

X. SELECTION AND TRAINING FOR FULL-TIME MINISTRY ACT (ACT X 2004) (AS AMENDED BY ACTS II, X 2005, III 2007, VI 2009, VIII 2011, XI 2014, IV 2015, XIV 2016, II 2017, XI 2018 AND I AND III 2019)

Edinburgh, 20 May 2004, Session VII

The General Assembly hereby enact and ordain as follows:

Definitions

1. In this Act the following definitions apply:

- (a) “The Council” is the General Assembly’s Ministries Council responsible for recruitment, selection and training for the full-time ministry.
- (b) “The Committee” is the Committee to which the Council delegates authority to determine matters relating to assessment and selection, and to university courses and practical training requirements in preparation for ministry.
- (c) “The Assessment Conference” is the body of trained Assessors to which the Committee delegates authority to assess the calling and fitness of applicants for all forms of ministry (in terms of 6(1)), and to accept as prospective candidates those deemed appropriate.
- (d) “Ministry” is the full-time ministry of inducted parish ministers, and other posts requiring the same training and qualifications.
- (e) *This definition was repealed by Act XI 2014.*
- (f) “Applicants” are persons who are seeking to be recognised as candidates for the ministry.
- (g) “Prospective Candidates” are persons who have been accepted by the Committee and who are awaiting the outcome of their application to Presbytery for nomination.
- (h) “Candidates” are persons who have been both accepted by the Committee and nominated by their Presbytery. The term “Candidate” may not be used of or by any person who has yet to be, or who has failed to be, nominated by Presbytery.
- (i) “Probationers” are persons currently undertaking the full-time probationary placement of fifteen months described in Section 17(1).
- (j) “Graduate Candidates” are those who have completed their training and received Exit Certificates in terms of Section 22, but who have not yet been ordained. The term is to be applied without limit of time to anyone in this situation.
- (k) “Accredited institutions” are academic institutions accredited by the Council for the academic formation of candidates”
- (l) “Recognised institutions” are academic institutions recognised by the Council for the purposes of paragraph 12(1)(c) and sub-paragraph 12(1)(f)(ii) below.
- (m) “UK State Pension Age” means a person’s UK State Pension Age as determined at the relevant time by the UK Government’s calculations.¹

Vocation Information Day and Initial Screening Interview

2. (1) A person wishing to apply for the Ministry of the Church of Scotland shall have a Discernment Conversation with a staff member of the Recruitment Team to determine how they will proceed, and should they subsequently make

¹ *Ascertained currently by the calculator found on the gov.uk website*

application, this will be followed by an Initial Screening Interview arranged by the Council.

- (2) A person deemed ready to proceed after that interview shall be entitled to apply in terms of section 4 to be recognised as a Candidate for the Ministry. Any person who makes such an application shall be known as an applicant.
- (3) A person who is not deemed ready to proceed after that interview must wait a period of between one and three years, as notified to that person by the Committee in writing, before they may again attend an Initial Screening Interview. If at a second Initial Screening Interview a person is again deemed not ready to proceed, they must wait a further period of between one and three years, as notified to that person by the Committee in writing, and may then attend a third Initial Screening Interview. If such person is still deemed not ready to proceed at the third Initial Screening Interview, then they shall not be entitled to attend any further Initial Screening Interview and their application for the Ministry of the Church of Scotland shall not proceed any further.
- (4) The outcome of each Initial Screening Interview shall be final and not subject to any form of review or appeal.

Age, Time and Membership Limits for Applicants

3. (1) The Committee will not consider an application from any person who has not attained the age of eighteen years by the date on which the Committee receives the application.
- (2) The Committee will not normally consider an application from any person who has not been either a member or adherent of the Church of Scotland, or who has not been a member of a denomination belonging to the World Communion of Reformed Churches (WCRC), in any case for a period of 3 years immediately prior to receipt of the application.
- (3) The Committee will not consider an application from any person who in all normal circumstances could not complete the prescribed course before 31 December in the year which is 10 years before the calendar year in which that person will reach UK State Pension Age. The acceptance of a candidate who has delayed commencement of the prescribed course will be discontinued if in all normal circumstances that course could not be completed before 31 December in the year which is 10 years before the calendar year in which that candidate will reach UK State Pension Age.
- (4) The acceptance of a candidate may be reviewed by the Committee if the prescribed course has not been commenced within three years of acceptance.

