

South Wishaw Parish Church

## Moving to the Unitary Constitution

13<sup>th</sup> December 2016

This Document was approved unanimously by  
A Joint Meeting of the Kirk Session and Congregational  
Board on 13<sup>th</sup> December 2016

A Meeting of the Congregation will be held after Morning  
Worship on Sunday 15<sup>th</sup> January 2017 the Document  
will be presented for consideration by the Congregation  
And to ask for their approval

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## 1 Summary of Proposal

The proposal contained in this document can be summarised as:

- The Kirk Session and Congregational Board recommend to the congregation that South Wishaw Parish Church adopts the Unitary Constitution.
- The Kirk Session will arrange for an Extraordinary Congregational Meeting following morning worship on a date to be arranged in order for the congregation to vote on this change.
- The Kirk Session will implement new church structures, methods of reporting and meeting schedule to start in the first quarter of 2017.
- All members of the Congregational Board who are not presently Elders will be invited to become Elders in the new Kirk Session.

## 2 Introduction

Over the last year there has been a review by our Trustees of the workings of the congregation. In January 2016 the Trustees agreed to investigate the merits of moving to the Unitary Constitution and appointed an *ad hoc* group to look into the matter. In May 2016 the General Assembly urged all congregations to adopt the Unitary Constitution to resolve potential legal issues arising from the two separate groups of Trustees (i.e. Session and Board) making decisions for which all Trustees were liable, even where they were not involved in the decision-making process.

At their meetings in October 2016 the Session and Board heard a presentation on what a change of constitution would entail. A number of issues were identified that it is hoped would be resolved by this change:

- the need for better communication between leaders/members/organisations;
- the need for a better culture of trust and devolved decision making;
- the duplication of work and decision making at Committee/Board/Session;
- the increasing age ratio of existing elders and board members;
- the decreasing numbers of those willing to serve as Elders/Board members.

Following discussion, both bodies approved a proposal that South Wishaw adopt the Unitary Constitution. It was also agreed that all existing members of the Congregational Board who were not presently Elders should be invited to become Elders, with additional Elders being sought from the membership.

### **3 Constitution of South Wishaw Parish Church (SWPC)**

Following the union of Thornlie and Chalmers, SWPC adopted the Model Deed of Constitution as required by the General Assembly at that time.

#### **3.1 The Model Deed of Constitution**

The Model Deed differentiates between sacred and temporal matters:

The Kirk Session, while having overall responsibility for the dealings of the church, is primarily concerned with the spiritual well-being of the church members and for the missionary outreach to the parish. The Moderator of its meetings is the Minister.

The decision-making on the temporal matters of finance and fabric is 'devolved' to the Congregational Board, made up of Elders and elected church members. The Board can be chaired by any of its members.

##### *3.1.1 Pros for Model Deed of Constitution*

The benefits of the Model Deed over the earlier *quoad omnia* constitution (which consisted of only the Kirk Session) are as follows:

- more time is given in Session for discussing spiritual matters and strategy;
- the Minister does not have to chair the meetings of the Congregational Board;
- elected members are involved in the decision-making of the church;
- the presence of Elders on the Board meant there should be a clear sense of united purpose between the Kirk Session and Congregational Board.

##### *3.1.2 Cons of the Model Deed of Constitution*

While the Model Deed resolved issues that had afflicted some, though by no means all, *quoad omnia* congregations there are also cons that are particularly relevant to our situation:

- the Board can be reluctant to devolve responsibility to its Committees;
- there can be duplication of decision-making and, thus, wasted time and resultant inefficiency;
- distrust can develop which affects good decision-making and causes enmity;
- the number of meetings can become excessive;
- it can be difficult to fill the available spaces on the Session/Board.

#### **3.2 The Unitary Constitution**

As of 1 November 2003 the General Assembly introduced a new form of constitution, the Unitary Constitution. At a glance it looks remarkably similar to the old *quoad omnia* constitution that congregations were encouraged to move away from. Instead of a separation between spiritual and temporal (Kirk Session and Congregational

Board) there is only one court: the Kirk Session, which has oversight of both matters. Indeed the actual text of the constitution is basically the same as the *quoad omnia*.

