



The Church of Scotland

The Presbytery of the North East and the Northern Isles

Code of Conduct

1 Introduction

1.1 Purpose

This Code of Conduct for all members of Presbytery is intended to assist you to carry out your duties with confidence and to protect you and the Presbytery from any allegations of misconduct. It is intended to assist the smooth working of Presbytery in order to fulfil the vision set for Presbytery.

Those who are recognised ministers and deacons within the bounds, commissioned elders, and appointed additional elders are also charity trustees for the Presbytery.

While those who are corresponding members of Presbytery are not charity trustees, it is expected that Church of Scotland members would also base their conduct in Presbytery on this Code, and that those who are non-Church of Scotland would make themselves aware of this Code.

This Code will be reviewed and issued annually. It is your responsibility to ensure your familiarity with the Code and that your actions comply with its provisions.

This Code is supplemental, with respect to those serving in recognised ministry roles, to the “Code of Professional Practice and Good Conduct for the Ministries of the Church of Scotland” (found in the Ministers’ Handbook¹).

1.2 Vision

The charitable purpose of Presbytery is the advancement of religion. Our vision is a Presbytery which, under the guidance of the Holy Spirit, encourages and enables our congregations to re-imagine and renew their life and work for mission in the 21st century, worshipping and witnessing in a sustainable and mutually supportive network of Christian communities, using well-equipped spaces strategically located across the Presbytery, served and led by ministry teams, with the knowledge and skills needed to inspire and equip our members for service and discipleship.

2 Key Principles

2.1 Charitable Purpose

You have a duty, as charity trustees, to understand the purposes of Presbytery as outlined in the paper “The Purpose of Presbytery” (see Appendix 1) and “Summary of Obligations for Charity Trustees” (Appendix 5).

¹ <https://ascend.churchofscotland.org.uk/wp-content/uploads/2024/10/Ministers-HANDBOOK-2024-final.pdf>

2.2 Selflessness

You have a duty to take decisions solely in terms of the interests of the Presbytery. You must not act in order to gain financial or other material benefit for yourself, family or friends or for colleagues within the Presbytery.

Further information on the obligations of a Charity Trustee is contained in Appendix 5.

2.3 Integrity and Honesty

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in carrying out your duties as a Presbyter. You must declare any interests relating to your duties as a Presbyter and take steps to resolve any conflict in a way that protects the interests of the Presbytery.

2.4 Accountability

You are accountable in the first instance to the Presbytery and, ultimately, to the General Assembly. You have a duty to consider issues on their merits, taking due account of the views of others, and must ensure that Presbyters use the resources for which they are responsible prudently and in accordance with the law.

2.5 Transparency and Confidentiality

You should be as open as possible about all the decisions and actions that you take. You should be prepared to give reasons for your decisions and restrict information only when there are clear and lawful reasons for doing so. When information has to be confidential, you are required to ensure that you respect this.

2.6 Leadership

You have a duty to promote and support these principles through your leadership and example as a Presbyter, and to maintain and strengthen trust and confidence in the integrity of Presbytery in the conduct of its business.

2.7 Mutual Respect

You should treat one another with respect, recognising the diversity amongst Presbyters, listening to, learning from, and nurturing one another.

3 Being An Effective Presbyter

3.1 Your Duties

- You have a duty to ensure that Presbytery works effectively to make informed decisions.
- You should attend Presbytery meetings and meetings of any Committee on which you have been appointed regularly or submit apologies if you cannot attend. If you cannot attend meetings for a period of six months or longer you should inform the Convener and Presbytery Clerk.
- You should prepare for meetings by reading papers, asking for clarification where anything is unclear and considering issues in advance, and give notice in advance to Committee Conveners of any question which is likely to require some research.
- You should actively engage in discussion, debate and voting in meetings, contributing in a considered and constructive way, listening carefully, challenging sensitively, and avoiding conflict.
- You should involve yourself actively in the work of Presbytery and accept a fair share of responsibility for that work.

- You should ensure that any potential, actual or perceived conflicts of interests are dealt with in accordance with the Conflict of Interest Policy (see Appendix 2).
- You should participate in collective decision-making, accept majority decisions, and not act individually unless authorised to do so, recognising that the option to record your dissent to a decision of Presbytery is always available.
- You should ensure that your Kirk Session is kept informed of the business of Presbytery, where that is appropriate.
- You should interact with the staff of the Presbytery in a respectful manner, recognising their role in serving the Presbytery, and not demanding more from them than that which is reasonably within their capacity to deliver (and see Section 7).
- You should utilise the Whistleblowing Policy (see Appendix 4) if you have reasonable grounds for believing there is serious malpractice occurring or likely to occur within the Presbytery.

4 Social Media

4.1 Social Media Policy

The use of social media is welcome to facilitate the work of Presbytery. Presbytery has a Social Media Policy (see Appendix 3) and Presbyters have an obligation to follow this policy in order to protect themselves, Presbytery and the Church of Scotland.

5 Financial Issues

5.1 Expenses

Where expenses are reasonably and properly incurred by you as a result of a decision made by Presbytery, these expenses can be reclaimed from the Treasurer of the Presbytery. This should be done timeously and with a copy of any receipts.

