

## General Assembly 2019 podcasts

By Laurence Wareing with Simon Bendle

### 2. Saturday 18 May: afternoon

*[We begin this afternoon with a correction to this morning's summary. Maqsood Bakhsh, mentioned by the Very Revd Susan Brown in her review of the past year, is not a commissioner to this General Assembly but has been a commissioner in the past.]*

The afternoon session opened with the report of the returns to Overtures, presented by the Principal Clerk, the Revd George Whyte. The report concerned the proposed conversion of an Overture on Discipline into an updated law of the Church. It is legislation designed to take into account the maxim "justice must not only be done; it must be seen to be done". The Overture has been considered by presbyteries during the past year, and comments have been taken on board in finalising the wording. The updated legislation was accepted by the Assembly.

In the report of the Legal Questions committee that followed, the convenor, the Revd George Cowie, noted that a good deal of work has been undertaken to support the new Discipline Act, including the production of a Guidance document, which it is hoped will provide particular support for respondents by clearly setting out each step of the discipline process.

The committee has held back from proposing new legislation relating to membership of the three church courts (Assembly, Presbytery and Kirk Session) but does wish the Assembly to approve a "more flexible approach towards Kirk Session membership" – in particular allowing the option of elders, who are "ordained for life", to be appointed to a Kirk Session on a "fixed-term" basis. This proposal ties in with similar and complementary suggestions in the reports of the Mission & Discipleship Council and the Committee on Structural Reform, to be heard later in the week.

The committee is also asking that it be allowed to prepare a peer-review process for Presbyteries. This has been trialled over the past two years with 19 presbyteries participating. The process allows a presbytery to undertake a detailed assessment of "where we are now" and "where we are heading".

The other matter still under consideration by the Legal Questions Committee is the preparation of legislation that would enable ministers and deacons who wished to do so to solemnise same-sex marriages, with a view to assuring individuals that they will be sufficiently protected against risk. Proposed legislation will be brought to the Assembly of 2020.

A commissioner asked what purpose annual inspections of congregations' records served, since these sometimes caused some anxiety and could prove time-consuming. Mr Cowie said that inspections

were necessary as they helped indicate when congregations were struggling, adding that guidance and advice could be made available where needed to make the process easier.

The Revd Allan McCafferty put forward a motion instructing the committee to consider whether in principle any person who has faced disciplinary proceedings and been found to have done nothing wrong should have his or her legal expenses covered from the Church's central funds. Mr Cowie said the committee was happy to look into this matter, and also at the possibility of legal expenses insurance, and report back to the Assembly next year.

At this point an Overture from the Presbytery of Inverness was presented, which made particular requests of the Legal Questions Committee.

The Assembly heard that, following four and a half years preparing a revised presbytery plan (described as a "painful process"), one of the presbytery's kirk sessions appealed against the proposals within it – and after a failed attempt to put part of the plan on hold, it emerged that litigation was the only option open to the two parties. Eventually, though the Kirk Session withdrew its appeal – the only way in which the process could be stopped – trust between the session and the presbytery had broken down. It was felt that had some form of Assisted Dispute Resolution (ADR) been immediately availed, this would have eased a way forward.

Speaking for the Presbytery rather than as an Assembly official, the Revd Fiona Smith said: "Trust is precious, and we as a body of Christ need to find ways of recognising this truth when it comes to ways of dealing with disputes." At present the Appeals Act doesn't offer ADR as an option; which means the formal legal procedures take over as soon as an appeal is brought forward. The Overture asked the Legal Questions Committee to review and consider proposing amendments to the Appeals Act "to specifically draw to the attention of parties to a dispute the possibility of resolving the dispute by means of ADR, and draft guidelines to assist parties in facilitating such an approach.

Two commissioners felt that the Place for Hope scheme already in place might offer an alternative approach in situations of dispute, but one felt that bespoke arrangements for presbytery planning disputes would also be helpful.

