FREQUENTLY ASKED QUESTIONS

Over the years, we have answered many of the questions you might be asking yourself. We have collated them here, grouping them under the following headings:

- Trustee eligibility
- Running meetings
- Best practice
- When things go wrong

Please get in touch with the Diocesan Office if you have a question not listed here: we will do our best to answer it, and include it here for future reference.

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?

Anyone with unspent offences of dishonesty, e.g. theft, fraud, bribery, corruption, and terrorism. Individuals who have been made personally insolvent at any point in their lives are also disqualified from serving; however, OSCR 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 linked via the Diocesan 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?

A person who has committed a sexual offence which is subject to notifications requirements is disqualified.

Do trustees need to be members of the PVG Scheme?

No. Being a trustee is not classed as a "regulated role" and therefore it is actually illegal to request a PVG for trustees (unless, of course, they are also undertaking a regulated role, or directly line managing someone who is).

What do we (Vestry Secretaries) do with the completed declaration forms?

These do not need to be sent anywhere. Keep them securely on file and be ready to produce them should you be asked by HMRC and/or OSCR.

How frequently should the declaration forms be completed?

The absolute minimum is when someone joins the Vestry. There is no requirement from HMRC or OSCR for these forms to up re-signed at regular intervals thereafter. The optimum would be each year, although that takes a lot of work, time, and effort. Best practice is probably every 3 years, and after changes in the law (such as this summer).

Are there any tenure requirements for Vestry members?

Always worth checking your 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.

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 that see it as a "church" thing.

Are new vestry members liable for old decisions?

No, but you will be liable if the problems and bad practices continue on your watch.

Running Meetings

What is the ideal vestry size?

This depends, to some extent, on the size of your congregation alongside a need to get a balance of skills whenever possible. The absolute minimum is 3 and 13 is probably the largest. Having an odd number helps prevent deadlock, should a decision require to go to a vote.

It is possible to invite other voices to join the vestry to discuss particular issues if the vestry does not have the necessary expertise. Anyone who joins for a particular business item can be given permission to speak but does not have a vote and does not carry responsibility for any decisions made by vestry.

What paperwork is required at a Vestry?

Every meeting must have an agenda, even if only to discuss one item of business. A minute of every meeting must be taken and then approved at the next meeting.

It is also important to have financial procedures and authorities in place for who pays bills, who can authorise expenses, etc. Everyone on vestry should know what these procedures and authorities state.

Can we keep the records of minutes, etc, electronically only or are we obliged to hold paper copies as well?

There is no hard-and-fast rule, and many congregations hold their minutes electronically, with some only printing to make available to the congregation. The key considerations are that the minutes are accessible, stored in good order, and available for all vestry members to access. Some Vestries do not share their full minutes with congregations, and it is important that each Vestry decides what it will share, in what format, and to what extent.

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

Remember that Rectors are not trained to be Chairs in theological college! Timed agendas are very useful but cannot be used to shut down appropriate discussions; although do 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.

What's the best practice on taking decisions in between formal vestry meetings? Is there a need for that to be covered in the constitution or can we simply agree as vestry how we will handle that?

All decisions taken by email (or in other ways) in between Vestry meetings should involve all Vestry members, either by including everyone in an email chain, or by ensuring that everyone is given notice of short or impromptu meetings outside the normal formal cycle. All decisions should be minuted in some form, e.g. email decisions recorded at formal vestry meetings, or by taking minutes at short/impromptu meetings. Where decisions are made via email, it is good practice to have a specified length of time for comment, so that everyone is clear what is required of them and when. There is no requirement to change the constitution.

What should a vestry give a new Rector / Priest-in-Charge upon arrival?

This is the same as for all new vestry members: a copy of the constitution; a copy of the last set of accounts; 2 declaration forms for completion; introduction to all vestry members; encouragement to attend Diocesan trustee training; signpost to information on best practice on OSCR and SEC websites.

If the priest is new to the SEC, point them also to Canon 60. The Bishop and Dean will both speak with them about the cultural and historical differences in Scotland from their sending province. They are also assigned a 'buddy' and there is a Diocesan Welcome Booklet, which is shared with them by the ACL.

How do we support Vestry Chairs (Rectors / Priests-in-Charge) 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, another member of Vestry takes on the role of Chair in line with your charge's constitution.

