

Community of Faith Reviews

January 2019



The United Church of Canada
L'Église Unie du Canada

Community of Faith Reviews (January 2019)



Copyright © 2019
The United Church of Canada
L'Église Unie du Canada



The content of this resource is licensed under the Creative Commons Attribution Non-commercial No Derivatives (by-nc-nd) Licence. To view a copy of this licence, visit <http://creativecommons.org/licenses/by-nc-nd/2.5/ca>. Any copy must include the United Church copyright notice and the Creative Commons licence.

Care has been taken to trace ownership of copyright material contained in this text. The publisher will gratefully accept any information that will enable it to rectify any reference or credit in subsequent printings.

The United Church of Canada
L'Église Unie du Canada
3250 Bloor St. West, Suite 200
Toronto, Ontario
Canada M8X 2Y4
1-800-268-3781
www.united-church.ca



Supported by
Mission & Service

Design: Ian Ball, Graphics and Print

Contents

Overview of the Review Process 4

Concerns about Communities of Faith: Regional Council’s Response 4

Best Practices for Reviews 9

Writing the Report. 17

Community of Faith Reviews 20

Summary of the Community of Faith Review Process 20

To the Regional Council Regarding a Community of Faith Review. 22

Checklist for Regional Council Conducting a Community of Faith Review 27

Checklist for Reviewer Conducting a Community of Faith Review 30

About This Resource

This resource contains information, guidance, and advice on the best ways to live out mandatory policies and procedures. You are encouraged but not required to follow these best practices. Following these best practices will help ensure compliance with secular law requirements that apply to reviews.

Please refer to the current edition of *The Manual*.

OVERVIEW OF THE REVIEW PROCESS

Concerns about Communities of Faith: Regional Council's Response

Within our polity, the regional council has the responsibility to ensure that congregations and other communities of faith are safe and healthy places for members and adherents.

Whenever the regional council hears concerns about how a community of faith is functioning, it must respond.

There are two parts to the regional council response to concerns about communities of faith:

- **The remedial response:** *Remedial* means intended as a remedy; to make good. The regional council must determine the most suitable tool to use in the situation. It may decide that no remedial action is necessary, it may decide to initiate a community of faith review under Section J.4 of *The Manual*, or it may choose to take some action in between those parameters. The choice is up to the regional council.
- **The pastoral response:** In addition to choosing the right tool for the situation, the regional council needs to turn its mind to the pastoral concerns raised by the situation. A pastoral response is always appropriate.

Here are some answers to frequently asked questions to guide the regional council in deciding how to respond to concerns about a community of faith.

What do we do first?

The regional council considers the information that is before it. Ask whether you have enough information to respond. Sometimes, when you first learn of a concern, you 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 regional council should feel free to contact anyone who may be able to provide additional information.

To use an example, the regional council executive receives a letter from the governing body of a community of faith asking for a review of the state of the community of faith. No one on the executive had been aware of any problems in the community of faith. If the letter contains no information other than the request, you will likely need more information before deciding how to respond. The regional council executive could designate one or two officers to meet with the governing body and report back. You could also speak to the regional council representatives from that community of faith. This information will help the regional council executive decide what—if any—remedial action is appropriate in the situation.

Are we allowed to talk to the ministry personnel who serve the community of faith about the situation or the concerns that we have heard?

Yes. There is no reason not to talk to the ministry personnel about the concerns that have been raised about the community of faith. The regional council is free to share with the ministry personnel what it has heard—and from whom. There is no legal requirement to do so at this stage, but being frank about the concerns may help to resolve a situation before it becomes a bigger problem. For example, the minister may respond, “This is all a misunderstanding; I will have a conversation with the chair of the governing body and straighten it out.” An early resolution of the matter may be possible, although the regional council would still need to monitor the outcome to ensure that concerns have been resolved.

Do we have to take any action at all?

The regional council must respond to every concern that comes to its attention about a community of faith. That does not mean that you need to take action, even if you receive a request for specific action. It is always up to the regional council to discern whether an action is warranted—and if so, which action. To meet its responsibility, the regional council must turn its mind toward whether or not to take action. If the regional council 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 community of faith are actually aliens from outer space, you may choose not to take action on the letter. The regional council could respond with a letter indicating that no action will be taken, perhaps with an explanation. As always, it is appropriate to include a pastoral response.

We have just received a proposal requesting a review signed by six members of the congregation. The proposal was sent to the regional council directly, not properly transmitted through the community of faith governing body, and it raises some serious issues. What do we do?

Under Section J.4 of *The Manual*, concerns about a community of faith may be brought before the regional council in a number of ways. One way is by a proposal properly transmitted through the governing body of the community of faith and signed by 10 full members of the community of faith. You should indicate to the six 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 regional council.

What if we never receive a properly transmitted proposal? After reading that letter from six members, we are very concerned about what is happening in the community of faith. May we still order a community of faith review without a proposal?

Yes. Under Section J.4 of *The Manual*, concerns may be brought before the regional council in a number of ways, including by the regional council itself. Since six members of the community of faith have described the situation in a letter, the matter has been brought to your attention. It would be factually untrue to take the position that you didn’t know about it. If a valid proposal is never properly transmitted, the regional council still has the option of taking action based on its knowledge of the situation, no matter how you gained that knowledge. The regional council does

not have to take action, but you have the right to do so. 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 a governing body of a community of faith asking for a review under Section J.4 of The Manual. Does the regional council have to order a review?

No. It is always up to the regional council to decide whether or not to order a review. You must decide whether the letter—and any other information that the regional council has about the situation—raises enough of a question for the regional council about the state of the community of faith that a review is warranted. That is the regional council's decision, not the community of faith'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 appropriate regional council body for follow-up action, or holding a meeting with the governing body of the community of faith to explore the matter.

Again, as a pastoral matter, it is important for the regional council to communicate its concern and care for the community of faith in any response to the governing body.