However, there are key differences in the way the Unitary Constitution can be implemented which make it appealing for our current situation at South Wishaw. These include:

- the ability to promote clear direction for the overall strategy of the church;
- clearer decision-making structure;
- better informed and faster decision-making;
- little risk of duplication of decisions;
- greater trust, responsibility and independence given to Action Groups;
- fewer meetings for most members of the Action Groups and Kirk Session;
- the provision of more time in Session meetings to devote to group discussion.

This structural change would allow Action Groups to take responsibility for the areas of church life with which they have been entrusted, within the parameters set by the Kirk Session. They will have a budget, devolved responsibility, and will be trusted to get on with the work they have been given.

#### **4 The Shape of South Wishaw Parish Church under the Unitary Constitution**

In order to better appreciate the Unitary Constitution, it is easiest to describe how it could be implemented for our situation at SWPC.

To do that, this part of the document will look at the overall structure and how it would operate. (In section 5 we will look at individual remits of the Action Groups.)

##### **4.1 Proposed Organisational Structure**

The following Action Groups would form the organisational structure of SWPC:

- Kirk Session
- Coordinating Group (COG)
- Property, Finance and Stewardship (PROFS)
- Mission, Outreach, Discipleship and Evangelism (MODE)
- Fundraising, Activities, Communication and Events (FACE)

##### **4.1.1 The Kirk Session**

The Kirk Session would have oversight of the affairs, life and work of SWPC.

Members of the Kirk Session would be the Trustees of SWPC.

Kirk Session meetings are open to all members to attend and are moderated by the Minister. (Non-Elders will be asked to leave the meeting when it is dealing with reserved business.)

#### *4.1.1.1 Session Clerk*

The Kirk Session will appoint from their number a Session Clerk and Deputy Session Clerk who would serve for an initial period of five years. Further appointments of five years may be made.

The Session Clerk, supported by the Deputy Session Clerk, would be responsible for the orderly keeping of records of the Kirk Session, including keeping the minutes in proper order, issuing extract minutes and dealing with all correspondence.

#### *4.1.1.2 Appointment of Elders*

The Acts of the Church of Scotland allows for various different means by which to appoint new elders.

There may be concern that the 'democratic' element that is allowed by the Model Deed, whereby members of the congregation are elected to serve on the Board, will be lost under a move to the Unitary Constitution if the present system of appointment of elders is maintained. However, the Act (Act X, 1932, amended) allows for:

- nomination and direct election by the members of the congregation;
- a system of signed lists, in which members of the congregation submit a signed list of names, with those having the greatest number of votes elected.

It is proposed to trial a hybrid system whereby the membership is given the opportunity to nominate names to the Kirk Session, who would then assess and approve the names of those to be ordained as Elders.

#### *4.1.2 The Coordinating Group*

The introduction of a Coordinating Group follows the pattern of Presbytery.

The Coordinating Group would be convened by the Session Clerk, with the Deputy Session Clerk appointed to take minutes. (The Coordinating Group is not a decision making body. The remit for the Coordinating Group is described below in section 5.2)

The Coordinating Group would comprise the Minister, Session Clerk, Deputy Session Clerk, Convenors of Action Groups, and any other co-opted members approved by Session.

#### *4.1.3 Action Groups*

The Action Groups are where the bulk of SWPC's work will happen and would comprise of both Elders and members.

Every Elder would serve on one Action Group, apart from the Minister, Session Clerk and Deputy Session Clerk who would be *ex officio* on all Action Groups. (Remits for each Action Group are outlined in sections 5.3.1 - 5.3.5)

Each Action Group would be convened by an Elder appointed by the Session who would serve for an initial period of three years. A further appointment of three years may be made before a sabbatical year must be taken from that role.

Each Action Group would appoint one of its number to act as Secretary to take a basic minute of each meeting and prepare a report for the Kirk Session in coordination with the Convenor of the Action Group (see 4.2.1).

All members of the congregation will be encouraged to become active in the decision-making process and delivery of the work of the church through their participation on one of the Action Groups.

Congregational Board members who do not take up the offer of becoming Elders would be encouraged to remain involved in the decision-making process through their participation on one of the Action Groups.

