform

SCoWR was set up in 2006 to highlight the concerns of a diverse coalition of organisations in Scotland about the UK government's Welfare Reform proposals.
www.cpag.org.uk/scotland/SCoWR

30.3 In Association with: **Flesh and Blood**

Encouraging Christians to be blood donors and join the organ donor register. www.fleshandblood.org

Justice for Bangladeshi Garment Workers

Led by the World Mission Council and several other UK Churches in partnership with the Church of Bangladesh, the aim is to improve conditions for garment workers.
www.churchofscotland.org.uk/serve/mission_worldwide/get_involved/justice_for_bangladeshi_garment_workers

Scotland's For Peace

A group of Scottish based organisations working to raise awareness of peace issues. www.scotland4peace.org

Stop Destitution Now

Organised by the Scottish Refugee Council and Refugee Survival Trust, this campaign is calling for a change in policy to stop destitution among asylum seekers.
www.stopdestitution.org.uk

Trace the Tax

Christian Aid's campaign for tax transparency calls for country-by-country financial reporting by multinational businesses. This would ensure that tax is paid in each jurisdiction. www.christianaid.org.uk/actnow/trace-the-tax

White Ribbon Scotland

Part of an international campaign for men in Scotland who want to end violence against women
www.whiteribbonscotland.org.uk

30.4 Members of:

ACT Palestine Prayer Vigil

A global prayer movement praying for peace in Israel, the

occupied Palestinian territories and the wider Middle East on the 24th of each month. In Scotland Church and Society works with World Mission, Christian Aid and the Scottish Episcopal Church to promote prayer and understanding. www.actpalestineforum.org/vigil

End Child Poverty Scotland

Working to highlight the issue of child poverty and calling on society and the government to take action to tackle it. www.endchildpoverty.org.uk

National Ethical Investment Week (formerly Good Money Week)

Held every October, this week raises awareness to let people know about sustainable and ethical options in their financial decisions. www.neiw.org

Robin Hood Tax

In a nutshell, the big idea behind the Robin Hood Tax is to generate billions of pounds to fight poverty in the UK and overseas and to tackle climate change. It will come from fairer taxation of the financial sector; a tiny tax on the financial sector can generate £20 billion annually in the UK alone. www.robinhoodtax.org.uk

Scottish Leaders Group on Welfare

The overall aim of this group (which includes leaders from Scotland's churches, trade unions, local authorities and voluntary sector) is to work collaboratively to highlight and respond to the impact of recent changes to the welfare and benefits system on the people, services, and communities of Scotland, especially vulnerable people or groups. www.cas.org.uk/news/new-group-aims-investigate-scotlands-broken-welfare-system

Scottish Living Wage Campaign

A campaign organised by the Poverty Alliance seeking to introduce and implement a living wage for all workers in Scotland. slw.povertyalliance.org/

Scottish Pilgrim Routes Forum

A network of organisations and individuals committed to developing routes for off-road pilgrimage travel across Scotland. www.sprf.org.uk/

Stop Climate Chaos Scotland

This coalition of organisations continues to campaign vigorously for the Scottish Government to put into effect its commitments under the Climate Change Scotland Act to reduce greenhouse gas emissions. www.stopclimatechaos.org/scotland

31. Joint Public Issues Team partnership

31.1 The Council has successfully collaborated with the Joint Public Issues Team (of the Methodist Church in Britain, United Reformed Church and Baptists Together) on a number of projects over the past few years, including the production of the report *The lies we tell ourselves: ending comfortable myths about poverty* (2013). During the last year conversations have taken place about growing the relationship between the four Churches from one of occasional working together to a more formal partnership, involving co-discernment, co-decision and co-delivery. In January the Council agreed that the shared mission and agendas of the Churches could be better achieved through a strategic and structural change to facilitate common working and to avoid duplication of effort. Since 1 March 2015 the Council has appointed a current member of staff to work as part of the Joint Public Issues Team as a trial for 12 months. The work of the Joint Public Issues Team now includes Church of Scotland input into its workplan and sharing of information. It is hoped that this partnership will increase all the Churches' ability to serve local congregations. The Council will report on the outcomes of the partnership to next year's General Assembly. For further information about the work of the Joint Public Issues Team and how it operates, please see www.jointpublicissues.org.uk

32. Society, Religion and Technology Project

32.1 The Society Religion and Technology Project (SRT) continues to play a valued role, as it seeks to help the church, in Scotland and beyond, to engage with ethical issues in science. In addition to involvement in a number of reports to the 2015 General Assembly, the SRT has been busy on a number of other fronts