5.2 Payment of Remuneration

You must comply with the statutory rules that remuneration can only be paid by a charity to its charity trustees and “connected persons” to them if certain conditions are met; these conditions are set out in Section 67 of the Charities and Trustee Investment (Scotland) Act 2005. Remuneration includes salary received from the charity or payment made for services provided to it. “Connected persons” include:

- a person married to, the civil partner of or living with the charity trustee;
- the child (including stepchild), parent, grandchild, grandparent, brother or sister of the charity trustee (or the spouse of such person);
- a company where the charity trustee or connected person has a substantial interest;
- a Scottish partnership where the charity trustee or the connected person is a partner.

5.3 Gifts and Hospitality

Note that “gift” includes benefits such as relief from indebtedness, loan concessions, or provisions of services at a cost below that charged to members of the public.

You must never canvass or seek gifts or exceptional hospitality in your capacity as a Presbyter. As a general guide, it is usually appropriate to refuse gifts and offers made to you in your capacity as a

Presbyter with the exceptions outlined below. If a gift which falls outside these exceptions is received by you, then you must declare this to the Presbytery Clerk. Permissible gifts are:

- isolated gifts of a trivial character or inexpensive seasonal gifts (for guidance, accepting a gift with a value of more than £25 is normally viewed as inappropriate);
- normal hospitality associated with your duties and which would reasonably be regarded as inappropriate to refuse or hospitality provided by colleagues or congregations in the course of your duties;
- gifts received by you for the Presbytery; which are to be declared to the Presbytery Clerk and will be registered and held by the Presbytery Office or their location noted.

6 Confidentiality

6.1 Your Responsibilities

As a part of your work as a Presbyter there will be times when you will be required to treat discussions, documents, or other information in a confidential manner. In a Presbytery meeting that part of the meeting may be held “in private”, but there may be other times when confidentiality is required. You may, for instance, receive information of a private nature which is not yet public, or which it may not be intended to be public. You must always respect and comply with any requirement to keep such information private. If you need further information or guidance on this, you should seek clarification from the Presbytery Clerk or from the Convener or Vice-Convener of the relevant Committee.

7 Other Organisations

7.1 Representing Presbytery

You may be appointed by Presbytery to be a member of another body or organisation. If this is the case, then you are bound by the rules of conduct of that body or organisation and should also observe the rules of this Code in carrying out the duties of that body.

If that appointment includes becoming a trustee for another charity, then that will require you to assume the full duties and liabilities of a charity trustee of that other body, and when serving on that body, you will be required by law to act in its best interests.

7.2 Conflicts Between Bodies

It is possible that a decision or action of some other body could conflict with Presbytery policy and that an actual or perceived conflict arise for Presbytery-nominated trustees. If this should arise you are strongly advised to seek guidance on your responsibilities from the Presbytery Clerk in the first instance, the Solicitor of the Church of Scotland may also be able to offer guidance, but independent legal advice may be desirable if you so wish.

Where a conflict of interest is irreconcilable, you may have to resign from one of the bodies.

It is acceptable, of course, to be a charity trustee of a congregation and of a Presbytery. Furthermore one can also be a General Trustee or an Assembly Trustee of the national Church of Scotland.

8 Responsibilities To Staff

8.1 Guidance for Staff Interactions

- You should ensure that you have a clear understanding of the scope of authority delegated to members of staff.
- You should act fairly and in accordance with the principles of best practice in making decisions affecting the appointment, professional development, appraisal and discipline of staff.
- You should understand and accept the difference in roles between Presbyters on the one part and staff on the other, and respect the responsibility on the staff for the day to day carrying out of the work of Presbytery.
- You should not act to undermine staff by word or action.
- If you have concerns about the performance of a member of staff, this should be addressed to the appropriate person:
 - for Presbytery Clerk to the Convener of the Business Committee;
 - for Depute Clerk to the Vice-Convener of the Business Committee;
 - for other staff members to the Presbytery Clerk.

9 Fit And Proper Persons Test

9.1 HMRC Requirements

Her Majesty's Revenue and Customs (HMRC) require the managers of a charity to be 'fit and proper persons'. Trustees, and others having the general control and management of the charity, are included in this definition. Although neither HMRC nor the Office of the Scottish Charity Regulator (OSCR) require declarations of the managers of Designated Religious Charities, it would be sensible nonetheless to apply the same standards.

Trustees are therefore required to declare to the Presbytery Clerk any involvement in or conviction for:

- tax fraud;
- other fraudulent behaviour including misrepresentation and/or identity theft;
- attacks against or abuse of tax repayment system;
- being barred from acting as a charity trustee by a charity regulator or Court, or being disqualified from acting as a company director.

Trustees are also required to declare whether they:

- are an undischarged bankrupt;
- have granted a Protected Trust Deed;
- have an unspent conviction for (a) a crime of dishonesty; or (b) offence under the Charities and Trustee Investment (Scotland) Act 2005

Any such declaration will be reported to a Governance Group comprising Moderator, Presbytery Clerk (to whom correspondence should be sent), Convener and Vice-Convener of Business Committee, who will consider whether any steps have to be taken to protect the charitable status of the Presbytery.

10 Breaches Of This Code

10.1 Material Breaches or Complaints

If the Governance Group believe that there has been a material breach of this Code by a Presbyter, or if a complaint is made by another Presbyter or by an interested party alleging such a breach, the Governance Group will give consideration to this matter at the first reasonable opportunity.

