



The Church of Scotland

# Commission of the General Assembly

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April/May 2020



## THE CHURCH OF SCOTLAND

# Commission of the General Assembly

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**To the Commission of Assembly appointed by the General Assembly of 2019**

20<sup>th</sup> April 2020

*Dear Commissioner*

*On the 17th of March 2020 the Assembly Business Committee (ABC) decided that, given the Covid-19 pandemic and the advice of the Scottish Government on precautionary measures to be taken nationally, there was no alternative but to cancel the General Assembly of 2020.*

*This means that if there are decisions which we need to make at this time they must be put as proposals to the Commission of Assembly appointed by the General Assembly of 2019. You were one of the people appointed to that Commission.*

*At their meeting on 18th March 2020 the ABC agreed that there were certain straightforward, time-critical and non-controversial decisions which did need to be made. They, therefore, requested that the Legal Questions Committee (LQC) call the Commission of Assembly appointed by the General Assembly of 2019. (The Commission of Assembly Act 1997 under "Meetings" enables the Legal Questions Committee to call a meeting of the Commission on its own initiative and under "Powers" the Act says that such a Commission can "dispose of any matter affecting the interests of the Church at home and abroad when the Church would be adversely affected by postponing consideration until the time of the next General Assembly.")*

*The Legal Questions Committee (LQC) subsequently concurred with this request.*

*In normal circumstances the Commission would be called to meet physically so that these matters might be settled. However, given the restrictions on public meetings and travel currently in force it is simply not possible to call such a meeting at the time of writing.*

*Therefore, the Committees are suggesting a different approach to allow the Commission to make the decisions set out above without there being a gathering of the Commissioners in one place.*

*What is proposed is that we take something of the spirit of the Vacancy Procedure Act where the Presbytery's Vacancy Procedure Committee (VPC) sends a document in the form set out in Schedule A of the Act to the vacant congregation and the presbyters telling them of the decisions that the VPC is about to make. If four or more members of the congregation or the*

*Presbytery wish to have the matter decided at a full meeting of the Presbytery they have to write to the Clerk within seven days of receiving the Schedule A notice and a meeting of the Presbytery is then called. In almost all cases the congregation and the presbyters have no objection to the proposals of the VPC and after the notice period elapses the proposals are deemed to be acceptable. At the next meeting of the Presbytery they are noted but not reconsidered.*

*The ABC and the LQC believe that adapting this procedure to the Commission of Assembly is a proportionate response to exceptional circumstances.*

*So, what is being proposed to you as a Commissioner is this:-*

- Set out below are a number of decisions which the ABC and the LQC believe are straightforward, time-critical and non-controversial which are nonetheless important for the Church and which should be made at this point in the year.*
- The Clerks are formally moving and requesting that the proposed sections of deliverance be approved.*
- If as a Commissioner you are happy to give such approval you need take no action and it will be presumed that you have approved all the sections of deliverance.*
- If as a Commissioner you believe that one or more of the items being proposed should instead be discussed at a meeting of the Commission you must send an email to [April2020commission@churchofscotland.org.uk](mailto:April2020commission@churchofscotland.org.uk) by close of business on 4th May 2020 requesting a meeting of the Commission and specifying the item(s) of business which you require to be discussed. If four or more Commissioners make such a request then a meeting would be held on 16<sup>th</sup> May 2020. If a meeting is requested in that way, we will do all that we can to try to arrange such a meeting but I'm sure you will understand that in times of government restrictions on public meetings and travel it may still only be possible to call a virtual meeting. For the avoidance of doubt, any item of business in respect of which only three or fewer requests for a meeting are received will be deemed approved.*

*If the Commission allows some or all of these proposals to pass there will be a report from the Commission to the next General Assembly.*

*I hope this is sufficient explanation but if you have any questions please do not hesitate to get in touch with me by email: [gwhyte@churchofscotland.org.uk](mailto:gwhyte@churchofscotland.org.uk).*

*Yours sincerely,*



*Rev Dr George J Whyte, Principal Clerk of the General Assembly*

## Proposed Deliverance

The Commission of Assembly:-

1. Elect the Rev Dr Martin Fair (Arbroath: St Andrew's) as Moderator of the General Assembly 2020-2021. *(see section 1)*
2. Pass an Act uniting the Presbyteries of Dunfermline, Kirkcaldy, and St Andrews to form the Presbytery of Fife as set out in the Overture received from the Presbyteries. *(see section 2)*
3. Pass an Act uniting the Presbyteries of Aberdeen and Shetland to form the Presbytery of Aberdeen and Shetland as set out in the Overture received from the Presbyteries. *(see section 3)*
4. Pass an Act uniting the Presbyteries of Dumbarton and Greenock & Paisley to form the Presbytery of Clyde as set out in the Overture received from the Presbyteries. *(see section 4)*
5. Note the process undertaken to streamline the governance arrangements proposed, agree that membership of the Social Care Council will with effect from 1st June 2020 be reduced to 12 in accordance with a revised nomination process and thank the existing members of the Social Care Council for their outstanding commitment and contributions. *(see Report of the Social Care Council at section 5)*
6. Appoint the Rev Donald McCorkindale as Convener of the Assembly Business Committee *(see Report of the Nomination Committee at section 6)*
7. Appoint the Rev Thom Riddell as Convener of the Social Care Council. *(see Report of the Nomination Committee at section 6)*
8. Make alterations to Standing Committees and Forums as set forth in the Report of Nomination Committee. *(see Report of the Nomination Committee at section 6)*
9. Make appointments to Trusts as set out in section 7 and as requested by these Trusts. *(see section 7)*
10. Agree that the Ecumenical Relations Committee shall act on behalf of the General Assembly in the dissolution of Local Ecumenical Partnerships *(see Report of the Ecumenical Relations Committee at section 8)*.
11. Amend Regulation I 2013 in the terms set out in the Appendix to the Report of the Assembly Business Committee. *(see Report of the Assembly Business Committee at section 9)*
12. Instruct the Nomination Committee to populate the Committee to Nominate the Moderator in terms of the amended Regulation I 2013.
13. Pass the Act amending the Income Protection and Ill-Health Act (Act VI 2019) as set out in the Appendix to the Report of the Faith Nurture Forum. *(see Report of the Faith Nurture Forum at section 10)*

## Reports and Overtures

1. Joint Report of the Committee to Nominate the Moderator of the General Assembly and the Assembly Business Committee
2. Overture proposing the formation of the Presbytery of Fife.
3. Overture proposing the formation of the Presbytery of Aberdeen and Shetland
4. Overture proposing the formation of the Presbytery of Clyde.
5. Report of the Social Care Council.
6. Report of the Nomination Committee.
7. Report of the Clerk – appointments to Trusts.
8. Report of the Ecumenical Relations Committee regarding Local Ecumenical Partnerships.
9. Report of the Assembly Business Committee – amending Regulation I 2013.
10. Report of the Faith Nurture Forum – amending the Income Protection and Ill-Health Act (Act VI 2019).