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

As the body with oversight of communities of faith, the regional council has the right to intervene regardless of the way in which the matter comes to its attention. But the regional council may consider the way in which the matter came to its attention as one factor in assessing the seriousness of the situation and the best way to respond. If, for example, a letter came from one disgruntled member of a community of faith complaining about the community of faith's treasurer, you might refer the letter to the community of faith's governing body for response. If the letter came from the governing body of the community of faith, you would need to give it greater weight.

Should the regional council try other options first before ordering a community of faith review?

Reviews can be costly. Hundreds of hours of reviewer, volunteer, and staff time go into conducting the review, providing input, and implementing the outcome. The process can be stressful for all participants. At the same time, a review can be an effective way of identifying and correcting behaviours or structures that negatively impact communities of faith. With all of that in mind, you may wish to consider other options first.

What options might the regional council consider before ordering a review?

Here are some options. This list is not exhaustive, and you are encouraged to contact the regional council executive minister for assistance in a particular situation. The regional council might consider

- asking the community of faith to update its profile, reviewing the profile, and following up with any issues revealed by the profile
- appointing a conflict resolution facilitator to work on a defined problem with the community of faith; the facilitator may meet with the community of faith to explore the issues and resolve them internally

- when the main need is for venting or grieving a loss, appointing a listening team (*Note: A listening team does exactly that—it listens. It has no mandate to make findings or recommendations. That is the role of a reviewer.*)
- appointing a conflict resolution facilitator to mediate conversations between individuals or groups within the community of faith

In any case, the regional council should address the pastoral needs of the individuals involved in the situation.

The regional council has tried one of these options but it isn't working. Should we try something else?

The regional council should not allow concerns about a community of faith to continue at length without resolution. A delay in resolving a concern may allow it to get worse. Monitor the situation closely through frequent reports from those who are attempting to resolve the concerns on the regional council's behalf. If the first strategy isn't producing results, you should consider another option.

At what point should we order a review?

For a community of faith review, the test is whether the regional council has a concern about the state of the community of faith. What matters here is the regional council's assessment of whether a review is warranted—not the community of faith's opinion, nor the opinion of the ministry personnel or any individual member. The matter may be brought before the regional council by one of these people or bodies, but the regional council determines whether or not a review takes place.

Members of the regional council (usually the executive) each need to discern how they will vote on whether to order a community of faith review. It may be helpful to ask: "Knowing all the information that has been provided to me, if this were my community of faith, would I believe that the concerns about the state of the community of faith warrant a review?"

What if it's not clear whether the problem is with the community of faith or the ministry personnel? Do we order a community of faith review or ask the Office of Vocation to order a ministry personnel review?

There are a few ways to deal with this situation.

If the regional council chooses to conduct a community of faith review first and the reviewer concludes that the problem is with the ministry personnel, the reviewer may recommend that the Office of Vocation conduct a ministry personnel review. If the Office of Vocation then orders a ministry personnel review, it may be experienced by many members of the community of faith as a duplication of process. 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.

One solution is for the regional council and the Office of Vocation to order a community of faith review and a ministry personnel review, respectively, to take place concurrently. In fact, the same reviewer could be given a mandate to conduct both reviews. The reviewer would have the additional work of sorting through the input they receive as it relates to the community of faith or ministry personnel. If you are considering this option, consult the Office of Vocation for assistance in establishing a clear mandate and process at the outset and coordinating the two reviews.

To Summarize

- Do not ignore concerns! Take all concerns seriously no matter how they come to the regional council'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 action required?
- If action is required, consider whether to order a review or explore other options first.
- Ensure that pastoral needs of all concerned are attended to, no matter what the outcome is.

Best Practices for Reviews

The regional council has oversight of communities of faith. When there are concerns about a community of faith, the regional council has an obligation to take appropriate action under *The Manual*:

J.4 Regional Council Action—Communities of Faith

The regional council is responsible for the oversight of communities of faith. It must take seriously any concerns that come to its attention about the state of a community of faith within the bounds of the regional council.

These concerns may be raised by

- a) the regional council itself, including any member or committee of the regional council;
- b) the ministry personnel called or appointed to the community of faith;
- c) the pastoral charge supervisor;
- d) the governing body of the community of faith; or
- e) a proposal signed by 10 full members of the community of faith that the community of faith's governing body has passed on to the regional council.

The regional council must decide on the appropriate action to take in response to the concerns.

One appropriate action to respond to concerns about a community of faith is to conduct a review.

The section in *The Manual* does not contain much guidance as to *how* a review process is to be carried out. The best practices contained in this resource are offered to assist those involved in the review process. They contain advice only. They are not mandatory, and there may be valid reasons for doing things differently in a particular case. In all cases, however, it is mandatory for the regional council, the reviewer, and all others involved in the review process to comply with the requirements of *The Manual* and of natural justice under the secular law. The consequences of not complying with these requirements are serious: the decision resulting from the review may be overturned on appeal or by the secular courts. For this reason, the United Church legal/judicial counsel strongly recommend that these best practices be followed.

Please refer to the current edition of *The Manual*.

Selecting a Reviewer

What, in a nutshell, does the reviewer do?

In a community of faith review (see Section J.4 of *The Manual*), the reviewer investigates the state of the community of faith, gathers information about it, makes findings based on that information, and makes recommendations to the regional council based on those findings.

Appointing the reviewer

Under Canadian law, the regional council is entitled to conduct a review under Section J.4 of *The Manual* provided the review process complies with the legal requirements of natural justice. *The Manual* does not specify a process for conducting reviews, nor does it indicate who may conduct the review.

The regional council appoints one reviewer from a pool of trained individuals to conduct the review. The Office of Vocation maintains a list of reviewers and can suggest appropriate people from a different regional council. The individual reviewer is selected on the basis of immediate availability and extensive experience in the administrative work of the church, and receives a fee for providing the service.

The regional council should also arrange for one person (perhaps an officer or another member of the regional council) to serve as a local arrangements coordinator for the reviewer. That would include booking a location for interviews, making appointments for interviews, making accommodation arrangements for the reviewer, and assisting with practical details on the days of the interviews (greeting people to be interviewed, showing them where to wait, etc.).