Submission of Application Form

4. (1) The Council will, on request, issue to each applicant who has fulfilled the requirements as set out in sub-section 2(2) the relevant application form, which shall be completed by the applicant and sent to the Committee by the date determined and supplied by the Council.
- (2) The Council will inform Presbyteries of applicants within their bounds, the appropriate Presbytery being determined according to section 8 of this Act.

Period of discernment and Local Review

5. (1) Following the Council's receipt of their application, the applicant will enter a period of discernment with a Local Mentor. During the period of discernment,

the applicant and the Local Mentor shall explore together the nature of the applicant's call and gifting. The period of discernment shall last for three to six months. The Local Mentor will be chosen by the Committee and shall undertake such training as may from time to time be specified by the Committee. The Local Mentor shall be responsible for supervising the period of discernment according to the guidelines and standards established by the Committee, and shall produce assessment materials as required using such *Indicators for Assessment* document as may be from time to time in use by the Council. During the period of discernment the applicant shall also meet regularly with a representative (or representatives) of Presbytery.

- (2) At the end of the period of discernment the applicant shall proceed to a Local Review. The Local Review will be undertaken by a group consisting of up to two assessors appointed by the Council, the Local Mentor and up to two representatives appointed by the Presbytery.
- (3) In addition, before the end of a period of discernment, the Presbytery or the Council may require that an early Local Review takes place. Such a Review shall be undertaken by the same group as specified in section 5(2) but may only reach a decision in terms of section 5(4) (ii), (iii) or (iv). Sections 5(5) and 5(6) shall still apply.
- (4) Subject to the provisions of section 5(3), arising out of the Local Review, one of the following written decisions shall be reported by the Review to the Committee:
 - (i) That the applicant is ready to proceed to National Assessment in terms of section 6;
 - (ii) That the applicant should undergo a further period of discernment of such length as may be determined by the Local Review before a decision to proceed to National Assessment can be made;
 - (iii) That the applicant is not yet ready to proceed to National Assessment in terms of Section 6;
 - (iv) That the applicant is not suitable to proceed to National Assessment in terms of section 6.
- (5) Applicants in respect of whom a decision is made in terms of paragraph 5(4)(iii) may apply, in each case from one year after the decision of the previous Local Review, to undertake up to two further periods of discernment.
- (6) An applicant shall have the right to request a Committee Review by the Committee in relation to a decision made in terms of paragraph 5(4)(iv). Notification of the intention to request a Committee Review shall be made to the Ministries Council within 28 days of the decision being intimated. The applicant shall be entitled to appear in person and the Chair of the Local Review shall also appear to present the case for the Local Review decision. The applicant may be accompanied by a companion, who shall not be entitled to speak. The decision of the Committee shall be intimated to the applicant within three working days of the Committee Review. If the applicant is dissatisfied with the outcome of the Committee Review, he or she may appeal to the Ministries Appeal Panel in terms of sub-sections 6(5) and 6(6).
- (7)
 - (i) All materials received by the Committee from the Local Review in terms of sub-section (4) above shall be available to those making consideration in terms of sub-section 6(1).
 - (ii) No individual shall serve as an assessor for the same applicant more than

once.

