

Ministry Council: A Protocol for withdrawing ordinands in training from a Theological Education Institution (TEI)

Introduction

Over the last year, the Ministry Council has been working with TEIs, the Common Awards Team and the Legal Office to devise a protocol for best practice when an ordinand may need to be withdrawn from training at a TEI. It is recognised that such instances are quite rare. There are a number of reasons which lie behind the need to have such a protocol:

- The need for consistent practice in the processes followed by TEIs in making evidenced recommendations to the sponsoring bishop about withdrawing from training for formational reasons
- The need for consistent practice around the partnership between TEIs and Dioceses in withdrawing ordinands from training for formational reasons
- The need for consistent practice in standards of timely communication with ordinands
- The need for consistent and communal decision making to be made around a recommendation to withdraw from training which has a degree of independence to it and which learns from the standards set by other vocational bodies
- The need for guidance on continuation of academic study when an ordinand is withdrawn from training

At the September 2020 meeting of the Council, it was agreed that this protocol would be issued as temporary guidance in order to road-test what is hoped to be good practice but to recognise that only in the implementation of the protocol will better practice be formed. In autumn 2021 it was agreed that this should remain the guidance until 2023, in order to allow sufficient experience of its use to be developed in order to enable a review.

Fitness to Practise

This protocol is intended to be one document that is part of a Fitness to Practise Framework which the House of Bishops, delegated to the Ministry Council, is developing. The framework will enshrine the expectations of the Church that those who are public ministers are fit to practise. That is that they have the “skills, knowledge, character and health to practise their profession safely and effectively.” This assessment is based on the agreed Qualities to be inhabited by public ministers and the accompanying documents detailing what evidence of meeting those qualities will be required at each stage of the ministerial journey, from the point of their being a sponsored candidate in the discernment process onwards.

Fitness to Practise and IME 1

This protocol specifically covers the part of that ministerial journey when the ordinand is training for ordination at a TEI. It is recognised that ordinands at a TEI will be subject to the policies of that TEI including matters to do with conduct, discipline, academic engagement and progress. This protocol does **not** seek to replace those and it remains the right and proper expectation that TEIs will enact their own policies in these areas with fairness and rigour. What the protocol tries to do is to provide best practice for attending to those wider formational issues which often sit outside those policies and where the TEI deems that the ordinand, at this point within IME 1, is no longer fit to professionally practise and therefore sponsorship for training should be withdrawn.

Ordinands in Training as having dual status

The Church works in partnership with its TEIs to train its ordinands so that they can be ready to be ordained. For the vast majority of those ordinands, the House of Bishops has agreed that their training be delivered through formational programmes which are also validated by Universities which accredit awards. This means that both the TEI and the validating University are subject to the

processes of the Quality Assurance Agency and of the Office of the Independent Adjudicator. In addition, the TEI is also subject to the House of Bishops' Quality Assurance processes. Both accountabilities are brought together in the joint Periodic External Review Process overseen by the Church and by the validating University.

Ordinands are therefore at one and the same time ordinands preparing for ministry in the Church of England and are also students of a TEI which has a relationship to a validating University. For the most part, this double accountability has a synergy and can be very fruitful. However, it comes under strain when a Diocese, working with a TEI, wishes to withdraw their sponsorship for a student to train for ordination for formational rather than academic reasons. Such a withdrawal may then affect the capacity of the student to complete a course of study for which they have been registered at a University and have rights to complete.

In order to avoid such a clash and to find some shared space to work in, this protocol is being developed which would eventually be approved by the House of Bishops. The protocol comprises

- a) An outline of the sponsorship process (Page 2)
- b) An outline of the relationship between the Sponsoring Bishop, the sending Diocese, the ordinand and the TEI (Page 3)
- c) The relationship between TEI's own policies and this protocol (Page 4)
- d) Good practice in explaining the formational process to Ordinands (Page 4)
- e) Causes for concern over fitness to practise (Page 5)
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a) An outline of the Sponsorship process

