

CROWN APPOINTMENTS

REPORT TO THE GENERAL SYNOD FROM THE ARCHBISHOPS

1. On 9 July the Synod debated *Talent and Calling*, the report of the *Senior Church Appointments Review Group* (the “Pilling” Report) and had the opportunity to consider the Government’s proposals for Crown Appointments in its recently published Green Paper, *The Governance of Britain*. At the end of the debate the Synod passed by 297 votes to one the motion at annex A to this report.
2. Since then we have had further discussions with the Prime Minister, conducted a consultation exercise within the Church and discussed the possible next steps with the Archbishops’ Council and the House of Bishops. This report sets out our recommendations for the way forward.

The Views of Government

3. The nature of the relationship between the Church and State inevitably turns both on what the Church would wish for and on the Government’s own view. We have, therefore, explored further with the Prime Minister and the Lord Chancellor the implications of the proposals set out in the July Green Paper.
4. The key change proposed by the Government is that the “Prime Minister should not use the Royal Prerogative to exercise choice in recommending appointments of senior ecclesiastical posts, including diocesan bishops, to the Queen.” The resolution passed by Synod in July noted that the Synod, as long ago as 1974, sought for the Church “a decisive voice in the appointment of bishops” and welcomed the prospect of this being achieved. The Synod also affirmed its willingness for the Church to have, in future, the decisive voice in the selection of cathedral deans and canons appointed by the Crown, ‘given the Prime Minister’s commitment to “a process of constructive engagement between the Government and the Church”.’
5. This development clearly marks another step in the long evolution of relations of the Church and State. There are consequential arrangements to put in place, which we consider further in this report. Nevertheless, it is important to recognise that the Government does not see its proposals as representing a change in its commitment to the relationship between Church and State and to the position of the Church of England by law established, with the Sovereign as its Supreme Governor. Nor do we.
6. In particular, the Government is committed to the position of the Church of England by law established with the Sovereign as Supreme Governor. Diocesan bishops, suffragan bishops, many cathedral deans and canons, a number of parochial incumbents and some other office holders will continue

to be appointed by the Crown. The issue is how, in future, such appointments can be made in a way that gives the Church the decisive voice and does not involve the use of the Royal Prerogative by Ministers to exercise choice in recommending appointments to the Sovereign.

7. From our discussions with the Government it is clear to us that, so long as the principles set out in the Green Paper are accepted, there is a readiness on the part of Ministers to respond positively to reasonable requests from the Church for help with making these Crown appointments. There will remain a Crown interest that needs properly to be safeguarded in the new arrangements even though the decisive voice will rest with the Church.
8. While, therefore, final discussions with the Government on some of the practical arrangements cannot be concluded until after the February Synod debate, we believe that the way is now clear for the Church to reach its own view on what it would like to see.

The Consultation Exercise

9. The consultation document that we issued on 8 October was widely circulated and produced 224 responses. A summary of these is attached at annex B. We are grateful to all those who submitted their views. On many issues there was a wide measure of support for the suggestions that we had made in the consultation document. There are, however, other points on which the consultation exercise has helped us to develop and refine our thinking further. We have found it helpful to shape our proposals under four headings

- **General issues and future role of the Crown;**
- **Episcopal appointments;**
- **Cathedral appointments;**
- **Parochial patronage and other Crown appointments.**

General Issues and Future Role of the Crown

10. In the consultation document we signalled that there was a choice for the Church to make on whether, in future, it wanted the role of the Crown's advisors in church appointment processes to be purely formal. The clear weight of the representations received is that it would be for the benefit for the Church if someone appointed by the Crown could participate in the selection processes in an advisory capacity. We agree.
11. The question here is not whether the Church has the capacity to run appointments processes effectively. The issue is simply whether there is an added and worthwhile dimension which can be brought to the process by having advice and insight from someone who understands public office in other settings, has a particular responsibility to see that the wider "public voice" is heard in the Church's processes and has the independence to articulate and ask the uncomfortable questions.