National Assessment

6. (1) The Committee shall make suitable arrangements for the careful consideration of the applicant's character and beliefs, vocation, motivation and general suitability, shall be responsible for accepting or not accepting the applicant as a prospective candidate for the ministry and shall inform the Presbytery of this decision. The Committee may delegate to the Assessment Conference powers to reach decisions on its behalf. Notwithstanding its responsibilities in terms of sub-section 5(2) above, the Presbytery shall be entitled to submit to the Committee written comments on the applicant's character and beliefs, vocation, motivation and general suitability. The Conference shall report its decision to the Committee which shall pass the names of prospective candidates to the Presbytery for nomination as candidates in training for the ministry.
- (2) All applicants who are accepted as candidates shall receive, as part of their training and development, feedback from the Committee on their assessment. Applicants who have not been accepted as prospective candidates shall be offered the opportunity to receive, through the Committee, feedback outlining the reasons for their non-acceptance.
- (3) An applicant who has not been accepted as a prospective candidate may reapply to be considered on up to two further occasions, provided that at least one year elapses between each application. An applicant who has been considered by the Committee on three occasions without being accepted as a prospective candidate may submit a fourth application only with the prior approval of that Committee.
- (4) An applicant who has not been accepted by an Assessment Conference of the Ministries Council shall have the right to request a Committee Review by the Committee subject to the provisions of sub-section 6(6). No person who was part of the decision making process of the Conference shall be part of the review process. Notification of the intention to request a Committee Review shall be made to the Ministries Council within 28 days of the intimation of the decision. At the Committee Review the applicant is entitled to appear in person and to address the Committee. He or she may be accompanied by a companion, who shall not be entitled to speak. A representative shall also appear to present the case for the decision reached in terms of sub-section 6(1). All parties will be in possession of the reports from the Local Review and the Assessment Conference. If the applicant is dissatisfied with the outcome of the Committee Review, he or she may appeal in terms of sub-section 6(6).
- (5) An applicant intending to appeal to the Ministries Appeal Panel against a Committee Review in terms of sub-section 6(4) above may do so subject to sub-section 6(6), and shall intimate such intention within 21 days to the Ministries Council.
- (6) A Committee Review in terms of sub-section 5(5) or 6(4), or an appeal in terms of sub-section 5(5) or 6(5), can only be brought on one or more of the following grounds: (a) that in the course of the Local Review or National Assessment Conference there were irregularities in the process, (b) that the final decision was influenced by incorrect material fact, or (c) that the Local Review or National Assessment Conference acted contrary to the principles of natural justice. For the avoidance of doubt, it shall be competent for the purposes of this Act to

appeal against a decision made in the name of the Ministries Council, and the relevant provisions of Act VI 2007 anent the Ministries Appeal Panel shall apply.

- (7) If the decision at a Committee Review in terms of section 6(4) or at a Ministries Appeal Panel following on from such a Review is to annul the applicant's attendance at a National Assessment Conference ("Conference A") and enable the applicant to attend a further National Assessment Conference as if the applicant had not attended Conference A, then additionally and at its sole discretion, the Committee or the Panel shall have the power to direct that for the purposes of section 3(3) of this Act, the applicant shall be treated as having one additional year to complete the prescribed course. Such a direction may be made once only in respect of any particular applicant.

Nomination by the Presbytery

7. A prospective candidate seeking nomination by the appropriate Presbytery as a candidate for the ministry of the Church of Scotland shall apply in writing to that Presbytery as soon as, but not before, the Council indicates acceptance as a prospective candidate for the ministry.
8. Application for nomination shall normally be made to the Presbytery within whose bounds is situated the congregation of which the prospective candidate is a communicant member. Where a prospective candidate is not yet a communicant member of the Church of Scotland and does not reside within the bounds of any of the Presbyteries of the Church of Scotland, intimation of intention to seek a Presbytery's nomination shall be made in the first instance to the Presbytery of Edinburgh. With the written agreement of that Presbytery such an application may at the appropriate juncture be considered by the Presbytery within whose bounds is situated the University at which the prospective candidate proposes to study, or by the Presbytery within whose bounds he or she fixes his or her residence, always provided that nomination does not precede communicant membership of the Church of Scotland.
9. If satisfied with the prospective candidate's character and beliefs, vocation, motivation and general suitability, the Presbytery shall then nominate him or her as a candidate for the ministry and shall give notice of such nomination to the Ministries Council forthwith.
10. A prospective candidate who has been refused nomination by the Presbytery has the normal right of appeal to the Commission of Assembly. The prospective candidate may in any event submit a re-application for nomination on up to two further occasions, provided that at least one year elapses between each application.
11. Not later than 30 November in each year, the Committee shall draw up a list of persons who have become candidates, and their Presbyteries, and shall send a copy of same to the Clerk of each Presbytery of the Church. (Such a list shall include any previous surnames of candidates where appropriate.) A Presbytery making objection shall do so not later than 28 February, and, if it so wishes, may appoint Commissioners in support of its objection, and such Commissioners shall be heard by the Presbytery receiving the objection. Having considered the objection the

Presbytery shall proceed in one of the following ways:

Dismiss the objection.

Sustain the objection and discontinue its nomination of the candidate.

The Presbytery's decision is subject to the normal rights of appeal or dissent and complaint to the Commission of Assembly.