The Church of England, through the office of its Bishops, sponsors ordinands for training so that they can be ordained to exercise the ministry, initially, of a deacon in the Church. Such sponsorship begins when the Bishop, in consultation with the Director of Ordinands, agrees that a candidate is ready to be presented to a Bishops' Advisory Panel to test their calling to ordination. Candidates are assessed against 9 Selection Criteria and a recommendation, in the form of an evidenced report, is made to the Bishop as to whether the candidate might enter training for ordination. If the Bishop agrees that the candidate may enter training, s/he outlines that in a letter to the candidate. That letter will indicate that any ordination at the end of training is conditional and is subject to the satisfactory meeting of the 7 Formation Criteria. That letter will also indicate that any ordination is ultimately at the discretion of the Bishop. The letter will be accompanied by details of the payment made by the Diocese of the candidate's tuition fees and other financial support which varies according to the mode of training. The ordinand, as they are now described, trains at a TEI which has been approved, recognised and is subject to the quality assurance processes of the House of Bishops. Such training normally includes a course of study which is usually validated by a University who in turn are subject to the quality assurance processes of the Quality Assurance Agency and of the Office of the Independent Adjudicator. Variances exist because there are 23 different training institutions.

During this training, the ordinand is accountable ultimately to their Sponsoring Bishop who receives reports from the TEI, who oversee this training on behalf of the Church, as to the progress of the ordinand in meeting the 7 Formation Criteria (which develop the 9 Selection Criteria) agreed by the House of Bishops. An ordinand's suitability for ordination is formally assessed at two points during

their training. An assessment is made, in the form of an evidenced report to their Sponsoring Bishop, at the end of their penultimate year of training, as to whether they may enter their final year of training. Such an assessment is also used by the Bishop to assess the suitability of a candidate to be appointed to a curacy or title post after ordination. A second assessment is made at the end of their final year of training, again in the form of an evidenced report to the Bishop, that the candidate is ready to be ordained. Both these assessments are made against the 7 Formation Criteria which assess whether an ordinand has evidenced a sufficient meeting of the criteria that they might be ordained. In other words, whether they are fit to practise.

b) The relationships between the Sponsoring Bishop, the sending Diocese, the ordinand and the TEI

Between Sponsoring Bishop and the ordinand: The Bishop sponsors the ordinand for formational training. That relationship is marked by trust, accountability and responsibility with the expectation that the ordinand will engage with that formational training and that the Bishop will support that formational process. The relationship is marked also by the discretion which the Bishop has in the final decision to ordain and by a consequent conditionality to that ordination of the ordinand meeting the 7 Formation Criteria. In the formation process, the Bishop delegates to the TEI the day to day assessment of an ordinand's readiness to be ordained and the Director of Ordinands represents the Bishop in working with the TEI to ensure this process happens, but it is the Bishop who makes the decision to ordain or not.

Between the Sending Diocese and the TEI: Each sending Diocese has a relationship to the TEI to whom it pays fees for the formational training which ordinands receive. The details of these arrangements are for the Diocese and the TEI to agree, but those arrangements should reflect that the Diocese commits to paying the training fees and the TEI commits to deliver the training and to inform the Diocese and Bishop of the progress made by the ordinand to meet the Formation Criteria. The Confirmation of Training (COT) form is one example of those arrangements.

Between the TEI and the ordinand: The TEI is responsible for providing formational training for the ordinand on behalf of the Sponsoring Bishop and Diocese. The ordinand has a responsibility to the TEI to engage in the formational training which is offered and to abide by the policies of the TEI. These are laid out in a formational handbook.

How the TEI reports to the Sponsoring Bishop on the progress of the ordinand: Within each TEI, a member of staff will be appointed to act as a formational tutor for each ordinand. That relationship will involve the tutor and ordinand meeting regularly (at the minimum once a term and often more) to review the formational development of the ordinand. The discussions held at those meetings coupled with reports from placement supervisors and records of academic progress are elements which will combine to provide material for the formal reporting process to the Sponsoring Bishop. Formally, the House of Bishops' Code of Procedure requires two routine reports from the TEI to the Sponsoring Bishop about the progress of an ordinand towards meeting the formation qualities. These are at the end of the penultimate year of training and at the end of the final year of training. If an ordinand trains for three years, it is good practice that the TEI compiles a report at the end of the first year of training as a record of their formational development, but it is not mandatory to send that to the Sponsoring Bishop. The report is often prepared by the formational tutor and shared in draft with the ordinand, and then reviewed, agreed and signed off by the TEI Principal in whose name it is issued. The ordinand also signs the report to acknowledge having read it and having been able to discuss it. They have the right to add their own comments. The report is in many ways a reflection of the ordinands' fitness to practise, as it will comment on issues of skills, knowledge, character and health.