## 1. Joint Report of the Committee to Nominate the Moderator of the General Assembly and the Assembly Business Committee

As required by Regulation I 2013 the Committee to Nominate the Moderator have decided to nominate the Rev Dr Martin Fair, Minister of Arbroath: St Andrew's, as Moderator of the General Assembly 2020. It is expected that Dr Fair will initially be based in Arbroath as a parish minister, but will be available for Moderatorial duties as required. There will be a review of this situation in the summer or as conditions allow.

*In the name of the Committees*

SUSAN BROWN, *Convener*  
GEORGE J WHYTE, *Secretary*  
DONALD McCORKINDALE, *Interim Convener*  
GEORGE J WHYTE, *Secretary*

## 2. Act Uniting the Presbyteries of Dunfermline, Kirkcaldy and St. Andrews.

1. With effect from 1<sup>st</sup> January 2021 the Presbyteries of Dunfermline, Kirkcaldy and St. Andrews shall be united in terms of the Basis of Union agreed by them all.
2. The name of the united Presbytery shall be the Presbytery of Fife.
3. The Presbytery shall be a charity registered with OSCR.
4. All ministers and deacons having seats in the Presbyteries of Dunfermline, Kirkcaldy and St. Andrews in terms of Act III 2000 [as amended] shall be members of the Presbytery of Fife.
5. All Presbytery elders, whether commissioned by Kirk Session or appointed by the Presbytery, shall so long as their commission or appointment run be members of the Presbytery of Fife.
6. All property or funds belonging to or held on behalf of the Presbyteries of Dunfermline, Kirkcaldy and St. Andrews shall belong to the Presbytery of Fife. Any trust or other special funds held by the Presbyteries of Dunfermline, Kirkcaldy or St. Andrews shall, from the date of the Union, be dealt with in such a way as is competent and as may be agreed to by the united Presbytery, subject to obtaining legal advice on any question as may arise.

### Initial Arrangements

1. Initially the united Presbytery shall meet on the First Saturday in February, the Third Saturday in June and the Third Saturday in September.
2. The united Presbytery's first meeting will be in St Bryce Kirk, Kirkcaldy on 6<sup>th</sup> February 2021.
3. The Presbytery shall at its first meeting appoint a Clerk.
4. The united Presbytery to establish Presbytery Office Space and administrative assistance.
5. The Presbytery shall endeavour to appoint a full-time Mission Advisor.
6. The Standing Orders for the united Presbytery to be approved by the united Presbytery at its first meeting.
7. The new Presbytery shall apply to become a charity in its own right.
8. The Committee Structure of the united Presbytery to comprise of the following: Business Committee, Nomination Committee, Board of Mission and Board of Management, with appropriate sub committees.
9. A Transition Task Group shall meet between May and December 2020 to finalize the arrangements for the initial structure and membership of the Committees and Boards of the uniting Presbytery.
10. Local Forums shall be set in place and shall meet three times per year initially mirroring the current boundaries of the Presbyteries of Dunfermline, Kirkcaldy and St. Andrews.

### **3. Act Uniting the Presbyteries of Aberdeen and Shetland.**

1. The Presbytery of Aberdeen (SC013064) and the Presbytery of Shetland shall be united as of 1<sup>st</sup> June 2020.
2. The united Presbytery shall be made up of the existing boundaries of the Presbytery of Aberdeen and the Presbytery of Shetland.
3. The united Presbytery shall be known as the Church of Scotland Presbytery of Aberdeen and Shetland.
4. The united Presbytery shall, in the first instance, meet four times a year in September, November, March and June and at other times as it may determine from time to time.
5. The Moderator of the Presbytery shall, in the first instance, be appointed for two years.
6. The Presbytery shall, at its first meeting, appoint a Clerk and Depute Clerk.
7. The Standing Orders for the Presbytery shall be approved by the Presbytery at its first meeting.
8. The Presbytery shall have charitable status and shall retain the existing Charity Number of the Presbytery of Aberdeen (SC013064).
9. All ministers and deacons who had seats in the Presbytery of Aberdeen and of Shetland shall be members of the Presbytery of Aberdeen and Shetland.
10. All Presbytery of Aberdeen elders, whether appointed by the Presbytery or the Kirk Session, and all corresponding members of the Presbytery of Aberdeen shall be members or corresponding members of the Presbytery of Aberdeen and Shetland.
11. Three Presbytery Elders (in the first instance) from the Presbytery of Shetland (two of which, in the first instance, are Balancing Elders), whether appointed by the Presbytery or the Kirk Session, and all corresponding members of the Presbytery of Shetland shall be members (so long as their commissions run) or corresponding members of the Presbytery of Aberdeen and Shetland.
12. The property and funds belonging to or held on behalf of the Presbytery of Shetland shall be transferred to the Presbytery of Aberdeen for benefit of the united Presbytery and any transference necessary shall be duly effected.

### **4. Act Uniting the Presbytery of Dumbarton and the Presbytery of Greenock & Paisley**

1. The Presbyteries of Dumbarton and Greenock & Paisley shall be united on 1<sup>st</sup> September 2020.
2. The initial arrangements for the united Presbytery shall be as detailed in the Basis and Plan of Union appended to this Act, which has been agreed by both existing Presbyteries.
3. The name of the united Presbytery shall be the Presbytery of Clyde.
4. All ministers and deacons having seats in the Presbyteries of Dumbarton and Greenock and Paisley in terms of Act III 2000 [as amended] shall be members of Clyde Presbytery.
5. All Presbytery elders of the Presbyteries of Dumbarton and Greenock and Paisley, whether commissioned by Kirk Session or appointed by the Presbytery, shall, so long as their commissions or appointments run, be members of Clyde Presbytery.
6. All property or funds belonging to or held on behalf of the Presbyteries of Dumbarton and Greenock and Paisley shall belong to Clyde Presbytery. Any trust or other special funds held by the Presbyteries of Dumbarton and Greenock and Paisley shall, from the date of the Union, be dealt with in such a way as is competent and as may be agreed to by the united Presbytery, subject to obtaining legal advice on any question as may arise.
7. The Presbytery shall have charitable status and shall retain the existing Charity Number of the Presbytery of Greenock and Paisley (SC016779).

