

Presbytery's Response to Concerns about Ministry Personnel and Pastoral Charges

Within our polity, the presbytery has the responsibility

- to ensure that congregations are safe and healthy places for members and adherents
- to ensure that the people we put in ministry positions function effectively and contribute positively to the life of congregation and the lives of the individuals to whom they minister
- to care for ministry personnel, and to support them in their ministries by ensuring that they are equipped with all the skills needed for their ministries and that any shortfalls are addressed through supportive remedial action

To meet this responsibility, the presbytery must respond whenever it hears concerns about how a pastoral charge or a person serving as ministry personnel is functioning.

There are two parts to the presbytery response to concerns about ministry personnel and pastoral charges:

(i) *the remedial response* (note that remedial means given or intended as a remedy; to make good)

There are a number of tools available for the presbytery to use in responding to concerns. The presbytery must determine the most suitable and helpful tool to use in the particular situation. The presbytery may decide that no remedial action at all is necessary, it may decide to initiate a review under Section 363 of the effectiveness of the ministry personnel, or it may choose to take some action in between those parameters. The choice is up to the presbytery.

(ii) the pastoral response

In addition to choosing the right tool for the situation, the presbytery needs to turn its mind to the pastoral concerns raised by the situation. In some situations, the presbytery may decide that no remedial response is necessary. In all situations, however, a pastoral response is appropriate.

Here are some answers to frequently asked questions to guide the presbytery in deciding how to respond to concerns about a pastoral charge or ministry personnel.

What do we do first?

The presbytery considers the information that is before it. You need to ask whether you even have enough information to respond. Sometimes, when you first learn of a concern, the presbytery will only have information that is vague, confusing, or perhaps so surprising that you do not know what to do.

Are we allowed to make inquiries to get more information about the situation before acting?

Yes. The presbytery should feel free to contact anyone who may be able to provide additional information.

To use an example, the Presbytery Executive receives a letter from an Official Board asking for a review of the effectiveness of its ministry personnel. No one on the executive had been aware of any problems with the ministry personnel. If the letter contains no information other than the request, you will likely need more information before deciding whether or not to order a review or to take some other remedial action. The Presbytery Executive could designate one or two officers to meet with the Official Board and report back. You could also speak to the presbyters from that pastoral charge, or ask the Pastoral Relations Committee to contact the Ministry and Personnel Committee from that pastoral charge and report back. This information will help the Presbytery Executive decide what—if any—remedial action is appropriate in the situation.

Are we allowed to talk to the ministry personnel about the situation? Can we share with the ministry personnel that we have heard concerns about his or her effectiveness?

Yes. There is no reason not to talk to the ministry personnel. That is true whether the concerns have been raised about the pastoral charge or specifically about the ministry personnel. The presbytery is free to share with the ministry personnel what it has heard—and from whom. There is no legal requirement to share that information with the ministry personnel at this stage, but being transparent and frank about the concerns may help to resolve a situation before it becomes a bigger problem requiring more intervention. The minister may respond, “This is all a misunderstanding; I will have a conversation with X and straighten it out.” An early and successful resolution of the matter may be possible in this way, although the presbytery would still need to monitor the outcome to ensure that concerns have been resolved.

Do we have to take any action at all?

The presbytery must respond to every concern that comes to its attention about a pastoral charge or someone serving as ministry personnel. That does not mean that you need to take action every time that you hear of a concern—or even if you receive a request for specific action. It is always up to the presbytery to discern whether any action is warranted—and if so, which action. A decision to take no action can be an appropriate, intentional response. The key to the presbytery meeting its responsibility is that it must actually turn its mind toward whether or not to take action. If the presbytery chooses not to take action, that is its right.

To use an extreme example, if you receive a letter complaining that the members of a pastoral charge are actually aliens plotting to take over the world, you may choose not to take action at all on the letter. If you receive a letter requesting the presbytery to reprimand a minister for wearing jeans while doing errands in town on a Saturday, you might again choose to take no action. In both cases, the presbytery could respond with a letter indicating that no action will be taken, perhaps with an explanation. In both cases—as always—it is appropriate to include a pastoral response.

We have just received a letter signed by eight members of the congregation, not ten. The letter was sent to presbytery directly, not properly transmitted through the Official Board. The letter raises some serious issues about what is happening in the pastoral charge and with the ministry personnel. What do we do?

Under Sections 333 (for pastoral charges) and 363 (for ministry personnel), concerns about a pastoral charge or ministry personnel may be brought before the presbytery in a number of ways. One way is by a proposal properly transmitted with concurrence or non-concurrence through the Official Board or Church Board or Church Council to the presbytery and signed by ten persons in full membership of the pastoral charge or congregation. You should indicate to the eight members that their letter doesn't meet the requirements for a proposal, and explain to them the proper procedure for getting a proposal before the presbytery.

What if we never receive a properly transmitted proposal? After reading that letter from eight members, we are very concerned about what is happening in the pastoral charge and with the ministry personnel. May we still order a 333 or 363 review without a proposal?