c) The relationship between TEI's own policies and this protocol

TEIs have their own suite of policies to cover, for example, codes of conduct, discipline policies, fitness to study, harassment and bullying, safeguarding and a complaints procedure to which ordinands are required to adhere. Therefore, under such policies, there are a range of legitimate reasons where a student can be withdrawn from a formational programme

- Financial – for instance failure to pay invoices
- Academic failure – for instance such low marks as indicate the impossibility of continued study
- Failure to engage (progress) – this may include failure to attend classes
- Misconduct
- Disciplinary offences – for instance issues of bullying behaviour

This protocol is **not** meant to apply to these policies and situations as it is expected that the TEI will apply these policies with fairness and rigour and the TEI is trusted through the Principal to ensure that these policies are reviewed regularly. It is entirely understood that were an ordinand to be found to have seriously contravened one of the TEI's own policies and the penalty for that was discontinuation of their membership of that TEI, then there would be immediate implications for their continuing sponsorship for training. In these cases, the TEI would be expected to communicate the outcomes of its own processes to the Sponsoring Bishop who will then make a decision about sponsorship for training. It could be that the Bishop decides that the issue would be best resolved through the formal resolution stage of this protocol because there are issues to do with continuing fitness to practice. But this is not the immediate focus of this protocol.

Rather, this protocol applies for those situations which fall **outside** of the specific policy areas above and where the ordinand is deemed to be failing to meet one or more of the Formation Criteria set out by the House of Bishops in a manner that suggests the need for withdrawal from training. The Protocol is focused on how communal and well evidenced judgements are made when an ordinand is deemed not to be meeting those criteria. It is hoped that as the use of this protocol grows, so a bank of case study examples might also grow so that TEIs and Dioceses can recognize where this protocol might best be used. Examples could include

- Growing evidence from experience within the TEI, local Church and placement context of a working style that is uncollaborative, is unwilling to listen or to receive feedback
- Evidence of an ordinand who breaches confidentiality and who is unable to maintain appropriate professional boundaries
- Growing evidence of behaviours which are manipulative and controlling and may reveal an underlying personality issue which is not commensurate with public ministry
- Evidence that the ongoing support which the ordinand will need to sustain public ministry is beyond that which could be reasonably provided

The purpose of the protocol is to ensure that these judgements are carefully evidenced and weighed, recognizing that they may sometimes be contested. But the protocol also recognizes that were the behaviours left unchecked, they could be serious enough to call into question the ongoing fitness to practise of the ordinand.

d) Good practice in explaining the formational process to ordinands

There are three particular points in the formational process where it is important that ordinands understand that they are engaged in what is essentially a fitness to practise framework.

On recommendation to train at a TEI: The Sponsoring Bishop makes it very clear to the ordinand at the point when they are considering which TEI they might train with that the programme is wholly oriented towards preparation for specific forms of ministry, and so it will be possible for an ordinand to be withdrawn from that programme on the grounds that they are no longer deemed fit for the practise of those forms of ministry. At this stage, the Bishop should clearly articulate to the ordinand the formational qualities by which fitness to practise will be assessed. These points should be discussed, and also recorded in writing. At this stage, the evidence that has already been gathered about the ordinand's fitness to practise (Shared Discernment Process paperwork) should be sent with the ordinand to the TEI.

