

**GENERAL SYNOD**

**THE DECLARATION ON THE MINISTRY OF BISHOPS AND PRIESTS  
(RESOLUTION OF DISPUTES PROCEDURE) REGULATIONS 2014  
Regulations made by the House of Bishops under Canon C 29**

1. The House of Bishops makes these Regulations under Canon C 29.

**Appointment of Independent Reviewer**

2. The archbishops must appoint a person to act as Independent Reviewer for the purposes of these Regulations. The appointment must be made with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod.
3. The archbishops may also appoint one or more persons to act as Deputy Independent Reviewers for the purposes of these Regulations, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod. If any Deputy Independent Reviewer is appointed, he or she will perform such of the Independent Reviewer's functions as the Independent Reviewer may from time to time determine. Any Deputy Independent Reviewer will also undertake the functions of the Independent Reviewer in the event that he or she is unable to do so for any reason.
4. The Independent Reviewer, and any Deputy Independent Reviewer, shall hold office for such period as the archbishops may determine, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod.
5. The Independent Reviewer, and any Deputy Independent Reviewer, may be removed from office by the archbishops, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod, only on grounds of incapacity, misconduct or other good cause.
6. Subject to Regulation 5, the terms on which the Independent Reviewer, and any Deputy Independent Reviewer, will hold office shall be determined by the archbishops.

**Exercise of the Independent Reviewer's functions**

7. In exercising his or her functions, the Independent Reviewer must:
  - (a) act impartially and fairly; and
  - (b) have regard to the 'five guiding principles' referred to in paragraph 5 of the House of Bishops' Declaration.

## **Scope of the grievance procedure**

8. A grievance may be brought in relation to any office holder in respect of:
  - (a) any action taken by the office holder under paragraphs 16 to 29 inclusive or 33 of the House of Bishops' Declaration; and
  - (b) any failure on the part of the office holder to act in accordance with paragraphs 16 to 29 inclusive or 33 of the House of Bishops' Declaration.

## **Bringing a grievance**

9. Before bringing a grievance a PCC must give the office holder in respect of whom it wishes to bring a grievance a reasonable opportunity to address the grievance.
10. A PCC may bring a grievance by giving written notice of its desire to do so to the Independent Reviewer.
11. The bringing of a grievance must be authorised by a resolution of the PCC passed either:
  - (a) by a majority of those present at a meeting at which at least two-thirds of the members of the PCC who are entitled to attend are present; or
  - (b) by a majority of all the members of the PCC.
12. A PCC may normally bring a grievance only if it does so within three months of the action or omission in question.
13. In exceptional circumstances, and if he or she is satisfied that there is good reason to do so, the Independent Reviewer may allow a PCC to bring a grievance where the action or omission in question took place more than three months previously.
14. The notice given by the PCC of its desire to bring a grievance must specify:
  - (a) the office holder in respect of whom the grievance is brought;
  - (b) the nature of the act or omission in question; and
  - (c) the nature of the PCC's grievance in relation to that act or omission.
15. The PCC must send a copy of its notice to:
  - (a) the diocesan bishop; and
  - (b) (if different) the office holder in respect of whom the grievance is brought.

## **Consideration of grievances by the Independent Reviewer**

16. The Independent Reviewer may decline to deal with a grievance if, in his or her opinion:
  - (a) it does not fall within Regulation 8;
  - (b) it is vexatious or malicious; or
  - (c) there has been undue delay in bringing it.

17. If the Independent Reviewer declines to deal with a grievance, he or she must provide the parties and the diocesan bishop (if he or she is not one of the parties) with a written explanation of the reasons for that decision.
18. Once the Independent Reviewer has accepted a grievance he or she must carry out a review to decide whether the grievance is justified, partly justified or unjustified.
19. Subject to Regulation 21, the Independent Reviewer must either complete his or her review within two months of receiving the written notice from the PCC or, if he or she is unable to do so, must give the parties reasons for his or her inability to do so and complete the review as soon as possible thereafter.
20. The process for a review will be as follows:
  - (a) The Independent Reviewer must decide what further information (if any) he or she needs in order to be able to conduct the review. Subject to the requirements of the general law, the Independent Reviewer may require the parties, within such reasonable period as he or she may specify, to:
    - (i) provide such information, documents or other materials;  
and
    - (ii) answer such questions  
as he or she thinks fit.
  - (b) Subject to the requirements of the general law, the Independent Reviewer may disclose to all the parties any information, documents or other materials which have been disclosed by any of them.
  - (c) The Independent Reviewer may at any time give the parties the opportunity to comment on representations received.
  - (d) The Independent Reviewer may hold an oral hearing.
  - (e) The Independent Reviewer may appoint one or more experts to advise him or her.
21. The Independent Reviewer may at any time seek to achieve a settlement of the grievance which is acceptable to the parties, by some means other than the completion of the review (whether through a process of mediation conducted by some other person or persons or otherwise).