10.2 Process

In the event that the Governance Group consider that there has been a breach of the Code justifying action being taken, it will take whatever action is required. Possible courses of action include:

- i. no further action required;
- ii. reprimand, which shall be an expression of disapproval of particular behaviour with counsel regarding future conduct;
- iii. removal of the Presbyter from a committee or group, either temporarily or permanently;
- iv. referral to a Complaints Committee for further investigation using the existing Complaints Procedure and Discipline legislation².

10.3 Appeal Process in Case of Outcomes 10.2 ii and iii

For the avoidance of doubt, an appeal process is already contained in the legislation that would be used under outcome 10.2 iv.

A Presbyter who is subject to such action will have the right of appeal to the Presbytery (via the Convener of the Congregational Support Committee) on the following grounds:

- i. an error in law;
- ii. irregularity of process, including breach of the principles of natural justice;
- iii. decision influenced by incorrect material fact; and
- iv. the severity of any sanction imposed.

The Convener of the Congregational Support Committee will determine how to handle any such appeal. This would initiate the setting up of a panel, hearing from the Presbyter and from the Governance Group before making a determination. Members of the Governance Group will take no part in determining the appeal.

If the Presbyter whose conduct is the subject of a complaint under these provisions is a member of the Governance Group, he or she shall immediately withdraw from active membership of the Governance Group until the matter is resolved. If it appears that the independence of the Governance Group may be compromised, the Presbytery may appoint other members to act for the time being in place of the Governance Group.

² Discipline Act (Act I 2019) (As amended by Act XII 2020)

If there are any questions in relation to the processes set out above these should be addressed to the Presbytery Clerk.

Approved by Presbytery on 10 January 2023.

Revision History: 17 August 2023, 30 May 2024, 17 June 2025.

Appendices

Appendix I

The Purpose of Presbytery

1 What Is A Presbytery For?

1.1 History

The Reformers set out three marks of the Church which also are in the Articles – the Word is purely preached, the sacraments administered according to Christ's ordinance, and discipline rightly exercised.

In the later sixteenth and early seventeenth Church government was developed with a focus on these three marks. The Church of Scotland's Articles Declaratory (which might be described as its Constitution) says "its government is Presbyterian, and is exercised through Kirk Sessions; Presbyteries, and General Assemblies."

Presbytery was therefore developed as part of a system of Church government which prized good order. This can probably still be seen in the format of Presbytery life even today.

1.2 The Present

The Church Courts Act (Act VI 2023) (as amended by Acts VII and XII 2025) is the legal basis for the operation of Presbyteries and provides the following basic principles:

Presbytery is the court which is responsible for the gathered life of the Church of Scotland. This responsibility is both corporate and individual, and rests on members and office-bearers alike. The collective task is the support and oversight of the local church as well as participating in the life of the Church at General Assembly level.

Each area of Scotland shall be covered by such a Presbytery and each local expression of church belonging to the Church of Scotland shall be subject to the oversight of the relevant Presbytery.

In addition, there shall be Presbyteries which oversee Church of Scotland congregations furth of Scotland.

2 What Should A Presbytery Do?

2.1 Charitable Purpose

The sole charitable purpose of the Presbytery is the advancement of religion. This finds expression in a number of different ways as set out below.

2.2 Mutual Encouragement

The Presbytery should be a forum in which improved collegiality and team working can be encouraged, where Presbyters and congregations can be encouraged and supported, providing opportunities to come together to build relationships across the Presbytery.

2.3 Support and Oversight of the Local Church

- create, implement and maintain the Presbytery Mission Plan as specified in the Presbytery Mission Plan Act (Act VIII 2021);
- oversee Vacancy Procedure as set out in the Vacancy Procedure Act (Act VIII 2003);

- carry through the process of Local Church Review as set out in the Local Church Review Act (Act I 2011);
- provide pastoral care to parish Ministers and parish Deacons;
- annually examine and attest rolls, records, minutes, registers, expense claims, and accounts.

2.4 Superintendence

- exercise general powers of superintendence;
- exercise discipline over Ministers, Deacons, Elders and local office bearers in terms of the Discipline Act (Act I 2019) and provide pastoral care to those involved in the discipline process;
- operate the Complaints Procedure as approved by the General Assembly;
- hear and dispose of appeals against the decision of a Kirk Session.)

2.5 Resourcing Congregations

- provide resources or identify access to resources for congregations and other expressions of local church life as set out in Church law or as the Presbytery may determine;
- fulfil its responsibilities in relation to Readers in terms of the Readership Act (Act XVII 1992), to Ordained Local Ministers in terms of the Ordained Local Ministry Act (Act IX 2011) and to Auxiliary Ministers in terms of the Auxiliary Ministers Act (Act XIII 2003);
- select, train and maintain lists of worship leaders in terms of the Parish Ministry Act (Act II 2018).

2.6 Beyond the Church

- order itself in such a way that the local church can gain a collective voice to speak with those representing civil authority, other denominations, other faith groups, the Third Sector, business interests, and cultural life).

2.7 General Assembly Processes

- participate in any Presbytery Review process;
- cooperate with agencies and officials of the General Assembly as they fulfil their remits;
- nominate and supervise Candidates for the Ministry of Word and Sacrament and the Diaconate;
- provide such information regarding statistics, office bearers, and finance as required by Church law;
- respond timeously to General Assembly remits and ensure compliance with the requirements of the Barrier Act.

