

**CROWN APPOINTMENTS IN THE CHURCH OF ENGLAND:
REPORT ON THE CONSULTATION**

1. A consultation paper was issued by the Archbishops of Canterbury and York on 8 October 2007. Those wishing to respond were asked to do so not later than Friday 7 December. This paper reports on responses received by Sunday 16 December.
- 2. Archbishops and Diocesan Bishops**
 - 2.1 In July the General Synod ‘welcome[d] the prospect of the Church achieving the “decisive voice in the appointment of bishops” for which Synod voted in 1974’.
 - 2.2 No respondent to the Consultation document disagreed with the proposition that in future only one name should be sent from the Crown Nominations Commission to the Prime Minister.
 - 2.3 However, a number of respondents emphasized their belief that two names should continue to be identified by the Commission (of which the second would be forwarded to the Crown only if the first declined appointment).
 - 2.4 One submission pointed out that after the Commission has identified two names (each supported by a two-thirds majority), it votes as to its preference between them. It is suggested that provision should be whereby in the event of a tie in voting between the two names (each having been identified by a two-thirds majority), the Archbishop of the Province would have a casting vote. This would not preclude the Archbishop from inviting the Commission first to reconsider and vote again.
 - 2.5 Questions regarding membership of the Commission will depend on the future of the office of Prime Minister’s Secretary for Appointments (PMAS).
 - 2.6 The Consultation document envisaged that the Chairman of the CNC for vacancies in the See of Canterbury should continue to be chosen by the Prime Minister after consulting such persons or bodies as he thinks fit. Comments were not invited on this point, but one diocesan bishop commented that this would be acceptable only if the Prime Minister continued to be advised by a communicant Anglican Appointments Secretary and another questioned how the Prime Minister would undertake the consultations without one.
- 3. Suffragan Bishops Act (Question 3)**
 - 3.1 The great majority of those who commented on Question 3 simply endorsed the proposal that the Act be amended so that only a single name need be submitted.
 - 3.2 A small number of respondents mentioned that diocesan bishops should still identify two appointable candidates. However, these responses appeared not to take into account the fact that the recommendations of *Talent and Calling*, endorsed by the

Synod in July, envisaged that those nominated to the Crown would already have agreed to accept the appointment.

4. Parochial Patronage (Question 6)

4.1 Most ‘general’ respondents who commented on Question 6 appeared willing for the Crown’s parochial patronage to be exercised as at present, with the important exception that the two representatives of the laity would have the same rights apply in non-Crown benefices.

4.2 More than three quarters of the responses from Crown benefices were similarly in favour of the proposal that the two representatives of the laity should have a veto. Again, there was very little indication indeed of support for the patronage being removed from the Crown or exercised other than by civil servants.

4.3 In endorsing the recommendations of *Talent and Calling*, the Synod effectively resolved that

- the Crown should no longer have the right to appoint to benefices vacated by an incumbent who becomes a diocesan bishop, and
- Crown presentation to benefices in the gift of diocesan bishops during a vacancy in see should end.

4.4 These points were mentioned in the Consultation document, but since they had already been endorsed by the Synod they were not the subject of consultation. In respect of the first point, the Legal Office has drawn attention to the need to abolish the Crown’s rights in respect of patronage in the gift of an incumbent when that incumbent becomes a diocesan bishop. In respect of the second, the Legal Office has recommended that it will be simplest, legally speaking, to achieve the policy objective by statutory delegation of the Crown’s rights rather than by abolishing them.

5. Other Crown Appointments

5.1 A number of respondents commented on other Crown appointments, and these will need detailed consideration.

5.2 The three Church Estates Commissioners highlighted the importance of the Crown’s appointment of the First and Second Church Estates Commissioners, three Crown Commissioners and Trustees of the Churches Conservation Trust (mentioned in para. 48). They argued that ‘the continuing involvement of the Crown in these appointments is crucial’.

5.3 One respondent was suggested that the Mastership of the Temple has more in common with the royal peculiars than with the appointments listed in para.48 of the Consultation document.

5.3 Mr Jonathan Kewley (diocesan registrar and chairman of the house of laity of Sodor and Man) pointed out that the Archdeacon of Man is appointed by the Crown (as Lord of the Manor of Man) and commented that ‘It would be thought important in the

Island that this remains a Crown appointment and is not transferred to the patronage of the Bishop.’