### **Independent Reviewer's decision on a review**

22. On the conclusion of his or her review the Independent Reviewer will issue a decision. The decision must be in writing and give the reasons for it.
23. Before issuing a decision, the Independent Reviewer may send a draft of it to the parties for the purpose of enabling them to identify any errors of fact or making representations as to the practicality of any recommendation the Independent Reviewer proposes to make.
24. If the Independent Reviewer considers that the grievance is justified or partly justified, he or she may include in the decision recommendations for addressing the grievance.
25. The Independent Reviewer must send a copy of his or her decision to each of the parties and to the diocesan bishop (if he or she is not one of them).

26. The Independent Reviewer must publish his or her decision on a review (including any recommendations he or she has made) unless he or she considers that there are good reasons for not doing so. Decisions may be published in an anonymised form if the Independent Reviewer considers that to be in the interests of the parties or any other person.

### **Raising of concerns about the operation of the House of Bishops' declaration**

27. Any person may raise a concern, in writing, with the Independent Reviewer in relation to any aspect of the operation of the House of Bishops' Declaration. Any such concern may relate to more than one act or omission under the House of Bishops' Declaration and to more than one parish or diocese.

### **Undertaking of inquiries**

28. Following the raising of one or more concerns under Regulation 27, the Independent Reviewer may undertake an inquiry into the subject matter of such concern or concerns.
29. When conducting an inquiry under Regulation 28, the Independent Reviewer may:
- (a) require any office holder, subject to the requirements of the general law and within such reasonable period as he or she may specify, to:
    - (i) provide such information, documents or other materials; and
    - (ii) answer such questions as the Independent Reviewer thinks fit; and
  - (b) appoint one or more experts to advise him or her.

### **Independent Reviewer's annual report**

30. Following the end of each calendar year the Independent Reviewer must provide an annual report to the archbishops on the exercise of his or her functions during that year.
31. The annual report must contain information about:
- (a) grievances with which the Independent Reviewer has declined to deal;
  - (b) grievances in respect of which the Independent Reviewer has carried out reviews;
  - (c) decisions (including recommendations) made by him or her following such reviews;
  - (d) the extent to which any recommendations made by him or her have been acted upon;
  - (e) concerns received by the Independent Reviewer about the operation of the House of Bishops' Declaration; and
  - (f) inquiries undertaken by the Independent Reviewer as a result of the expression of such concerns.

32. The annual report must be published, in such manner as the archbishops, with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod, may determine.

### **Interpretation**

33. In these Regulations:

- (a) 'the archbishops' means the Archbishops of Canterbury and York;
- (b) 'the diocesan bishop' means the bishop of the relevant diocese;
- (c) 'the House of Bishops' Declaration' means the House of Bishops Declaration on the Ministry of Bishops and Priests made by the House of Bishops on 19th May 2014, as from time to time amended;
- (d) 'the Independent Reviewer' means the person appointed by the Archbishops of Canterbury and York under Regulation 2 to act as the Independent Reviewer;
- (e) 'office holder' means any archbishop, bishop, archdeacon, rural dean or minister having the cure of souls;
- (f) 'PCC' means:
  - (i) the parochial church council of a parish (other than a parish of which a cathedral is the parish church);
  - (ii) the guild church council of a guild church; and
  - (iii) the governing body for any non-parochial place; and
- (g) 'the parties' means (i) the PCC bringing the grievance and (ii) any office holder in respect of whom it is brought.

34. Functions conferred upon the archbishops under these Regulations must be performed by them jointly, save that:

- (a) in the event of one of the archbishops being incapacitated through illness; or
- (b) during a vacancy in one of the sees

the functions may be performed by the other of the archbishops.

These Regulations were made by the House on 17th November 2014.