



## Church Organisation from Scratch

### Introduction:

This document has been prepared by the Rural Working Group. It is intended to be a helpful guide for session clerks, ministers and office bearers seeking to make a parish church operate effectively. It takes account of circumstances where certain skills may be in short supply. It does not cover every eventuality, but addresses a number of issues often encountered by rural congregations. It is the hope of the Rural Working Group that this guide is of use to all congregations wherever they are.

This is not a technical or legal document. It is a practical guide, and it cannot replace the acts passed by the General Assembly, and therefore occasionally it will be necessary to take detailed advice on specific questions. The Law Department have issued circulars on a wide range of issues affecting congregations and you can find all of these on the Church of Scotland website. Other departments also have detailed and up-to-date advice on the website.

<http://www.churchofscotland.org.uk/>

The staff of the various departments at 121 George Street are there for the purpose of helping local churches and you should not hesitate to call on them for advice when you need it.

The Congregational Learning Team has launched an extensive guide to Office Bearers this can be found on the website at

[http://www.churchofscotland.org.uk/resources/office\\_bearers](http://www.churchofscotland.org.uk/resources/office_bearers)

A contents list of the Office Bearers web pages can be found in Appendix 2 of this document



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### Church constitutions

There are a number of different constitutions in the Church of Scotland. Congregations that have always been part of the “auld Kirk” have had two types of constitution: the *quoad omnia* and the Model Deed.

#### 1.1 Quoad omnia Unitary Constitution

*Quoad omnia* congregations have traditionally had what is in essence equivalent to the modern Unitary Constitution, with a single body - the Kirk Session - overseeing both temporal and spiritual matters. As the constitution developed over the years, it was largely unwritten, and was contained partly in the common law of the Church and partly in Assembly legislation.

#### 1.2 Quoad sacra Model Deed

*Quoad sacra* congregations have traditionally had the Model Deed, separating the temporal and the spiritual, with property and finance matters being dealt with by the Congregational Board, and the Kirk Session dealing with the spiritual life of the congregation. The Congregational Board has been called by various names in the different denominations which over the years have come together within the Church of Scotland: e.g. the Board or Committee of Management (in the United Presbyterian Church) and the Deacons’ Court (in the Free Church).

#### 1.3 What are the advantages and disadvantages of each?

There are obvious disadvantages to not having a written constitution, particularly when applying for grants and when trying to open a new bank account. A number of years ago it was decided that the *quoad omnia* constitution had most to recommend it, and the General Assembly therefore introduced the Unitary Constitution as, essentially, a written down version of the *quoad omnia* constitution. It gives a degree of flexibility in how people use their skills, since it permits people other than elders to serve on committees/groups who look after the various aspects of the congregation’s life and witness. Each group has to contain elders, but need not be exclusively elders and this opens up opportunities for service for those who may not wish to accept the obligations of eldership.

Over the last decade or so, the General Assembly has been urging congregations which were not already using the Model or Unitary Constitution, to review their practice and consider adopting one or the other. This was prompted by the need for local congregations to comply with the Charities and Trustee Investment (Scotland) Act 2005, which placed upon members of Kirk Sessions, Congregational Boards, Deacons’ Courts and Committees of Management the additional responsibility of Charity Trusteeship. With this comes a far greater need for transparency and simplicity in governance. In that context, the provision of a written constitution for the congregation and a single agency responsible for governance is clearly highly desirable. This arrangement provides the necessary written constitution, but at the same time, eliminates the possibility of charity trustees being



constituted in separate meetings and coming to different views on matters of common interest.

Given that the charity trustees of a congregation are the members of the Session and Board, this results in a division of responsibilities which can create difficulties or at the very least complications. Since charity trustees are all equally responsible for all decisions of the charity, Session members who are not members of the Board are liable for decisions to which they were not party, and *vice versa* in the case of Board members. Inevitably, also, some issues don't fall neatly into either the "spiritual" or "temporal" category and so there can be a tendency for such issues to be discussed twice.