12. These are all contributions that the Prime Minister's Appointments Secretary has been able to make up till now. We believe that it will be in the interests of the Church if someone appointed by the Crown can continue to add value to the process in this way albeit in a new context where the decisive choice to nominate a person to the Crown rests with the Church.
13. How exactly to strike the best balance between change and continuity in the practical arrangements is something that we shall need to discuss further with the Government following the Synod debate. Some of this turns on issues that are ultimately for decision within Government rather than the Church.
14. Nevertheless, we think that the change that we have in mind could best be summarised as moving away from the idea of someone who has advised the Prime Minister on the use of the prerogative in diocesan bishop appointments, has taken the lead role in many cathedral and other appointments and has had direct dealings with clergy seeking preferment. Instead, there would be a Crown appointments adviser. He or she would work with our Appointments Secretary in carrying out public consultations at the beginning of the process, contribute to the production of the detailed memorandum of needs for the post and then participate as a non-voting member in the two meetings of the Crown Nominations Commission.
15. In addition he or she would work with our Appointments Secretary in supporting the new arrangements for the appointment of Crown Deans. Again there would be involvement in local consultation on the needs of the cathedral with a view to producing a confidential memorandum for the selection panel on the particular qualities, skills and experience likely to be needed in the new dean. Both the Crown appointments adviser and our Appointments Secretary would be non-voting members of the selection panel for deans.
16. It would be for the Government to decide how best this role should be discharged on behalf of the Crown and what the title of the post should be; in this report 'Crown appointments adviser' is a description rather than necessarily a title. The person chosen would have to be someone of insight, with a good understanding of the challenges of public office. In terms of seniority we would hope that the person would have equivalent experience and stature to that possessed by the Prime Minister's Appointments Secretary in the past. Given that our appointments processes are carried out in the context of prayer and, in the case of the CNC, a celebration of Holy Communion, we believe that someone fulfilling this role would need to be a communicant Anglican.
17. More generally, the consultation exercise revealed a wide measure of support for the maintenance of close links between Church and State. There were also many who argued that a representative of the Crown can continue to play a valuable role in challenging the Church not to become too inward looking or predictable in its appointments processes. We believe that the role that we propose for a Crown appointments adviser would go a long way to meeting these proper concerns.

Episcopal Appointments

18. Under the Suffragan Bishops Act 1534 a diocesan bishop who wishes to appoint to a vacant see is required to submit the names of two candidates to the Sovereign. Since it falls to the Archbishop of the Province to consecrate the person appointed, by convention the Diocesan Bishop's nomination is submitted 'with the concurrence of the Archbishop' (a point highlighted in the recommendations of *Talent and Calling* which the Synod has endorsed). In practice, the Diocesan Bishop's nomination is forwarded to the Prime Minister by the Archbishop for onward transmission to the Queen. By long established convention the Prime Minister always submits to the Queen the first of the two names.
19. The consultation exercise has revealed widespread support for removing the statutory requirement for the submission of two names. Given that in future only one name will be submitted for Diocesan Bishop vacancies it would be curious to continue to submit two names for suffragan vacancies.
20. We therefore invite the Synod to agree that such a change should be made. Our intention would be that the necessary draft measure should receive first consideration at the July Synod.
21. In relation to diocesan bishops' appointments two consequential questions arise from the proposals in the Government's Green Paper. The first is whether, even though only one name in future will be submitted to the Prime Minister, the Crown Nominations Commission should continue to identify two appointable candidates given the practical difficulties of trying to reconvene the Commission within a reasonable period in the event of the preferred choice being unwilling or unable to accept the appointment.
22. We have discussed this matter with the central members of the Crown Nominations Commission and concluded that it would be sensible to continue the practice of identifying two candidates that are suitable for appointments.
23. The second question concerns what should happen in the unlikely, but not unprecedented, event of the CNC being evenly divided over which of the two appointable candidates to place first. Since, up till now, the CNC has not had the last word, it has not been necessary to cater, formally, for this situation.
24. In practice, in the rare case where the voting was 7-7, our initial response would be to continue discussions within the CNC. Nevertheless, we believe that Standing Order 122 should be amended to provide for the Archbishop of the Province to have the casting vote. It would continue to be a requirement that both candidates were considered appointable by at least two-thirds of the CNC.
25. The Archbishop of the Province will write to the Prime Minister setting the name of the Crown Nomination Commission's first choice before him. He will also, in the same letter, write to say that the Commission identified a

second candidate for the role. Should there be any reason why the first choice candidate is not able to take up this role the second choice candidate will be the Church's nomination.