## Basis and Plan of Union

1. The united Presbytery shall be created by uniting the existing Presbyteries of Dumbarton and Greenock and Paisley, the united Presbytery to comprise the 66 charges as at present.
2. The united Presbytery shall be known as Clyde Presbytery.
3. Initially, the united Presbytery shall meet at 7 pm on 1<sup>st</sup> September. Thereafter, the united Presbytery shall meet on such days and at such times as it shall decide and as enable it to fulfil its role and purpose as a presbytery of the Church of Scotland.
4. The united Presbytery shall meet for its first meeting in Inchinnan Parish Church. Thereafter, the united Presbytery shall meet at such locations as it shall decide.
5. The united Presbytery shall appoint a clerk and secretary at its first meeting.
6. The united Presbytery shall establish a Presbytery Office with appropriate clerical assistance. Initially, the Presbytery Office shall be at 'Homelea', Faith Avenue, Quarrier's Village, Bridge of Weir PA11 3TF.
7. The Standing Orders for the united Presbytery shall be based upon the Standing Orders of each of the existing Presbyteries and shall be approved by the united Presbytery at its first meeting.
8. The Committee Structure of the united Presbytery shall comprise the following:
9. Business Committee. Convener, Vice Convener (Nominations), Moderator, treasurer, clerk + convenors of Mission, Ministry, Local Church Review, Planning, Property and Stewardship and Finance.

### Mission / Outward (including World Mission & ecumenical matters)

- Representatives from each of the Local Mission Areas
- Will support the work of the Mission Facilitator

### Inward

- Ministry
- Local Church Review (to converge over 2 years)
- Planning (to converge over 2 years)
- Superintendence / Complaints
- Vacancy Procedure

### Resources

- Stewardship and Finance
- Property (to converge over 2 years)
- Safeguarding

## 5. Report of the Social Care Council

Following a period of prayer and reflection the Social Care Council considered the debates and deliverances arising from General Assembly 2019 around the potential for it to become a more self-sustaining organisation at 'arms-length' within SC011353 and have, as was instructed, engaged with the Assembly Trustees on that issue. As a result of discussions it has become clear that there are a number of areas which require further consideration and clarification as its place within charity number SC011353 limits the degree of 'arms-length' possible at this time. However it was thought that a good starting place would be a review of the way in which the Social Care Council operates. It was believed that whilst much about the current Council arrangements were good, the size of the membership, and the way in which it conducted its business, did not give the best possible critical oversight of a large and complex social care organisation such as CrossReach which would be needed to support its efforts to become a more financially robust organisation.

Due to the increasing pressures being placed on the social care sector, in both terms of regulation and finance, it has become increasingly difficult for the current Council of 25 people to be fully

engaged in overseeing and supporting its delivery of social care services by interrogating performance and strategy with the level of detailed understanding needed. The Council agenda has traditionally been heavily populated by standard reporting items from other past Councils and associated bodies who have members assigned to the Social Care Council but which are heard with no real strategic tie up to the business of these other bodies. This has detracted from the careful and critical attention needed to give the most appropriate governance to its core business. In order to overcome this problem much of the business of governance has, in effect, been carried out by an Executive Committee which meets monthly. This has led to an onerous element of double reporting, some confusion about where ultimate decisions lie, and late debate on issues already considered by Executive but where Social Care Council members might have more experience or knowledge around a certain topic.

The makeup of the Social Care Council has also brought about its own challenges. This has been the business to date of the Nomination Committee who have traditionally worked to the same process of assigning people to the Social Care Council as they have to other Church of Scotland Forums and Committees and who have necessarily had to try to balance the needs of all equally, rather than primarily focussing on what is the absolute best make up for any one Council. However it should be recognised that there has been some strength in the current make-up of the Social Care Council in helping its work to be visible to and supported by the wider Church. It has also allowed for operational decision making to be balanced with a clear theological perspective on the importance of this aspect of the Church of Scotland's ministry.

The Council therefore proposed to the Assembly Trustees in January that with effect from June 2020 its membership should be reduced to 12 people who would work under the fullest delegated authorities possible, as agreed with the Assembly Trustees, to manage operational matters whilst continuing to give the Trustees appropriate oversight of the charity as a whole. The Council would in practice work in the way that a charitable board operates in terms of its accountability to the charitable objectives, whilst recognising that overall responsibility for these remains with the Assembly Trustees. It was also proposed that whilst it would be important for this board to ensure that Christian values remained at the heart of the organisation there was a need to attract people with the appropriate skill sets needed to help think into some of the most pressing issues facing the organisation and to support good controls around quality, regulatory and financial compliance. Finally, it was proposed that the Council should consider the name under which it would operate at a later date. All of these proposals were approved by the Assembly Trustees as being conducive to good governance.

The make-up of the new slim-lined Council was also discussed. It was agreed that there should be a Convener and Vice Convener and that at least one member should be a Church of Scotland minister. The CEO should also be a non-voting *ex officio* member. Nominations would be sought with a view to ensuring a balance of skillsets, and should take into consideration, in addition, gender balance, age, and geography. The skills and experience needed to populate this board type body as opposed to the traditional Council membership in the past were to be matched against a skills matrix allowing for the appropriate balance of skills to be available to the Council in the future. Nominations for ordinary membership were to be sought through an open process run under the oversight of the Nomination Committee. Selection for the post of Convener and Vice Convener were, in this instance, to come from within the current Social Care Council membership to allow for continuity given the complexity of the operating environment.

It was also agreed that the Convener and Vice Convener would not serve for the same time period, so that continuity could also be provided in the leadership of the Council when a period of service came to an end. Any existing members of the Social Care Council appointed to the slim-lined Council



would serve for three years, and all others for four. A further period could be allowed for depending on overall time served.