2.8 Keeping Good Order

- ensure good order in the conduct of its shared life;
- carryout the functions and comply with the responsibilities specified in Acts and Regulations of the General Assembly, and comply with instructions of the General Assembly;
- elect a Moderator from amongst its number. Such an appointment shall be in terms of the Presbytery's Standing Orders but, for the avoidance of doubt, may be for a period of time of at least one year and of the Presbytery's choosing;
- appoint a Clerk and in the absence of the Clerk from any meeting, appoint an Interim Clerk. The Clerk need not be a member of the Court. The oath de fideli shall be administered to a Clerk or Interim Clerk;
- ensure that the Roll of Presbytery is kept up to date and retained in accordance with Data Protection law;
- appoint appropriate persons to work in the Presbytery to support the mission of the Presbytery; fulfil all responsibilities consequentially arising in terms of the civil law on employment; and be responsible for the payment of salaries;

- adopt and operate a suitable policy to recognise and manage conflicts of interest effectively and demonstrably..

2.9 Civil Law

- ensure that the Presbytery is registered as a Charity and follows civil charity law and good practice, including the timeous submission of Presbytery accounts to OSCR;
- ensure that the duties of charity trustees in terms of the civil law on charities, in particular those contained in the Charities and Trustee Investment (Scotland) Act 2005 (as amended) are discharged;
- attest all congregational trustees' reports and annual accounts prior to their submission to OSCR. (29) cooperate with the Assembly Trustees on matters of charity governance;
- fulfil all responsibilities placed upon the Presbytery in terms of civil law and the Safeguarding Act (Act XVI 2018), including the provision of Safeguarding training and maintenance of records of such training, and the annual completion of the Safeguarding Audit Checklist;
- act as the data controller, in terms of the Data Protection Act 2018, for congregations within its bounds and be responsible for registering as such with the Information Commissioner's Office; fulfil the provisions of civil law on data protection, in accordance with advice and assistance provided by the national Church offices and Church website;
- comply as required with health and safety law, employment law and other civil law.

Appendix 2

Conflicts of Interest

3 Conflict of Interest Policy

3.1 Introduction

Conflicts of interest affect all types and size of organisations. In the charity context, a conflict of interest can inhibit free discussion, and can lead to decisions which are not in the best interests of the charity and which are invalid or open to challenge. Conflicts of interest can also be damaging to a charity's reputation and to the public's confidence and trust in charities in general.

Charity trustees have a primary duty in terms of S.66 of the Charities and Trustee Investment (Scotland) Act 2005 to act in the best interests of the charity at all times.

Those who are recognised ministers and deacons within the bounds, commissioned elders, and appointed additional elders are also charity trustees for the Presbytery of the North East and the Northern Isles, Scottish Charity No SC013064, ("the Presbytery").

The Presbytery recognises that on occasion, trustees can find themselves in a situation that may give rise to conflicts of interest, whether potential or actual, perceived or alleged. Where trustees can identify a conflict and the Presbytery can put in place measures to prevent the conflict affecting decision-making then the harmful effects of a conflict of interest can be prevented. The proper handling of conflicts of interest is an essential part of proper decision-making by trustees.

The Presbytery has accordingly developed this policy to provide guidance to all trustees regarding conflicts of interest in order to avoid any actual or potential conflicts of interest, perception of bias or misuse of authority, and to ensure and evidence that all decisions by individual trustees on behalf of the Presbytery are taken only in the best interests of the Presbytery at all times.

3.2 Scope and Purpose

The Presbytery is committed to ensuring that all of its trustees act in the best interests of the Presbytery at all times.

This policy aims to provide guidance to those involved in management and decision-making and seeks to ensure that the Presbytery can be seen to be acting in accordance with well recognised rules of good governance.

It is inevitable that conflicts of interest will arise. This policy aims to ensure that any conflict is identified and managed appropriately.

It is the responsibility of each individual to recognise situations in which he or she has a conflict of interest, or might reasonably be seen by others to have a conflict, to disclose that conflict to the appropriate person and to take such further steps as may be appropriate as set out in more detail under the procedure below.

If an individual is uncertain about how this policy might affect his or her activities or has any questions about its application, he or she should contact the Presbytery Clerk.

3.3 Conflict of Interest

3.3.1 What is a Conflict of Interest?

A conflict of interest is any situation in which a trustee's personal interests or loyalties could, or could be seen to, prevent the trustee from making a decision only in the best interests of the Presbytery.

A conflict of interest arises when the interests of a trustee (or a person closely connected to them, whether by family or business) are incompatible or in competition with the interests of the Presbytery. Such situations present a risk that trustees will make a decision based on external influences and that such a decision will not be in the best interests of the Presbytery.

The most common types of conflict include:

- **direct financial interest** – where there is, or appears to be, an opportunity for personal financial gain
- **indirect financial interest** – the financial gain of a close relative or close friend or business associate

The level of financial interest should not be a determining factor in deciding whether a conflict should be disclosed. The Presbytery expects disclosure of any financial interest, however small.

- **non-financial or personal conflicts** – a non-financial interest can take many forms and is generally one where there is, or appears to be, an opportunity for personal benefit, advantage or enhancement to prospects for the individual (direct), or similar gains to someone in their immediate family or a person with whom the individual has a close personal relationship (indirect)
- **conflicts of loyalties** – a particular type of conflict of interest in which a trustee's loyalty or duty to another person or organisation could prevent the trustee from making a decision only in the best interests of the Presbytery.