#### 4.2 Method of Working

Central to the working of any structure is communication, particularly communication between different Action Groups and office bearers, and between the Kirk Session and the congregation as a whole. This would be facilitated by a change in the method of working.

It is proposed that the Kirk Session move to a system of written reports, and that the Action Groups should report in this fashion. The model proposed is the same as that adopted by other congregations who have moved to the Unitary Constitution and is similar to the method of working of Presbytery.

##### *4.2.1 General Overview of Reporting and Meeting Structures*

The reporting structure would revolve around the Kirk Session meeting as the culmination of a particular cycle of meetings:

- meetings of Action Groups;
- reports submitted to the Session Clerk;
- meeting of the Coordinating Group;
- minutes, reports & draft agenda distributed;
- meeting of the Kirk Session.

The cycle would begin with a meeting of all of the Action Groups at 7pm on the 4<sup>th</sup> Tuesday of each month. These meetings would take place in the church buildings, which would enable *ex officio* members to attend more than one meeting if required. This would fit in with the cycle of Presbytery on the 1<sup>st</sup> Tuesday, Session on the 2<sup>nd</sup> Tuesday and Presbytery committees on the 3<sup>rd</sup> Tuesday of the month.

Reports from the Action Groups would then be submitted to the Session Clerk (electronically by email, is preferable) within a few days of the meeting. This is not a copy of the minutes of the meeting (see 4.2.2.2).

The Coordinating Group would then meet in the week before the Kirk Session meeting to prepare the draft agenda, coordinate Action Group activity and so on (time and dates to be decided by the Coordinating Group).

The Session Clerk would prepare the minute of the previous Kirk Session meeting, the reports from Action Groups and a draft agenda for distribution to all Elders by the

Sunday before the Kirk Session meeting. (Copies would be available for church members at the Kirk Session meeting apart from that concerning reserved business.)

It is proposed to trial this system for six months when it will be reviewed by the Kirk Session who will recommend any necessary changes.

#### *4.2.2 Reports and Minutes*

The system of reports will be essential to the smooth operation of the Unitary Constitution. Guidance will be given so that Action Groups are aware of the expectations that this system would introduce.

##### *4.2.2.1 Action Group Minutes*

It would be expected that all Action Groups keep a minute of their meetings. The minutes do not need to be a word for word account of all that was discussed but all decisions that are made should be recorded, and it might be helpful to note in summary form any discussions that led to a decision.

The minutes should follow the Church of Scotland guidelines for keeping minutes. They should be available for inspection by the Kirk Session if/when requested.

##### *4.2.2.2 Action Group Reports*

A standard template would be provided for all Action Groups. The Report would be produced by the Convenor with the assistance of the Action Group Secretary.

The Report would include:

- a note of decisions made;
- a summary of any discussion the Action Group thinks may be useful for the Kirk Session to know;
- a list of recommendations to bring to the Session for a decision, if necessary.

##### *4.2.2.3 Coordinating Group Minutes*

A minute of the meetings of the Coordinating Group will be kept by the Deputy Session Clerk in accordance with Church of Scotland guidelines.

##### *4.2.2.4 Kirk Session Minutes*

A minute of the Kirk Session meeting would be kept by the Session Clerk or Deputy Session Clerk. This draft minute would be circulated along with any other papers before each Session meeting.

##### *4.2.2.5 Guidelines on Keeping Minutes*

The following guidelines should be adopted in keeping minutes:

- it is recommended that a minute of a meeting be produced soon after a meeting when memory of the meeting is still fresh;
- minutes should be produced on a word processor;
- a designated minute folder should be used;
- minutes may be kept loose leaf with the option of periodically binding them;
- each page of the minutes should be numbered sequentially with that which has gone before (this is to ensure that no page is later inserted into the minute)

folder), with a year indication. For example: "Page 03/2016" would refer to page 3 of the minute from 2016;

- a copy of the draft minute should be circulated to all of that Action Groups' members.

## **5 Remits for Kirk Session, Coordinating Group and Action Groups**

In this section a general remit for all Action Groups, an outline of the specific remits for each group and the role of Convenors is provided.

### **5.1 The Kirk Session**

As previously described in section 4.1.1, the Kirk Session would have oversight of the affairs, life and work of SWPC.