The convenor said that the Overture "makes a very good point"; that it is never advantageous for church groups to enter into litigation. He was very happy to accept the Overture's requests, adding that ADR might be useful to have "in the tool box" in the context of presbytery planning.

With that, the deliverance of the Legal Questions Committee as a whole was accepted. Mr Cowie now stands down from his convenorship. During his period of office, a number of sensitive, even divisive,

issues have been brought to the committee's attention, and he was thanked for the "patience, persistence and technical dexterity" he brought to the role.

Turning to the Council of Assembly, Ms Sally Bonnar, the Convener, opened by quoting what is termed the Stockdale paradox, an idea derived from the story of James Stockdale, a Squadron Commander for the United States during the Vietnam War: "You must retain faith that you will prevail in the end, regardless of the difficulties. . . AND . . . at the same time you must confront the most brutal facts of your current reality, whatever they might be."

The Council's work since last year has been devoted largely to developing a radical plan for action for the future work of the Church. The council itself had requested the setting up of a Special Commission with a remit to look at governance and structure. Ms Bonar said that the Commission's report, together with the Council's own plan, and proposals from the General Trustees *together* form a Radical Action Plan. She noted that, "by the end of the week, things may look very different".

While also flagging up issues to be addressed later in the week, the main focus from the Council for today was on finances and property. Commissioners heard that:

- Income has been maintained overall.
- The overall deficit in 2018 was £4.4 million pounds and the operational deficit for the year 2019 remains high at £4.5 million pounds. This is not an acceptable position.
- Progress *is* being made in controlling the deficit – currently projected for 2020 at the lower amount of £2.9 million pounds.
- Work is being progressed by the Law and Finance departments to review the 450 different funds that exist within the Church. Sixty of them have been formally re-organised.
- Finally, while not being complacent about the Church's financial position, Ms Bonar said it was important to recognise the high impact of work done by Christian communities locally and nationally – not least in the area of social care provision.

Ms Bonnar ended by welcoming a new partnership with the worldwide "Thy Kingdom Come" movement, which focuses on the period of Ascension to Pentecost which follows closely on this General Assembly. She hoped that many individuals and congregations will sign up to be a part of this movement for prayer. "Although the Council is largely concerned with matters of Governance and Finance", she concluded, "praying is far and away the most important thing in which we engage".

Turning to questions, the Revd Howard Hudson asked why the value of having national offices in Edinburgh outweighs other options, such as relocating them to another part of the country. In

response, the convener gave three reasons, aside from simply the financial impact of such a move: 1. a move would result in a significant turnover of staff at a critical time of change; 2. supporting the Church's declared bias to using public transport, it's important that the offices should be in a city centre; 3. the location of the office should be easily accessible for visitors and partner organisations – not just the Church of Scotland's own members and staff. However, Ms Bonar did indicate that none of this means the offices necessarily have to remain in their *current* Edinburgh location.

Asked if consideration was being given to selling off the Assembly Hall and building an integrated assembly and office facility the convenor had a one-word response: Yes.

The Revd Dr Martin Fair was struck by the fact that, since 2013, the number of professions of faith has more than halved. What are we doing, he asked, that so few people are finding Christ and then going on to make a profession of faith within our denomination? Another commissioner said that, in her experience, there are those who regard themselves as Christians but don't feel any need to take up membership of a congregation. The issue of profession of faith is, as another commissioner pointed out, being looked at by the Theological Forum, which will report on the matter next year.

All sections of the deliverance *unrelated* to the Radical Action Plan – which will be debated on Tuesday – were accepted by the commissioners, as were those sections of the Supplementary Report relating to the tabled accounts and proposed congregational contributions in 2020.

This brought business for the day to a close. As well as the Heart & Soul event, Assembly worship will take place tomorrow at St Giles Kirk and (in Gaelic) Greyfriars' Kirk. We will return on Monday, when business will focus on the report of the Special Commission and the Social Care Council.