6 General Issues (Question 1)

6.1 The points covered so far in this paper may be said either not to be controversial or at least to be the subject of very substantial agreement. It will be noted that they include Questions 3 and 6 (the points on which legislation is required). Other aspects of the proposals generated a wider range of views.

6.2 In response to Question 1, respondents commented on issues related to:

- establishment,
- diversity,
- the role of bishops, and
- the past and future process.

6.3 Several respondents believed that the new arrangements would inevitably involve a weakening of the **establishment**, which most of them did not welcome. One senior diocesan bishop commented:

‘If it is at the heart of the responsibilities of the Crown to hold Church and State together, this must be at the heart of the responsibilities of Her Majesty’s First Minister; so that if he is abdicating a significant element of these responsibilities, so as to leave the Crown unadvised by the Prime Minister, then he is weakening and downgrading this element of the Crown’s responsibilities, and so also of the position and responsibilities of the Church of England. We are seen as one “faith community” among others; which constitutionally is not the truth whatever the Prime Minister or some of his advisers think.’

6.4 A cathedral chapter affirmed ‘We would want to resist any system of appointments which could be seen as the Church withdrawing into purely internal affairs, signalling a desire to operate as a voluntary society.’

6.5 A suffragan bishop commented:

‘If the established status of the Church of England is a constitutional “given” (as the Government affirms) it must be recognised that this means more than a quaint formality involving Her Majesty the Queen when it comes to senior appointments but, rather, the real exercise of real authority within the apparatus of State of which the Queen is Head. To transfer this authority to the Church’s own structures and away from the apparatus of Government is, in real political effect, to move towards disestablishment.’

6.7 An assistant curate commented ‘If we do not want an established Church, that is one thing and we should argue for it; but if we do want one then we must accept that ministerial advice to the Crown is an essential part of it.’

6.8 Several other respondents spoke of what some termed ‘creeping disestablishment’.

- 6.9 Another respondent ‘wondered if the church was offering a counter-argument’ to the proposals, which he saw as masking ‘a deepening and creeping secularisation’. He hoped ‘that the responses to these government proposals will include an appropriately critical rejoinder’.
- 6.10 Very few of the rather smaller number of submissions, which explicitly welcomed the non-legislative changes (rather than merely taking them as given) made specific reference to the question of establishment.
- 6.11 It has been suggested that there has been change of mood within the General Synod on the issue of establishment since the 1970s and 1980s, with support for an establishment with substance, including in the area of appointments, coming from both younger and more progressive elements. The responses to the Consultation document offer some support for that view.
- 6.12 **Diversity** was discussed in two senses. Some responses addressed the issue of uniformity of process and/or appointing body. Several others referred to the breadth of the Church of England in terms of church traditions, and a few made reference to the appointment of women, single men and minority ethnic clergy. Most of these submissions saw the changes as in danger of reducing the diversity of those appointed to senior office.
- 6.13 About a quarter of the submissions from members of the General Synod Houses of Clergy and Laity, and some others from non-Synod members, expressed the view that the role of the Crown and specifically the Prime Minister’s Appointments Secretary had tended to foster diversity in terms of ecclesial tradition, whereas the record of diocesan bishops in this matter was very poor. This comment from a member of the House of Clergy expresses the views of a number of respondents:
- ‘The Deanery of Derby was recently advertised in terms that contravened the plain meaning of the Episcopal Ministry Act of Synod 1993 and a belated “clarification” had to be added to the diocesan website shortly before the deadline for applications expired. The general failure of Diocesan Bishops who ordain women to the priesthood to appoint suffragans who do not is noted in the Pilling Report. The participation of a seemingly impartial Prime Minister’s Appointments Secretary offers greater confidence that the Church will abide by its own rules and not make assurances to ensure the passage of legislation, only to ignore them at a later date.’
- 6.14 A number of respondents saw the proposals regarding cathedrals as involving a shift of power towards **bishops**. Doubt was expressed whether bishops would necessarily comply with regulations, acts of synod and codes of practice.
- 6.15 Finally, some questioned the nature and extent of the consultation with the Church of England, which had taken place prior to publication of the Green Paper and the appropriateness of the welcome expressed on behalf of the Church before the Synod debate. Some respondents were unhappy with the timing, content and outcome of the Synod debate. They argued that the Consultation document was wrong to take the proposals in the Green Paper as a given and argued that they should be resisted.

