

FREQUENTLY ASKED QUESTIONS

Trustee Eligibility

Who is eligible to serve on the Vestry?

Any communicant who is 16 years of age or older, and who is not disqualified from being a trustee (see below).

Who is disqualified from being a trustee?

Currently anyone with unspent offences of dishonesty, e.g. theft and fraud. The law is changing, likely sometime in 2025, to also include crimes of bribery, corruption, and terrorism. A publicly searchable database of names of those disqualified from being a trustee is due to go-live on 1st October 2024. This will only show names, which can be cross-checked by trustees with OSCR, as required.

Individuals who have been made personally insolvent at any point in their lives are also disqualified from serving. OSCR, however, can waive this rule in certain circumstances.

What happens if someone is appointed to Vestry and then it is discovered they are disqualified?

This highlights the importance of proper recruitment, including the completion of 2 declaration forms on the SEC website. Make sure someone is eligible before putting their name before the congregation.

Once other vestry members know that someone is ineligible, they must remove them. Moreover, it is a criminal offence for someone who is disqualified to serve as a trustee. So, if someone becomes disqualified after being appointed, they should resign immediately and cease to attend meetings.

What about people who have been convicted of sexual offences?

They are not automatically disqualified. Indeed, some charities might want people of this experience to serve as a trustee. However, in the church, there may well be safeguarding and reputational concerns. It is therefore for each charity/congregation to decide whether to appoint.

Note: being a trustee is not classed as “regulated work” and therefore it is illegal to request a PVG for trustees (unless, of course, they are also conducting regulated work).

Are there any tenure requirements for Vestry members?

Always worth checking the constitution. Lay Reps, Wardens, and Alt Lay Reps are usually for one year. Best practice for other posts would be five years maximum although we do recognise that some positions such as Vestry Secretary and Treasurer are difficult to fill. The Diocese Office is looking at how more support can be offered particularly for Treasurers e.g. use of a common accounting package, can we pay for an independent treasurer role across the diocese?

Worth remembering that people can work across different charges and some people already are. People may also still be willing to work within the Charge but in a different way when they step down from a particular role. “God has given us the skills to serve” and it may be OK to have gaps in some roles if the skills are not available at a particular time.

Some people may volunteer via the community out-reach that churches do as they will perceive this as helping the community rather than see it as a “church” thing.

Are new vestry members liable for old decisions?

No, the sins of the fathers are not passed on but you will be liable if the problems and bad practices continue on your watch.

Running Meetings

What is the best way to run a Vestry meeting for timing and efficiency?

Timed agendas are very useful but can't be used to shut down appropriate discussions. Remember that Rectors aren't trained to be Chairs. Try to shut-down irrelevant discussions which waste a lot of time. Have very clear agendas with no AOB – items should always be substantive and remember this is a partnership – you are all equally responsible for making these meeting succinct and positive.

How do we support Vestry Chairs (Rectors) for whom this is not a skill set?

Whilst it is the Rector/Priest-in-Charge's right to chair vestry, it is not a requirement. It is possible for someone else to be appointed chair, if that better fits the skill sets within the vestry. During a Vacancy, the Vestry Secretary takes on the role of Chair.

How do we balance the temporal and the spiritual?

Are they actually separate or not? Use sub-committees e.g. for finance if this would help but be careful about the level of delegation for decision making. Remember the main role of the charity is to progress mission and ministry not preparing and poring over accounts and debating how to fix the roof.

Remember that Canon Law does specify those decision that are wholly within the purview of the Rector and Vestry agenda and discussions should bear this in mind, e.g. the timing and conduct of worship is entirely within the rights and responsibilities of the rector.

Can congregational members choose to attend Vestry meetings?

Your constitution should cover if this is possible or not and they can only attend as observers. You should also check you constitution regarding how minutes of meeting can/should be shared. Remember you can redact information if it is confidential e.g salaries or detail of complaints against personnel.

A meeting should only be recorded electronically if reasons for doing so are shared and all attendees agree.

How can we manage a Vestry within a Vestry?

Decisions taken at Vestry cannot be agreed outside of the meeting or changed afterwards. Everyone has an equal responsibility for all decisions and are equally liable if things go pear-shaped. If this is happening everyone outside of the inner circle has a duty to act to remove the members of the inner circle from the Vestry.

Best Practice

What is the difference between 'interests' of a charity and 'best interests'?

Trustees are required to act in the interests of the charity. This means that they must put aside their own interests, or those of people they know, or other charities/companies/groups of which they are a part. However, there is no requirement to act in the best interests: there are a range of interests and needs to be considered with every decision. Provided the decision made is within a range of what is reasonable, that is sufficient.

How do you know what you need help with?