The Course

12. (1) Immediately following acceptance as a prospective candidate, each candidate shall, for the purposes of section 13(a) below, have a course prescribed by the Committee from amongst the following Courses:
 - (a) Course A shall be followed by candidates who possess a degree (or equivalent qualification recognized by the Council for that purpose) in a discipline other than theology; and shall consist of three years' full-time undergraduate study at an accredited institution leading to the attainment of the BD degree, subject to the provisions of section 14 below.
 - (b) Course B shall be followed by candidates who do not possess a degree (or equivalent qualification recognized by the Council for that purpose); and shall consist of four years' full-time undergraduate study at an accredited institution leading to the attainment of the BD degree, subject to the provisions of section 14 below.
 - (c) Course C shall be followed by candidates who possess a degree (or equivalent qualification) in theology from a recognised institution; and shall normally consist of two years' full-time postgraduate study at an accredited institution, being a course approved in advance by the Committee.
 - (d) Course D shall be followed by candidates currently studying theology in the School of Divinity (however termed) at an accredited institution and having at least two years' study still to complete; and shall normally consist of two years' full-time undergraduate study at that School leading to the completion of the degree.
 - (e) Course E shall be followed by candidates currently studying theology in the School of Divinity (however termed) at an accredited institution and having one year's study still to complete; and shall consist of one year's full-time undergraduate study at that School leading to the completion of the degree and one year's full-time postgraduate study at the same or another accredited institution, being a course approved in advance by the Committee.
 - (f)
 - (i) For the avoidance of doubt, a student or graduate of theology at an institution not recognised by the Council for this purpose shall undertake Course A above, subject to the recognition of course credits by the academic institution at which Course A is to be taken.
 - (ii) For the avoidance of doubt, a candidate currently undertaking theological study at a recognised institution may choose either (A) to proceed in terms of (f)(i) above or (B) to complete their current course and then proceed in terms of Course C above.

- (2) With the permission in advance of the Committee, a candidate following Course A or B may fulfil the requirements of the first year's study through part-time study over two years. For the avoidance of doubt, no candidate may undertake part-time study in any other circumstances.
13. The candidate shall satisfy the Committee of competence:
- (a) in the following areas of study (during the period of academic training specified in section 12 above):
 - (i) Interpretation and use of Holy Scripture, both Old and New Testaments, including an introduction to methods of biblical criticism and analysis;
 - (ii) History of the Church, including the development of the Church of Scotland;
 - (iii) Principal doctrines of the Christian faith and their application to preaching and pastoral work;
 - (iv) Principles of Christian Ethics;
 - (v) Church, Ministry, Worship, Preaching and Sacraments;
 - (vi) Pastoral Care and Theology.
 - (b) in knowledge of the Bible and the Law of the Church, by fulfilling such assessment requirements as are set by the Committee;
 - (c) in all areas of practical knowledge required by the Committee, by active participation throughout their candidature (i) in such residential courses and conferences as are prescribed by the Committee and (ii) in seminars and events provided by the Church college attended by the candidate, such practical training being designed to promote competence in the following areas:
 - (i) Public worship and preaching;
 - (ii) Principles of effective communication;
 - (iii) Speech training;
 - (iv) Sacramental practice in the Church of Scotland;
 - (v) Church law and procedure;
 - (vi) Team working;
 - (vii) Leadership, support and encouragement of volunteers;
 - (viii) The practice of ministry and mission, including the minister as celebrant;
 - (ix) Personal prayer life.
 - (d) in the practice of ministry, by completing to the satisfaction of the Committee the four placements prescribed in section 17 below;
 - (e) in the area of child protection (this requirement to have been completed in advance of undertaking the practical training referred to in paragraph (c) above), and
 - (f) in other areas determined from time to time by the General Assembly.
14. The prior permission of the Committee is required by any candidate who, after starting one course of study, wishes to change course or change University. In the event of such a change of course or University the candidate shall notify the supervising Presbytery.

15-16 Sections 15 and 16 were repealed by Act X 2005.

Placements

17. (1) As part of the Church requirements, four periods of placement work shall be

undertaken by the candidate, and must be completed to the satisfaction of the Committee which shall determine the length and content of each placement. The placements shall normally include three during the academic course (of which two shall be part-time and shall last not less than twenty-five weeks and one shall be a full-time summer placement lasting not less than ten weeks) and one full-time probationary placement of fifteen months commencing on the first day of July, August, September or October in the year of graduation; the Committee shall have power in exceptional circumstances to vary this arrangement. The candidate will not normally be permitted to engage in academic study through a university or college or in remunerative employment or office during the course of the fifteen months full-time placement at the conclusion of the academic course.