The responsibilities of the Kirk Session include:

- concern for the spiritual welfare not just of the congregation but also of the parish as a whole;
- concern for the organisational life of the congregation;
- setting of times and dates of church services (the content of which is the sole responsibility of the Minister);
- maintaining good order, administering discipline, judging and determining cases, and seeing that General Assembly legislation is observed;
- judging the fitness of those who desire to receive the Sacraments;
- maintaining both a Baptismal Roll and a Communion Roll;
- appointing the Organist, Presbytery Elder and representatives to other groups (e.g. Wishaw Churches Together)

With the dissolution of the Congregational Board, the responsibilities would also include:

- overseeing the maintenance and insurance of the properties of the congregation;
- preparing and distributing to members the congregations' annual budget;
- encouragement of a level of liberality to meet budget requirements;
- the level of salaries of church officials, and prepare contracts of employment;
- payment of salaries of Church officials and other expenses of the congregation;
- meeting of the Ministries and Mission allocations;
- raising of additional funds, if need be, subject to the approval of the Presbytery, (where the funds are to pay for extraordinary repairs or improvements, the approval of the General Assembly's Committee on Parish Appraisal and of the General Trustees is also required);
- church funds to ensure they are used exclusively for Church of Scotland purposes unless specially raised or donated for other purposes;
- acceptance of loans only if repayment can be assured;
- termination of contracts of employment and supervision of all paid employees;



- Congregational Accounts in a form that shows income and expenditure, assets and liabilities;
- auditing of the Accounts of the congregation and its organisations;
- arranging for the Stated Annual Meeting required to approve the accounts;
- submitting the audited accounts, after approval by the Kirk Session, for approval by the congregation and thereafter by the Presbytery.

## 5.2 The Coordinating Group

As previously described in section 4.1.2, the introduction of a Coordinating Group follows the pattern of Presbytery.

The remit of the Coordinating Group would include:

- regularly evaluating, coordinating and reviewing Action Group activity, and, where applicable, coordinating the effort of the Groups, ensuring that all Groups are properly resourced;
- auditing annually the effectiveness of the work of South Wishaw Parish Church, taking into account those results in any future planning, using external resources and knowledge where applicable, e.g. Presbytery of Hamilton; Community Statistics;
- annually updating and recommending a rolling two-year plan for the church;
- involving the Action Groups in recommending future plans and strategy to the Kirk Session for approval;
- ensuring all major issues and changes are brought to the Kirk Session for discussion and approval;
- making arrangements for all normal Session meetings, including arranging the agenda for the meetings, and for any visiting speakers;
- making arrangements for special 'Conference' meetings of the Kirk Session to allow debate on a specific subject, which may include visiting speakers and involvement of whole congregation;
- overseeing the work of the Session Clerk;
- dealing, within proper bounds of jurisdiction, with matters of complaint against SWPC or its members referring issues to the appropriate body for investigation or decision;
- making arrangements for inspection of congregational records by Presbytery;
- encouraging Action Groups to become involved in partnerships and to share experiences and resources;
- providing advice to Action Groups on matters of church law/doctrine/practice;
- responding to matters sent down by Presbytery and/or the General Assembly.

## 5.3 Action Groups

The following remits and guidelines would, by necessity, need to be kept under continual review and be open to change, subject to Kirk Session approval.

### 5.3.1 *The Role of Action Group Convenor*

This will entail:

- monitoring the activities of their Action Group;

- ensuring that the Group is reminded of and work towards achieving the goals within their remit;
- reviewing/proposing amendments to the remit as required via the Coordinating Group and Kirk Session;
- coordinating Action Group activities with other Groups directly and through the Coordinating Group;
- ensuring Group reports are received by the Session Clerk in good time.

