



APPEALS PROCEDURE FOR PARISHES AND BENEFICES TO APPEAL AGAINST THE ALLOCATION OF MINISTRY SHARE

Introduction

The Board has considered the possibility of setting up an appeals system in respect of the allocation of Ministry Share. Any such scheme must be simple, clear and fair and must conform to the rules of natural justice. The problem appears to be divided into two. Firstly, what are the grounds of appeal to be and secondly, what is the process by which such Appeals may be heard?

The Grounds for Appeal

The grounds of appeal are defined and limited to:

- 1) There has been an error by the Diocesan Office in applying whatever formula is currently in use in ascertaining the Ministry Share applicable to a particular Parish, Rectorial Benefice or United Parish ('Parish or Benefice')
- 2) There has been an error in the mathematics in applying the formula.
- 3) Where historic circumstances have given rise to arrears, but not as a result of previous appeals to the Ministry Share Appeals Committee ('The Committee').
- 4) Where there has been an arithmetical error in the statistics submitted.

No Appeal will be entertained on the grounds of financial hardship.

Membership

Membership of 'The Committee' will consist of:

The Chairman of the Board of Finance
Archdeacon of St Davids
The Archdeacon of Cardigan
The Archdeacon of Carmarthen
2 Lay members of the Executive Committee of the Board of Finance

The Archdeacon of the 'Parish or Benefice' lodging the Appeal will not be involved in the decision of 'The Committee'.

Membership of 'The Tribunal' will consist of:

The Vice Chairman of the Board of Finance
The Dean
2 Lay members of the Executive Committee of the Board of Finance (who are not members of 'The Committee')

In the event that the Appeal originates from the "Home Parish" of any of the foregoing members of the Tribunal then one or more independent members of the Executive Committee will be co-opted to 'The Tribunal' for the purpose of hearing that particular Appeal.

The Diocesan Secretary will attend all Appeal hearings, but will not sit as a member of 'The Committee' or 'The Tribunal'.

The Process

- 1) Any 'Parish or Benefice' wishing to pursue an Appeal will first refer the issue to their Archdeacon who will advise as to whether, on the basis of the facts relayed to him, there are prima facie grounds for Appeal. It is hoped that this will restrict the number of potential Appeals to a minimum. In the event that the relevant Archdeacon agrees that there are grounds for Appeal then the 'Parish or Benefice' will be required to write to the Diocesan Secretary setting out the grounds for Appeal with a written Statement of Case for consideration by 'The Committee'.
- 2) 'The Committee' will be convened to consider the appeals.
- 3) The Statement of Case will be discussed by the members of 'The Committee'.
 - a) If 'The Committee' feels that there are no grounds for Appeal, it will direct the Diocesan Secretary to formally notify, in writing, the 'Parish or Benefice' concerned that the Appeal has not been upheld.
 - b) If 'The Committee' feels that the Appeal should be allowed on the basis of the Statement of Case without hearing any further argument then it will direct the Diocesan Secretary to formally notify, in writing, the 'Parish or Benefice' concerned that the Appeal has been allowed and further advising as to the revised 'Parish or Benefice' Ministry Share. The letter of notification will give the reasons for the decision.
 - c) If, after considering the Statement of Case, 'The Committee' take the view that the basis of the Appeal requires further clarification, the Diocesan Secretary will contact the 'Parish or Benefice' notifying it that a Ministry Share Appeals Tribunal ('The Tribunal') is to be convened. The Diocesan Secretary will then arrange a date for 'The Tribunal'. (If there are a number of Appeals it is hoped that they can all be dealt with at one sitting of 'The Tribunal'). After 'The Tribunal' has heard an Appeal its decision shall be notified, in writing, to the 'Parish or Benefice' concerned together with the reasons for the decision. Any adjustment to the Ministry Share as a result of the Appeal will also be notified. The written notification of 'The Tribunal's' decision shall be issued no later than seven days following the date of the decision.

Time for Appeals

No Appeal shall be considered unless a written request for an Appeal together with the written Statement of Case is received at the Diocesan Office by the agreed date in November of the year preceding the year in which the Ministry Share, the subject of the Appeal, is to be paid.

Representation at 'The Tribunal'

The 'Parish or Benefice' pursuing an Appeal will be permitted to be represented at 'The Tribunal' by:

- 1) Either not more than two lay members of the 'Parish or Benefice' lodging the Appeal
- 2) Or by the Incumbent and one lay member.

Procedure at 'The Tribunal'

The Tribunal will have a Chairman who will be the Vice Chairman of the Board of Finance. Following the Chairman's introductory remarks the Appellant's representatives will be invited to present their arguments and they will then be required to answer whatever questions the members of 'The Tribunal' and/or the Diocesan Secretary may wish to put to them. The Diocesan Secretary will attend all Appeal Hearings in order to make representations on behalf of the Board of Finance. After this, the Appellants will be invited to address such concluding remarks by way of summing up their case and the Chairman will then advise them that 'The Tribunal's' decision will be notified to them within seven days.

Following the 'The Tribunal'

Within seven days of 'The Tribunal' the 'Parish or Benefice' will be notified of 'The Tribunal's' decision together with the reasons for the decision. At the same time, the 'Parish or Benefice' will be notified of any consequent adjustment to their Ministry Share for the ensuing year.