- (2) The supervisor of each placement will be chosen by the Committee and shall undertake training as specified by the Committee. The supervisor shall be responsible for supervising the placement according to the guidelines and standards established by the Committee, and shall produce assessment materials as required.
- (3) The assessment materials shall be assessed by the Committee. It shall be competent for the Committee to refuse to sustain a placement.
- (4) The Committee shall obtain from the candidate evidence that he or she has satisfactorily completed the prescribed degree course, whereupon the Secretary shall inform the candidate that he or she has permission to commence the final placement.
- (5) In respect only of the fifteen month full-time probationary placement referred to in section 17(1) above, the Committee shall have power to prescribe a part-time equivalent to the full-time probationary placement, which part-time equivalent shall have the same overall outcome in terms of hours worked and experience gained.

Supervision during Course

18. Throughout the course of training a candidate must remain under the oversight and pastoral supervision of a Presbytery, initially the Presbytery which nominated him or her, and shall inform the Presbytery of any change of address.
19.
 - (1) Where a candidate's permanent place of residence changes following nomination so that the oversight and pastoral supervision of the nominating Presbytery is no longer possible, the candidate shall, within two months of changing residence, apply in writing to the nominating Presbytery, to be transferred to the supervision of the Presbytery within whose bounds he or she now resides. On granting such application the Presbytery shall forward an Extract Minute to that effect to the candidate, to the Presbytery within whose bounds the candidate now resides, and to the Committee. This sub-section shall not apply to candidates who move residence to a University centre for purposes of study, who shall be considered under sub-section (3).
 - (2) Prior to each official meeting with the candidates under its supervision the Presbytery shall initiate consideration of the circumstances of any candidate who has thus changed his or her permanent place of residence but who has not made formal application to transfer. The Presbytery shall thereafter raise with the candidate concerned the question of which Presbytery might most

appropriately be responsible for the continuing supervision, and shall have power to effect a transfer to that Presbytery within whose bounds the candidate now has permanent residence. When such a transfer is effected an Extract Minute to that effect shall be sent forthwith to the candidate, to the Presbytery within whose bounds he or she now resides, and to the Committee.

- (3) A candidate may, in exceptional circumstances, make application to be transferred to the supervision of the Presbytery within whose bounds is situated the University at which he or she is studying or proposes to study. If the application is granted the same procedure shall be followed as in sub-section (1).

Initial Course Meeting

20. (1) At the outset of the candidate's course an Initial Course meeting will be held, attended by the candidate, a representative of the Presbytery, a representative of the Ministries Council and whichever member of the staff of the Ministries Council has been allocated responsibility for the care of the candidate (which staff member may, for this purpose only, act also as the representative of the Council).
- (2) At the Initial Course Meeting the candidate and those representing the Presbytery and the Council shall subscribe an *Expectations and Responsibilities* document and agree academic, practical and personal goals for the candidate in his or her first year in training. At the beginning of each placement a *Learning Covenant* will be agreed by the Supervisor and candidate on placement.
- (3) Other tasks of the Initial Course meeting, and its structure and procedure, shall be as determined from time to time by the Council.

Annual Review

21. (1) An Annual Review meeting shall be held at the end of each academic year in which training has been undertaken, whether or not the candidate has undertaken academic study during that year, and shall be carried out in terms of this section except during the final, fifteen month probationary placement when the provisions of section 22 shall apply. The functions of each meeting shall be to review progress, to affirm or revoke the candidate's status, and to set goals for the coming year.
- (2) In attendance will be the candidate, up to two representatives from each of the Presbytery and the Council, with the appropriate staff member present in an administrative capacity only. The meeting will be convened by one of the representatives of the Presbytery. The candidate may be accompanied by a companion, who may be the supervising minister of the candidate's most recent placement; the companion shall not be entitled to speak. No-one may act as a representative of the Presbytery or of the Council who has not received appropriate training as shall be determined and provided by the Council. For the avoidance of doubt, the representative(s) appointed by Presbytery shall be appointed with powers to make decisions on behalf of the Presbytery.
- (3) At the Annual Review meeting the candidate's progress shall be reviewed, with reference to (a) the *Expectations and Responsibilities* and *Learning Covenant* documents and (b) the draft report prepared in terms of sub-section (4).
- (4) The staff member shall receive written reports from the candidate, the

supervising minister (if any) and the College (if academic study has been undertaken during the year); and shall use them, along with such *Indicators for Assessment* document as may be from time to time in use by the Council and the *Expectations and Responsibilities* document, to prepare a draft report for consideration at the Annual Review meeting. The separate reports and the draft report shall be circulated to all those attending the Annual Review meeting, and at the meeting the report shall be revised and agreed, and thereafter distributed by the Council to the Presbytery representatives and the candidate. If the candidate dissents from the report or any part thereof, his or her dissent and the reasons for it shall be recorded in the report, but shall not alter the status of the report for the purposes of this Act.