Cathedral Appointments

26. This is the area where the Government's Green Paper necessitates the greatest single level of change since, currently, the Church has no processes of its own for the 28 deans appointed by the Crown and the 23 cathedral canonries (excluding those that are currently suspended) that are Crown appointments. In practice the Prime Minister's Appointments Secretary consults widely and, in the case of deans, seeks to reach agreement on the relevant names with the diocesan bishop. But the responsibility of deciding which names to put to the Prime Minister for submission to the Queen has rested with him. With the Church now set to have the decisive voice, new arrangements need to be created.
27. In relation to the **cathedral canonries** we believe that the solution is relatively straightforward. Six of the 23 canonries are special cases – the three academic canonries of Christ Church Oxford, the post of sub-dean of Christ Church and two canonries elsewhere which are shared with archdeacon posts (where the diocesan bishop already has the lead role in the appointment). These posts will continue to require special treatment as noted in paragraph 28 of the consultation paper.
28. For the remaining 17 canonries we propose that it should be for the diocesan bishop to take the lead role, in the same way as he already does for more than 80% of cathedral canonries where he has the right to appoint.
29. This change will, however, make it even more important that, in future, bishops adopt the process for appointments to residential canonries that were set out in paragraph 7.4.1 – 8 of the Pilling report and accepted by the Synod in July. In particular, this specifies that a role and person specification should be drawn up by the bishop and the dean jointly. Candidates for residentiary canonries should also always be interviewed by a panel including the bishop and the dean. This will, in future, be good practice for all residentiary canonries. In relation to the Crown canonries it will be part of the understanding that the Church has with the State over how these Crown appointments will be made.
30. The options in relation to the future selection of **crown deans** are more numerous and attracted much comment during the consultation exercise. We made it clear in October that our proposals were a starting point for discussion and that there were variants that might merit further consideration. Having carefully considered all the points made and discussed the matter further with the House of Bishops and the Archbishops' Council we are inviting the Synod to agree arrangements that are consistent with the principles that we set out in October but are different from our original proposals in some material respects.

31. We start by reaffirming our view that the Church should take this opportunity to secure greater commonality of approach between the Crown and non-Crown deaneries. There will still be some differences to reflect the fact that some are Crown appointments and others not. The Prime Minister's Appointments Secretary has, for example, had no formal role in the selection of the twelve deans appointed by the diocesan bishop and the two (Bradford and Sheffield) appointed by independent trustees. It would not be realistic to expect a new Crown appointments advisor to play any part in those non-Crown appointments. In addition we do not believe that it will be sensible to seek to extinguish the statutory right which two lay members of the chapter have under the Patronage (Benefices) Measure 1986 which gives them the same rights of veto over appointments as parish representatives have in respect of incumbents. If that issue were to be considered further it would need to be as part of a larger discussion about the parochial status of those cathedrals.
32. That said, it is in our view both achievable and desirable to have appointment arrangements for cathedral deans that are broadly similar. While the future arrangements for appointments to Crown deaneries will be formalised in an agreed understanding between Church and State we are confident that (subject to the rights of the two lay chapter members) diocesan bishops with the right of appointment to non-crown deaneries will in future adopt what the House and the Synod itself will have endorsed as the right approach.
33. What then, should the future arrangements be for the Crown deaneries that could, with modest changes, be the model for arrangements for the non-crown deaneries too? The most difficult question turns on the role that the diocesan bishop should play in this process. As the Pilling report make clear, the Prime Minister's Appointments Secretary aims now to reach agreement with the relevant diocesan bishop both on the shortlist of candidates for a particular vacancy and on the order of preference in which they are put to the Prime Minister. The confidential process of consultations does, therefore, recognise the need to appoint a dean who will carry the full confidence of his or her diocesan bishop.
34. Moreover, as the consultation document noted, the defining characteristic of a cathedral is that it is the seat of the bishop, the place where the chair that symbolises his teaching ministry and authority – "*cathedra*" – is located. We are clear, therefore, that the bishop's role in this selection process must be central and that he alone (plus, of course, the two lay chapter members where they have statutory rights under the 1986 Measure) should have a veto over the appointment.
35. We have, however, come to the conclusion that it would be better if the bishop did not himself chair the selection panel. While the Archbishop of the province rightly chairs the CNC for diocesan bishop vacancies within his province this is not an analogy for the nature of the relationship between the bishop and the dean of his cathedral.
36. Moreover, it is precisely because the bishop has such a direct interest in securing the appointment by the Crown of someone with whom he is going to

be able to work as a close colleague that we believe that, on reflection, he will be able to contribute more effectively to the selection process if he does not in addition have the responsibility for chairing the selection panel. It will be better to have in the chair someone who can act as a facilitator and guardian of fair process, ensuring that all the relevant voices are heard before a decision is reached.

