



# Current Developments

This page is an extract from the 2016 Report to Conference.

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There have been recent deliberations about how property matters should be dealt with to ensure Managing Trustees are provided with the best possible advice from the Methodist Church (Connexional Team and TMCP). There have also been discussions around the Connexion for some time about “turnaround times” at TMCP.

These are valid issues and are certainly worthy of being addressed in detail. They should also be viewed in the context of what has happened across the Connexion following the conclusion of “Team Focus” in 2011 when the Resourcing Mission Office was closed. The Board recognises that there have been many changes and challenges across the Connexion in recent years and there are a much greater number of property transactions, queries and more demand on the time and effort of a diminishing number of valued volunteers.

This report will briefly outline details of where TMCP is now and where it will be in the near future, along with suggestions of what further advice and support should be forthcoming. When looking at the issues consideration must be given to the expectations of Managing Trustees and managing their expectations. It is also important to look at how TMCP and the Connexional Team can work more closely together to resolve some of these issues which appear to frustrate Managing Trustees.

## Where are we now and what about the future?

In 2012/13 TMCP commenced a full review of its Legal and Administration Team structures as has already been outlined to Conference. As a consequence over the past two years TMCP has invested considerable time into assessing the effectiveness of its functions and then implementing ways in which the service TMCP provides can be improved. The significant time and resources invested by TMCP has resulted in an extensive overhaul of our systems and procedures leading to an improved service for Managing Trustees. We are currently near the end of this process and are starting to reap the rewards from these changes. We believe that full benefit will be gained and visible to all towards the end of 2016. The main changes are as follows:

### New website

This year TMCP is making a substantial investment in its IT infrastructure. This includes developing a new website which is being launched in the summer and introducing a “Matter Management System” (a bespoke Case Management System). TMCP’s new website will provide detailed up to date information, precedents and guidance in relation to finance and property transactions. Managing Trustees and their professional advisers will be able easily to access guidance and focus notes together with appropriate precedent documents from the website. The website will also include a variety of informative resources, for example short videos, articles and a blog with news on any upcoming changes. These resources will be there to assist Managing Trustees in understanding all the different requirements for dealing with Methodist property placed upon them by both charity and Methodist legislation and policy.

It is intended that the website will provide information in relation to initial and more complex enquiries with the appropriate safeguards of directing Managing Trustees to contact TMCP Finance and/or Legal when necessary. Managing Trustees will still be able to contact TMCP team members for all their enquiries. However in relation to simple enquiries, the ease of access at any time to the website will enable Managing Trustees to obtain the information they need whenever they need it.

For example, in relation to a booking form or licence Managing Trustees should be able to identify which is the more appropriate, understand the guidance and use the precedent forms without reference to TMCP staff.

## **Performance Management and Matter Management System**

Over the past two years TMCP's management team has spent a considerable amount of time monitoring and reviewing turnaround times for correspondence which it receives from Managing Trustees and their professional advisers. It is hopefully appreciated how much time and energy is being spent in this area to develop new ways of working.

Response times have continued to improve over the last 12 months. This is despite a continuing rise in the level of incoming correspondence. The Matter Management System will help the streamlining of internal processes, reducing the inputting of data whilst increasing the capability to access and use information. It will also provide management data on all aspects of the work TMCP undertakes for Managing Trustees and the Connexional team which will contribute to the development of these key performance indicators.

There will always be peaks and troughs such as when we have 'manse buying season' or changes in legislation (for instance changes in stamp duty which affects those buying Methodist property). Whenever instances such as this occur, however, TMCP has in place processes to ensure urgent matters are still dealt with promptly.

There are operational reasons why TMCP's internal systems work in a certain way, however TMCP management is very open to discussion as to why certain processes are adopted. TMCP has had an Internal Audit Plan for many years and all core processes are reviewed regularly as well as any identified areas of risk. The auditors attend the TMCP office 20 days a year to perform this function.

Telephone conferences are encouraged with case officers, especially in respect of new complex matters; in addition our new digital dictation system is streamlining the work of the TMCP Legal Team. It has proved far more effective than other systems and has speeded up the working practices of the Legal Officers.

Working on a pilot with several Districts, TMCP has successfully trialled through simultaneous receipt of new projects as soon as they were logged onto the Connexional property consents system. This notification process has now been rolled out across the Connexion and TMCP now send guidance at the earliest possible stage on any new project that is logged. This now includes guidance not only on issues such as sale and purchases but redevelopments and alterations to Methodist property.