- (5) The final report may contain one of the following conclusions:
 - (a) that progress is entirely satisfactory; or
 - (b) that pieces of work require to be completed, or areas of work require to be improved, within a period of time specified in the report; or
 - (c) that an extension of training requires to be arranged by the Council and a further, final Annual Review conducted (this option may be exercised only once in any academic year); or
 - (d) that the candidature should be terminated.
- (6) The candidate may appeal within twenty-one days against a decision in terms of paragraphs (5)(c) or (5)(d) on one or more of the following grounds: (a) that in the course of the Annual Review there were irregularities in the process, (b) that the final decision was influenced by incorrect material fact, or (c) that the Annual Review acted contrary to the principles of natural justice.
- (7) Other tasks of the Annual Review meeting shall be as determined from time to time by the Council.

Final Placement and Sustaining the Course

22. The review process during the final (fifteen month) probationary placement shall be as follows:
 - (1) After six months, an informal review of the placement shall take place, conducted by a member of the Presbytery, the Committee and the appropriate staff member, and any concerns shall be addressed either informally or by recourse to the procedures set out in section 23.
 - (2) A Review shall be held in the twelfth month. This notwithstanding, a Review with full powers may be held at any time at the discretion of the Training Task Group. The Review shall follow the procedure described in s.21; and in addition to the conclusion reached in terms of sub-section 21(5), it shall be decided whether the final placement can be sustained and whether the candidate is fit to be ordained in due course: the Presbytery representative shall be appointed in such a way as to have powers to indicate the final approval of the Presbytery at this stage.
 - (3) Where such approval has been given, the Committee shall satisfy itself that the requirements of sections 13-17 have been fulfilled, including all academic requirements. Provided both requirements are satisfied, the Council shall have the power to issue an Exit Certificate upon completion of the probationary

placement, at which point the candidate shall become a Graduate Candidate and shall then remain under the supervision of the Presbytery within whose bounds the final placement was undertaken, pending ordination to a charge or appointment.

- (4) The Presbytery shall in each calendar year assess in terms of the criteria set out in section 9 above, the general suitability of each Graduate Candidate and, if satisfied, shall issue a Graduate Candidate's Certificate confirming continuing approval, and shall advise the Ministries Council by 31 December. Candidates will have a right of appeal in the event of the Presbytery declining to issue a Certificate.
- (5) A Presbytery must obtain a current Graduate Candidate's Certificate for any Graduate Candidate whose call or appointment is to be sustained by that Presbytery after 31 December of the year in which his or her Exit Certificate was awarded.
- (6) A Presbytery may issue a Graduate Candidate's Certificate on up to three occasions only. Thereafter, in order to obtain a Graduate Candidate's Certificate, the Graduate Candidate must apply for such a Certificate to the Registration of Ministries Committee, following an application procedure equivalent *mutatis mutandis* to that set out in section 27 of the Registration of Ministries Act (Act II 2017) (*Application for Category O registration*).
- (7) Where the Committee has prescribed, under section 17(5) above, a part-time equivalent to the requirement of a fifteen month full-time probationary placement, the Committee may also under this section prescribe equivalent milestones for informal review and for Review, as are appropriate to the arrangements agreed for the part-time probationary placement.

Complaints Procedure

23. Subject always to the provisions of the Discipline Act (Act I 2019), which shall apply in respect of a Disciplinary Complaint (as that term is defined in the Discipline Act) relating to a Candidate, Probationer or Graduate Candidate (as those terms are used in this Act), the provisions of this section shall apply:

- (a) where any party to an *Expectations and Responsibilities* document claims that another party is in breach thereof; or
- (b) where the Presbytery or the Council claim that a candidate has failed to fulfil his/her obligations under the agreed *Learning Covenant*; or
- (c) where a material complaint is made to the Council or Presbytery about the candidate's conduct during training.