A good way to identify gaps is to carry out a skills audit. This is a useful tool as it will identify gaps within the vestry that need to be filled by external help (short-term) or by training. It is useful to

conduct a skills gap assessment on a regular basis as this will help to identify progress. One should always be completed when new members are appointed, and it could be used to identify what skills any new members of the board need to ideally have.

What happens if we cannot afford safety features to protect people?

Lack of funds is no excuse for not doing something. Something must be done if a risk is identified, even if the gold-standard cannot be achieved.

How long should we retain documents?

There is no statutory period and church documents provide a useful record of social history so should possibly keep forever. If this is not possible then a general rule of thumb would be ten years. May be worthwhile considering digitising the records or contact national and local archives. Returning them to the Diocese is not an option – they are the responsibility of the Vestry.

Are our records subject to GDPR?

Registers should be classified as sensitive material within the context of GDPR as they contain details of family members and, appearing on our registers is a clue to the religion of the individual.

Remember that some information may come as a shock to the individual – particularly true when someone is researching their family tree. Our registers do show illegitimacy and this would need careful handling.

Can one charity give money to another charity?

There are some charities that are specifically set up as grant-making bodies, and their purpose is to give money to other charities, bodies or individuals. So, it is possible. However, the charity to which you give money from general funds/donations must have the same purpose. For example, if a congregation makes a donation to a local church youth group, that is probably OK but it would not be appropriate to give to the local wildlife sanctuary. If congregations want to support other charities, outwith their charitable purpose, this must be done separately, with the specified charity being made clear.

What level of reserves should be held?

There is very little guidance on what proportion of spending should be held in reserve: it is for each individual Vestry to decide how much. A useful rule of thumb, followed by many congregations, is to keep 3-6 months of running costs.

What policies should be in place?

The only mandatory policy is safeguarding. However, it is good practice to have other policies in place, depending on your circumstances, e.g. complaints, whistleblowing, grievance, data protection, health and safety, etc.

How often should a constitution be reviewed?

Vestries should review their constitutions every 3-5 years to ensure it meets the requirements of the congregation. The process to be followed is outlined on the SEC website. All constitutions should be signed by the current incumbent and the Bishop.

Alternative Ways of Doing Things

We have heard about a SCIO, what is this and should we be changing our status?

SCIO stands for Scottish Charitable Incorporated Organisation and is a vehicle to replace our current unincorporated status. It is similar to a Ltd company, is only registered with OSCR and is specifically for small charities. It would bring benefits but would, probably, need provincial approval for the whole SEC to move away from the current model. There are downsides as everything would need to be transferred to the new organisation. Employees would need to be TUPE'd, land and assets have to be transferred, new bank accounts would need to be set up and a new charity number obtained. All of this is expensive to do. You should have a clear need to do this e.g. combining different trading arms of the existing charity, it is a complex and costly process and should not be rushed into.

When Things Go Wrong

When do we seek help?

Always seek advice and support as soon as possible. The Diocese staff and officials are here to serve and help, including the Dean and Bishop. OSCR offers very good generic help and support. For some areas, especially Net Zero, the General Synod Office staff are also a source of assistance.

Where do Vestry turn to for help if things go wrong?

Any problems should be reported to the Bishop in the first instance and as soon as possible. The Bishop will step aside from dealing personally with the issue and will ask the Dean to investigate. If there is a conflict of interest for the Dean they will invite the Synod Clerk to step in. The Chapter Canons are also available if needed.

At what point does the church bring in external advocacy if it is the Rector in isolation?

We can bring in external mediation if the situation has broken down completely. The Province uses an organisation call "A Place for Hope" but we can use others if necessary. The costs of external mediation must be met via the Vestry. Remember that new priests from other Anglican families operate differently and may need support to adapt to the SEC.

The financial and legal liabilities resting on vestry members sounds rather scary. Can you give an example of any instances in the SEC from the last 10 years when vestry members have been liable?

There is one, whereby 2 older members of a congregation died after falling from working at height. This is one reason why all congregations now have a Risk Assessment book from the Provincial Office, which must be completed and retained when any risk is identified. This is part of the Dean's visitation checks.

Vestries may also want to think carefully about permitting members of the congregation to undertake potentially risky work on church grounds: external contractors may cost money but they will also have their own insurance.

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someone becomes disqualified after being appointed, they should resign immediately and cease to attend meetings.

What happens if we make a wrong/bad decision?

The law recognises that trustees are human and infallible. If a decision was made “in good faith” and it is consistent with the charitable purposes, then this will be recognised. Therefore, the key is to always act in good faith, making changes as and when new information comes to light.

If OSCR (or a Judicial Review) were to investigate, they are only concerned about the process of the decision making; in other words, they ask if due process was followed. There is no second guessing the reasons for any decision made.