What TMCP cannot predict is at what stage in a transaction we will be contacted by Managing Trustees. It can be the case that a 'deal' has been reached and Managing Trustees and their solicitors simply believe that all TMCP need to do is 'sign off' what has been agreed locally. This is rarely the case. There could be issues ranging from adding the obligatory Methodist and charity clauses to a fundamental concern about the protection of the Church and its assets.

TMCP has seen an increased number of complex projects over the last few years due to Managing Trustees thinking innovatively around the use of property. Whilst some of the issues in these projects can present challenges it is something which the legal team enjoy working on and assisting Managing Trustees in finding a solution that remains achievable taking into account Model Trusts and Standing Orders.

## **Accountability in respect of work performed on behalf of the Connexional Team**

TMCP is keen for Standing Order 931(3) to be more clearly defined and welcomes being contractually obligated to perform as required in respect of any subcontracted tasks.

In terms of providing management information in respect of any work performed on behalf of the Connexional Team, it is important to agree acceptable turnaround times and other performance measures to ensure that there is regular confirmation that these are being met consistently. This will give some measure of accountability to the Methodist Council in respect of their contribution to running costs. The Board will, of course, be answerable in respect of any unexplained variances.

## **Panel Solicitors**

The introduction of a panel of solicitors has been one of the strategic objectives of the TMCP Board for some time. Discussions were held with the Conference Office and this is a project which TMCP and the Conference Office are working on together. There have also been conversations with District Property Secretaries as well as some churches and circuits. There is currently a huge disparity in the level of service Managing Trustees receive from their solicitors, including the level of fees being paid. Some solicitors do not understand the structure of the Methodist Church which can lead to even the most basic mistakes being made and there is also an issue with

solicitors not realising that TMCP and Managing Trustees are working towards the same goal. By encouraging Managing Trustees to work with a panel of solicitors it is our aim to improve best practice and ensure that the Church's legal position and TMCP's requirements are better understood. and TMCP appreciates that there is always negotiation on both sides when agreeing legal documentation but TMCP cannot concur if the legal requirements in terms of Methodist and Charity law are not met or if the drafting of an agreement would be detrimental to the charity and its assets.

The outcome of the work undertaken to date has identified the requirements for any firm of solicitors that is interested in being on the panel. For instance, it will be expected that firms already work with charities and/or have a charities department so that Managing Trustees can obtain advice not only on property related issues but employment, governance and so on. Firms will need to be trained on the workings of the Methodist Church (including the requirements of TMCP); work with TMCP; have sufficient resources to deal with large volumes of work as well as more specialised areas; provide a value added approach and adhere to Methodist principles such as having a commitment to equality and diversity.

Having a dedicated and specialised team in firms which are on the panel will ensure that if the 'solicitor' who understands the intricacies of the Methodist Church is away or has left the firm there will be other solicitors who also understand the Methodist system and can progress a transaction without any issues.

Currently TMCP and the Conference office are working towards finalising the tender document, setting up a timetable for the procurement process and identifying suitable firms to invite to tender.

Once the panel is in place Managing Trustees will be encouraged to utilise one of the firms. There will be firms located in different geographical areas. It is then anticipated that projects will run more smoothly and effectively with the solicitors working in conjunction with the relevant parts of the Methodist Church, including TMCP. The firms will be kept under review through monitoring and evaluation procedures.

The overall aim is to ensure that there is a collaborative approach to transactions between TMCP and solicitors acting for Managing Trustees rather than situations occurring where TMCP can be viewed as a scapegoat. Relationships will be developed and nurtured leading to improved communication and efficiency.

It needs to be remembered that TMCP's legal officers have worked in private practice themselves and therefore are aware of engaging in optimum ways to work with Solicitors. However, TMCP is always looking to improve its ways of working.

So it is anticipated that, following the encouraging trend in response times and commitment from the TMCP Team, there will be more scope to manage even faster response times to various categories of enquiries/sign offs etc. TMCP will remain committed to this aim.

## **Proposed Property Development Committee**

There have been recent deliberations about how property matters should be dealt with to ensure that Managing Trustees are provided with the best possible advice and guidance from the appropriate bodies within the Methodist Church (Connexional team and TMCP). The issue has become more prominent in recent times particularly as there many inventive projects being tabled by Managing Trustees for the future use of Methodist property in the development of mission. When considering such projects there is a need for detailed discussion, analysis and planning to ensure the ideas/projects do not present any practical, technical or legal problems or lead to a potential breach of trust.

It has been recognised that there is a general lack of support for Managing Trustees when involved in property matters and although TMCP is an important cog in the wheel, TMCP cannot, and should not, be expected to provide all the necessary support Managing Trustees require. Consideration is now being given to exactly what support and advice should be given, and at what stage, whether from TMCP or elsewhere.