Any such claim or complaint shall be intimated by lodging with the Leader of the Training Task Group a written statement providing specific details thereof. The Leader of the Training Task Group shall intimate the statement to all parties to the document or covenant, and the statement shall be retained by the Ministries Council for a period of one year.

24. (1) As soon as is reasonably practicable after receipt of the statement referred to in section 23, one of the Council's staff shall meet with all relevant parties and seek to resolve such claim or complaint to the satisfaction of all concerned.
- (2) In the event that such resolution is not possible, any party to the document or

covenant may request a formal meeting of all parties in order to determine what is required to effect resolution.

- (3) Such a formal meeting shall be attended by up to two representatives of each of the parties to the document or covenant, and shall be called by the Council and shall be convened by a staff member of the Council, who will notify all parties in writing of the conclusions of the meeting. Such notification shall provide details of the consequences that will ensue in the event of failure by any parties to adhere to the conclusions of the meeting.
 - (4) The provisions of this section 24 shall not apply where the Committee makes a resolution in terms of section 25(2) below.
25. (1) In the event that no agreement is reached between parties at such a formal meeting as to the facts, or no agreed resolution is reached; or in the event that any party fails to adhere to the agreed conclusions, the Convener of the Committee shall convene a Hearing of all relevant parties.
- (2) Furthermore, the Committee shall have power to resolve that it will not be possible to reach a resolution under a section 24 process, in which case the Convener of the Committee shall convene a Hearing of all relevant parties without recourse to the procedure set out in section 24.
 - (3) The Hearing shall be held as soon as is reasonably practicable. At such a Hearing the candidate shall be present and may be accompanied by a companion who shall not be entitled to speak. The panel for the Hearing, in addition to the Convener, shall comprise two representatives of Presbytery and two representatives of the Council, none of whom shall have had prior personal involvement with the claim or complaint giving rise to the Hearing. The two representatives appointed by Presbytery shall be appointed with powers to make decisions on behalf of Presbytery. A Council staff member shall attend as an adviser.
 - (4) In the event that the claim giving rise to the Hearing relates to a breach by the Committee, or that the failure is by the Committee, the Hearing shall be convened by the Convener of the Council and not as in sub-section (1) hereof.
 - (5) At the Hearing all parties thereto shall be entitled to present evidence, to question witnesses and to make a concluding statement. At the conclusion of the Hearing, or as soon as may be practicable thereafter, the panel shall issue its decision and advise all parties. Such a decision shall be final and binding on all parties, subject only to appeal to the Ministries Appeal Panel in terms of Act VI 2007 on the following grounds: (a) an error in Church law; (b) breach of the principles of natural justice or material irregularity of process; (c) decision influenced by incorrect material fact; and (d) the severity of any sanction imposed. The intention to appeal shall be intimated to the Council within 21 days of the panel's decision.

Repeals and Amendments

26. Acts V 1985 and V 1998 are hereby repealed.
27. (1) In the following Acts references to Act V 1998 are hereby amended by the substitution of "Act X 2004", and references to sections 26 or 27 of Act V 1998 are hereby amended by the substitution of section 22 of Act X 2004: Act II 2000 s.1; Act III 2001 s. 2; Act IX 2001 ss. 1 and 6; Act IX 2002 ss. 9(1) and 9(3), 11;

Act VIII 2003 s.20(3); Act XV 2003 s.5; Act XIII 2003 ss.1, 4, 6 and 8 (first sentence).

- (2) Act IX 2001 is hereby amended as follows: in section 2 the first sentence is amended to read "Act X 2004, sections 2-11, 16 and 18-21 shall apply to the Diaconate.";
- (3) Act IX 2002 is hereby amended as follows: (a) in section 10, by the deletion of "sections 3 to 12 of Act V 1998 (as amended)" and the substitution of "sections 3 to 11 of Act X 2004"; (b) by the amendment of section 12 to read "For the purposes of this Act, the Appeals procedure shall be that set out in section 6(6) of Act X 2004 Anent Selection And Training For The Full-Time Ministry And Eligibility For Ordination.";
- (4) Act XIII 2003 is hereby amended as follows: (a) in section 7 all references to section 6 of Act V 1998 (as amended) shall be deemed to refer to section 6 of this Act; (b) in section 8 by the deletion of the last sentence.