7 The Crown's Future Involvement (Question 2)

- 7.1 Most members of the House of Bishops who commented on Question 2 would favour an input from the Crown either through the existing Downing Street office or through other arrangements designed to replicate it as far as possible.
- 7.2 The submissions from respondents other than bishops were broadly similar and the numbers advocating the retention of the Downing Street office were higher.
- 7.3 Among non-episcopal respondents who did address the question of how the Church might seek to replace the service provided by the PMAS, there was somewhat more concern as to the cost of a replacement.
- 7.4 Most of those who addressed the possibility of a replacement envisage an officer rather than a panel. There was a small but significant strand of concern that such an officer, even if paid by the church, should be independent not only of the Archbishops' Secretary for Appointments but also of the Archbishops and the Archbishops' Council.
- 7.5 Those who advocated the retention of the PMAS stressed, variously:
- the need (for the reasons of principle outlined above) for the Sovereign and the Prime Minister to have continued access to advice on Crown appointments from an officer of the Crown;
 - the desirability of an input into all the relevant processes on behalf of the wider community of the nation;
 - the belief that the PMAS has a record of promoting diversity in appointments (with regard to sex, marital status and ethnicity as well as churchmanship), whereas the record of both diocesan bishops and church committees on this is less good;
 - the need for an independent 'balance and foil' for the Archbishops' Secretary for Appointments;
 - desire for the continuance of a separate channel for the gathering of names alongside the Preferment List (seen as operating under the control of bishops);
 - desire to retain the input of a senior civil servant with analytical and 'political' skills to work alongside the Archbishops' Secretary for Appointments (thought likely to have a 'human resources' background with an expertise in process);
 - concern at the cost of replacing the service currently provided by the PMAS with arrangements which would guarantee a comparable quality of input.

8. Non-academic Crown canonries (Question 4)

8.1 In relation to cathedral appointments the Synod resolved that it

‘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).’

8.2 Those members of the Houses of Clergy and Laity who addressed the question concerning Crown canonries split 2-1 in favour of the proposal. (However, other members who were apparently opposed to any change or at least advocated retention of the PMAS may have disagreed with it.) Of members of the House of Bishops, 12 agreed with the proposals and 2 did not. Among the submissions from cathedral deans former deans, chapters, councils and residentiary canons there was a general acceptance of the proposal, with only one chapter completely opposed and one preferring the present system.

8.3 Among those who disagreed, most argued for retention of the present system on the grounds that (in their view) the Crown has a better record than diocesan bishops on issues of fairness and diversity – in particular, but not only, with regard to the appointment of traditional catholics.

8.4 Among those who accepted the proposal there were some who stressed that consultation by the bishop, in particular with the dean, should be obligatory. A number of submissions, including that of the Deans’ Conference, urged that the good practice recommended in *Talent and Calling* ‘should be mandatory when the Bishop is acting for the Crown’.

8.5 Some submissions went further, arguing that the nomination should be made ‘by the bishop with the concurrence of the dean’ (as is the case with canonries in Winchester Cathedral to which the Bishop appoints).

8.6 The Chapter of Christ Church, Oxford did not agree that the bishop should take the lead role in appointing the Sub Dean.

9. Deaneries (Question 5)

9.1 General

9.1.1 All the members of the House of Bishops who commented supported a similar process for appointing the deans of the two types of cathedral, and there was majority (but not unanimous) support among bishops for the detailed proposals.

9.1.2 Those members of the Houses of Clergy and Laity who commented were evenly divided over the proposals as they stand. Of the other submissions from those not directly connected with cathedrals, one supported the proposals as they stand and six argued for modifications.

9.1.3 There were 41 submissions from the ‘cathedral world’ (ie deans and former deans, chapters, residentiary canons, cathedral councils, the Cathedrals Fabric Commission and the Cathedrals Administration and Finance Association). Most of these agreed that a similar process for most or all cathedrals was desirable. However, these ‘cathedral submissions’ did not agree that the legalities concerning the appointment of the 12 ‘bishop’s deans’ should be the starting point for a common process for all the 41 English cathedrals other than Christ Church, Oxford.

9.2 Chairmanship of the Panel and role of the Bishop

9.2.1 Of the members of the House of Bishops who commented on the point 12 agreed that the bishop should chair the panel and 4 did not. Of the three bishops’ councils that responded, two did not agree that the bishop should chair the panel while one supported the proposals. Half of the members of the Houses of Clergy and Laity who commented agreed that the bishop should chair the panel. Of the ‘cathedral submissions’, only 2 out of 41 (from the same cathedral) agreed that the diocesan bishop should chair the panel. Very many cathedral submissions (including a number of submissions from parish church cathedrals of which the bishop is patron) disagreed strongly with this proposal.