### **1.4 What is the stance of The General Assembly?**

The General Assembly of 2016, while not compelling every congregation to adopt the Unitary Constitution, decided that from 1st January 2017 the Delegation of Assembly would, in cases where a new constitution was requested, only issue constitutions in the Unitary form. The Delegation of Assembly is the body appointed by the General Assembly which issues constitutions to congregations. It comprises the Principal Clerk and the Solicitor of the Church. If a congregation decides to move to a Unitary Constitution, all that is needed is that the congregation pass a Resolution to adopt the Unitary Constitution at a Congregational Meeting specially called for the purposes by intimation on the two Sundays immediately preceding the meeting, and the Presbytery then approves. Once extract minutes of each of these meetings are received by the Solicitor, she arranges to issue a Unitary Deed.

Congregations have been asked by the Assembly to keep their constitution in their Property Register.



## 2. Elders

### 2.1 What is the minimum number of elders required to have a Kirk Session?

Two plus a minister or interim moderator. However if a session gets too small, Presbytery has the option of appointing assessor elders who are brought in from other congregations.

### 2.2 What is the smallest number with which a session meeting can take place?

Three, one of whom must be a minister.

### 2.3 Does the Session Clerk have to be an elder?

No. The session can appoint a clerk from outside its own number. That person has to take the oath de fideli (a promise to faithfully fulfil the office of clerk). They will not have a vote, but they can deal with the correspondence and minutes.

For more information on Eldership please visit

<http://www.churchofscotland.org.uk/resources/learn/resources/eldership>

To buy the Church of Scotland's popular Learn Eldership resource visit

<https://standrewpress.hymnsam.co.uk/books/9780861539246/eldership>

## 3. Money and Finance

### 3.1 Do we have to have a treasurer?

Yes. However that treasurer does not necessarily have to be an elder or even a member of the congregation but church law makes it necessary to have a treasurer.

### 3.2 Does the treasurer have to be an expert on accounts?

No. The treasurer has to look after the congregation's money, deal with its banking and pay its bills, while keeping an accurate record of those transactions (on paper or on computer). Someone else – paid or unpaid – can draw up accounts from those records at the year-end if necessary. Paying a professional accountant to work with a competent bookkeeper's numbers is likely to be cheaper than paying for full treasurer services.

### 3.3 What kind of accounts do we need?

If the congregation's income is below £250,000 receipts and payments accounts can be prepared. Congregations with higher incomes (or those with more complex affairs) need what are known as SORP compliant accounts (Statements Of Recommended Practice). Guidelines and examples are on the Stewardship and Finance pages of the website.

### 3.4 Do we have to have an independent examiner?



Yes. It's the law. When Receipts and Payments accounts have been prepared then the congregation can use a competent non-professional as the examiner but when SORP compliant accounts have been prepared the examiner must be a qualified accountant.

The independent examiner cannot be a trustee of the congregation or a close family member of trustees. Sometimes presbyteries can help with finding examiners. For example someone from one congregation can act as independent examiner in another. Groups of congregations could jointly engage an accounting firm to provide the service to all of them and possibly negotiate a reduced rate.

### **3.5 Why is our Ministries and Mission payment what it is?**

Your Ministries and Mission payment is based on the average of certain types of income in your accounts for the last three years (including items like general property funds which can be used to meet normal expenditure). There is a national scale which is applied to the resulting average, to get your contribution. Presbytery has some flexibility to help with local issues. (Currently they can make total reductions up to 5% of the whole Presbytery's Ministries and Mission allocations.) If you think there is a problem with the calculation, Stewardship and Finance will help. If the calculation is right but local circumstances have changed, Presbytery's Stewardship convener may be able to help.

### **3.6 How can we increase our income?**

Good mission, good communication and good stewardship! If you are doing worthwhile things people will support that. Tell the congregation and community what you are doing with their resources. Make it obvious that you are using what you get carefully and well. Be creative in maximising the use of your buildings.

Complaining about shortfalls, talking about specific per capita increases in income needed to meet costs, and complaining about the people who do not come and give nothing are all counterproductive strategies. The stewardship consultants are always happy to help, their advice and support is free, but to get the most from them, be prepared to use their tried and tested strategies in full. Do not be distracted by "It won't work here," arguments.