- **SRT Week of prayer:** Prayer is essential to the work of the SRT, as to all other aspects of the life of the church. Please put the dates for this year's week of prayer for the SRT (June 7th- 13th 2015) in your diaries, and publicise it as widely as possible. Leaflets about this can be downloaded from www.srtp.org.uk
- **Involvement in local science festivals:** This year, in addition to having involvement the Edinburgh International Science Festival, the SRT has been encouraging congregations to consider getting involved in their local science festival. A list of these festivals and their dates is available on the SRT website (http://www.srtp.org.uk/srtp/view_article/scottish_science_festivals). Please consider getting involved with your local festival- and contact the SRT if you wish any support from us. The Steeple Church in Dundee held two very successful events as part of the Dundee Science Festival, and Glasgow Presbytery also hope to organise an event in that city
- **Edinburgh International Science Festival:** Our event at the EISF 2015 was "And Through the Dark the Brilliant Light", a concert celebrating the life, work and legacy of James Clerk Maxwell, a Scot whose contribution to science many people rate as highly as Newton. In this, we worked with people from opposite ends of Scotland- Dr John Simpson from Dumfries, and Dr Howie Firth from Orkney.
- **Presbyteries:** This year has seen a consolidation of efforts to communicate with Presbyteries, in order to raise the profile of the SRT. This strategy is starting to bear fruit, with the invitation to give an "order of the day" at a number of Presbyteries in the past year. This in turn has led to further speaking opportunities, once members of presbytery have more understanding of what the SRT does .
- **SRT newsletter:** In the past, the SRT has published a newsletter. This year we have revived this, as an electronic newsletter for SRT supporters, sent out 3 times per year. If you would be interested in subscribing to this, please contact the SRT at srtp@srtp.org.uk
- **Competitiveness in Sport:** One of the issues which was highlighted in the report to the 2014 General Assembly was the need to encourage positive aspects of competitiveness among young people. We were pleased to have input in relation to this topic into the Mission and Discipleship conference in February for Sunday school leaders, youth workers and others who work with young people in the church.
- **Gambling:** Another aspect which was highlighted in relation to the Competiveness in Sport report was the rise in problem gambling, due to its "mainstreaming" through its association with sport (in particular, in game betting during football matches). We have been in contact with a number of other organisations who work with those with problem gambling, and it is hoped that some of these contacts can be encouraged or further facilitated.
- **Digital divide:** The work around the issue of the digital divide, along with the Scottish Government and SCVO, continues to progress. A number of churches have agreed to take part in a small pilot project, which will seek to ascertain the extent to which churches are already seeking to overcome the issues around gaining the advantages of using the internet in their local communities, to learn what resources are available to help them, and also to learn from the experiences of others.
- **Kinship bonds report:** one of the ways in which the work from this report to the General Assembly 2014 has developed is through a contact raised at the General Assembly with the "Home for Good" project (<http://www.homeforgood.org.uk/>), which seeks to encourage churches to raise the profile of fostering and adoption. We have met with representatives from Home for Good, to look at ways that we may be able to work together in the future. In addition, we placed a piece in the October 2014 issue of Life and Work, partly in order to highlight the fact that the first Sunday in November has been designated "Adoption Sunday" as part of the Home for Good campaign.
- **Good Money Week:** formerly known as "National Ethical Investment Week" takes place in the second

week of October. We held a half- day conference on the morning of Saturday 4th October 2014, at St George's: Tron church in Glasgow. This took the form of a discussion event with participants from across the ethical investment spectrum, including Dr James Corah, Secretary to the Churches Investors Group, as plenary speaker.

- **Funeral poverty:** We have been working with colleagues from Ministries Council, the Scottish Working Group on Funeral Poverty, and Quaker Social Action, as well as through our interfaith connections, on various aspects of the problems associated with the costs of funerals and burials. The Council responded to the Scottish Government consultation on burials and cremation, and in particular highlighted the issues around funeral poverty.
- **End of life issues:** Following the deliverance of the 2014 General Assembly on this issue, we have been working with members of the Theological Forum aspects of the question of assisted dying. It is anticipated that a report on this matter will be brought to the 2016 General Assembly.
- In addition, the SRT has had input into working group reports on **“Organ Transplantation and “presumed Consent”**, and on **“Energy, fuel poverty and climate change”** (due to be presented to the 2016 General Assembly)

33. Staffing and Thanks

33.1 The Rev Ewan Aitken resigned as Council Secretary prior to the General Assembly last year. A number of operational and strategic reasons led to the Council agreeing to delay immediate recruitment of a permanent successor, and the Rev Dr Graham Blount was appointed as Acting Council Secretary on an interim basis, including over the General Assembly period and the referendum. The recruitment process commenced in the autumn and the Rev Dr Martin Johnstone was appointed. He took up the post in February.

33.2 Chloe Clemmons (Scottish Churches Parliamentary Officer) was on maternity leave from March-December

2014. David Bradwell (Associate Secretary) was seconded to cover as Parliamentary Officer for this period, with the role of Associate Secretary being filled for this time by Andrew Tomlinson.

33.3 In the past year the Council also said farewell to Alison Bennett (SCPO Research Officer) and David Hunter (on secondment as Credit Unions Project Officer). Janine Mckenna (SCPO Research and Resource Development Officer) has joined the staff team.

In the name and by the authority of the Council

SALLY FOSTER-FULTON, *Convener*
CHRISTOPHER WIGGLESWORTH, *Vice-Convener*
GRAHAM K BLOUNT, *Acting Secretary (to February 2015)*
MARTIN JOHNSTONE, *Secretary (from February 2015)*

ADDENDUM

The Rev Dr Christopher Wigglesworth

The Council would like to thank Chris Wigglesworth for his steady support, his insightful challenges, his never-flagging energy and his contagious passion for social justice. As Vice-Convener, Chris offered a depth of experience and a sense of adventure that helped sharpen the focus of our work and drive forward the vision. Appointed to the Council in 2009, Chris brought with him a long-standing commitment to peace and justice in Israel and the occupied Palestinian territory, a depth of experience in issues of economic justice and social inclusion and a broad understanding of the Church of Scotland. Elected Vice-Convener in 2012, he was a constant support to the Council and the new convener, offering guidance and friendship. We will miss him – his engaged, friendly, never short of an opinion, always ready to be involved presence gave a tangible energy to our work. Thank you seems too little but it is offered with great love and much sincerity.

In the name and by the authority of the Council

SALLY FOSTER-FULTON, *Convener*
GRAHAM K BLOUNT, *Acting Secretary (to February 2015)*
MARTIN JOHNSTONE, *Secretary (from February 2015)*