How is the reviewer appointed?

The regional council must adopt a motion appointing the reviewer. It may be adopted at the same time as the motion ordering the review, or it may be adopted at a subsequent meeting. Often, when the motion to order a review is adopted, the regional council will designate one of its officers to recruit a suitable reviewer. The recruitment process may take up to a week, which is why it may be necessary to adopt a motion at a subsequent meeting. It is important to list the reviewer by name in a motion. The reviewer will have the legal protection of insurance and indemnity if they have been duly appointed by a court of the church to serve in a volunteer capacity.

Who may serve as the reviewer?

It is strongly advisable but not mandatory to appoint a reviewer from the list maintained by the Office of Vocation. It is also wise to select someone from a different regional council.

Bias, conflicts of interest, and the reviewer

The reviewer must not be biased for or against the object of the review, the community of faith, or the ministry personnel. They must not hold any preconceived opinions about the situation or any of the key people involved. For example, if an individual has said publicly that the community of faith “has always been a big problem in that region,” they are considered biased and may not serve as the reviewer.

In addition, the reviewer must not *appear* to have any preconceived opinions on this matter. For example, if an individual’s spouse served as the reviewer of a community of faith 10 years ago, there would be an *appearance* of bias if the individual conducted another review of the same community of faith.

There are tests for determining whether there is an “appearance of bias” or “reasonable apprehension of bias” about a prospective reviewer. One such test is to ask whether a reasonable person knowing the facts about the reviewer would suspect that the reviewer might be influenced—even unintentionally—to favour a person or particular position in the review process for any reason other than one properly based on the information gathered through the review process.

It is also critical to avoid conflicts of interest.

A conflict of interest would occur when an individual participates in a process or in a decision that may directly or indirectly confer a benefit or impose a disadvantage on the individual or any person close to the individual (family member, close neighbour, friend, or work colleague). For example, if the reviewer’s spouse is the only conflict resolution facilitator within a 200-kilometre radius, the reviewer would be in a conflict of interest to recommend that the community of faith meet with a conflict resolution facilitator on a biweekly basis.

The following people should automatically be disqualified from serving as a reviewer:

- anyone who has recently served as ministry personnel in that community of faith
- relatives or friends of any ministry personnel, member, officer, or staff person in the community of faith (e.g., chair of governing body, trustee, music director)
- people who have had some other close association with the community of faith (for example, the person who fills in as supply music director from time to time)

Asking questions will help the regional council and prospective reviewer discern whether there are other kinds of valid bias or conflict-of-interest concerns. For example, are you a friend, relative, or close neighbour of any member, adherent, or employee in that community of faith? If you are ministry personnel, have you (or your partner or close family member who is ministry personnel) served under appointment or call to this community of faith within the past five years? Do you or they stand to gain a particular advantage from any of the recommendations that you have authority to make? If the answer to any of these kinds of questions is “yes,” the individual should not serve as the reviewer.

Rather than spending a great deal of time trying to figure out whether bias or a conflict exists, the best practice is simply to err on the side of caution. If there is any concern at all about possible bias or a conflict, it would be better to seek another reviewer. This will contribute to the integrity of the process. It will also eliminate one possible ground for appealing any decision that the regional council eventually makes as a result of the review.

The Review Process: Some Key Legal Concepts

How does the reviewer gather information?

The reviewer is available for group or individual face-to-face meetings, and may also invite thoughts in writing. People should be advised that the reviewer may contact them to discuss or clarify anything that they have submitted in writing.

The key legal point here is that the reviewer must *provide an opportunity* for people to meet with them. No one can be forced to meet with the reviewer. Sometimes, a person or group may refuse to meet. If the reviewer feels it is important to hear from them, the reviewer should try to learn why they are refusing. The reviewer may be able to ease some misgivings about the process by providing information and answering questions, but if the person continues to refuse to meet or to provide written submissions, the reviewer must carry on without that person's input.

The reviewer should assume a leadership role in these meetings, but otherwise, there can be flexibility around the process. Preparing a list of questions in advance is helpful, but the reviewer should also remain open to deviation from the prepared list to explore any relevant issues that are raised.

The reviewer must not bring any preconceived notions of the outcome to the process and should remain open-minded. The interview questions should be carefully framed in a way that does not include any assumptions. For example, ask "How do you feel about the way that congregational meetings are conducted?" rather than "How bad do you think congregational meetings have been lately?" People must be allowed to tell their stories in their own words. Questions asked by the reviewer should be for clarification or expansion.

How should the interviews be recorded?

The reviewer must ensure that accurate and thorough notes are taken of each meeting. These notes will assist the reviewer later in developing findings and recommendations, and in writing the report.

The reviewer should take notes in writing, either during the meeting or immediately afterwards.

Digitally recording the interview is another method of note-taking. The reviewer may use this method, but with the following cautions:

- At the start of each interview, the reviewer should indicate that they wish to record the interview as a form of note-taking, and ask permission to do so. Some people find that their ability to speak may be affected by knowing that their voice is being recorded. If anyone objects to the recording, the reviewer should proceed with written note-taking only.
- Recording should be a back-up to written note-taking, not the only method of note-taking. A recording device could malfunction. Parts of an interview could accidentally be deleted. The reviewer may not notice that the recording device has ceased to function until after a lengthy part of an interview has already been conducted. To a lesser degree, the same concern is present when notes are recorded on a laptop computer during the interview.

For all these reasons, written note-taking should be the main way of recording the relevant information from the interviews.

What about confidentiality?

There is often some confusion about confidentiality in the review process. People who are being

interviewed by the reviewer may assume that their names will never be disclosed as the source of the information, but this is not correct.

It is neither wise nor realistic for the reviewer to make guarantees of confidentiality. In a secular court decision about a ministry personnel review, the court said that ministry personnel under review are entitled to know the specific source of any data used by the reviewer, including the names of the people providing the information. Even in a review of the state of the community of faith under Section J.4 of *The Manual*, if the reviewer intends to rely on information, it is important for the report to name the individuals and the specific information that they have provided.

