

## JUDICIAL PROCEEDINGS PANEL

### Membership

#### 1. Introduction

- 1.1 The establishment of a Judicial Proceedings Panel was proposed by the Legal Questions Committee of the Church of Scotland in 2011. The proposal was sent to all Presbyteries for consideration under Barrier Act procedure and, having been approved by an overwhelming majority, was approved by the General Assembly of 2012. The Panel was set up from 1 January 2013.
- 1.2 Responsibility for dealing with complaints against Ministers, Licentiates, Graduate Candidates and Deacons of the Church remains with Presbyteries. Presbyteries are also responsible for handling complaints against Elders, Readers and Office bearers. Presbyteries are now required to appoint their own Special Committees from the membership of the national Judicial Proceedings Panel rather than from the membership of Presbytery itself. Such Special Committees will conduct the investigation and, if appropriate, prosecute any cases arising.
- 1.3 The positions are unpaid. Reasonable travel and other expenses will be paid, in accordance with the Church's policies on reimbursement of expenses for members of Councils and Committees.

#### 2. Eligibility

- 2.1 There are currently 35 members of the Judicial Proceedings Panel, appointed by the General Assembly on the recommendation of the Nomination Committee. The Legal Questions Committee determines from time to time how many members are required to populate the Panel. Appointments are for three years with the option of serving further consecutive terms.
- 2.2 Each member must be a Minister, Deacon or Elder of the Church of Scotland with suitable experience in the law and practice of the Church. Each Special Committee will be made up of three members chosen from the Panel and in all cases one of the members of the Special Committee will be a minister and another an elder. One of the three people will act as convener of the Special Committee and will be expected to lead the investigation and, if necessary, take the case through the prosecution process (albeit paid qualified legal assistance may be available to the Special Committee for the prosecution of cases involving Ministers, Licentiates, Graduate Candidates and Deacons).
- 2.3 We are therefore seeking to recruit people who have experience in the law or in the law and practice of the Church of Scotland. A legal qualification would be helpful but is not essential for all members of the Panel. We are also seeking people who have the right skills to assist in the investigation of complex cases. These could include:
  - possession of an understanding of the life, culture and language of the Church of Scotland
  - ability to identify sources of evidence
  - ability to understand and work within Church, legislative and ethical requirements
  - ability to gather evidence from a range of different persons
  - skills in planning and conducting formal investigative interviews

- robust analytical skills
- strong drafting skills and the ability to prepare clear statements and reports
- presentation skills
- diligence and persistence
- personal resilience

Training and support will be provided by the Legal Questions Committee of the Church.

- 2.4 Special Committees may be required in any area of Scotland (and occasionally in England) and we therefore welcome applications from people based around the country. Members of the Panel may, however, be required to travel. Special Committees are often required at short notice. It is therefore hoped that members of the Judicial Proceedings Panel will be able to be reasonably flexible and that if they agree to serve on a Special Committee, the task will be made a priority.
- 2.5 It is not easy to estimate the time commitment for Panel members. It is likely that initial training will comprise one full day and that there will be opportunities for those new to this kind of work to observe Special Committees in operation or to shadow other people. Once appointed to a Special Committee, the time commitment will depend on the complexity of the case but could amount to several days' work, or longer in cases which are prosecuted before the Presbyterial Commission.
- 2.6 Potential candidates who would like more information are invited to contact the Principal Clerk, the Rev Dr George J Whyte (telephone 0131 225 5722 or email [gwhyte@churchofscotland.org.uk](mailto:gwhyte@churchofscotland.org.uk)).

### **3. Applications**

- 3.1 We invite those interested in applying to complete the Nomination Committee's pro-forma in the first instance, attaching a curriculum vitae. This should be submitted to the Principal Clerk (email [gwhyte@churchofscotland.org.uk](mailto:gwhyte@churchofscotland.org.uk)). Please note that we may require two references, one from your Minister or Presbytery Clerk and another from a person who can provide evidence that you possess some of the required skills and abilities. It is not necessary to submit references in advance; where required we will seek these ourselves at a later stage in the process.
- 3.2 Applications will be considered in the first instance by the Legal Questions Committee, working with the Nomination Committee of the Church of Scotland. Candidates may be invited to interview.