For more information on Stewardship and contact details please visit

[http://www.churchofscotland.org.uk/resources/subjects/national\\_stewardship\\_programmes](http://www.churchofscotland.org.uk/resources/subjects/national_stewardship_programmes)

## **4. Insurance**

### **4.1 Do we have to insure our buildings with the Church of Scotland Insurance Company?**



All church buildings have to be covered by satisfactory insurance. Since 2013 there has been a General Assembly instruction that all ecclesiastical buildings should be insured through the Church of Scotland Insurance Company Ltd.

### **4.2 Do we have to insure for the full cost of rebuilding?**

This question arises because many churches, if the building they occupy were to be destroyed, would not consider rebuilding to the current specification, but might opt for a smaller and easier to maintain set of premises. However insurance has to be for full rebuilding costs because without that there is no guarantee that partial losses would be fully covered.

## **5. Property**

### **5.1 Do we have to have a manse?**

Yes. Ministers are required to live in a manse for the better performance of their duties. Even if the minister has his/her own property locally they should occupy the manse. The reason is that ministers are not taxed on the value of manses because living there is a job requirement. If some ministers did not have to live in manses it would not be a requirement, so all the others might get taxed on the value of manses and in some cases that could cause huge bills.

### **5.2 Do we need a fabric/property convener?**

Yes. Someone will have to maintain property records and arrange for essential maintenance work, but that person does not have to be a trustee.

### **5.3 What property records do we have to keep?**

There is a property register and a manse condition schedule, both of which are available online from the General Trustees section of the Church website. Presbytery fabric conveners and General Trustees staff can help with advice.

### **5.4 How do we get permission for changes in buildings?**

Presbyteries have their own financial limits below which permission for fabric work is not required and it can be authorised by the Kirk Session or Congregational Board. Any project costing over £50,000 has to be approved by the General Trustees. However there are several complications. Changes affecting the interior of a church building need to be considered by the Church Art and Architecture Committee. (They can give advice and their involvement replaces the need for listed building consents.) Alterations to the exterior of a listed building (or the interior of certain properties) may require listed building consent. This area is complicated so take advice from the Presbytery fabric convener and the General Trustees as early as possible.



The Rural Working Group has recently created a helpful guide called Frequently Asked Questions to the General Trustees Department that you can find on our web pages [www.churchofscotland.org.uk/connect/rural\\_church](http://www.churchofscotland.org.uk/connect/rural_church).

### **5.5 What help is there with buildings?**

The General Trustees have a range of documents to help with issues like manse maintenance, energy efficiency, lighting, glebes and other issues. Consult their section of the Church website or contact them for detailed advice. Your stewardship consultant may be able to help you identify trusts which support work on church buildings.

The Rural Working Group has recently created a helpful guide called Frequently Asked Questions to the General Trustees Department you can find it on our web pages [www.churchofscotland.org.uk/connect/rural\\_church](http://www.churchofscotland.org.uk/connect/rural_church).

For more information on the General Trustees Department

[http://www.churchofscotland.org.uk/about\\_us/councils\\_committees\\_and\\_departments/departments/general\\_trustees](http://www.churchofscotland.org.uk/about_us/councils_committees_and_departments/departments/general_trustees)

## **6. Safeguarding**

### **6.1 Do we have to have a safeguarding co-ordinator?**

Yes. Even if you have little or no regulated work going on with children or vulnerable adults you have to have a safeguarding co-ordinator.

### **6.2 Can we share a safeguarding co-ordinator?**

Yes. There is no reason why the co-ordinator has to be a member of your own congregation, and no bar on them being co-ordinator for several congregations. They have to be accessible to anyone who might need them, however.

### **6.3 Who has to be disclosure checked and child protection trained?**

The technical answer is that everyone undertaking regulated work with children or vulnerable groups has to be disclosure checked. Safeguarding co-ordinators and Presbytery's co-ordinators and trainers will help with detailed queries supported by the Safeguarding department. It is The Kirk Session's job to do everything in its power (not just disclosure checks) to make sure that they care for the welfare of everyone in touch with the congregation. Presbytery should have a Safeguarding Advisor who can help with detailed queries and the Safeguarding Office can also advise.