At the start of any interview, the reviewer should inform those being interviewed that their names might be used in the report. That will give people an opportunity to frame their answers carefully if they do not wish to have their name revealed as the source of any particular statement.

The reviewer should not rely on anonymous written submissions because there is no opportunity to assess the credibility of the source of the information or to ask follow-up questions.

Should people be asked to sign a non-confidentiality agreement?

A non-confidentiality agreement is not necessary and should be avoided. The reviewer will have explained to the person at the start of the interview that information shared cannot be kept confidential. People may find signing a legal document intimidating—in a process that may already produce anxiety. Also, having a signed document doesn't really offer any more protection than giving an oral explanation at the start of the interview.

What is "hearsay"?

Hearsay evidence is evidence given by a person that is not based on that person's direct experience. For example, the chair of the Ministry and Personnel Committee may say that the music director was hostile and uncooperative in a Worship Committee meeting, because that's what the chair heard from several members of the Worship Committee. The chair of the Ministry and Personnel Committee does not have direct, first-hand knowledge of this behaviour. The chair is repeating what someone else told them. That is hearsay evidence.

In legal proceedings, hearsay evidence is generally inadmissible. In a review, the reviewer should avoid relying on hearsay evidence. The reviewer should rely on information of which the people being interviewed have direct, first-hand knowledge. In the above example, the reviewer would suspect that the chair of the Ministry and Personnel Committee has no first-hand knowledge about what occurred in a Worship Committee meeting. The reviewer should ask the chair how they obtained this information, and can then contact the person who was the source and obtain the information on a direct, first-hand basis.

The reviewer can guard against relying on hearsay evidence by asking people they interview questions like "How do you know that?" "Were you there when that happened?" or "Who did you hear that from?" The reviewer needs to gather information that people saw with their own eyes or heard with their own ears.

The Review Process

Why would a community of faith review be conducted?

The focus of a community of faith review is on the state of the community of faith. The concern about the state of the community of faith may come before the regional council from a number of sources (see Section J.4 of *The Manual*). It is up to the regional council to consider the matters brought to its attention and to decide whether a review process is the appropriate response.

Starting the process: the regional council's role

The regional council starts the review process by deciding to order the review. It then appoints the reviewer and sets the reviewer's mandate to review the state of the community of faith and to report back to the regional council with recommendations.

As soon as this decision is made, the regional council should inform the community of faith that the review process is underway. This should be done by written notice to the chair of the governing body. The regional council may call a meeting of the community of faith to convey this information. However, notice should still be given in writing or by e-mail in order to avoid any confusion or uncertainty. The community of faith may be anxious for more information. The regional council could advise the community of faith that the reviewer will be in contact with them shortly about the details of the process.

As part of the notice, the regional council should advise the community of faith about the possible outcome of the review process. Section J.4 of *The Manual* does not list specific outcomes for a review; the regional council should indicate, however, that it may decide that the community of faith must follow remedial action recommended by the reviewer.

Starting the process: the reviewer's role

The first task of the reviewer is to decide on their process. The reviewer determines whom they will contact for information gathering before making findings and writing the report. Which people or groups should be contacted—and in which order—depends on the circumstances. The reviewer should also establish a general timeline. They must, however, remain flexible enough to respond to additional sources of information that may become apparent partway through the process.

It is important for the reviewer to inform the community of faith as soon as possible about how the review process will be conducted, who will be conducting it, the expectations around time frame, and so on. This may help alleviate anxiety in the community of faith about the process and encourage participation.

From whom does the reviewer gather information?

The reviewer provides an opportunity to all members/adherents of the community of faith to give input. The reviewer considers which specific people or groups should be targeted for input—e.g., depending on the circumstances, the Ministry and Personnel Committee, the trustees, the governing body of the community of faith, the music director—and provides an opportunity for

them to meet with the reviewer. In all cases, an opportunity should be provided for the ministry personnel in the community of faith to meet with the reviewer.

After gathering the information—what next?

The reviewer considers all of the information gathered, makes findings based on the information, and prepares a report with recommendations. The findings are the conclusions that the reviewer draws, supported by all of the information that has been gathered. For example, the reviewer may have repeatedly heard from credible members of the community of faith that the chair of the governing body of the community of faith is abusive and alienates members. The chair may have been pleasant and helpful when interviewed, but the reviewer cannot ignore the evidence from the others and conclude that there is no problem.

The reviewer should ask what, if anything, has been found to be unsatisfactory about the state of the community of faith? What, if anything, has the reviewer identified as needing remedial action? The reviewer now needs to determine the appropriate remedial action.

In deciding what action might be appropriate, the reviewer may wish to consult with regional council or General Council staff with experience in the community of faith. However, it is the reviewer who must decide what the recommendations will be.

Keep in mind that this process is a review of the state of the community of faith, not of the ministry personnel. The recommendations must relate to the community of faith, not directly to the ministry personnel. If the information gathered convinces the reviewer that the problem is really with the minister, the reviewer could identify the concerns about the ministry personnel in general terms and recommend that the regional council forward the concerns to the Office of Vocation for response.

Writing the report

Guidance for writing the report may be found in the chapter “Writing the Report” (pages 17–19). The reviewer provides the report to the regional council and to the community of faith.

Regional council response to the report

The community of faith should receive the report at least a week (preferably two) before any action is taken on the report by the regional council.

The regional council gives the community of faith a specific invitation to attend and speak to the report before making its decision. Although the community of faith’s regional council representatives and the ministry personnel will receive notice of the meeting as a matter of course as members of regional council, this is not adequate as a “specific invitation.” The invitation should be given in writing or by e-mail and perhaps also by telephone to the chair or secretary of the governing body of the community of faith.

The regional council considers the reviewer’s report and makes a decision in response. In most cases, it is the executive of the regional council, not the whole council, that deals with the report.