The final list of names was to be proposed by the Nomination Committee before going to the General Assembly for approval.

A process for recruiting afresh to the Council in its new guise commenced in February with the support and oversight of the Nomination Committee. The Convener and Vice Convener were selected from within the membership of the Social Care Council following an open and transparent selection process, which included an interview and the taking up of references in line with selection for the Faith Nurture Forum and Faith Impact Forum. A broad call then went out through the Nominations process to attract members and with selection now complete the names are brought forward to the Commission of the General Assembly through the report of the Nomination Committee for final agreement.

The Social Care Council would wish to express sincere gratitude to all who currently serve as a member or who have given service in the past and who have generously contributed their time and talents to support its work.

*In the name of the Council*

THOM RIDDELL, *Interim Convener*  
VIV DICKENSON, *Council Secretary and Chief Executive of CrossReach*

## **6. Report of the Nomination Committee**

### **6.1 Nominations to the Faith Impact Forum and the Faith Nurture Forum**

6.1.1 The Nomination Committee was invited to conduct a process, in September-October 2019, for the interim membership of the new Forums.

6.1.2 The Assembly Trustees produced a document with criteria for appointment to the new Forums. The Commission of the General Assembly in November 2019 instructed the Nomination Committee to populate the Faith Nurture Forum and the Faith Impact Forum through making interim appointments of Conveners, Vice-Conveners and members, such interim appointments to be effective from 1 January 2020 until the General Assembly of 2020. The Commission of the General Assembly is now invited to approve these.

6.1.3 Interviews for Convener and Vice-Convener of the Faith Nurture Forum took place in December 2019 and the Committee met to agree the names for interim appointments for membership of the forums. Due to an insufficient number of applications being received for the Faith Impact Convener position the deadline was extended. Interviews then took place prior to the January Committee meeting at which the remaining interim appointments were confirmed.

6.1.4 All of the interim appointments were subject to review and the Committee now brings forward nominations for membership to serve 1-3 years.

6.1.5 The names for membership of the Forums with effect from 1 June 2020 are reported within Section 6.3.

### **6.2 Social Care Council**

6.2.1 The Social Care Council has brought forward proposals for a revised governance structure.

6.2.2 With the hope that these proposals would be agreed by the General Assembly (*now the Commission of Assembly*) nominations were sought in March 2020 of persons who might serve on the reshaped Council. A separate interview process was also conducted for the roles of Convener and Vice-Convener of the Council, in which the Nomination Committee was consulted.

6.2.3 The Convener and Vice-Convener of the Committee acted under delegated authority in taking decisions to bring forward nominations for the Convener, Vice-Convener and members of the Council. Such nominations reflect the desirable criteria set out in the skills matrix provided by the Social Care Council.

6.2.4 The names for membership of the Social Care Council with effect from 1 June 2020 are reported within Section 6.3. The Committee notes that there are still vacancies within this body and that there is an issue in terms of gender balance. It is hoped that this can be resolved under delegated powers in the near future.

### **6.3. Nominations for Appointment to the Unincorporated Entities**

6.3.1 A total of 93 vacancies were considered this year. 5 vacancies remain unfilled at the time of going to print and the Committee will act under delegated authority to fill these.

6.3.2 The Committee noted that the Convener of the Assembly Business Committee resigned in December 2019. As the appointee is an ex officio Charity Trustee of the Unincorporated Entities, the Nomination Committee engaged with the Assembly Trustees as well as the Assembly Business Committee to ensure that processes for identifying nominations for Convener were robust and transparent and that due account was taken of the skills and qualities needed for charity trusteeship as well as for convenership. Under delegated authority the Committee approved interim arrangements for convenership. The Committee brings to the Commission of the General Assembly the nomination of the Rev Donald McCorkindale, Minister at Ardgour and Kingairloch linked with Morven linked with Strontian, as Convener of the Assembly Business Committee.

6.3.3 The Committee recommends the following appointments:

*\* denotes a reappointment*

#### **Assembly Business Committee**

*Convener Resigned* Fiona Smith Dec 2019

*Interim Convener Appointed* Donald McCorkindale Dec 2019-May 2020

*Interim Vice-Convener Appointed* Susan Pym Dec 2019-May 2020

*Convener Appointed* Donald McCorkindale (Ardgour and Kingairloch linked with Morven linked with Strontian)

*Vice-Convener Appointed* Susan Pym (London St Columba's)

*Minister Retiring* Sheila Kirk

*Minister Appointed* Sheila Kirk\* (Deer)

*Member Retiring* Susan Pym

*Member Appointed* James Houston (Garelochhead)

#### **Assembly Trustees**

*Minister Retiring* Iain Torrance

*Minister Resigned* George Cowie

*Members Retiring* Sandra Carter, Gary Macfarlane, David Watt

*Members Appointed* Jean Couper (Glasgow Cathcart Trinity Church), David Harrison (Garelochhead), Linda Irvine (Motherwell, Dalziel St Andrew's), Geoff Miller (Glenrothes St Margaret's) Ann Nelson (Edinburgh Davidson's Mains) (1yr)

#### **Audit Committee**

*Member Retiring* Allan Munn

#### **Chaplains to HM Forces Committee**

*Vice-Convener Retiring* Carolyn MacLeod

*Vice-Convener Appointed* John Duncan (Leuchars St Athernase)

*Member Retiring* Rosemary Hoskins\*

*Member Resigned* John Duncan

*Member Appointed* Jacqueline Thomson (Buckhaven and Wemyss)

#### **Church and Society Council Discharged Dec 2019**

#### **Church Art & Architecture Committee (CARTA)**

*Convener Retiring* Bill Hogg

*Convener Appointed* Bill Hogg\* (1yr)

*Ministers Retiring* Susan Cord, Allan McCafferty\*

*Minister Appointed* Susan Cord\* (Killearnan linked with Knockbain)

*Members Retiring* Alasdair Donaldson\*, Yvonne Grant, Gordon McFarlane\*

*Members Appointed* James Alexander (Inverness Old High St Stephen's) (2yrs), David Inglis (Monifieth), Yvonne Grant\* (Dundee Coldside), Alistair Smith (Orwell and Portmoak) (3yrs)