9.2.2 Some of the arguments advanced for opposing chairmanship by the bishop are set out in the Appendix.

9.2.3 The Deans’ Conference proposed as chairman ‘A lay person used to high public office and aware of the role that cathedrals play in the life of the nation (from a panel of four or five such appointed by the Archbishops)’. However, a number of submissions (both from cathedrals and from those who were not part of the ‘cathedral world’) preferred a local figure of distinction in the public life of the diocese. Lords Lieutenant were the most frequently mentioned, but vice-chancellors were also mentioned. While some thought that the Chairman of the Cathedral Council (who might be such a figure) should chair the panel, others thought that the fact that the Chairman of the Cathedral Council is appointed by the bishop made that undesirable. Several suggested that someone holding an office under the Crown (such as a Lord Lieutenant or a judge) should chair the panel.

9.2.4 Most submissions agreed that the bishop should have a veto, though two chapters did not.

9.3 Membership of the Panel

9.3.1 The cathedral submissions did not support the exclusion of ordained chapter members from the panel. This was seen as distinguishing between lay and clerical members of the chapter in a way that would go against the Cathedrals Measure’s collegial spirit. One chapter objected that the requirement of a lay canon was drawn from the Patronage (Benefices) Measure – which, in turn, seemed (inappropriately) to suggest that the Chapter was the equivalent of a PCC. It was pointed out that in one cathedral one of the three lay canons is the Receiver General and that with a three-year minimum tenure for lay posts the other two canons might lack sufficient experience.

- 9.3.2 Some submissions commented that the panel was too ‘churchy’ and/or suggested that the national element was too weak. On the other hand, others argued for more representation of the laity of the diocese and laypeople involved in the life of the cathedral and some wanted the inclusion of a priest from the diocese. Some argued for a larger panel than the 5 voting and 2 non-voting members proposed in the Consultation document.
- 9.3.3 Some submissions agreed that the Archbishops’ Secretary for Appointments should undertake the work, but others argued that she or he should not and would prefer a continuing PMAS to do this.

9.4 Parish Church Cathedrals

- 9.4.1 The appointment of the dean of 14 cathedrals is subject to the Patronage (Benefices) Measure, as is the appointment of the (Crown-appointed) Dean of St Albans as incumbent of the cathedral benefice by the bishop. Some submissions, including submissions from some of these cathedrals, seemed to question whether this should in future be so. The possibility of suggestions that the diocesan bishop be removed as patron of 12 of the parish church cathedral deaneries, or that the rights of the two lay chapter members in the 14 parish church cathedrals be removed, should be noted.
- 9.4.2 Some submissions proposed the removal of the patronage of the deaneries of Bradford and Sheffield from the Simeon’s Trustees (Bradford) and the Sheffield Church Burgesses Trust (Sheffield).

APPENDIX

- The dean should be independent of the bishop – a ‘critical friend’.
- The New Foundation deans inherited the independence of the pre-Reformation cathedral monastic communities
- [In the Church of England] No deans were ever appointed by bishops; and provosts were so appointed only since 1882, for reasons other than those advanced in the discussion paper.’
- The influence of diocesan bishops should not be increased further.
- Three of the four members of the panel other than the diocesan bishop may have been appointed by him to their current post.
- Chairmanship by the bishop does not recognize the national role of cathedrals.
- For the bishop to preside over the appointment compromises his role as visitor.
- The existing system’s checks and balances have served Church and State well.
- ‘This proposal creates a wholly new dynamic to the delicate but significant relationship between bishop and dean, between the bishop and his Cathedral.’
- The decision that the bishop should not chair the Cathedral Council is a relevant precedent and has proved to be helpful.
- The proposals ‘will reduce the ministry of deans and chapters in Church of England cathedrals to a model similar to that of Roman Catholic cathedrals, where the dean and clergy are sometimes described (by themselves), as simply “the bishop’s curates” ’.
- ‘The Bishop as chair would merely reinforce the view that the Bishop is making the appointment and the rest are simply there to support him.’
- ‘A panel headed by a senior lay figure would give considerably more confidence to the wider community that the church is genuinely concerned to appoint someone for them’
- Bishops may tend to regard staff primarily as agents of diocesan policy and thus as ‘cabinet’ appointments. But the dean is there to complement the canons, not the archdeacons; and he has to preside over his own cabinet (chapter) as well.’