This practice is based on some wisdom, but it is not mandatory. Ideally, the reviewer should also be present to answer any questions that the regional council may have of them in relation to the report.

The regional council is not bound by the recommendations of the reviewer. The regional council debates the recommendations and then decides to do one of the following:

- adopt the reviewer's recommendations in their entirety
- adopt the reviewer's recommendations in part
- receive the report and take no further action on the matter
- take some course of action other than that recommended by the reviewer

If the regional council is inclined to take some other course of action, the reviewer's recommendations must first be given careful consideration. The reviewer has had an opportunity to carefully analyze information that was received first-hand from those involved in the community of faith. The regional council should therefore have a good reason for rejecting the reviewer's recommendations.

Whatever decision it makes, the regional council must inform the community of faith of the decision. Written notice of the decision should be given to the community of faith even if members of the community of faith were present at the meeting. Written notice serves as a record that the decision was communicated by the regional council to the community of faith, and also ensures that the community of faith receives a full and accurate report of the regional council's decision.

Any person or court directly affected by the decision may appeal the decision. Please refer to Section J.10 of *The Manual* for the appeal process.

Writing the Report

Establish the reviewer's authority to conduct the review and make the recommendations

Why was the review ordered?

Identify how the matter came to the regional council's attention.

When was the review ordered?

Indicate the date of the regional council meeting, and whether it was the regional council or its executive.

Who was the reviewer appointed by the regional council?

Name the reviewer and identify their status (i.e., order of ministry or lay).

What were the reviewer's terms of reference?

For example, the reviewer may have been directed to review "the state of the community of faith, with particular concern for governance and staff relationships." List the specific terms of reference.

Were there any other regional council actions in relation to the review?

Mention any other regional council motions that apply to the reviewer's work, e.g., amendments to the terms of reference.

Outline the process followed for the review

How did the reviewer inform the participants about the review process?

Indicate how and when the reviewer informed the minister, community of faith, and others about opportunities to provide input to the reviewer, e.g., notice in order of service, community of faith meeting, telephone call to minister, letter by registered mail to the governing body of the community of faith.

How did the reviewer gather input for the review process?

Indicate the meetings that the reviewer held with participants. Indicate how many people attended those meetings. If it is relevant to the issues, indicate the status within the community of faith of those attending meetings, e.g., trustees, members of the UCW, members of the choir. Indicate whether the meetings were held on a one-to-one or group basis. Indicate whether the reviewer considered any written submissions or other materials, and if so, identify them.

Summarize the information gathered: What did the reviewer hear in the meetings and read in any written material provided?

Ensure that the summary fairly reflects all of the input heard.

Record all of the events reported to the reviewer and the different views expressed.

Ensure that the summary is complete and detailed.

Do not be misled by the term “summary.” This will likely be the longest part of the reviewer’s report. There must be enough detailed evidence to justify the findings. Include such details as exactly when the events occurred, the circumstances surrounding the events, who else was present, etc.

Who said what?

For each piece of information included in the summary, specify who provided it.

Organize the information that has been gathered by recurring themes, sources of information, or some other usable way.

For example, the themes could be relationships among staff, governance, and financial situation. The sources of information could be ministry personnel, chair of council, trustees, Worship Committee, and other members and adherents.

Are there recurrent comments?

If there are recurrent comments, indicate which ones rather than repeating everything everyone said.

State the findings: the conclusions that the reviewer draws from the information gathered

Ensure that the findings specifically address the issue that the reviewer was asked to consider.

The reviewer should conclude whether or not the community of faith is in a satisfactory state.

Use the exact words from the regional council motion.

If you try to express your conclusion in different words, it may create ambiguity and confusion. As long as you are clear by using those exact words, you may—and should—elaborate, explain, and offer commentary and reasons for your conclusion.

Ensure that the findings are within the mandate of the reviewer.

For example, a reviewer cannot conclude that the minister is ineffective. At the most, a community of faith reviewer could indicate concerns about the minister and recommend that the regional council forward the concerns to the Office of Vocation.

State the specific information upon which the findings are based.

That information should also be recorded in the summary of information gathered. If the

reviewer disbelieved some of the information and decided that other information was more credible, specify which information and why.

Ensure that there is enough evidence to support the findings.

The reviewer's conclusions must flow logically from the information that has been gathered. Do not come to conclusions for which there is little or no evidence.

Make recommendations

What action does the reviewer consider to be an appropriate response to the findings?

Ensure that the recommendations made are for action that is within the jurisdiction of the reviewer and limit the recommendations to the regional council. If the reviewer has concerns about the ministry personnel, they may recommend that the regional council forward the concerns to the Office of Vocation.

Ensure that the recommendations made are for action that is within the jurisdiction of the regional council.

Since the reviewer is making recommendations upon which the regional council will make a decision, recommended actions must be within the power of the regional council to take. Do not recommend actions that are within the power of the other councils of the church.

Do the findings support no action being taken?

Do not overlook the possibility that "no action" may be the appropriate response to the findings.

Does the action recommended by the reviewer address the findings?

For example, if the reviewer has found that the community of faith is in an unsatisfactory state, primarily in the area of governance, they must recommend some kind of remedial action that will correct this issue.