3.3.2 Conflicts of Loyalties

A conflict of loyalty may arise where a trustee is also a charity trustee or member of another body (for example a community association) if that could (or could be seen to) interfere with their ability to make decisions only in the best interests of the Presbytery. In such circumstances, a trustee must act at all times only in the best interests of the Presbytery in carrying out their trustee role, regardless of how decisions made in that role may impact on the other body.

The interests of the Presbytery and such other body will often be consistent, or complementary, but it is inevitable that on occasion a conflict will arise. Whether a conflict of loyalty is of such low risk that the affected trustee can participate in the decision is a judgement for the trustees and will depend on the particular decision and circumstances of the case. It will often be the case that the potential damage that could be caused by any conflict is so minimal that it can be managed without any difficulty. The trustees must take all relevant factors into account and be ready to explain their approach if asked to do so.

The trustees must consider the issue of the conflict of interest so that any potential effect on decision making is eliminated. This may mean deciding that the conflict of interest is so serious that it can only effectively be prevented by removal, which is likely to mean the resignation of the

trustee. This will only be necessary if the conflict of interest is likely to recur frequently or otherwise poses high risks to effective decision making.

If the trustees decide that the conflict is not so serious as to require removal, they must prevent the competing interest/duty from affecting their decision. This is likely to mean that the affected trustee should withdraw from the meeting and from all aspects of the discussion, decision making and voting. The conflicted trustee should be given the opportunity before withdrawing from the meeting to provide any information necessary to help the remaining trustees make a decision in the best interests of the Presbytery.

Deciding that a conflict of interest is low risk, and that the affected trustee can participate in the decision, is a judgement for the trustees. It will depend on the particular decision and relevant circumstances. The trustees should take all relevant factors into account and be ready to explain their approach if asked. They should keep a proper record of their discussions and decision. The trustees should be satisfied that their handling of the matter is an appropriate way of demonstrating that their decision was made only in the best interests of the Presbytery.

3.3.3 Recognising and Disclosing Conflicts of Interest

All trustees are required to recognise and disclose activities that might give rise to conflicts of interest, or the perception of conflicts of interest, at the earliest opportunity. This allows the other trustees to consider the issue of the conflict of interest to ensure that any potential effect on decision-making is eliminated and to demonstrate that their decision was made only in the best interests of the Presbytery. If properly managed, activities can proceed as normal whilst at the same time upholding the trustees' obligations to the Presbytery, meeting regulatory and other external requirements and protecting the integrity and reputation of the Presbytery. By contrast, conflicts which are not managed effectively may jeopardise the Presbytery's public standing and may cause serious damage to the reputation of the Church and of the individuals concerned.

It is therefore the Presbytery's policy to ensure that when conflicts or perceived conflicts of interest arise they are acknowledged and disclosed.

There can be situations in which the appearance of conflict of interest is present even when no conflict actually exists. It is important for all trustees when evaluating a potential conflict of interest to consider how it might be perceived by others. The duty to declare a possible conflict applies to the perception of the situation as much as to the actual existence of a conflict. When deciding whether such an interest is present, trustees should ask themselves whether a reasonable member of the public, with knowledge of all of the relevant facts of the situation, would think that their judgement might be prejudiced or influenced by their private or personal interest. This is an objective test. Trustees must not decide whether they would take a decision without prejudice, but whether they could be seen as doing so.

There may, exceptionally, be circumstances in which a conflict cannot be satisfactorily managed. In such circumstances the trustees should remove the conflict by not proceeding with a proposed course of action; by proceeding in a different way so that the conflict does not arise; or by not appointing a particular trustee or requiring the resignation of a trustee.

3.4 Procedure

It is the duty of every trustee to disclose any conflict of interest or any circumstances that might reasonably give rise to the perception of conflict of interest.

The following procedure should be followed to ensure that conflicts of interest are identified at as early a stage as possible and that, once identified, action is taken to ensure that the conflict of interest

does not give rise to a situation where decisions are taken by trustees which are, or could be perceived as being, not in the best interests of the Presbytery.

3.4.1 Copy of Policy to be Provided

Potential and new trustees will be informed before they are appointed that they will be expected to adhere to this conflict of interest policy and a copy of the policy will be provided to them.

3.4.2 Disclosure

Any trustee who fails to disclose a potential, actual or perceived conflict of interest will have failed to comply with their statutory duty. Any failure to disclose a potential, actual or perceived conflict of interest is a serious issue and could result in the removal of the trustee.

- There is a standard agenda item at the beginning of each Presbytery meeting to declare any potential, actual or perceived conflicts of interest.
- A trustee should declare any interest which he or she has in an item to be discussed, at the earliest possible opportunity and before any discussion of the item itself. If a trustee is uncertain whether he or she is conflicted he or she should err on the side of openness, declaring the issue and discussing it with the other trustees.
- If a trustee is aware of an undeclared conflict of interest affecting another trustee they should notify the other trustees or the Moderator. All trustees have a collective responsibility to manage conflicts and to act clearly in the Presbytery's best interests.

3.4.3 Managing Conflicts of Interest

If a potential, actual or perceived conflict of interest is identified the trustees must act only in the best interests of the Presbytery. This means the trustees must consider the issue of the conflict of interest so that any effect this may have on good decision-making is eliminated.