On beginning training at a TEI: Once the ordinand has begun training with the TEI, the TEI will need to also ensure that the ordinand knows what the criteria are by which their fitness to practise will be assessed and at what points. The TEI is responsible for explaining to the ordinand what the oversight of the formational process is to look like including regular meetings with a formational tutor. It will be particularly important that the ordinand understands that this is a holistic process and not simply a process focused on their academic progress. Equally the TEI needs to set out its responsibilities to work with the ordinand to enable them to be fit for practise by the time that they complete IME 1. This will include making reasonable adjustments for those who are disabled. Best practice would suggest that this is all written down in a handbook for students which outlines not only what the formational expectations are but also what the responsibilities of ordinands are towards the TEI's wider policies.

During training at a TEI: The regular meetings between the formational tutor and the ordinand are bound to cover areas of strength as well as areas for development. For the majority of ordinands this process will reflect all that would be expected in the formational development which all ordinands will be engaged in. It is part of enabling ordinands to become good reflective practitioners. There will often be areas of focus for development which are agreed for each year and which will become the subject of ongoing review and reporting. The principles of mutuality, accountability and open dialogue will govern this process. In short, this is about an openness and transparency where there will be clarity about feedback over formational development and no surprises when it comes to formally reporting to the Bishop.

e) Causes for concern about an ordinand's fitness to practise

In some cases, there will come a point in the formational process where the tutor or others in the TEI have cause for concern as to whether the ordinand does meet the formational qualities. This concern may arise in any area of the 7 formation criteria and may be about deficiencies in behaviour or attitudes which could be serious enough to call into question the ongoing fitness to practise of the ordinand were they left unchecked. It is likely that these will range from what might be described as **low-level concerns** – for example persistent lateness to classes or activities - or those which might be more **serious** such as lack of professional behaviour shown in an unwillingness to listen to or work collaboratively with colleagues. Such concerns should be identified and raised promptly so that appropriate support can be given, and the matter resolved.

f) Informally resolving causes for concern about an ordinand's fitness to practise

Early resolution of causes for concern within the TEI is the ideal. The formational tutor is the best person to be involved and should assess the level of seriousness of the cause for concern against the Formational Qualities. If it is a low-level matter it can be attended to informally. The tutor should talk to the ordinand; explain what the concern is and why it is held; explain the link between the issue and the formational criteria and be clear about what needs to change and by when. The tutor

should listen carefully to any explanation the ordinand may wish to give and give them reasonable time to improve. An action plan would be useful to follow with clear goals to be met. The tutor should keep a note of the discussion and tell the student that they are doing so.

The tutor should advise the TEI Principal of this informal process, seek their advice and let them know when the matter has been resolved, or if it is necessary to move to a formal process.

The tutor must be very clear with the ordinand about whether and how the issue might be included in any reporting to the ordinand's Diocese, whether that be in a written or in oral form. Such a report may well be positive, if an ordinand has dealt with the matter in a way which demonstrates mature self-reflection and willingness to improve. It is usual and good practise for this kind of formational development work to be referred to in a report but the key here is to be transparent about how it is reported, the tone of voice used, and being clear about whether or not there are areas that may still need further development.

The TEI always has access to the DDO to discuss any issue, including whether it is appropriate to raise an issue informally.

g) Formal resolution of causes for concern about an ordinand's fitness to practise

If the cause for concern is too serious a matter for an informal process, or the informal process has not led to a satisfactory resolution, then the question arises as to whether or not the ordinand is fit to practise. Examples would include the persistence of low-level issues, or the emergence of more serious issues such as uncollaborative working, breaches of confidentiality, failure to protect the safety of children and vulnerable adults, and dishonesty. If matters have reached that point, a formal process is needed in order to provide the Sponsoring Bishop with sufficient information, gathered by an independent person and peer-reviewed, so that the Bishop can decide whether or not the ordinand should remain in the formational programme.

Step 1: The TEI Principal is responsible for deciding that the formal review of fitness to practise is required. The Principal should consult with the DDO in making this decision.

