

Summary

This factsheet intends to explain the role of Diocesan Record Offices and provide advice about agreements with Diocesan Record Offices. You will discover:

- What a Diocesan Record Office does and does not do
- How the Parochial Registers and Records Measure 1978 operates
- How to draw up an agreement with the Diocesan Record Office

Please note that the information detailed in this note is for general purposes only. It does not constitute legal advice and may not suit your own particular purposes. For legal advice on which you can rely you should contact your own legal adviser(s).

The role of Diocesan Record Offices

Many historically significant records created by the Church of England are held in repositories designated as Diocesan Record Offices (DROs). Each diocese may have one or more DRO, which is usually the records office administered by the relevant local authority. The Church of England yearbook gives details of the DRO(s) for each diocese. For example, in the Diocese of Worcester the DRO for diocesan records and most parish records is the Worcestershire Record Office, but parish records for the deaneries of Dudley, Stourbridge and Kingswinford go to the Dudley Archives and Local History Department. It is also possible for the DRO to be physically outside the Diocesan boundaries.

Under the Parochial Registers and Records Measure 1978 (the “1978 Measure”), it is the bishop of the diocese who designates the DRO(s) for his diocese. This Measure, as subsequently amended by various legislation¹, governs the deposit of parish registers and records at DROs. In particular, the 1978 Measure states that:

- All non-current parochial registers should be deposited in the DRO (unless an “exception” has been issued in writing by the diocesan bishop). Registers which must normally be deposited include those with a last entry made 100 or more years ago, as well as registers where the earliest entry has been in existence for 150 or more years (other than a register book of marriages wherein the earliest entry was made on or after 1st July 1837).
- Those registers and records held in parishes and that are not deposited must be afforded care with regard to the conditions in which they are kept. The benchmark would normally be the British Standard for the storage and exhibition of archival documents (BS5454).
- Registers and records held by parishes are subject to inspections every five years, during which lists of registers and records will be drawn up. Under the Measure, these inspections are the responsibility of the archdeacon, but work itself will usually be carried out by staff of the DRO. (It is, however, recommended that inspections by DRO staff should be combined with the general quinquennial inspections that archdeacons carry out to account for all items listed in the church terrier and inventory.)

¹ This legislation includes: the Church of England (Miscellaneous Provisions) Measure 1978; the Pastoral Measure 1983; the Church of England (Miscellaneous Provisions) Measure 1992 No. 1; the Church of England (Miscellaneous Provisions) Measure 1995 No. 2; the Statute Law (Repeals) Act 2004; the Dioceses, Pastoral and Mission Measure 2007; and the Ecclesiastical Fees (Amendment) Measure 2011

While the Measure is principally concerned with parish records, the DRO is usually the place of deposit for diocesan, episcopal and cathedral records as well. It is important to note that any records deposited at the DRO must be of a genuinely archival nature, as it is not the job of the DRO to provide free storage for other unwanted records. If space is at a premium, you should use the services of a commercial storage company to hold your business records offsite. The separate retention advice for parishes, dioceses, bishops and cathedrals offers guidance about what records to send to the DRO.

Guidance on drawing up an agreement with your DRO

It is recommended that there are suitable agreements in place with your DRO so there is a clear understanding about the terms under which records are deposited and held at the DRO. Traditionally, agreements with record offices have varied in their formality, but it is recommended that a formal contract is drawn up between the diocesan bishop and the local authority in charge of the DRO. This will probably take the form of a Deed Under Hand, signed by both parties. A contract is required because the 1978 Measure is a statute affecting the diocesan bishop, rather than the local authority. Since the local authority, unlike the diocesan bishop, is not directly bound by the statute, it needs to formally link into the arrangement through a contract. Failing this, the local authority has no legal power or obligation under the 1978 Measure.

In some cases, there are existing formal agreements in place but these are often many decades old, and some still refer to the 1929 Parochial Registers and Records Measure. They are also usually limited to the deposit of parish registers and records under the 1978 Measure and do not cover other records which might be sent to the DRO (such as diocesan and episcopal records). It would be sensible to replace any such agreements with revised ones and to take the opportunity to cover the deposit of non-parochial records.

Any agreement with a DRO should be drawn up having taken legal advice (for example, from the Diocesan Registrar) and should cover the following areas:

- Definition of the parties, area and subject of the agreement including whether the agreement relates solely to parish records deposited under the 1978 Measure or extends to diocesan, episcopal or cathedral records.
- Ownership of records deposited with and held by the DRO, including copyright status and provision for any digitalisation projects including those run by commercial organisations such as Ancestry or FindMyPast.
- Public access arrangements for records transferred as archives and the confirmation of any necessary closure periods for sensitive material. The effect of relevant legislation, such as the Data Protection Act 1998 and Freedom of Information Act 2000 (FoIA), should be borne in mind. The FoIA covers most information held by a public body and so may include records deposited with a DRO. This means that requests for information held by the DRO will have to be considered within the framework of the FoIA, though certain exceptions may be applied. See the website of the Information Commissioner's Office (www.ico.gov.uk) for further guidance.
- The scope and standards of professional archive services being provided by the DRO include delegating powers of appraisal to the staff of the DRO (e.g. can the DRO decide to destroy material; can it commercially exploit material; and how is access managed and decided upon).

- Procedures for the temporary and permanent withdrawal of archive material and for exhibitions of archive material (including borrowing exhibition cases). For example, records deposited at the DRO may be loaned back to a parish for a weekend display in connection with a commemorative exhibition.
- Any financial arrangements that may be agreed.
- Provision of arbitration procedures in the event of dispute (The National Archives is willing to be named as an independent source of conciliation between the parties but cannot offer formal binding arbitration in any such dispute over the terms of an agreement).

The agreement should also specify a point of contact or “contracts manager” on the Church of England side. This might, for example, be the relevant archdeacon (for a DRO covering a particular archdeaconry) or the chair of the relevant diocesan committee.

Such formal agreements must be supplemented by a good working relationship and, in particular, a clear understanding about which records will be sent to the DRO and when they will be sent. It is common for DROs to receive records in an erratic fashion, usually en masse when a particular premises is closed down (for example, a move to a new Diocesan House). From the point of view of the DRO, it is far better if records of agreed types are deposited on a regular basis. The sudden bulk deposit of records can result in unexpected demands on space and resources at the DRO, often compromising the storage of the records and access to them. As ever, it is far better that records are proactively managed during their lifetime, and destroyed or deposited in accordance with agreed rules.

Factsheets available in the records management toolkit

- What is records management
- Organising your records
- Looking after your paper records
- Looking after your electronic records
- Looking after your emails
- Looking after your multimedia records
- Agreements with record offices
- Access to records
- Data protection
- Copying and copyright
- Glossary

Further guidance

For further guidance please contact the Church of England Record Centre:

15 Galleywall Road, South Bermondsey, London, SE16 3PB.

020 7898 1030

archives@churchofengland.org

Last updated January 2013