In deciding whether a conflict of interest exists trustees must consider the following:

- Has the decision been taken in the best interests of the Presbytery?
- Does the decision protect the reputation of the Presbytery?
- What impression does the decision have on those outside the Presbytery?
- Can the trustees demonstrate that they have made the decision in the best interests of the Presbytery and independently of any competing interests?
- Does the presence of a conflicted trustee inhibit free discussion and influence the decision-making process in any way?

Where the trustees decide that there is a potential, actual or perceived conflict of interest the conflicted trustee should not participate in the decision-making process.

The conflicted trustee should withdraw from the meeting prior to discussion of the item, unless given permission by the Convener or Moderator to remain.

The conflicted trustee should be given the opportunity before withdrawing from the meeting to provide any information necessary to help the remaining trustees make a decision in the best interests of the Presbytery.

A conflicted trustee should not take part in any vote on the item which is the subject of the conflict.

3.4.4 Recording

In all instances where a potential, actual or perceived conflict of interest is disclosed at a trustees' meeting the minutes of the meeting should record the trustees' discussion and the decision taken. Interests should be declared at the start of a meeting if a trustee knows in advance that a relevant item will appear in the agenda.

If there is a discussion, the written record of the decision should include:

- the nature of the conflict;
- which trustees were affected;
- whether any conflicts of interest were declared in advance;
- an outline of the discussion;
- whether anyone withdrew from the discussion; and
- how the decision was taken in the best interests of the Presbytery.

3.5 Consequences of Breach

Where conflicts of interest are not identified or properly managed there can be serious consequences for both the affected trustee and the Presbytery. Decisions taken may not be valid and could be challenged, and can damage the reputation of the Church and the trust of the public.

If the circumstances are sufficiently serious, a failure to disclose a conflict of interest could therefore result in the removal of the conflicted trustee from the relevant Committee or Presbytery.

3.6 Review

This Policy will be reviewed by the Presbytery every three years.

Appendix 3 Social Media

4 Social Media Policy

4.1 Introduction

The Presbytery of the North East and the Northern Isles welcomes the use of social media as it provides easier ways for congregations to:

- communicate instantly with members, keeping them informed and updated;
- signpost involvement with the local community; and
- forge relationships with individuals and the wider community that build trust and understanding.

Facebook, Twitter, Instagram and any online communication have the ability to achieve these outcomes but it is necessary to outline a few issues Presbyters should bear in mind when communicating online.

Websites and Social media pages should be up to date and current.

The Church of Scotland has produced detailed guidelines for Social Media use focussing on Facebook, Twitter and Instagram.³

Choosing the right social media platform is important and involves consideration of who you are trying to reach and what you are trying to achieve.

Once you have chosen your platform you can start to create your congregational account.

Always ensure that there are two or more people who hold the login details and passwords for your social media accounts. If not, you will have to start from scratch when someone leaves.

4.2 Images

Ensure you use high quality, eye catching, non-watermarked images which fit the optimum size for each social media platform.

4.3 Facebook

Facebook is the most popular social networking site worldwide. Facebook offers three options; a profile, a page, or a group.

A profile represents a single individual and is for non-commercial use.

A page is a timeline for organisations and businesses.

Groups are effective in connecting family, peers, colleagues or people with a shared interest.

A Facebook page is recommended. A page will enable people to find you and explore the life of your congregation. This page can be used to advertise events and to share prayers, images, videos, thoughts and quotes.

³ <https://www.churchofscotland.org.uk/about-us/communication-resources/social-media-guidelines>

You must already have a personal Facebook account that you can use to create a page. You will then become the admin of the page. You should then assign other people as admins and editors. You can remove yourself as an admin for the page later if you no longer wish your Profile to be attached to the church page.

4.4 X (formerly Twitter) or Threads

X (formerly Twitter) or Threads are often the first place news stories appear online. People also use these platforms to hold global conversations, make friends and build support for campaigns. Yet X or Threads are some of the most difficult social platforms for congregations to maintain. Messages fly so fast and furiously, that on average they have a lifespan of around 10 minutes. So how do congregations use X or Threads effectively? If you want to keep up a profile, you will need to sustain a steady flow of posts. This may seem overwhelming, but your congregation is potentially already producing enough content to be used.

When choosing your username (also known as your handle), you are limited to 15 characters. It should be something relevant, unique and easy to remember. Usernames are preceded by the @ symbol (@ChurchScotland). If you are planning on setting up an Instagram account as well, you will want to check that the username is available on all platforms. Your display name (note: different from username) can be up to 50 characters and therefore you should be able to include your congregation's full name.

4.5 Instagram

Instagram, users can connect with a global community which shares millions of photos and videos every day. This social platform works best on your mobile phone, and it is a wonderful place to explore the world and find like-minded individuals. Instagram has become an indispensable social media outlet, particularly for engaging with young people.

4.6 Safeguarding

Adults should think twice and consider speaking to a parent before adding/following children under 16 on social media. Always obtain consent from parents before using images of children on social media. Congregations address this in different ways. Some have a blanket consent form which parents sign before their children take part in activities. Other congregations choose not to include photographs of children on their social media accounts at all. Consult the Church of Scotland safeguarding resources for further guidance.⁴

4.7 Personal View Sharing

Church of Scotland personnel are to be mindful of their status as a Minister, Deacon, Parish Worker or Elder of the Church of Scotland and for such reasons should consider carefully before engaging with local news agencies and on social media platforms ensuring that they consider that what they are sharing is appropriate.