#### **Ecumenical Relations Committee**

*Vice-Convener Retiring* Kevin Mackenzie

*Vice-Convener Appointed* Eileen Miller (Glenrothes St Margaret's)

*Ministers Retiring* Liam Fraser, Nikki Macdonald

*Minister Appointed* Nikki Macdonald\* (The Upper Clyde), Gary Peacock (Irongray Lochrutton and Terregiles)

*Minister Resigned* Anikó Schütz Bradwell May 2019

*Member Appointed* Gemma King Jul 2019

#### **Faith Impact Forum**

Interim membership to continue as follows:

*Convener Appointed* Susan Brown (Dornoch Cathedral) (3yrs)

*Vice-Convener Appointed* Alan Miller (Stirling Church of the Holy Rude linked with Stirling Viewfield Erskine) (2yrs)

*Ministers Appointed* Richard Baxter (Fort William Duncansburgh MacIntosh linked with Kilmonivaig) (2yrs), Stuart Fulton (Glasgow Newlands South) (2yrs), Karen Hendry (Glasgow Yoker) (2yrs), Peter Johnston (Aberdeen Ferryhill) (3yrs), Peter Nimmo (Inverness Old High St Stephen's) (3yrs), Justin Taylor (Kirkcaldy Abbotshall) (3yrs)

*Members Appointed* Caroline Cowan (Edinburgh Canongate) (3yrs), Rebecca Gebauer (Glasgow Wellington) (3yrs), Maureen Jack (St Andrew's and St Leonard's) (1yr), Peter Lloyd (Perth St Matthew's) (2yrs), Valerie Macniven (Edinburgh Greenbank) (2yrs), Mary Sweetland (Lomond) (1yr), Barry Watson (Glasgow Castlemilk) (1yr)

#### **Faith Nurture Forum**

Interim membership to continue as follows:

*Convener Appointed* Rosemary Frew (Bowden and Melrose) (3yrs)

*Vice-Convenor Appointed* Karen Campbell (Edinburgh Marchmont St Giles') (2yrs)  
*Ministers Appointed* Michael Goss (Barry linked with Carnoustie) (1yr), Alan Hamilton (Bearsden Killermont) (3yrs), Fraser Macnaughton (Kirkwall St Magnus Cathedral) (1yr), Hanneke Marshall (St Machar's Ranfurly Church) (1yr), Scott McCarthy (Glasgow Garthamlock and Craigend) (2yrs), Andrew Morrice (Dunfermline East) (2yrs)  
*Members Appointed* Lesley-Ann Calvert (Dundee The Steeple) (3yrs), Barbara Finlayson (Edinburgh St Andrew's and St George's West) (3yrs), Stefanie Fowler (Aberdeen St Columba's Bridge of Don) (3yrs), Richard Lloyd (Dalgety) (2), Ruth Mackenzie (Peterhead New) (2), Murdo McMillan (Auchterarder) (3), Sue Thomson (Aberdeen St Columba's Bridge of Don) (1yr)

### **Iona Community Board**

*Member Retiring* Morag Michael\*  
*Minister Appointed* Willie Strachan (Dundee Lochee)

### **Legal Questions Committee**

*Minister Retired* Alexander Forsyth  
*Minister Appointed* Marjory McPherson (Presbytery Clerk, Edinburgh)  
*Member Retired* Robin Stimpson\*  
*Member Appointed* David McClements (Lenzie Old), Katherine Taylor (Edinburgh Duddingston)  
*Member Resigned Sept 2018* Elspeth McKay

### **Appointment to Legal Bodies**

#### **Appeals Committee of the Commission of Assembly**

*Convenor Retiring* Philip Brodie  
*Convenor appointed* Philip Brodie\* (St Giles' Cathedral)  
*Vice-Convenors Retiring* Helen Jamieson\*, J G Grahame Lees  
*Vice-Convenors appointed* Janet Foggie (Pioneer Minister, Stirling University), J G Grahame Lees\* (Dunblane Cathedral)

### **Judicial Panel**

*Ministers Retiring* Grant Barclay, John Christie, Janet Foggie, Robin Hill  
*Ministers Appointed* John Christie\* (Dumbarton Presbytery), Robin Hill\* (Gladsmuir linked with Longniddry)  
*Elders Retiring* David Alexander, William Imlay, Colin Mackenzie, Hugh Millar, Leslie Moffat, Sam Scobie  
*Elders Appointed* David Alexander\* (Uddingston Viewpark), William Imlay\*, Leslie Moffat\* (Udny and Pitmedden), Sam Scobie\* (Wigtown and Stranraer)

### **Judicial Proceedings Panel**

*Ministers Retiring* John Ferguson, William Hewitt, Alistair May\*, Val Ott\*, Thomas Pollock, Sally Russell\*, Lindsay Schlüter\*, David Sutherland\*, Alison Swindells  
The Discipline of Ministry Act (Act III 2001) provides that anyone who has an active case remains on the Judicial Proceedings Panel until their case is complete. The following Ministers are retained:  
*William Hewitt (Kilmarnock St Andrew's and St Marnock's), Thomas Pollock (Glasgow Sherbrooke Mosspark),*  
*Elders Retiring* Barbara Finlayson, Myrtle Gillies

### **Presbyterial Commission/Discipline Tribunal**

*Vice-Convenor Withdrawn* Graeme Dalglish

### **Ministries Appeal Panel**

*Convener Retiring* David Arnott

*Convener Appointed* Robin Stimpson

*Vice-Convener Retiring* Robin Stimpson (Edinburgh Morningside)

*Vice-Convener Appointed* Leslie Milton (Musselburgh St Andrews High)

*Ministers Retiring* Robert Allan, Sheila Kirk

*Minister Appointed* Catherine Collins (Dundee Broughty Ferry New Kirk)

*Member Appointed* Andrew Gibb (Edinburgh Corstorphine St Ninian's)

### **Life & Work Advisory Committee**

*Convener Retiring* John Ferguson

*Convener Appointed* James Stewart (Perth Letham St Mark's)

*Ministers Retiring* Marion Dodd, Anne Paton\*

*Ministers Appointed* Ewen Gilchrist (Scone and St Martin's), John Paterson (Lugar linked with Old Cumnock)