COMMUNITY OF FAITH REVIEWS

Summary of the Community of Faith Review Process

Regional council hears concerns about community of faith

source of concerns: report from regional council committee, proposal from 10 members, or any other source



Regional council considers options for responding

e.g., appointment of conflict resolution facilitator, consultation between Ministry and Personnel Committee and Pastoral Relations Committee, conversation with community of faith governing body, taking no action, ordering community of faith review



Regional council decides to order community of faith review and appoints a reviewer; motion adopted



Regional council informs community of faith

telephones/e-mails chair of community of faith governing body
writes to community of faith governing body
makes announcement to community of faith in Sunday worship service, order of service, and/or special meeting



Regional council puts pastoral care in place for community of faith, ministry personnel, and other staff



Reviewer decides on process



Reviewer informs community of faith of process



Reviewer interviews ministry personnel, staff, officers, members, adherents, and anyone else who wants to meet or with whom the reviewer wants to meet



Reviewer deliberates and writes report

compiles information gathered
draws conclusion: is community of faith in an unsatisfactory state or not?
makes recommendations that are remedial and intended to restore health of community of faith



Reviewer gives draft report to regional council executive minister for review, and makes any necessary revisions to comply with polity and all legal requirements



▼
Reviewer delivers report

to regional council
to community of faith governing body
to anyone else specifically affected by the recommendations

▼
Regional council gives notice of meeting at which report is to be considered

to community of faith governing body
to anyone else specifically affected by the recommendations

▼
Regional council meeting takes place

community of faith governing body (and anyone else affected) has opportunity to respond to report and recommendations
regional council adopts motions making decisions in response to recommendations made by reviewer

▼
Regional council gives notice of decisions made at meeting

by telephone/e-mail to chair of community of faith governing body and anyone specifically affected by decisions
in writing to chair of community of faith governing body and anyone specifically affected by decisions
through announcement to community of faith in Sunday worship service, order of service, and/or special meeting

▼
Regional council monitors compliance with decisions

To the Regional Council Regarding a Community of Faith Review

You have been informed of an unsatisfactory situation in a community of faith. You think that the appropriate response is to order a review under Section J.4. of *The Manual*. Here are some answers to questions frequently asked by regional councils about community of faith reviews. See “Best Practices for Reviews” (pages 9–16) for more information.

How does the regional council decide to order a community of faith review?

The regional council—through the usual voting process—adopts a motion to order a community of faith review. Usually, it will be the regional council executive that orders a review, but it may be the full council. The motion should include a clause stating that concerns have come to the regional council’s attention about the state of the community of faith. That wording is contained in Section J.4, and it is wise to use it.

Do we give the reviewer a time limit for reporting back to us?

For legal reasons, you should not impose an absolute deadline on the reviewer. They need to be free to take as much time as they need to complete the task properly. By setting an absolute deadline, the regional council may seem to be controlling the process and its outcome in a way that is unfair. It may create grounds for an appeal or secular court action. The regional council may impress upon the reviewer the need to complete the review as quickly as possible, in the interests of the health of the community of faith. You may include a deadline in the motion appointing the reviewer, but only if the motion also states that the reviewer is entitled to obtain reasonable extensions of that deadline upon request.

What about the pastoral needs of the community of faith?

It may cause some upset or uncertainty in the community of faith to hear that the regional council has ordered a review. There isn’t a great deal of information to be shared at the outset and, understandably, the lack of information can produce anxiety. When the regional council orders a review, it should also make arrangements for specific pastoral support to be put in place for the community of faith. It is not reasonable to expect the ministry personnel serving the community of faith to take care of those pastoral needs because the ministry personnel will be a participant in the review process. Indeed, the regional council needs to be attentive to the support needs of the ministry personnel in this process as well. It is advisable for the regional council to name one or two members of the regional council who will be responsible for caring for the pastoral needs of the community of faith and ministry personnel during the process. There does not need to be a specific motion for pastoral care, but it is still an essential piece of work for the regional council to attend to.

How do we tell the community of faith?

Once the regional council has ordered a review and named the reviewer, it should make arrangements to inform the community of faith at the earliest opportunity. The regional council executive minister or another regional council officer should telephone or e-mail the chair of the community of faith's governing body and discuss arrangements for informing the community of faith. That might include one or two regional council officers making an announcement at announcement time in the next Sunday worship service. It might also include inserting an announcement in the order of service for the next couple of Sundays. It would be helpful for the members of the regional council who have been asked to provide pastoral care to the community of faith to accompany the regional council officers so that they may be introduced to the community of faith.

What do we tell the community of faith?

The community of faith should be told that

- the regional council has ordered a community of faith review
- the reason for this action is that the regional council has concerns that the community of faith is in an unsatisfactory state
- *X (use name)* has been appointed to serve as the reviewer to conduct the review
- the reviewer will be in contact shortly with the community of faith to provide specific information about their process
- the regional council has particular concerns about the well-being of the community of faith during the review process and has appointed *A* and *B* to provide pastoral care during this time

It is wise for the pastoral care providers to be present when the announcement is made to the community of faith. These pastoral care providers may wish to make some comments as well at that time about their availability, how people can contact them, and so on.

The regional council executive minister has just received the reviewer's report. Does anyone else receive a copy?

The regional council executive minister should check that the community of faith has also received a copy of the reviewer's report through its governing body c/o chair or secretary. That task is usually completed by the reviewer, but it is wise to ensure that they have done so. If not, the regional council executive minister should send or deliver a copy of the report to the community of faith, and also to the ministry personnel serving the community of faith. The regional council executive minister should also read the recommendations contained in the report to see if they specifically affect anyone else. For example, if there is a recommendation that disciplinary action be taken against a named lay member of the community of faith, that person should receive a copy of the report as well.

How do we deal with the report?

The next step is to schedule a meeting of the regional council to deal with the report. Generally, the regional council deals with the report through its executive, as it is more expeditious and efficient. At the time that the regional council orders the review, the regional council may direct the executive to deal with the report. That may be useful in another way: people may be more willing to come forward to speak to the reviewer and be named in the reviewer's report if they know in advance that the report will be dealt with by the executive, not the full council. It is always open to the executive to decide that the report needs to be shared with the full council, but that would be very unusual.

If an executive meeting is already scheduled within the next few weeks and the agenda is not too full, the report may be added to the agenda. But it may be preferable to schedule a special meeting. When the agenda for the meeting is being set, the chair and the regional council executive minister should settle on a process for dealing with the report. For example, they may decide to allow the reviewer 10 minutes to introduce the report, 20 minutes for members of the executive to ask questions of the reviewer, 30 minutes for the community of faith to respond to the report, 20 minutes for anyone else specifically affected by a recommendation to respond to that recommendation, and 60 minutes for the executive to debate the recommendations. The specifics of the agenda are subject to the will of the entire executive and may be modified at the outset of the meeting, but it is helpful to have a proposed agenda.