4.8 Confidentiality

Be sensitive about confidentiality and the risk of intrusion. Social media does not change our fundamental understanding about confidentiality across the whole life of the Church. When telling a story about a situation which involves someone else, always ask yourself: is this my story to tell? Would it cause distress, inconvenience, upset or embarrassment to others if they found out you had shared in this way? If in any doubt, do not share it online.

⁴ <https://www.churchofscotland.org.uk/about-us/safeguarding-service>

4.9 Privacy and Security

Be mindful of your own security. Be careful about the personal details you share online. Assume anything you share about yourself is in the public domain. Do not assume anything electronic is secure. You might be able to delete or recall an email but there's no guarantee the recipient will. Equally, your privacy settings on your social media tools might mean only your accepted "friends" or "followers" can see the things you say, but there is no guarantee that they will not pass them on outside your trusted circles.

Appendix 4

Whistleblowing Policy

5 Whistleblowing Policy of the Presbytery of the North East and the Northern Isles

5.1 Purpose and Scope

The Presbytery is committed to the principles of openness, probity and accountability. In line with that commitment we expect anyone who has a serious concern about any aspect of our presbyterial life to voice those concerns in good faith and in line with the following procedure without fear of victimisation, subsequent discrimination or disadvantage.

The purpose of this policy is to provide a procedure which enables concerns to be raised if there are reasonable grounds for believing there is serious malpractice occurring or likely to occur. It applies to all employees, contractors, consultants, temporary casual and agency workers within the direct employ of Presbytery and the word “employee” is used in this policy to cover all such individuals. It also applies to members and corresponding members of the Presbytery. Matters of concern should be raised responsibly through the procedures and guidance as detailed in this policy.

5.2 Definition

Whistleblowing is when someone knows, or suspects, that there is some wrongdoing involving illegal and/or underhand practices occurring within the congregation and alerts the right person within the congregation, or the relevant authority, accordingly.

Employees who engage in whistleblowing are, in certain circumstances, protected by the Public Interest Disclosure Act 1998.

5.3 Purpose and Scope

This policy is designed to deal with concerns raised in relation to the specific issues which are in the public interest and are detailed below), and which fall outside the scope of other procedures (such as a grievance procedure).

The policy does not apply to personal grievances concerning an employee's terms and conditions of employment or other aspects of the working relationship, complaints of bullying or harassment, or disciplinary matters. Such complaints will be dealt with under existing procedures on grievance, bullying and harassment and discipline and misconduct.

The policy deals with specific concerns which are in the public interest in circumstances where an employee or a member/adherent has the reasonable belief:

- that a criminal offence has been committed, is being committed, or is likely to be committed (including financial malpractice or acts of bribery);
- that a person has failed, is failing, or is likely to fail to comply with a legal obligation to which they are subject;
- that the health and safety of any individual has been, is being, or is likely to be endangered;
- that the congregation is attempting to suppress or conceal any information relating to any of the above.

If, in the course of investigation, any concern raised in relation to the above matters appears to relate more appropriately to grievance, bullying or harassment, or discipline, those procedures will be invoked. If the matter is of a less serious nature the employee should always talk to his or her line manager in the first instance.

5.4 Roles and Responsibilities

Concerns must be raised without malice and in good faith, and the individual must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true. The disclosure must not be made for purposes of personal gain, and in all the circumstances it must be reasonable to make the disclosure.

If an employee knows, or suspects, that some wrongdoing is occurring, he or she should raise the matter immediately with their line manager. If the wrongdoing or suspected wrongdoing involves the employee's line manager, or if the concern is raised by a member, the concern should be referred to the Presbytery Clerk of the Presbytery (or to the Convener of the Business Committee if the disclosure relates to the Presbytery Clerk in any respect). Anyone who is informed of potential wrongdoing must take immediate action to ensure the situation is investigated and dealt with as quickly as possible.

Efforts must be made to maintain the anonymity of the individual who has made the allegation of wrongdoing.

5.5 Procedures and Process

Concerns may be raised verbally or in writing and whilst individuals are not expected to prove beyond doubt the truth of an allegation they will be required to demonstrate that there are reasonable grounds for their concern.

It is suggested that individuals making a disclosure should set out (One) the background and history of the concern (including relevant dates); and (Two) the reason they are particularly concerned about the situation.

Wherever possible, within ten working days the person to whom the disclosure is made should write to the employee or to the member/adherent with the following information:

- an acknowledgment that the concern has been raised;
- an indication of the anticipated method of investigation and resolution if applicable;
- an estimation of how long it will take for the individual to be provided with a final response noting that all investigations shall be completed as quickly as may be practicable in the circumstances;
- advice as to what, if any, initial enquires have been made and what anticipated further investigations will take place.

If an investigation is deemed to be required, the Presbytery Clerk (or Convener of the Business Committee if appropriate) shall nominate an individual or individuals to consider the concern and take any steps they deem necessary to investigate the matter. This individual or individuals will conduct a full and thorough investigation. The form the investigation takes will be determined by the nature of the concern.

The findings of the investigation will be shared with the Complaints Committee which will then decide if there is a case to answer and what procedure to follow. This may include taking steps with a competent authority, such as the police, for further investigation. The decision may also be that the matter would be more appropriately handled under existing procedures for grievance, bullying and harassment, or discipline.