### **Ministries Council Discharged Dec 2019**

*Vice-Conveners Resigned* Ruth Halley Jun 2019, Sarah Ross Nov 2019

### **Mission and Discipleship Council Discharged Dec 2019**

#### **Nomination Committee**

*Convener Retiring* Lynsey Kimmitt

*Convener Appointed* Julie Rennick (Larbert West)

*Minister Resigning* Julie Rennick

*Member Retiring* Patricia McEwan

*Members Appointed* Christine Mackenzie (Inverness Old High St Stephen's), Iain MacLeod (Stornoway Martin's Memorial), David Murie (Dundee Broughty Ferry St James')

#### **Registration of Ministries Committee**

*Vice-Convener Retiring* Hazel Hastie

*Vice-Convener Appointed* Hazel Hastie\* (Edinburgh Drylaw) (1yr)

#### **Safeguarding Committee**

*Vice-Convener Retiring* Caroline Deerin

*Vice-Convener Appointed* Caroline Deerin\* (Biggar) (1yr)

*Member Retiring* Robert McCabe

*Member Appointed* Robert McCabe\* (Edinburgh Palmerston Place)

#### **Social Care Council**

*Convener Passed Away* Bill Steele Oct 2019

*Interim Convener Appointed* Thomas Riddell Nov 2019-May 2020

*Convener Appointed* Thomas Riddell (Linlithgow St Michael's)

*Vice-Convener Appointed* Sarah Wood (Ceres, Kemback and Springfield)

*Minister Appointed* Ramsay Shields (Milngavie St Luke's)

*Members Appointed* Mike Cantlay (Callender), Jo Elliot (Edinburgh Greyfriars Kirk) (3yrs), John

Graham (Edinburgh Mayfield Salisbury) (2yrs), Douglas Hamilton (North Berwick St Andrew

Blackadder), Iain Hunter (Aberdeen Mannofield) (3yrs), Christine Johnson (Edinburgh Liberton) (3yrs)

#### **Theological Forum**

*Vice-Convener Retiring* Sarah Lane Ritchie  
*Vice-Convener Appointed* Liam Fraser (Linlithgow St Michael's)  
*Minister Retiring* Lance Stone  
*Minister Appointed* Lance Stone\* (Amsterdam)  
*Members Retiring* Lindsay Sawyer\*, Scott Spurlock  
*Member Appointed* Paul Nimmo (Kemnay), Glen Pettigrove (Milngavie Cairns)

### **World Mission Council Discharged Dec 2019**

*Convener Resigned* John Chalmers May 2019  
*Interim Convener Appointed* Susan Brown (Dornoch Cathedral) Jun-Dec 2019  
*Member Resigned* (the late) Peter Chirnside Jun 2019

*In the name of the Committee*

LYNSEY KIMMITT, *Convener*  
BILL WISHART, *Vice-Convener*  
DAVE KENDALL, *Secretary*

### **Addendum**

#### **Lynsey Kimmitt**

Lynsey Kimmitt comes to the end of her term of office as Convener of the Nomination Committee this May. In serving as a member of the Committee and then as Convener, Lynsey has offered thoughtful and valued contributions to all aspects of the Committee's work. On behalf of the Committee we would like to thank Lynsey for her leadership, support and guidance and wish her well for the future.

*In the name of the Committee*

BILL WISHART, *Vice-Convener*  
DAVE KENDALL, *Secretary*

## **7. Report of the Clerk – Nominations to Trusts**

At the request of the Trusts listed below I bring forward the names of those the Trusts believe should be added to their number:-

#### **Pension Trustees:**

Raymond Martin (new appointment) and Lin Macmillan (change to Employer Nominated Trustee)

#### **General Trustees:**

Richard Bell, Robert Bell, Nigel Hicks, Kenneth Mackenzie, and Scott Rennie (new appointments)  
Raymond Young (re-appointment)

#### **Church of Scotland Trust:**

Iain Cunningham and Christopher Mackay (both to be re-appointed)

#### **Church of Scotland Investors Trust:**

Susan Boyd (new appointment), David D Campbell and Thomas M Walker (both to be re-appointed)

#### **Housing and Loan Fund:**

Harry D W Findlay (new appointment)

GEORGE J WHYTE, *Principal Clerk*

## 8. Report of the Committee on Ecumenical Relations

In the course of engagement with presbyteries, the question of the dissolution of a Local Ecumenical Partnership (a “LEP”) is an issue that has been raised. In general terms, the dissolution of a LEP to which the Church of Scotland is a party requires the consent of the General Assembly. In order to facilitate any such dissolution, should such an action be proposed, the Committee requests that it be granted powers to act, in consultation with the Principal Clerk, the Law Department and the relevant Presbytery, on behalf of the General Assembly with respect to the dissolution of a LEP.

*In the name of the Committee*

ALEXANDER HORSBURGH, *Convener*

JOHN McPAKE, *Secretary*

## 9. Report of the Assembly Business Committee

In 2013 the General Assembly agreed to change the process by which an Assembly received at its opening session a nomination for the person to be the Moderator for the ensuing year. Previously there had been a large Committee formed by a representative from each Presbytery and some former Moderators. This Committee itself said that the process was unsatisfactory. After discussion it was agreed that instead each General Assembly would elect from its own number a Nomination Committee of fifteen persons to nominate a candidate to the following year’s Assembly. This was seen to be a parallel to the Nominating Committee elected by a congregation in a time of vacancy. The whole church membership would be invited to recommend people to the Committee and because of its reduced size this new format of Nomination Committee could meet prospective candidates for a discussion – an opportunity which the previous body with perhaps fifty members could not practicably do.

However, experience has shown us that Commissioners have not demonstrated any great enthusiasm for putting forward names for election to the Nomination Committee which has meant that the Selection Committee has had to meet on several occasions to fill in the gaps. In addition, there have also been occasions when several members of one Presbytery have been elected and once there were three members of the same congregation appointed.

The Assembly Business Committee would therefore like to propose that the Regulation I 2013 which sets out the process for the Nomination of the Moderator should be amended so that the Committee to Nominate the Moderator would be populated in the same way as every other Committee, Council and Forum is populated – namely through the work of the Nomination Committee of the General Assembly. In this way the General Assembly would still appoint the Committee to Nominate the Moderator but the Nomination Committee could ensure that there was an appropriate breadth of membership.

