

CODE OF PROFESSIONAL PRACTICE AND GOOD CONDUCT FOR THE MINISTRIES OF THE CHURCH OF SCOTLAND

Introduction

Applicability of the Code

The Code applies to all those serving in the recognised ministries of the Church of Scotland. Throughout the Code, the terms 'ministry' and 'recognised ministries' shall include ordained ministers, deacons and readers, and all paid employees in parish appointments, as defined in section 16(1) and 16(1)(a) of Act VIII 2021.

Scope of the Code

The Code sets out the standards of conduct expected by the General Assembly. The Code is not intended to be an expansion or amplification of the Discipline Act (Act 1 2019) and should not be regarded as containing an authoritative or exhaustive list of disciplinary offences but Presbyteries, and Assessors and Discipline Tribunals operating in terms of the Discipline Act, shall have regard to the terms of the Code in making their assessment of the character of conduct. The Code complements the policies and rules set out in the Ministers' and Employees Handbooks which cover such matters as balance of duties, absence, maternity and paternity leave, holiday arrangements, health and safety, discrimination, bullying and harassment. In addition, the Code can be used:

- as a basis for education programmes to support good practice;
- as a document to reassure the public that all those serving in recognised ministries of the Church of Scotland are provided with a framework of standards and accountability;
- as a framework for analysing concerns and defining problems about conduct in all aspects of church life and work.

The Code is not a substitute for reflective and ethically disciplined practice, continuing learning and development, and regular supervision. Equally the Code is not to be used as a measure of ministerial capability.

An ethical basis for the Code

All who serve in ministry should be bound by the ordination vows taken (where applicable) and the Gospel values of the Christian faith we proclaim.

The Church is concerned with the spiritual care, nurture and wellbeing of all, whether within or outwith the membership of the Church of Scotland. Those engaged in the ministries of the Church of Scotland (as defined above) have ethical obligations in the way they carry out their ministry. These obligations prohibit harm and promote the good of the person. The context of ministry is one in which people are often vulnerable and in need of support, and in which ministerial office is seen by society at large as a marker of integrity. Establishing appropriate boundaries fosters trust, helps to clarify ethical actions and enables the relationships involved in ministry to function effectively.

Ministry usually proceeds without any explicit agreement. It takes place wherever there is need and it is often unplanned. Even in a caring relationship, however, there is also a possibility that attempting to do good may result in a degree of harm, and that in helping others, those involved in ministry may be fulfilling a personal need. Therefore, in deciding what to do in any particular situation, those involved in ministry need to be able to exercise ethical reasoning and deliberation in order to justify their actions.

1. General Conduct

Those serving in the recognised ministries of the Church of Scotland are responsible for their personal and ministerial conduct and must be able to justify their actions and practice towards those in their care, to colleagues and to all those with whom they come into contact. In particular they should:

- act at all times in ways that promote trust and confidence in their profession;
- act at all times to promote and safeguard the interests and wellbeing of others;
- affirm the equal dignity and worth of others;
- act with integrity and with due respect for diversity and differences including, but not limited to, ethnicity, gender, sexual orientation, age and disability
- maintain good standing in the Church of Scotland;
- ensure that their conduct is consistent with their profession and appropriate to the setting in which they work.

2. Relationships between those in ministry and those to whom they minister

Those involved in ministry must at all times be conversant with, and advocates for, the Church's policies and procedures in relation to the safeguarding of children and protected adults.

Relationships have the capacity to be nurturing and healing, but they also have the potential to be damaging and destructive. An important reason for this is the intrinsic imbalance of power in the relationship. Those involved in ministry, therefore, should be aware of issues of power and should exercise any influence they may have with sensitivity, discernment and within ethical boundaries.

Those involved in ministry should seek to develop appropriate pastoral and supportive relationships within the whole people of God. The primary focus will be meeting the needs of those being ministered to; in this it may be appropriate to express our own vulnerability; but it would be an abuse of a pastoral relationship for those in ministry to use it to meet their own needs.

Those involved in ministry should recognise the limits of their competence and should take care to direct those to whom they minister to the help available from other suitably qualified professionals where appropriate.