### *5.3.2 General Remit for all Action Groups*

All Action Groups shall:

- holding meetings as required by the Kirk Session, and recording actions arising to ensure the remit of the Action Group is carried out effectively;
- providing written reports to the Session Clerk (preferably in electronic form via email) at least 10 days in advance of Kirk Session meetings, detailing, in brief, work completed since the last Kirk Session, work expected to be completed before the next report, and with matters for decision by the Kirk Session presented as a deliverance;
- ensuring that no one person is doing all the work of the Action Group by sharing the workload amongst all members of the Action Group and/or other parties from the congregation who are to be utilised as and when appropriate;
- coordinating activities of the Action Group via the Coordinating Group, and actively liaising with other Action Groups when required;
- regularly reviewing the work of the Action Group, liaising with the Coordinating Group, and seeking Kirk Session approval for future plans;
- ensuring Action Group activities are communicated to the wider church and community on a regular basis, via articles in the church magazine, church notices, flyers, etc.;
- identifying expenditure requirements, operating within a budget forecast approved by the Kirk Session and liaising with the PROFS Action Group and Kirk Session regarding the use of church resources and approval of any expenditure over and beyond the budget.

### *5.3.3 Property, Finance and Stewardship (PROFS)*

The purpose of this Group is to maintain and develop the church's fabric in order to enable better the work of SWPC and to oversee the Finances and Stewardship of the Congregation in order to seek to provide the financial wherewithal to support the other Action Groups in their efforts.

The remit for this group includes:

#### *Property*

- creating a positive environment for all current and possible future church activities and uses;
- developing a programme of maintenance and renewal of church fabric and the manse;
- ensuring that all work over a budget limit determined by the Kirk Session is supported by three quotations;

- budgeting the work programme to stay within the discretionary annual budget and to seek Kirk Session approval for any spending over that limit;
- liaising with Presbytery in ensuring that a building survey and property valuation are carried out every five years;
- seeking Presbytery approval for any fabric work over their published limit;
- liaising with the Presbytery Property Consultant as required, particularly over the Local Church Review consultation;
- ensuring that insurance cover is adequate for all buildings;
- determining the rate, arranging letting of buildings, maintaining any rental agreements and liaising with property users;
- supervising the church cleaning and ensuring the provision of cleaning and other materials needed day-to-day for the church;
- ensuring that all buildings and surrounding area comply with Health & Safety and other legislation as required;
- actively keeping up to date with current legislation as it applies to the church's buildings;
- developing the fabric in order to meet the needs of internal/external users;
- overseeing special building and fabric projects as requested by the Session;
- liaising with other Action Groups to find out what material needs they have in order to best meet their goals;
- liaising with the Minister and FACE Action Group to ensure the Audio/Visual equipment within the church is adequate;
- ensuring the sound equipment and loop systems are functioning effectively.

#### *Finance*

- exercising oversight of the church's finances;
- maintaining and controlling South Wishaw's finances: overall income, expenditure, budgets, forecasts to be reported to Kirk Session as and when determined by the Kirk Session;
- preparing an annual budget and allocating devolved spending limits to Action Groups, subject to the overall approval of the Kirk Session;
- recommending to the Kirk Session the proper use of existing reserves, legacies or capital sums received;
- liaising with Action Groups and other individuals/orgs re: fundraising;
- overseeing the work of the Treasurer, providing support where needed;
- overseeing and promoting the Gift Aid and WFO schemes;
- bringing to Kirk Session the appointment of auditors;
- ensuring that all legal financial responsibilities towards Trustees, the Presbytery, the Church of Scotland and OSCR are met;
- notifying the Kirk Session of any changes to Mission & Renewal, National Stipend Fund and Presbytery Dues, and seeking approval for any charges for Church Buildings;
- assisting each Action Group in developing their budget, monitoring progress, and agreeing guidelines for the operation of Group budgets with the Session;
- seeking ways to fund special projects from internal and/or external sources;
- ensuring all licenses are up-to-date (e.g. CCLI; TV).

### *Stewardship*

- playing a key role in developing the financial stewardship of church members: promoting Christian giving, and explaining Christian spending within South Wishaw and the wider church;
- actively promoting awareness of the financial situation of South Wishaw;
- ensuring that SWPC is engaged in the National Stewardship Programme which allows congregations the opportunity to think about how we use our time, talents and money in serving God;
- soliciting advice from national advisers on stewardship when necessary.

### *5.3.4 Mission, Outreach, Discipleship and Evangelism (MODE)*

The purpose of this Group is to develop mission and outreach strategies to the community and wider world and to oversee and deliver discipleship programmes and evangelistic opportunities to help people to grow in their faith and deepen their relationship with Jesus Christ.