37. Our recommendation, therefore, is that the selection panel for appointing deans should be chaired by a person appointed by the Archbishop, after consultation with the diocesan bishop and – in the case of the crown deaneries – consultation with the Crown appointments adviser. The person should be a communicant Anglican with wide and senior experience in public life. He or she should be a layperson.
38. We would not at this stage want to be too prescriptive over who might be suitable in each case but we would envisage that the person concerned would normally have some well-established connexion with the part of the country in which the cathedral was located. It might, for instance, be the Chair of the Cathedral Council or someone else with wide experience of public life - for example a university Vice-Chancellor who has a strong commitment to the Church of England.
39. Although a small national panel of chairs, who would have the responsibility for these appointments, has been proposed to us, we believe that it will be better for appointments to be made case by case. Nevertheless, we would not rule out the possibility of the right person being invited, over time, to carry out this role in more than one place if that seemed sensible.
40. It remains our view that the selection panel should, including the chair, have five voting members (though see paragraph 46). There have been suggestions for adding people to it but large interviewing panels are undesirable. There will, in any event, be more than five people in the room because we propose that our Appointments Secretary should be a non-voting member of the selection panel. In the case of the Crown deaneries the proposed new Crown appointments adviser would also be a non-voting member.
41. It has been put to us that there may be some cases where, because of the unusual significance and challenges of a particular cathedral's ministry, there would be advantage in involving an additional person in the selection process. We do not believe that the number of voting members should be increased but we would see no objection to the chair of the panel, with the agreement of the diocesan bishop, agreeing to the presence of an additional non-voting member as a specialist advisor.
42. The five voting members of the selection panel would, therefore, be as follows:

- **An independent Chair (selected as described above)**
- **The diocesan Bishop**
- **A member of the clergy with experience of cathedral ministry**
- **A lay member elected by the Bishop's Council of the Diocese**
- **A member of the college of canons, who is not a member of the chapter, elected by the college.**

43. The clergy member with experience of cathedral ministry will have current or recent experience of ministry in a cathedral of similar type. He or she will be chosen by the Archbishop of the province from among a panel of deans and residentiary canons appointed by the Archbishop after consultation with the Chairman of the Deans' Conference and the elected representatives of the deans on the General Synod. He or she would be from another diocese and not a member of the cathedral chapter concerned. By agreeing to serve on the panel he or she would, of course, be ineligible for consideration for the vacant office.
44. Some submissions questioned whether it was necessary to have someone on the panel elected by the Bishop's Council. This was a particular concern to those who were keen that the bishop should not himself chair the panel. The dean will, however, be a senior figure within the diocese and it is right to signal the close working relationship that should exist between the cathedral and the diocese. We believe, therefore, that the Bishop's Council should elect a layperson to the panel, who should not be a member of the cathedral chapter.
45. We have considered but rejected the possibility of the chapter electing one of its members to the panel. Chapter members should always be consulted over qualities they hope for in the new dean and have a significant input into the process. But there will be occasions when part of the challenge facing a new dean will be to exercise a mandate for change and, even where this is not so, chapter members have such a close an interest in the outcome that it will be better if they do not serve on the panel. We propose, instead, that the wider college of canons should elect one of their number, who is not a member of chapter, to serve on the selection panel.
46. As proposed in the consultation document, decisions will be taken by a majority vote of the five voting members, subject to the proviso that the majority must always include the diocesan bishop. In the case of the twelve cathedrals of which the bishop is patron, the two lay chapter members appointed under the 1986 Measure will retain their veto and a similar proviso will be needed in the case of St Albans. Given their statutory powers, there is much to be said for involving them in the process from the outset. So, exceptionally, we propose that in these cases they should be part of the selection panel and that their agreement, as that of the Bishop, should be required for an appointment to be made.
47. A number of the recommendations of the Pilling report concerning the appointment of deans by the bishop (pages 68-69) will in future be relevant to