TMCP is involved with the ongoing discussions about the proposed Property Development Committee ('PDC') which is currently being considered by the Methodist Council. The aim of the PDC will be to provide support and guidance on the potential in Methodist property for future mission. In particular, the PDC would oversee the development of policy and practice for future proposals on the use of property for mission. Another strand to the PDC will be to establish a professional support service which Managing Trustees can turn to.

At present issues can arise where Managing Trustees have already agreed a project and have found a 'partner' to work with. In some cases TMCP is not contacted until the 'deal has been done' and TMCP often finds that

some of what has been agreed is not possible under Model Trusts, Methodist policy and charity law. Offering advice much earlier would benefit everyone.

The introduction of the PDC will strengthen the ways in which the Connexional team, Districts, District Property Secretary and TMCP can work together in assisting local churches and circuits in their mission.

The TMCP Board is hopeful that the new PDC and the appointment of new officers would help Managing Trustees and their professional advisers to present schemes that are fit for purpose by the time they reach TMCP. The legal staff are willing and committed to working with Managing Trustees at the earliest stage as appropriate.

The TMCP Board is also totally supportive of the PDC and sees its development as a positive way forward.

## **Moving forward and collaborative approach**

The proposed collaborative approach of TMCP, the Connexional Team, PDC and Districts should provide comfort to Managing Trustees that their concerns have been listened to and acted upon. TMCP is wholly committed to working with the relevant bodies for the benefit of the whole Connexion.

There are other issues which are being worked on collectively such as signposting. For instance, Managing Trustees can get frustrated when using the Property Consents system. Some Managing Trustees believe that TMCP provides guidance on the Consents process or is responsible for addressing problems with funding or the setting up projects. Many who contact TMCP on such matters are currently assisted with their queries but this area of work actually falls within the remit of the Connexional Team. It is recognised that there needs to be more guidance available which should be accessible to local churches and circuits. The new TMCP website will have appropriate guidance but it will also provide links to the main Methodist website and to the appropriate persons within the Connexional team to whom such enquiries can be directed.

Collaborative working by TMCP and other relevant bodies is required to address the expectations of Managing Trustees. In turn there is a learning process for Managing Trustees to manage the expectations of third parties. The information on the website and key performance indicators from TMCP will assist Managing Trustees and TMCP to have good working relationships with the District Property Secretaries, the officers of the Connexional Team and many office holders across the Connexion and will encourage ongoing discussion with anyone who wishes to communicate with us.

## **Finance Matters**

The review of the Finance Section, which is now taking place, will continue to ensure that this aspect of TMCP's work is correctly resourced to serve the Board and that the structure is still fit for purpose.

## **Release of Funds**

Following the Conference decision to work, alongside TMCP; to help churches to release funds and release endowments, meetings have been held with the Connexional team and an action plan has been agreed. The Board recognizes that this work is an integral part of TMCP's day to day duties with over 400 permanent endowments being released over the last four years. However it may well be the case that additional resources are required if there is a swift Connexional response to this initiative. Management will liaise with the Connexional Team as appropriate.

## **General Board Matters**

During the current Connexional year, the Board has met on 8th October 2015 and 25th February 2016 and will meet on 12th May 2016. The Executive Committee has met on 20th November 2015 and will meet on 12th April 2016 and the 8th June 2016. This Committee considers all operational and strategic aspects of the organisation's work. The Audit Committee met on 8th January 2016 to consider the Financial Statements, management accounts and risk matrix and will meet again on 29th April 2016 and 1st July 2016 to consider the ongoing Internal Audit Reports.

The Executive Committee continues to work alongside the Chief Executive to finalise key projects and internal reviews.

In 2014 a full independent audit of all governance aspects was undertaken. The Chair is addressing any recommendations made and has already completed a thorough audit of Board members' skills and expertise. There has been a fairly regular turnover of Board members. The Board will be looking at the appointments process to enable greater transparency and accountability.

The Board held its 'Away Day' in October 2015 and considered the short and long term corporate objectives of the organisation. There was a detailed review of the organisation's communication strategy and key areas were debated and solutions considered. The Board has completed a Skills Audit of Board members and has highlighted the need to have a more transparent recruitment policy for new Board members.

TMCP always welcomes constructive feedback from Managing Trustees so that the service provided can continually be reviewed and improvements made where necessary. The TMCP Board encourages contact with the Chief Executive in the first instance with any suggestions.

The Board also recognises the amount of time and effort undertaken by all the staff in making and continuing to make such significant changes over the past couple of years. The Board wishes to recognise the professionalism, expertise and commitment of the team and looks forward to monitoring key developments as they are rolled out.

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