If you would like to contact the Church of Scotland Safeguarding team directly please do so by email, the website or telephone. The service is available 9.00am–4.45pm, Monday to





Friday. You can leave a message on the answering machine out-with these times.

Telephone: 0131 240 2256

Email: [safeguarding@churchofscotland.org.uk](mailto:safeguarding@churchofscotland.org.uk)

[http://www.churchofscotland.org.uk/about\\_us/safeguarding\\_service](http://www.churchofscotland.org.uk/about_us/safeguarding_service)

### **7. Data Protection**

Under the Data Protection Act 1998 congregations and financial boards have a responsibility to ensure that they hold, store and transmit personal data securely. For further information please visit the online Office Bearers resource

[http://www.churchofscotland.org.uk/resources/office\\_bearers/governance\\_of\\_the\\_kirk/data\\_protection](http://www.churchofscotland.org.uk/resources/office_bearers/governance_of_the_kirk/data_protection)

For more in-depth information and frequently asked questions please visit the Law Department Circulars page on the COS website:

[http://www.churchofscotland.org.uk/resources/subjects/law\\_circulars#data\\_protection](http://www.churchofscotland.org.uk/resources/subjects/law_circulars#data_protection)

### **Finally**

The challenges of running a congregation in a remote or rural situation where resources may be limited can seem daunting. However Presbytery and the Councils and Committees of the Church are a huge source of encouragement and support. The help you need is likely to be there, but you may have to ask for it to receive it.

Another source of help may be the people doing the same thing in other remote and rural congregations. We strongly suggest trying to set up Local Rural Forums where you can meet with those around you who are experiencing similar challenges. Once forums are established across the nation it is our hope that these Forums could encourage and resource each other sharing ideas and best practice. The Rural Working Group have put together a Quickguide to help you organise a rural event. It is entitled "Setting up a Rural Event" and can be found on our web pages at [www.churchofscotland.org.uk/connect/rural\\_church](http://www.churchofscotland.org.uk/connect/rural_church).

Please remember that helping a congregation to run effectively in hard situations is a key piece of kingdom work, of long-term benefit to congregations and communities. For all the hard work that goes in to these tasks, thank you!



### Appendix 1:

The following circulars which may be of assistance can be found on the Law Department page of the Church of Scotland website:

[http://www.churchofscotland.org.uk/resources/subjects/law\\_circulars](http://www.churchofscotland.org.uk/resources/subjects/law_circulars)

- Asbestos Management
- A-Z of Employment Law
- Bribery Act –Guidance
- Bribery and Procurement Policy
- Charities - Remuneration for services
- Charities reference in documents regulations
- Charity Trustees liabilities and OSCR – update
- Constitutions
- Contract for filming in Church
- Contract for the Hire of Church Premises - Single Event
- Data Protection Pack (folder)
- Disability - equality obligations
- Employment Contracts (various circulars)
- Fire Precautions Brochure
- Food Safety legislation
- Freedom of Information etc
- Gas Safety
- Guidance Notes for Congregational office bearers
- Health & Safety
- Landfill Tax Credit Scheme
- Letting of Church Halls to Non Church Bodies
- Letting of Manses and Other Houses
- Marches and Parades
- Minibuses
- New building works
- Disposal of Churches
- Offerings, Donations and Gifts
- Oil Storage within Church Properties
- Pensions Changes -Auto-enrolment
- Rates, Water & Sewerage Charges & Council Tax
- Real Time Information
- Smoking
- Sources of Finance
- The Church and Alcohol
- Theatre and Public Entertainment Licences



### **Appendix 2:**

The Congregational Learning Team has launched an extensive guide to Office Bearers at

[http://www.churchofscotland.org.uk/resources/office\\_bearers](http://www.churchofscotland.org.uk/resources/office_bearers)

## **Office Bearers Online Resources**

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#### **I. Formation of Kirk**

Presbyterianism

Constitutions of the Kirk

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General Trustees

Property: CARTA

Being a Treasurer

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Data Protection

Health and Safety

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Chairing Meetings

Taking Minutes

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