Crown as well as non-Crown appointments. We set these out at paragraph 44 of the consultation document and, for ease of reference, include them here. They are:

- Documentation should include a statement drawn up by the Chapter and a written statement by the Bishop (as required by the Measure for those twelve deaneries to which the Bishop appoints);
- The Chapter may request a meeting with the Bishop (as required by the Measure for those twelve deaneries);
- Those consulted should include the Cathedral Council and representatives of the wider community and other churches;
- There is always either an announcement or an advertisement, but this may be supplemented by the use of ‘search’
- Someone nominated by the bishop meets the candidates prior to interview to give them an outline of the cathedral, the diocese and relevant issues;
- It is recommended that an interview is held and that more than one candidate is interviewed;
- An oral offer is made, subject to medical examination and CRB check. The person concerned is invited to visit the house (if this has not already happened) and given information about associated personal costs.

48. It will be important for the role and person specification to be owned by the selection panel after production of the confidential memorandum on the needs of the cathedral.

49. There will continue to be special arrangements for the appointment of the Dean of Christ Church given his role as Head of an Oxford College. Whether special arrangements should also continue to apply to Bradford and Sheffield Cathedrals, which are in the patronage of Simeon’s Trustees (Bradford) and Simeon’s Trustees and the Sheffield Church Burgesses Trust alternately (Sheffield) will require discussion with those bodies. We do not believe that it would be practicable or desirable to make changes there without their consent. Nevertheless, our hope is that the patrons would agree voluntarily to bring their arrangements in line with those that will in future apply to the 27 Crown and 12 other non-Crown deaneries.

Parochial Patronage and other Crown Appointments

50. In most cases, the Patronage (Benefices) Measure 1986 gave two representatives of the laity the right of veto over individual appointments irrespective of whether the patronage lay with the Bishop, a patronage society, an Oxbridge college or one of the many other private patrons. The right does not, however, apply to any Crown patronage, or to livings in the gift of Her Majesty in right of her Duchy of Lancaster and livings in the gift of the Duke of Cornwall.

51. The continuation of this exemption would be difficult to justify given the principles set out in the Green Paper. There was a wide measure of agreement in the consultation exercise that the 1986 Measure should be amended to give parish representatives in Crown livings the same rights as apply to non- Crown

livings. We believe that this should be done, though in a way that does not attempt to make wider changes to the 1986 Measure. If Synod agrees, the necessary draft legislation can be introduced in July.

52. If the law is changed it becomes a much less significant issue who should support the Crown in the exercise of this parochial patronage. Just as other patrons are responsible for carrying out the work in relation to their own responsibilities we see no difficulty in someone appointed by the Crown continuing to carry out the necessary staff work in relation to the Crown's ecclesiastical patronage, including responding on behalf of the patron to proposals for pastoral reorganisation.
53. There are two other, uncontentious changes, requiring legislation, which were proposed in Section 8.8 of the Pilling Report. These concern the Crown's right to appoint to those posts which are not normally in the gift of the Crown but currently become so in the relatively unusual circumstances of the vacancy (a) having been created by the incumbent becoming a diocesan bishop or (b) having arisen while there is a vacancy in the episcopal see which normally has the right to appoint.
54. There is a third case, not mentioned by the Pilling Report, which is related to point (a) – namely, where an incumbent becomes a diocesan bishop and while his benefice is vacant a benefice to which that incumbent would normally appoint falls vacant. In such a case the latter appointment too is made by the Crown.
55. If the Synod is content, we propose that draft legislation should be introduced in July to abolish the Crown's right to appoint to a vacancy created by the office-holder becoming a diocesan bishop or in the case of a vacancy where the right to appoint belongs to an office which is itself vacant by reason of the appointment of the office-holder as a diocesan bishop.
56. Where there is a vacancy in the diocesan see itself we propose that legislation should provide for the statutory delegation by the Crown of the exercise of its patronage to the bishop (for example, an area bishop) to whom the patronage was otherwise formally delegated or to the bishop to whom the spiritual jurisdiction over the diocese has been delegated for the period of vacancy.
57. We noted in the consultation document that there are a number of other Church appointments – the Dean of the Arches, the Master of the Temple, some Church Commissioners, members of the Churches Conservation Trust, the Court of Ecclesiastical Causes Reserved and others that fall to the Crown. In addition there are the appointments to the Royal Peculiars, which the Green Paper said would remain as before. The existence of a Crown appointments adviser along the lines proposed above should make it possible to ensure that the interests of Church and State continue to be safeguarded in relation to these appointments.