Yes. Under Sections 333 (for pastoral charges) and 363 (for ministry personnel), concerns about a pastoral charge or ministry personnel may be brought before the presbytery in a number of ways, including by the presbytery itself. Since eight members of the congregation have described the situation in a letter to the presbytery, the matter has been brought to your attention. It would be absurd—factually untrue—to take the position that you didn't know about the situation. If a valid proposal is never submitted to the presbytery, it still has the option of taking action based on its knowledge of the situation, no matter how the presbytery gained that knowledge. As mentioned above, the presbytery does not have to take action just because information has come to its attention. But you have the right to do so. And you have the responsibility to determine whether action should be taken in any situation that has come to your attention.

We have received a letter from an Official Board stating that the ministry personnel in that pastoral charge is ineffective, and asking for a review under Section 363. Does the presbytery have to order a review?

No. It is always up to the presbytery to decide whether or not to order a review. You must decide whether the letter—and any other information that the presbytery has about the situation—raises enough of a question for the presbytery about the effectiveness of the ministry personnel that a review is warranted. That is the presbytery's decision, not the pastoral charge's. You may respond to the request by ordering a review. You may decide to take some other remedial action, such as referring the matter to the Pastoral Relations Committee for follow-up action, or holding a meeting with the Official Board and the ministry personnel to explore the matter.

Again, as a pastoral matter, it is important for the presbytery to communicate its concern and care for the pastoral charge in any response to the Official Board.

Does it matter at all how the information comes to presbytery's attention?

As the body with oversight of pastoral charges and ministry personnel, the presbytery has the right to intervene regardless of the way in which the matter comes to its attention. The oversight provisions of *The Manual* are broad enough to allow for that. But the presbytery may consider the way in which the matter came to its attention as one of the factors in assessing the seriousness of the situation, the need to respond, and the best way to respond. If, for example, a letter came to the presbytery from one disgruntled member of a congregation complaining about the ministry personnel's effectiveness, you might choose to refer the letter to the congregation's Ministry and Personnel Committee for response. If, on the other hand, the letter came from the Official Board of the congregation, you would need to give it greater weight, since it would represent the views of the governing body of the congregation.

Should the presbytery try other options first before ordering a 333 or 363 review?

Reviews can be costly. They require hundreds of hours of volunteer and staff time for conducting the review, providing input and advice, and implementing the outcome. The process can be a very stressful one for all participants, particularly for the ministry personnel who is the subject of a 363 review. At the same time, reviews can be a very effective way of identifying and correcting behaviours that damage pastoral relationships and the people involved in them. With all of that in mind, you may wish to consider other options first.

What other options might the presbytery consider before ordering a review?

Here are some options. This list is not exhaustive and you are encouraged to contact the Conference executive secretary or personnel minister for assistance in a particular situation. The presbytery might consider

- ordering a pastoral oversight visit and then responding to the recommendations that result from that visit.
- in cases where there seems to be a defined problem in the pastoral charge, appointing a conflict resolution facilitator to work with the pastoral charge. The facilitator may hold a

meeting or series of meetings to help the pastoral charge explore the issues and resolve them internally.

- where the main need is for venting or grieving a particular loss, appointing a listening team to hear concerns in a situation. (*Note:* A listening team does exactly that—it listens. It has no mandate to make findings or recommendations. That is the role of a review committee.)
- where the concerns seem to arise from a conflict between the ministry personnel and individuals or groups within the pastoral charge, appointing a conflict resolution facilitator to mediate conversations between them.
- asking a few presbyters (perhaps respected elders within the presbytery) to conduct a pastoral visit to the ministry personnel to offer support and guidance in addressing a matter before it becomes a serious source of concern.
- referring the matter to a presbytery committee that has expertise over the subject matter of the concern, for example, to the Education and Students Committee where there are concerns about someone serving as candidate supply.

The presbytery should consider and address the pastoral needs of the individuals involved in the situations, regardless of which option is chosen for a response.

The presbytery has tried one of the options listed above but it doesn't seem to be working. Should we try something else?

The presbytery should not allow concerns about a pastoral charge or ministry personnel to continue at length without resolution. If there is a delay in resolving an outstanding concern, the situation may actually become worse. You need to monitor the situation closely by asking for frequent reports from the people who are attempting to resolve the concerns on presbytery's behalf. If the first strategy isn't producing good results, you should consider another option.

At what point should we order a review?

The "test" for ordering a review is set out in each of the relevant sections of *The Manual*.

For a 333 review, the test is whether "there is reason to fear that a pastoral charge is in an unsatisfactory state." What matters here is the presbytery's opinion of whether there is reason to fear that the pastoral charge is in an unsatisfactory state—not the pastoral charge's opinion, nor the opinion of the ministry personnel or any individual member. While the matter may be brought before the presbytery by one of these other people or bodies, it is the presbytery's assessment of the matter that determines whether or not a review takes place.