In the exceptional circumstances of the coronavirus pandemic what is being proposed is that firstly the Regulation is amended in the way set out above and since the 2020 General Assembly has been cancelled that the Nomination Committee should work over the next few months to appoint the Committee to Nominate the Moderator for 2021. This will mean that this Committee can carry out its work in the summer and autumn of this year as the Regulation stipulates. Next year, if all is well, the Nomination Committee would bring the list of names to the General Assembly for approval in the usual way.

The Assembly Business Committee seeks the approval of the Commission of Assembly for the amendment and the use of this temporary process.

*In the name of the Committee*

DONALD McCORKINDALE, *Convener*  
GEORGE J WHYTE, *Secretary*

## Appendix to Report of the Assembly Business Committee

### I. NOMINATION OF THE MODERATOR OF THE GENERAL ASSEMBLY REGULATIONS

*Edinburgh, [ ] May 2020*

***If the amendments are approved these Regulations shall take effect from 1 June 2020 and in the following form:-***

#### **Definitions**

1. In these Regulations, the following definitions apply:
  - (1) ‘the Committee’ shall mean the Committee to Nominate the Moderator referred to in Regulation 2;
  - (2) “minister” includes an individual who has been ordained to ministry as defined in section 1(d) of the Selection and Training for Full-Time Ministry Act (Act X 2004), an individual who has been ordained to ministry as defined in the Ordained Local Ministry Act (Act IX 2011) and an individual who has been ordained to ministry as defined in the Auxiliary Ministry Act (Act XIII 2003).
  - (3) “deacon” shall mean an individual who has been ordained to ministry as defined in the Deacons Act (Act VIII 2010).
  - (4) ‘elder’ shall mean a person ordained to that office (whether or not he or she is a member of a Kirk Session) who is neither a minister nor a deacon; and
  - (5) ‘the Moderator-Designate’ shall mean the person nominated by the Committee to be Moderator of the next General Assembly.

#### **Appointment of a Committee to Nominate the Moderator**

2. The Moderator of the General Assembly shall be nominated by a Committee of up to fifteen persons, comprising up to eight ministers and deacons and up to seven elders. All members of the Committee shall be appointed by the General Assembly through the nomination procedure on the recommendation of the Nomination Committee, which shall seek to recommend a Committee which is representative of the diversity of the whole Church.
3. The Committee shall be convened by the immediate past-Moderator of the General Assembly whom failing by another former Moderator of the General Assembly. Where the Committee is convened by another former Moderator, the same former Moderator shall not convene the Committee in consecutive years. The Convener of the Committee shall not be a member of the Committee. The clerk to the Committee, who shall not be a member of the Committee, shall be the Principal or Depute Clerk whom failing another suitable person selected by the Committee from outwith its membership.
4. Members of the Committee shall serve for a period of one year only. No-one may be a member of the Committee more than once in any three year period.



5. In the event of the death, resignation or supervening incapacity of persons on the Committee such that the number of ministers and deacons on the Committee drops below six or the number of elders drops below five, steps shall be taken to bring the number of ministers and deacons back up to six or the number of elders back up to five, as the case may be, by seeking further recommendations of suitable appointees from the Nomination Committee.

#### **Process at the Committee to Nominate the Moderator**

6. The Committee shall receive recommendations from any member of the Church of Scotland (excluding members of the Committee, who shall not be eligible to make recommendations) of names of ministers, deacons or elders proposed as the next Moderator. The Committee shall take reasonable steps to publicise its willingness to receive recommendations, which recommendations may be submitted to any member of the Committee or to the Office of the General Assembly.
7. The Committee itself shall decide how best to proceed in its task in a fair and efficient manner having due regard to confidentiality at all stages. The quorum for meetings of the Committee shall be nine persons.
8. In considering persons recommended to it, the Committee shall:
  - (1) consider the circumstances of the Church;
  - (2) having sought the advice of the immediate three past Moderators, decide the gifts, experience and other qualities which are required for the post of Moderator in order to benefit the Church and the kingdom of God and examine the candidates in the light of these requirements ;
  - (3) prepare a short-list from among the recommendations which it has received;
  - (4) obtain the consent of each person on the short list to be nominated as Moderator, if chosen, together with a full curriculum vitae and such other information as it considers to be helpful;
  - (5) meet with all persons on the short list; and
  - (6) select its nominee from among those on the short-list or, if this is not possible, prepare another short-list from which to select its nominee.
9. Unless there are exceptional circumstances, the Committee shall inform the Principal Clerk of the name of the Moderator-Designate no later than 31 October each year. Thereafter, the name of the Moderator-Designate shall be made public by the Principal Clerk.
10. In the event of the death, resignation or supervening incapacity of the Moderator-Designate, the Convener of the Committee shall call an extraordinary meeting of the Committee for the purpose of nominating another person to be Moderator. The Committee shall follow regulations 7 and 8 insofar as they are able to do so in the circumstances and shall nominate another person to be Moderator from among those recommended in terms of regulation 6.
11. In the event of any difficulty inhibiting process in terms of these regulations, the Committee shall have a general discretionary power to take any other steps appropriate in the circumstances to fulfil the intention of these regulations.

## **10. Report of the Faith Nurture Forum – Amending the Ill-Health Act (Act VI 2019)**

The General Assembly of 2019 received the report of the formal Consultation regarding ill health provisions for ministers, and passed the new Income Protection and Ill Health Act. On that basis the Faith Nurture Forum proceeded to have these provisions underwritten in order to renew the Income Protection (“IP”) contract as anticipated in January 2020.

Our brokers, PwC, consulted but it subsequently proved impossible to achieve this, as neither our current IP provider nor the wider market was willing to underwrite on the terms agreed. It was possible for IP provision to be payable at 52 weeks as proposed, but no providers were willing to allow stipend to be paid beyond that point as agreed at the General Assembly of 2019.

Following endorsement by the Faith Nurture Forum, a further period of Consultation with eligible members took place during November 2019 with the proposal of IP provision to commence at 78 weeks (instead of 52 weeks) which would allow payment of stipend up to 18 months (or state retirement age if earlier) as agreed previously by the Forum and the General Assembly in 2019.