3. Maintaining Trust

Ministry is both a privilege and a responsibility and those involved in ministry need to establish boundaries that enable trust and safeguard ethical relationships with those to whom they minister. In particular those involved in ministry should:

- behave in ways that honour the dignity and value of others;
- ensure as far as possible that no action or omission on their part and within their sphere of responsibility could be detrimental to the wellbeing of others;
- respect the trust established with others, while understanding the limits of confidentiality;
- respect the autonomy of others;
- recognise and act within the limits of their competence;
- maintain clear boundaries in the areas of self-disclosure, intimacy and sexuality;
- avoid any conflicts of interest; but in the event that the person involved in ministry has to withdraw on the grounds of conscience or ethical principles, endeavour to refer to someone else who can facilitate the transfer and continuity of ministry.

4. Respecting Confidentiality

Confidentiality is a condition of trust that enables people to seek help at a time of need and to talk about personal and private matters relevant to their spiritual health and wellbeing. Ministry often involves access to confidential information. Those engaged in ministry, therefore, must respect confidences, and in particular they should:

- respect the right of individuals to control access to their own personal information and to limit its disclosure;
- establish the boundaries of confidentiality with others and respect as far as possible the limitations of disclosure that an individual can reasonably expect or request;
- treat information about those to whom they minister, and others, as confidential and use it only for the purposes for which it was given;
- guard against breaches of confidentiality by protecting information from improper disclosure at all times;
- Ensure that confidential information is only shared with a third party where the individual consents to the disclosure, where it can be justified in the public interest or where there is lawful authority such as a court order or statute. A disclosure in the public interest is likely to be justified where it is necessary to prevent a serious and imminent risk to public health, in the interests of national security, to protect children and adults from risks of serious harm or death, or to prevent or detect serious crime. If a person says or does

something that leads you to think they or another person are at risk you have a duty to pass this on to the appropriate person or authority. You should always refer to the Safeguarding Service staff for advice in particular cases.

- discuss with those to whom they minister reasons why disclosing confidential information to other persons might be of benefit to the provision of good care;

5. Abuse

Abuse is a violation of an individual's human and legal rights by any other person or persons. It is behaviour that is a clear departure from the ethical conduct required of us all. It can result from a misuse of power or a betrayal of trust, respect or intimacy which causes harm or exploitation. It can be caused by purposeful or negligent actions as well as a failure to act where a duty exists. The main forms of abuse include spiritual, physical, psychological, domestic, sexual, and financial, and are defined here in the context of Christian ministry:

- Spiritual abuse is the imposition of values and beliefs on others; and while mission is part of the work of ministry, it is an abuse to fail to respect the freedom of others to make choices for themselves;
- Physical abuse is any form of physical contact which is likely to cause distress, pain or bodily harm;
- Psychological/emotional abuse is behaviour by a person in ministry which is exploitative, manipulative, coercive or intimidating;
- Domestic abuse is an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence, with a spouse, partner or family member;
- Sexual abuse is forcing, coercing or inducing any person to whom you minister or to whom you stand in a position of trust, whether because of your office or for any other reason, to establish or pursue a sexual or improper emotional relationship and also the passing of hurtful remarks of a sexual nature;
- Financial or material abuse is the misappropriation of a person's money or assets by those involved in ministry through fraud or deception; or through negligence or misuse of a person's assets or money while having a legitimate access to them.

6. The Use of Touch

People use touch informally as a gesture of care and formally within rituals to signify beliefs and theological actions. However, because the use of touch can be misunderstood or misinterpreted, or it may be unwanted, particular sensitivity should be exercised and assumptions about gender and personal space carefully considered. If in any doubt as to whether touch may be acceptable, permission should be obtained. The use of ritual that involves touch should be carefully explained and permission obtained. Parental or guardian consent may also be necessary where children are too young to give their own consent or an adult is without capacity to consent.

Touch is a basic human gesture and physical contact is an integral part of wellbeing. Touch conveys to many people reassurance, care and concern and it can be a valuable expression of a supportive or therapeutic relationship. But touch is not value-free, it is conditioned by social and cultural norms and it can convey powerful signals. Therefore, touch may be perceived as threatening or manipulative, it could be physically painful and it can be a form of abuse.