If it is determined that it would not be appropriate to proceed with an investigation or, following an investigation it is determined not to do so, the decision will be explained as fully as possible to the individual who raised the concern, giving the reasons not to take it further. If not satisfied with the decision, it is then open to the individual to make the disclosure to the Principal Clerk who may take action if appropriate. This may include appointing an investigator, taking action under Church legislation and/or referring the matter on to another authority, such as the police or local authority.

It is recommended that the Church's Law Department is also contacted so that guidance can be provided if required.

If urgent action is required, this may be taken prior to an investigation being undertaken.

The employee or member may be invited to one or more meetings during the investigation depending on the nature of the matter raised, the potential difficulties involved and the clarity of the information provided. The employee may be accompanied by a work colleague or certified trade union representative during any such meetings; a member may be accompanied by a companion of their choosing.

Any other employees that are invited to provide statements should abide by the same principles as the employee or the member raising the concern.

If the concern involves an employee or employees the employee(s) will be told at an early stage of the investigation and of the evidence supporting it, and will be provided with an opportunity to respond during the investigation.

Employees and members raising concerns under this policy need to be assured that the matter has been properly addressed and so they will be kept informed of procedural progress and the outcome of the investigation. It may not always be appropriate to disclose full detail of any action that is taken, but the employee will be informed if action is taken.

5.6 Alerting Outside Bodies To A Potential Wrongdoing

Employees and members should always, in the first instance, follow this internal procedure about a potential wrongdoing. If they are not satisfied with the response, they are entitled to contact a relevant external body to express the concerns. In doing this they should:

- have a reasonable belief that the allegation is based on correct facts;
- not be making any personal gain from the revelations; and
- make the disclosure to a relevant body. A relevant body is likely to be a regulatory body, and a list of prescribed relevant bodies is available at:
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

Disclosures to OSCR should be made via the Church's Law Department. If an employee or a member/adherent is dissatisfied with the Presbytery's response under this policy and considers that

any matter should be reported to OSCR he or she should contact the Law Department at lawdept@churchofscotland.org.uk in order to take this forward.

5.7 Contacting The Media

The media is not a relevant external body. Employees and members should never contact the media with allegations. Employees should be mindful that they must maintain the confidentiality of the employer so far as possible.

5.8 Protection Against Detriment

Any employee who makes a protected disclosure in terms of the Public Interest Disclosure Act 1998 will be protected from any detriment in relation to any allegations that are made. If the employee does not follow the procedure set out above, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment may not apply.

Disclosing information in an inappropriate way (e.g. contacting the media or contacting a regulatory body without first raising the matter with the employer as set out in this policy) will constitute gross misconduct and could result in disciplinary action up to and including dismissal being taken against the employee.

5.9 Protection Against Detriment

This policy will be kept under review by the Presbytery. Any questions regarding its operation should be directed to the Presbytery Clerk in the first instance.

Appendix 5

Summary of Obligations for Charity Trustees

6 Obligations for Charity Trustees

6.1 Obligations

The obligations of Charity Trustees are set out in the Charities and Trustee Investment (Scotland) Act 2005, and subsequent Guidance from OSCR (The Office of the Scottish Charity Regulator).

Among the obligations, those most likely to affect those who are Charity Trustees for a congregation or for Presbytery are as follows:

- The Trustees must act in the interests of the Charity (and not therefore in their own personal interests or the interests of an outside body).
- They must seek, in good faith, to ensure that the Charity operates in a manner which is consistent with its purposes.
- They must act with the care and diligence that it is reasonable to expect of a person who is managing the affairs of another.
- They have to ensure compliance with the requirements of the Act.
- They must ensure that none of the funds or assets of the congregation/presbytery are applied to any non-charitable purpose.
- They must ensure that none of the assets of the congregation/presbytery are given away to third parties without a consideration being paid (unless in exceptional circumstances this is approved by a higher court of the Church or the General Trustees in the case of land and buildings subject to General Assembly control).
- The Act prohibits Charity Trustees and persons closely related to them being remunerated by the Charity except in certain defined circumstances (a circular on this can be downloaded from the Church of Scotland website – Remuneration for Services, see link below).
 - This includes those Trustees whose companies wish to provide services to the congregation/presbytery, and certain procedures have to be put in place where this happens.
 - The Act prohibits the following from acting as Charity Trustees: those convicted of an offence involving dishonesty, those who are undischarged bankrupts, those removed under previous legislation or those who are disqualified from acting as company directors.

Note that certain information about the Charity Trustees is required by OSCR to be submitted, including name, address, email, telephone, date of birth, and dates of taking on Trustee role and of the role ceasing (if appropriate) and whether an exemption has been granted by OSCR to have a name published.

It is important to note that all congregations and presbyteries have Trustee Indemnity insurance via a block policy arranged by the Church of Scotland insurance company. This will protect Charity Trustees in congregations and presbyteries from personal claims arising from breach of charity trustee duty, provided they have followed the Church of Scotland guidance on these matters.

6.2 Further Information

Further information can be obtained from:

<https://www.oscr.org.uk/managing-a-charity/trustee-duties/>

https://www.churchofscotland.org.uk/_data/assets/pdf_file/0018/22545/Charities-Remuneration-for-Serivices-.pdf