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 meetings 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 (e.g. via Zoom) if reasons for doing so are shared and all attendees agree.

Are our minutes public?

The starting point is that vestry business is confidential and so there is no need to make minutes public. Some congregations do make them public, as a way of sharing vestry business with other members of the congregation (note anything that is private (see above) must be redacted or held in a minute apart). Other congregations produce a summary of the minutes for sharing with the congregation.

It is very important for vestry to consider how they communicate well with the congregation and how they want to make sure that happens.

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.

We have heard about SCIOs: what are they and should we be changing our status?

SCIO stands for Scottish Charitable Incorporated Organisation and is a vehicle to replace our current unincorporated status with limited liability, and is specifically for small charities. There are benefits but there are also downsides, e.g. 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; a new charity number obtained, etc. All of this is a complex and costly process and should not be rushed into. You should have a clear need to do this (e.g. combining different trading arms of the existing charity) and should engage with Diocesan Officials early in the process of consideration.

Best Practice

What is the difference between 'the interests' of a charity and 'the 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.

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 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 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. More information on doing a skills audit, and template forms, can be found via the Reach Volunteering website.

What do we do when we struggle to find enough people to fill the vestry positions?

We recognise that it can be tricky at times for congregations to pull together all the skills they need. It is important that this is recognised within the vestry and recorded in vestry minutes as such. It may be that you wish to reduce what is considered quorate for your vestry meetings, as it is often better to have fewer people with the right skills rather than having many people who feel unable to make decisions.

Think through how you can make serving on your vestry a more attractive prospect: how can it be a positive way of serving God? You may also want to think about succession planning, i.e. thinking about who might step into a position ahead of time. Perhaps they could shadow the current person for a while? Note that personal invitation often works better than a generic call for volunteers.

When should we engage with our auditors?

Auditors check accounts and practice every year as part of yearly returns. It would be good for the auditor to speak with the vestry every couple of years to get their take on the financial position of the congregation and the risks within the charity.

How long should we retain documents?

There is no statutory period and church documents provide a useful record of social history so could 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.

Do we need to lodge items with National Libraries under legal deposit?

If you produce a physical book of any kind, e.g. history of the congregation, then yes. You need to send one printed copy to the British Library and 5 copies to the Agency for the Legal Deposit Libraries (ALDL): more information at https://legaldeposit.org/. You made also be contacted about electronic newsletters, etc, that you produce, and be asked to submit them to the National Library of Scotland.

What do we do with our Quinquennial Report?

This report on the state of your building(s) should be used to produce a 5-year plan to repair and maintain your property, ensuring that all URGENT and NECESSARY work can be completed before the next QQ. Good maintenance and repair is also important as the Province moves towards Net Zero, and good engagement with the QQ will enable good stewardship, including the exploration of all options and costs for further CO_2 reduction. A copy of each QQ report should also be sent to the Diocesan Office.

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 as you. 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.

What are the H&S and legal liabilities when groups of friends from church embark on activities together?

Vestries are only liable for activities and events that come under the auspices of the congregation. This is often clear; however, it can be less-so when the group has grown out of a church-based activity that has now continued independently. At the very least, anything that is not meant as a church activity should not be advertised at church events.

When Things Go Wrong

Where can Vestries turn 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.

When do we seek help?

Always seek advice and support as soon as possible. The Diocesan 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.

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

We can bring in external mediation if the situation has broken down completely. The Province uses an organisation called "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 provinces operate differently and may need support to adapt to the SEC.

What can the Vestry do if it disagrees with the Rector's style and content of worship?

This is covered by Canon 22, which states that responsibility for all aspects of divine worship rests with the Rector. There is a duty on the Rector to consult with the Vestry and congregation before making any material change to the conduct or form of worship; however, ultimate responsibility lies with the Rector, under the Bishop. If members of Vestry or the congregation have questions or concerns about the conduct of worship, they are encouraged to engage in dialogue with their Rector in the first instance.

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, where 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 General Synod Office, which must be completed and retained when any risk is identified. This book / forms 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.

What happens if someone becomes ill because of the incense used in our services?

There may be possible liability, if it can be shown that there is a causal like between incense use and the illness/harm suffered. However, there is currently no scientific evidence to show that incense causes ill-health, and so this is extremely unlikely.

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 linked via the Diocesan 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 happens if we make a wrong/bad decision?

The law recognises that trustees are human and fallible. 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.