7. Working with Colleagues

Working in ministry often depends on collaboration with colleagues both in other ministries and in other disciplines. In particular those in ministry should:

- respect the skills, contributions and integrity of colleagues;
- work in a collaborative and co-operative manner with colleagues and communicate effectively with them within the limits of confidentiality;
- honour their commitments and at all times be reliable, dependable and trustworthy, and willing to play a full part in the life and worship of the Church within their Presbytery;
- respect the boundaries of other parishes, and take care not to undertake pastoral or sacramental duties within another parish for anyone other than a member of the congregation in which they minister. The recognised exceptions are (1) the conduct of a marriage or a funeral by private invitation and (2) circumstances in which the express permission of the minister of the other parish has been secured;
- participate in the work of multidisciplinary teams they are members of and respect their confidentiality;
- challenge colleagues who appear to have behaved unethically or in contravention of this Code and be prepared to bring concerns of misconduct to those charged with responsibility for colleagues.

8. Communications, Media and Social Media

Upholding high standards in all communications is important for the exercise of ministry. Communication is a powerful tool that can be used to benefit the work of ministry, but if used carelessly can reflect badly on an individual and the wider Church.

Communication and involvement with the media can:

- spread good news stories to inspire others
- reach those who may not be able to attend church or who may not be sure about attending church in person
- engage in topical conversations and respond to enquiries on behalf of the Church
- encourage involvement, collaboration and learning
- resolve misunderstandings and correct inaccuracies
- establish and strengthen relationships locally, nationally and internationally

When using Social Media there is a responsibility to:

- respect and model positive behaviours and language
- be transparent, relevant and kind
- be careful when sharing content, ensuring it is accurate and relevant
- consider the safety of yourself and others
- refrain from sharing any confidential information
- avoid any communications that might damage the reputation of the Church

Those serving in ministry should take care to observe appropriate boundaries between their work and their personal life just as much in the use of social media as in “real life” encounters. They should recognise the importance of knowing themselves and their own emotional needs. Working with a spiritual accompanier or pastoral supervisor can greatly help the development of this insight, which is difficult to achieve when working alone. Ministers should not expose themselves or others to material which is sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, politically inflammatory, defamatory or in violation of any British, European or international law.

Ministers must remember that they are public figures whose opinions when proffered have weight and significance. In using social media ministers should always assume that anything they post or contribute is in the public domain and will be shared. The power of the internet for doing harm as well as good must always be borne carefully in mind and weighed before saying anything which may prove be damaging to oneself as well as to others.

If contacted by the media for any reason those in ministry should before making any response contact the Church communications team. They should not speak to journalists “off the record”.

Ministers should familiarise themselves with the established policies and procedures and guidance for all communications.

9. Probity in Practice

The office of a recognised ministry in the Church of Scotland requires the highest standards of moral integrity and honesty. In particular those involved in ministry must:

- be honest and accurate in representing their professional affiliations, qualifications, and experience, and not make unjustifiable claims about their competence;
- keep their knowledge and skills up to date, taking part in regular learning and development activities in order to maintain and develop competence;
- distinguish between pastoral care and formal counselling and ensure that those to whom they minister understand the form of support being offered;
- not charge individuals personal fees for baptisms, weddings or funerals: in all circumstances ministers should follow the guidelines contained in the Year Book in respect of charging for weddings and funerals.
- refrain from encouraging those to whom they minister to give, lend or bequeath money or gifts which will be of a direct or indirect benefit to themselves, or put pressure on those to whom they minister to make donations;

- refuse all but trivial gifts and never accept any offers of loans, bequests or benefits of any kind from anyone to whom they minister (or anyone close to them)
- manage any finances for which they are responsible with diligence and for the purpose for which they are intended;
- declare any involvement that might cause a conflict of interest;
- demonstrate honesty and objectivity when providing references for colleagues or completing and signing forms. Reasonable steps must be taken to verify any statement before they sign a document, and they must not write or sign documents which are false or misleading.

10. Discipline

Where allegations involving issues of professional conduct are raised, Presbytery must proceed to investigate in terms of the Discipline Act (Act I 2019) for all subject to its terms. Paid employees in parish appointments are also subject to the relevant disciplinary policy of the Church entity which employs them. Where an investigation establishes a suspected criminal action this must be reported to the police.

11. Contracted working for other employers

Office holders of the Church of Scotland who are contractually employed outwith the Church of Scotland are bound by the declared policies and procedures of their employing body. However, they remain subject to the Code of Conduct in regard to the holding of their designated Office.