The remit for this group includes:

#### *Mission*

- developing and delivering a strategy for local mission to the parish/wider community;
- identifying ways SWPC can support regional/national/international mission;
- studying what other churches are doing in the way of mission, and sharing what is learnt;
- encouraging social concern and action in congregational life;
- sustaining links with Overseas Projects and charities and to provide the congregation with an outlet for Christian concern in the wider world;

#### *Outreach*

- overseeing and reviewing the church's existing outreach activities;
- developing opportunities for outreach within the community;
- utilising available resources that will assist in outreach;
- looking at opportunities to establish external church outreach activities within the community.

#### *Discipleship*

- helping members and adherents to identify their God-given gifts and talents and to find ways to serve God in the church/parish/home/workplace;
- producing a Families and Youth Strategy for SWPC;
- overseeing and developing all educational activities taking place throughout the church in consultation with the minister, including those aimed specifically at young people. These may include the Kingdom Kids, Messy Church, Happy Toddlers, Holiday Club, Life Groups, and other similar activities;
- recruiting volunteers for youth ministry in the life of the church;
- forming links with other youth organisations in Wishaw and further afield;
- ensuring that all members with pastoral needs are identified and nurtured;
- overseeing of the current Pastoral Care system and Visiting Team;
- overseeing of districts for Pastoral Care, to ensure they are working well;
- developing new approaches for pastoral care/visitation in the congregation;

- increasing the number of congregational members actively involved in pastoral activities;
- identifying opportunities for training to be offered to Elders and members to enhance the delivery of our ministries and pastoral care.

#### *Evangelism*

- implementing ways of bringing both new people and 'dormant' church members into active church life in coordination with other Action Groups where necessary, and in partnership with other local churches and organisations when appropriate.

*(N.B. To a degree most of these divisions are false as they all seek to help people to grow in their faith by serving God and witnessing to others. Many overlap to the point of being alternative expressions of one another. They are presented in this fashion merely to give clarity of thought.)*

#### *5.3.5 Fundraising, Activities, Communication and Events (FACE)*

The purpose of this Group is to develop a strategy for fundraising, social activities and effective communication of the work of SWPC within its membership and the wider community.

The remit for this group includes:

#### *Fundraising*

- delivering existing fund-raising activities and devising and delivering new ones, either one-off or continuing.

#### *Activities*

- developing and maintaining a range of social activities for church members and their families;
- reviewing and overseeing the work of the Saturday Café, and Lunch Club (in consultation with the MODE Action Group).

#### *Events*

- providing catering facilities as appropriate for church functions;
- developing and overseeing a number of 'bridge' events within the church to which all the community could safely be invited (e.g. Saturday Night Live, concerts, dances, film nights, guest speakers).

#### *Communication*

- developing and keeping under review a communications strategy;
- overseeing the Compass magazine, church website, social media, internal and external noticeboards and press releases (keeping local press informed of church activities);
- ensuring that all activities taking place in or supported by the church are publicised well;
- supporting the delivery of parish visitations, in consultation with the MODE Action Group, and promote regular contact with the parish (e.g. through Christmas & Easter Cards).

## **6 Conclusion**

This Strategy Document has attempted to provide a full description of the need for change to our current church structures, acknowledging that the current structures have served us well in the past, but also being realistic that there are other forms of church structure which better suit our situation, plans and aspirations.

If the congregation approve the change from the Model Deed of Constitution to the Unitary Constitution then our Session Clerk will write to the Presbytery Clerk requesting Presbytery's approval for the change. This application will be supported by extract minutes of the decisions of the Kirk Session, Congregational Board and the Extraordinary Congregational Meeting held for this purpose.

Once the application with minutes are to hand, and the Presbytery approves, the Presbytery Clerk will send the paperwork to the Principal Clerk. The Principal Clerk will then place the application before the Delegation of Assembly who, if satisfied that all is in order, will issue the Unitary Constitution to South Wishaw Parish Church. The Presbytery Clerk's advice is that the matter should be over within a few weeks following the submission of the paperwork.

It is hoped that this document provides the information that is required to help members make an informed choice and move forward. All details in this draft document are open to discussion and improvement.