The revised proposal was accepted by the majority of members who responded, and achieves much that was sought at the outset: reduction in the deferment period for IP assessment (from 104 weeks to 78 weeks); clarity around receipt of stipend; the bringing together of these combined provisions into the framework of the new Act; and renewal of the IP contract from January 2020 as anticipated. It was thought then that there would be ample time to bring the necessary amendments to the Act as passed to the General Assembly of 2020, which would have occurred before those who are eligible for IP assessment come under the new Act’s terms.

What the revised proposal did not achieve was having the final decision for IP eligibility at 52 weeks, which would have allowed earlier clarity for those facing long term ill health.

The renewal of the IP contract from January 2020 on this basis has now been approved and actioned within the Forum, and the proposed revisions to the Income Protection and Ill Health Act now reflect these changes.

Section 9 has been re-written to make clearer the financial provisions for those eligible for IP assessment/those not eligible for IP assessment (due to the fact they will have reached their state retirement age). This is not seeking to change anything that was agreed at the General Assembly of 2019, but instead makes this more clear in practice and process. Payment for those eligible for IP is to 18 months (18 months is the IP deferred period while demission/severance occurs at 15 months as per the Act). Payment for those not eligible for IP is to 15 months (when demission/severance occurs as per the Act).

The rationale of the Forum decision to pay stipend to those eligible for IP assessment to 18 months was to provide a cushion of income during a time when much readjustment would take place – moving manse, family, community, and ongoing reduction in income. These circumstances differ from those reaching state retirement age (and therefore not eligible for IP assessment), as they would have access to state pension benefits, and other pension benefits by virtue of their age at the date of demission/severance of tie.

It will be important to have these Ill Health provisions agreed by the Commission so that the IP contract now renewed at January 2020 and the Act are in synch for those who will come under its provisions this year.

*In the name of the Forum*

**Appendix to Report of the Faith Nurture Forum**

**[ ] ACT AMENDING THE INCOME PROTECTION AND ILL-HEALTH ACT (ACT VI 2019)**

*Edinburgh, [ ] May 2020*

The General Assembly hereby enact and ordain that the Income Protection and Ill-Health Act (Act VI 2019), shall be amended as follows:

1. *Amend the definition of “Income Protection by deleting “fifty-two” and substituting “seventy-eight”.*
2. *Delete the existing section 7(2)(d) and re-letter subsequent paragraphs accordingly.*
3. *Delete the existing section 9 and substitute the following:*
  - “9. (1) A minister who is absent in terms of this Act and who is eligible to be assessed for Income Protection benefit shall be considered as follows:
    - (a) He or she shall be entitled to receive payment of an amount equivalent to (i) full stipend appropriate to the charge and years of service at the date absence commenced, (ii) the appropriate employer’s pension contribution, and (iii) if applicable, Car Allowance, all subject to deduction of tax and National Insurance contributions, for one or other of the following periods:
      - (A) where this Act is triggered by six months’ continuous absence, a maximum period of eighteen months in total from when the absence commenced, or
      - (B) where this Act is triggered by an absence of 300 days out of a twenty-two-month period, during that absence and then for a maximum further period of twelve months from the Trigger Date.
    - (b) Subject to sections 9(1)(c) and 9(1)(d), where such a minister is found, in terms of the final Medical Assessment, to be eligible for Income Protection, he or she shall be entitled to receive payment of an amount equivalent to one third of stipend appropriate to the charge and years of service at the date absence commenced (subject to appropriate deductions) plus the appropriate employer’s pension contribution. Payment will begin on:
      - (i) where this Act is triggered by six months’ continuous absence, the date eighteen months after absence commenced, or
      - (ii) where this Act is triggered by an absence of 300 days out of a twenty-two-month period, the date twelve months after the Trigger Date.Payment will continue until the minister is assessed by the Income Protection Provider as able to return to work, or as no longer eligible for Income Protection, or until the date of the minister’s UK State Pension Age, whichever of the three is earliest.
    - (c) During the whole time that a minister is in receipt of payments in terms of this section 9(1), the minister shall require to provide regular medical certificates (fit notes) to the Forum.
    - (d) The minister’s eligibility for Income Protection will be determined according to the rules and procedures of the Income Protection Provider as they exist from time to time, which rules may include regular reassessment of the minister as to eligibility.

- (e) The amount payable to the minister in terms of this section 9(1) may be reduced if income over a certain amount (determined by the Income Protection Provider) is earned by the minister while he or she is in receipt of payments under section 9(1).
- (2) A minister who is absent in terms of this Act and who is not eligible to be assessed for Income Protection benefit shall be considered as follows:

He or she shall be entitled to receive an amount equivalent to (i) full stipend appropriate to the charge and years of service at the date absence commenced, (ii) the appropriate employer's pension contribution, and (iii) if applicable, Car Allowance, all subject to deduction of tax and National Insurance contributions, for one or other of the following periods:

  - (i) where this Act is triggered by six months' continuous absence, a maximum period of fifteen months in total from when the absence commenced, or
  - (ii) where this Act is triggered by an absence of 300 days out of a twenty-two-month period, during that absence and then for a maximum further period of nine months from the Trigger Date;
- (3) Notwithstanding sections 9(1) and (2), the Forum may agree that a minister who is absent in terms of this Act may, once payments under section 9(1) or (2) have expired and where the pastoral tie has not been severed, receive payment equivalent to one-third of stipend appropriate to the charge and years of service at the date absence commenced (subject to appropriate deductions) and employer's pension contribution, for such period as it may determine is appropriate, in its sole discretion, in the following circumstances:
  - (a) the minister falls under section 8(1) and the Presbytery has not severed the pastoral tie because the minister is undergoing medical treatment and the prognosis is that he or she will be able to return to work imminently; or
  - (b) the absence of the minister has resulted from more than one unrelated health cause in succession and it has not yet been possible to carry out a Medical Assessment for that reason; or
  - (c) the minister is awaiting the outcome of a review/appeal under section 12(2) or 12(3);

Provided always that in no circumstances shall any payments be made beyond the date which is the earlier of (i) twenty-four months from when absence commenced or (ii) eighteen months from the Trigger Date."

- 4. *In section 10(2)(b) change "7(2)(h)" to "7(2)(g)".*
- 5. *In section 12(1) change "7(2)(g) or (h)" to "7(2)(f) or (g)".*