Conclusion

58. The Synod is invited to agree that:

- (a) **The Church should invite the Government to agree that there should be a continuing, and not merely formal, role for a senior civil servant, at the heart of Government, in the selection process for diocesan bishops, cathedral deans and other senior Church appointments in the gift of the Crown. While the decisive voice will, in future, be with the Church, the Crown appointments adviser should work with our Appointments Secretary on the drawing up of a confidential memorandum on the needs of the episcopal or decanal post in question and should be a non-voting member of the CNC/selection panel. He or she should be a communicant Anglican;**
- (b) **Draft legislation should be brought before Synod to replace the requirement in the Suffragan Bishops' Act 1534 for two names to be presented to the Sovereign with a requirement to submit one name;**
- (c) **The CNC should continue to identify, by a two-thirds majority, two appointable names for each diocesan see and should indicate by a simple majority its preferred choice;**
- (d) **Standing Orders should be amended to give the archbishop of the Province the casting vote in the event that the CNC remains equally divided over which of the two appointable candidates should be the first choice;**
- (e) **Crown Canons (other than four current special cases at Christ Church Oxford and two that are combined with archdeaconries) should, in future, be selected by diocesan bishops in the same way as for canonries that are in their gift. The process recommended in paragraph 7.1.4 – 7.4.8 of the Pilling Report should be followed in each case, with the role and person specification drawn up by the bishop and the dean jointly and owned by the members of the interview panel;**
- (f) **The selection panel for the Crown deaneries should be chaired by a layperson selected by the archbishop of the province after consultation with the diocesan bishop and with the proposed Crown appointments adviser (as set out in paragraphs 37-39 above). A similar arrangement should also be adopted for those parish church cathedrals where the bishop has the right of appointment;**
- (g) **There should be four other voting members of the selection panel (plus, where the provisions of the 1986 Measure apply, the two lay**

representatives with the statutory right of veto) as set out in paragraphs 40-46 of this report;

- (h) Our Appointments Secretary and, in the case of the Crown deaneries, the proposed Crown appointments adviser should be non-voting members of the selection panel. In addition, the chair of the panel, both for Crown deaneries and non-Crown deaneries, should have the discretion, with the consent of the diocesan bishop, to invite one additional person to act as a non-voting member of the panel if he or she judges that there is the need for additional expertise not present within the panel itself;**
- (i) Those with the rights of patronage in respect of the Deaneries of Bradford and Sheffield should be invited to consider whether the processes at those cathedrals should be brought in line with what is now to apply elsewhere;**
- (j) Draft legislation should be introduced into Synod to extend to Crown livings the normal rights of veto enjoyed by the two parish representatives under the Patronage (Benefices) Measure 1986;**
- (k) The Church should invite the Government to continue to provide the necessary staff work to support the Crown's parochial patronage responsibilities;**
- (l) Draft legislation should be introduced into the Synod to change the position as regards the Crown's right to appoint in the circumstances and in the manner set out in paragraphs 53-56 above.**

+ROWAN CANTUAR

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21 January 2008

That this Synod, noting that proposals in the Government's Green Paper of 3 July (attached to GS 1650A) will necessitate further discussion with the Church:

- (a) welcome the prospect of the Church achieving the 'decisive voice in the appointment of bishops' for which Synod voted in 1974;
- (b) affirm its willingness for the Church to have the decisive voice in the selection of cathedral deans and canons appointed by the Crown, given the Prime Minister's commitment to a "process of constructive engagement between the Government and the Church" (*The Governance of Britain* Green Paper, CM7170);
- (c) invite the Archbishops, in consultation with the Archbishops' Council and the House of Bishops, to oversee the necessary consequential discussions with the Government and to report to the February group of sessions, including on the implications for those matters covered by chapter 8 of GS 1650; and
- (d) subject to the above, endorse the recommendations in chapter 10 of GS 1650, invite those responsible to give effect to them and invite the Archbishops' Council to report to Synod during 2008 on progress with implementation.