Step 2: The TEI Principal and the DDO inform the National Ministry Team (NMT) that a formal review is required, and NMT set up a panel to conduct the review. That panel will include one person ("the investigator") who is tasked with investigating the matter and writing the report; this may be a member of the NMT (but not someone who has been involved in the candidate's discernment or formation), or another suitable person chosen by the NMT, the intention being that the NMT ensures consistency of the process and of reporting to the Bishops. The role of the other panel members is to support the investigator, and to discuss and review the draft report before it is finalized. The panel should include [TBC]:

- A representative of the Bishop
- A representative of the TEI
- An ordinand who does not personally know the ordinand who is being reviewed
- The investigator

Step 3: The panel should meet (either physically or via video call) to discuss how to approach the investigation, including what matters require investigation and what points should be addressed in the report, and agree the timeline for the final report to be produced.

Step 4: The investigator should then meet with the ordinand to discuss the concerns, and also with any relevant TEI or Diocesan staff and any other relevant persons and write a draft report. The

report may include a conclusion that the ordinand is not impaired in their fitness to practise; that there is cause for concern but a plan of action could be agreed to resolve matters; or a conclusion that there is an impairment so serious that the panel recommend that the Bishop withdraw sponsorship.

Step 5: The report should be given in draft to the ordinand, and they should be given a reasonable time to read and comment on it. The ordinand should be given the option to meet with the panel to discuss the report if they so wish. If the ordinand does wish to meet with the panel, they should be given the choice as to whether that meeting is physical or by video call, and to be accompanied by another person if they wish.

Step 6: The panel should review the draft report, either in a meeting or by correspondence, and the investigator should finalize the report based on that review. If possible, the panel should agree on the recommendations in the report, but if they cannot agree then the investigator should record the different opinions in the report. The investigator should then send the final report to the Bishop, the ordinand and to the TEI.

Step 7: The Sponsoring Bishop receives the report and makes the final decision based on the recommendation of the Panel. The Bishop is responsible for communicating that decision to the ordinand within 10 working days. Best practice suggests that this should be an in-person meeting where the decision is explained to the ordinand and where the Bishop is open to discuss it with the ordinand. The ordinand should have the right to be accompanied if they wish.

It is the view of the legal office that as the right to ordain is in the hands of the Bishop, there can be no right to appeal a decision not to ordain.

h) Implications for ongoing study:

The basic rule of thumb, following guidance from the Office of the Independent Adjudicator, is that even if a decision is made to withdraw sponsorship from the ordinand, the student may have rights under consumer protection legislation to continue to access the course of study. This is especially the case where there is no evidence of academic failure. Plainly there may be cases where the student has caused another significant harm and therefore has both to leave the course of study and the formational programme. But there will be other situations where being proved unfit to practise may not imply withdrawal from academic study. The OIA are particularly keen that such students are not financially penalized and therefore care needs to be taken to see whether a student may be able to complete their course of study as an independent student at the same TEI or at another TEI. This may mean that the Diocese commits to paying the Tuition fees for the duration of that award. In terms of options, these would be available

- Continuation at the same TEI as an independent student, undertaking modules as close as possible to those originally envisaged
- However, it is recognized that the Fitness to Practise issue which has been raised may deem it impossible for certain modules to be completed, then there will need to be substitutes offered
- Likewise, there may be aspects of the wider formational life of a TEI that are not appropriate for such a student to engage with
- If it is not possible or desirable for the student to continue at the TEI, then arrangements are made to transfer to another TEI as an independent student

i) The following general principles should always be borne in mind:

- Pastoral support for the ordinand should be put in place
- all written material should be in plain English
- confidentiality must be observed, and information only shared with those who need to know
- Procedural fairness is observed throughout which includes making sure that an ordinand understands the issues that are being discussed that clear reasons are given for decisions made; and that the process is carried out in a timely manner, usually within 90 days.
- The ordinand has the right to support and representation throughout the process
- That reasonable adjustments are made if required
- That relationships to other TEI procedures are made clear. This is especially so if there the Fitness to Practise issue is tied up with a complaints process. In those instances, it is important that the two are attended to separately. Whilst it would be ideal for the two processes to be running concurrently, the hearing of the Fitness to Practise issue may have to be paused until the complaints process is concluded.
- Care needs to be taken if a Fitness to Practise issue is raised during a placement outside of the TEI because of the need to gather accurate evidence
- Decision making is based on professional judgement and sound evidence
- Good record-keeping

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October 2020