Members of the presbytery (usually the executive) will each need to discern how they will vote on whether to order a 333 review. It may be helpful for presbyters to ask: "Knowing all the information that has been provided to me, if this were my pastoral charge, would I believe that there is reason to fear that it is in an unsatisfactory state? Would I think that a review would be the correct response if this were my pastoral charge?" Putting the question in that way may make it easier to decide whether a review is appropriate.

For a 363 review, the test is whether “there is a question about the effectiveness of ministry personnel, the failure of ministry personnel to maintain the peace and welfare of the church, or a ministry personnel who refuses to recognize the authority of the presbytery.” Again, what matters here is the presbytery’s opinion of whether or not there is a question in any of these three areas—not anyone else’s opinion. If the presbytery decides that there is a question, it must order a review.

As for a 333 review, members of the presbytery (usually the executive) will each need to discern how they will vote on whether to order a 363 review. It may be helpful for presbyters to ask: “If this ministry personnel were serving in my pastoral charge, would I say that there was a question about his or her effectiveness, ability to maintain peace and welfare, etc., knowing all the information that has been provided to me? Would I think that a review would be the correct response if this were my minister?” Personalizing the issue in that way may make it easier to decide the question.

Remember, by ordering a 363 review based on one or more these grounds, the presbytery is not making any assumption that the ministry personnel is ineffective, nor deciding that the ministry personnel has failed to maintain the peace and welfare of the church, nor concluding that the ministry personnel has refused to recognize the authority of the presbytery. Rather, you are stating that the presbytery has enough information and enough concern in one or more of these areas that the presbytery believes a question has been raised—and that the question needs to be investigated in order to be answered.

What if it’s not clear whether the problem is with the pastoral charge or the ministry personnel? Do we order a 333 review or a 363 review?

There are a few ways of dealing with this situation.

If the presbytery chooses to conduct a 333 review first and the 333 Review Committee concludes that the problem is with the ministry personnel, the 333 Review Committee may recommend a 363 review. Legally, a 333 Review Committee has no power to make any recommendations relating to the ministry personnel except to recommend a 363 review. The presbytery may then order a 363 review, but it may be experienced by many members of the pastoral charge as a duplication of the process in which they already provided input indicating that the ministry personnel was the problem. It may be difficult to get people to participate in a second review process, and the delay caused by two consecutive reviews may make it more difficult ultimately to resolve the problems, if it turns out that they involve the ministry personnel.

If the presbytery chooses to conduct a 363 review first, the 363 Review Committee does have the power to recommend remedial action for both the ministry personnel and the pastoral charge. But where it is not clear that the problem lies with the ministry personnel or the pastoral charge, the “stigma” of the review will attach to the ministry personnel because it is a 363 review, not a 333 review. And unlike for a pastoral charge in a 333 review, a minister who has undergone a 363 review may worry about the consequences that the review will have for future ministry employment prospects. The ministry personnel may feel unfairly targeted when there is just as much reason to conduct a 333 review.

One solution is for the presbytery to order both a 333 review and a 363 review to take place concurrently, rather than consecutively. In fact, the presbytery could consider giving the same review committee a mandate to conduct both reviews. It would, however, be more work for a review committee, in terms of sorting through the input they receive as it relates to pastoral charge or ministry personnel. If you are considering this option, consult the Conference executive secretary or personnel minister for assistance around establishing a clear mandate and process at the outset.

What if the issue seems to be a medical one for the ministry personnel, e.g., severe depression, alcoholism?

It is possible to address health concerns through a 363 review, since one of the possible recommendations is for the ministry personnel to undergo a medical assessment. But if the only concerns raised about the ministry personnel relate to health, there may be quicker ways of assisting the ministry personnel in getting needed help. Contact the Conference personnel minister for guidance in dealing with such situations.

Our presbytery has just learned of a serious issue involving one of our ministry personnel. Because of this person's high involvement and profile in the presbytery, many presbyters will be reluctant to act. What do we do?

Where a presbytery believes that it cannot take action for any reason, there are a couple of options. The presbytery may order a review and appoint a review committee that consists of United Church members from outside the bounds of the presbytery. Or it may ask the Conference to take action on its behalf. The Conference—under Section 329 of *The Manual*—has the power to step into the shoes of the presbytery and take any action on the presbytery's behalf that the presbytery could take itself. You may be specific in requesting a particular action by the Conference, for example, that the Conference conduct a 363 review (including both appointing the review committee and making decisions in response to the review committee's recommendations). The Conference would then decide whether or not to grant the request. Alternatively, the presbytery may refer an entire matter to the Conference and leave it to the Conference to discern how best to respond to the matter.

To Summarize

- Do not ignore concerns! Take all concerns seriously no matter how they come to the presbytery's attention.
- Consider whether you have enough information to decide on the appropriate response. If not, decide how to gather more information—and do so.
- Decide how seriously you need to respond to the concerns. Is any action at all required?
- If action is required, should other options be explored before a review is ordered? Is the right option to order a review?
- If the presbytery is unable to deal with the situation for any reason, ask the Conference to act on your behalf.
- Ensure that pastoral needs of all concerned are attended to, no matter what the outcome is.