If the regional council executive is dealing with the report, all members of the executive should be given a copy of the report in advance so that they can read it before the meeting. Members of the executive should be advised to keep the report confidential prior to the meeting.

Who gets notice of the meeting?

The following parties receive notice:

- the community of faith via its governing body c/o chair or secretary
- anyone specifically affected by the recommendations in the report (for example, if disciplinary action is recommended for a named lay member of the community of faith, that person is entitled to notice)
- the reviewer

How should notice be given, and what should it say?

All notices should be in writing and should be given by registered mail, personal delivery, or e-mail at least a week before the meeting takes place. A sample notice letter is available from the General Council Office. The notice should

- give the date, time, and location of the meeting
- indicate that the regional council will deal with the recommendations at the meeting
- invite the community of faith to send representatives to speak to the recommendations (be explicit that representatives may attend, but it would be unnecessary—and probably not helpful—for the entire governing body to attend)

- invite anyone else specifically affected by the recommendations in the report to attend the meeting and speak to the recommendations
- specify the amount of time that is anticipated for the community of faith and anyone else affected by the recommendations to speak to the recommendations, for example, 30 minutes for the community of faith representatives collectively, 20 minutes for anyone else

What happens in the meeting where the recommendations are under consideration?

At the meeting, all members of the regional council executive have a copy of the report.

The reviewer is given an opportunity to speak to the report. They may wish to draw attention to a particular piece of the report, or to offer comments about the report. They may be present in person, by telephone, or by video conference. Where the review has been conducted by a review committee, it is best, but not essential, if all members are present for this meeting. The regional council executive may wish to ask questions of the reviewer to clarify any of the conclusions and recommendations contained in the report.

The representatives of the community of faith have an opportunity to speak to the report. Anyone specifically affected by a recommendation also has an opportunity to speak to that recommendation.

The regional council chair then asks the reviewer, the community of faith representatives, and anyone else present other than members of the regional council executive to leave the meeting so that the executive may consider what action it will take in response to the recommendations.

Just before people are asked to leave the meeting, the regional council chair should check with all parties on how they wish to receive notice of the decision. The normal process for giving notice is addressed in a question below.

Are there any special considerations to bear in mind for this meeting?

Depending on the nature of the recommendations, the meeting can become an emotional one. The regional council chair should consult with the regional council executive minister in advance of the meeting to get fully briefed and prepared for all contingencies. For example, the chair should keep in mind that only the executive may ask questions of the reviewer. While the community of faith representatives have an opportunity to speak to the executive, they are not permitted to ask questions of the reviewer, nor to question the executive about the action that the executive might take.

How do we document our action on the recommendations?

The regional council needs to take action on the report by motion. There may be a separate motion for each recommendation, or the recommendations may be dealt with in one motion. Before adopting a motion on the recommendations, the regional council executive should pass a motion receiving the report for consideration. As a final motion, the executive would dismiss the reviewer with thanks.

Who gets notice of our decision? How?

It is the regional council's responsibility to give notice to the community of faith and to the reviewer of the action taken on the recommendations. After the meeting, the regional council executive minister could telephone or e-mail both the chair of the community of faith's governing body and the reviewer to report the action taken. Official notice in writing should also be sent to the community of faith through its governing body c/o the chair or secretary. If a decision has been made on a recommendation that specifically affects any other person, that person should receive the same notice by telephone or e-mail and in writing. Anyone designated in the motions to assist with their implementation should also receive notice of the decision, both by telephone or e-mail and in writing. The members of the regional council who have been asked to provide pastoral care to the community of faith should also be informed of the decision; notice by telephone or e-mail would be adequate.

The regional council should also consider calling a meeting of the community of faith for the purpose of

- informing all members of the regional council decisions
- answering any questions about the implementation of the decisions
- assuring the community of faith that it will receive ongoing care and support from the regional council

What happens to the reviewer's report after our meeting?

One copy of the reviewer's report is included with the official minutes of the regional council. Normally, the report would not be included with the minutes that are sent to all members of the regional council. Since the report forms part of the regional council minutes, however, any member of the regional council wishing to see a copy is entitled to ask for one. Members of the executive should turn in their copies to the regional council secretary to be destroyed. The motions made in response to the report and its recommendations are included in the minutes and circulated to the regional council as per the usual practice.

Since the governing body has been given a copy of the report on the community of faith's behalf, they are free to deal with the report within the community of faith as they decide best.

Checklist for Regional Council Conducting a Community of Faith Review

Ordering the Review

- Have you adopted a motion ordering a review under Section J.4 of *The Manual*?
- Have you checked with the prospective individual reviewer as to their availability and conflict of interest concerns?
- Have you adopted a motion appointing the reviewer?
- Does the motion also specify the fee arrangements?
- Have you made arrangements for one or more people to be assigned to provide pastoral care to the community of faith?

Informing the Community of Faith and Ministry Personnel

- Have you contacted the chair of the governing body of the community of faith and advised them that a review has been ordered?
- Have you consulted with the chair as to how the community of faith will be informed? For example, notice in the order of service for the next two Sundays, announcement at announcement time during Sunday worship, community of faith meeting announced this Sunday to be held after worship next Sunday.
- Have you informed the ministry personnel that a review has been ordered?
- Have you informed the community of faith via notice, announcement, and/or meeting as suggested above?
- Have you shared the name(s) of the reviewer with the community of faith, and the name(s) of the person(s) assigned to provide pastoral care to the community of faith?

Worship

- Have you considered how to integrate worship into the review process?

Preparing to Deal with the Report

- Have you received the report from the reviewer?
- Has the governing body of the community of faith received a copy of the report from the reviewer?
- If not, have you given a copy of the report to the community of faith?
- Have you reviewed the recommendations to see if they specifically affect anyone else (for example, discipline for a named lay member of the congregation)?
- If there are such recommendations, have you given a copy of the report to those affected?

- Have you—as an executive—decided whether the report will be dealt with by the executive or by the full council?
- Have you determined the process that will be followed at that meeting, for example, how much time will be allotted for the community of faith—and anyone else affected—to respond to the recommendations?
- Have you scheduled a meeting at which to deal with the report?
- Have you arranged for the reviewer to attend the meeting either in person or by telephone?
- Have you informed the community of faith in writing of the date of the meeting and of the process that will be followed at it, including the right of the community of faith (through representatives of the governing body) to speak to the recommendations?
- Have you informed anyone else who is specifically affected by the recommendations of the date of the meeting and of the process that will be followed at it, including the right to speak to the recommendation that affects them?
- If the report is to be dealt with by the executive, has a copy of the report been given to each member of the executive in advance?
- If the report is to be dealt with by the full council, have copies of the report been made and numbered for distribution at the meeting?

Dealing with the Recommendations at the Meeting

- Do all members of the executive/full council have a copy of the report?
- If the report has just been distributed to the full council, have you allowed time for reading it?
- Have you adopted a motion to make the representatives of the community of faith and anyone else speaking to the recommendations corresponding members of the council for the purposes of this meeting?
- Have you adopted a motion to receive the report?
- Has the reviewer presented the report?
- Have you asked the reviewer any questions that you may have about the report?
- Have you heard any response from the representatives of the community of faith that they wish to make to the recommendations?
- Have you heard any response from anyone else specifically affected by a recommendation that they wish to make to that recommendation?
- Has the chair thanked everyone making presentations and asked them to leave the meeting so that the executive/full council may deliberate?
- Have you dealt with each of the recommendations by motion, i.e., to adopt the recommendation, to take no action on the recommendation, or to take other action in response to the recommendation other than the action recommended?

Does your motion indicate

- who is responsible for monitoring compliance with the actions ordered?
- who is responsible for making any follow-up decisions, such as the details of specific programs (could be the executive or delegated to a regional council officer or committee)?
- what the timeline is for the action to be completed?
- what the consequence is if the action is not completed within the timeline (e.g., matter to be returned to the executive for further action)?
- that the reviewer is discharged with thanks?
- Have you collected the reports before members leave the meeting and checked the numbers to ensure that all copies have been collected?
- Have you decided how public the report is to be made? For example, are all copies in the regional council's possession to be destroyed except for the official copy included with the minutes and the copies needed by anyone who is involved in the implementation of the decision?

Informing the Community of Faith and Ministry Personnel

- Have you contacted the chair of the governing body promptly after the meeting to inform them of the regional council action?
- Have you contacted the ministry personnel and anyone who may be specifically affected by the recommendations to inform them of the regional council action?
- Have you contacted those assigned to provide pastoral care to the community of faith to inform them about the action taken in response to the recommendations?
- Have you written to the community of faith and anyone else specifically affected by the recommendations to inform them of the regional council action? Note that this is in addition to contacting them by telephone, by e-mail, or in person immediately after the meeting.
- Have you consulted with the chair of the governing body about the process for informing the community of faith of the action taken by the regional council? For example, announcement at announcement time during Sunday worship, community of faith meeting announced this Sunday to be held after worship next Sunday.

Following Up with the Regional Council Decisions

- Have you informed the community of faith of the regional council decision after or during a Sunday worship service or in a special meeting? Have you given members an opportunity to ask questions about the decision?
- Have you given a copy of the report to the regional council officers/committees or others responsible for assisting in the implementation of the regional council decision?
- Have you consulted with those assigned to provide pastoral care to the community of faith to determine the ongoing needs for pastoral care? Have you made any further arrangements necessary for pastoral care?

Checklist for Reviewer

Conducting a Community of Faith Review

If Asked to Conduct a Review

- Do you have adequate time available to devote to this task?
- Do you have any connection with the community of faith under review?

Getting Started

- Do you have a copy of the regional council action appointing you and setting out the reviewer's mandate?
- Has the regional council arranged for pastoral care for the community of faith?
- Has the regional council informed the community of faith about the review?
- Have you established your process?
- With whom do you particularly want to meet (e.g., ministry personnel, community of faith staff, community of faith governing body)?
- Who will contact these people and make arrangements?
- What times and dates are you available for interviews with other people who may wish to meet with you?
- Whom do these other people contact to make interview arrangements?
- How will you communicate this process to the community of faith?
- Have you booked a location at which to hold interviews? Is it easily accessible?

Gathering Information

- Have you communicated your process to the community of faith?
- Have you decided how you will keep notes of all interviews?
- Have you developed a list of questions that you wish to ask?
- Have you explained to each person interviewed that names and information cannot remain confidential?
- Have you conducted interviews with everyone with whom you wish to speak?
- Have you conducted interviews with everyone who wishes to speak to you?
- Have you kept notes of all the interviews?
- Have you read any written submissions given to you?
- Are there any questions remaining that require follow-up interviews?

Deliberating

- Have you identified themes emerging from the interviews and written submissions?
- Have you considered each theme individually with all the information gathered that relates to each theme?
- Have you come to a conclusion that the community of faith is in a satisfactory state or an unsatisfactory state?
- Have you considered the reasons for your conclusion?
- Have you considered and finalized your recommendations?

Writing the Report

- Have you read the chapter “Writing the Report” (pages 17–19)?
- Have you followed the steps in that chapter?
- Have you given the draft report to the regional council executive minister for review?
- Have you finalized the report based on input from the regional council executive minister?

Final Steps

- Have you given your final report to the regional council?
- Have you given a copy to the governing body of the community of faith c/o the chair or secretary?
- Have you made arrangements to attend the meeting at which the regional council (executive) will deal with your recommendations?
- Have you kept your notes until the period has expired for any appeal from the regional council decision on the report?
- Have you then destroyed your notes in a secure way (e.g., shredding)?



www.united-church.ca/handbooks