

ARCHBISHOPS' COUNCIL

Simplification – the story so far

Update from the Bishop of Willesden, Chair of the Simplification Task Group

Introduction

1. This paper, which has been approved by the Archbishops' Council updates the Church with a summary of where we have got to on the Simplification Task Group work stream under the Renewal Reform initiative. It outlines the issues we have tackled, those areas we have declined to consider, the pieces of work that are outstanding, and the choices for a possible Phase 3. The purpose is to share what has happened as widely as possible, both because it is perfectly possible to miss changes in church legislation and therefore not be aware of the possibilities for doing things more simply, and because the Simplification Group wishes to give an account of its stewardship of the time and resources that it has consumed.

Background

2. The terms of reference set for the Task Group when it was established in 2014 were as follows:
To consider concerns raised about the constraints caused to the mission and growth of the Church of England by existing canons, legislation, regulations and procedures and to bring forward options and proposals for simplification and deregulation, and to report back to Archbishops' Council and the Board of Governors of the Church Commissioners
3. Our first report contained a series of recommended changes to legislation arising from what **dioceses** were experiencing as legislative barriers to mission. The second report from the Task Group resulted from an extensive survey of **parishes** carried out in the summer of 2015 to ascertain their concerns about legislation at the grass-roots level.
4. The draft legislation to enact the proposals from Phase I and Phase II has been going through the Synodical process, and we are in the process of seeking a mandate to proceed with Phase III.

Background and ethos of the Simplification Task Group

5. The Simplification Task Group reviewed its approach at the start of its Phase II work. It agreed a series of aims and values which underlie its work. Our aims may be summarised as follows:
 - Enabling and encouraging ministry and mission
 - Supporting growth (in numbers, discipleship, fellowship and relationship to the community)
 - Helping the Church to *be* the Church in every locality
 - Building capacity for strategic planning and the management of change
 - Proactivity – quickly identifying issues that need addressing
6. Our values can be expressed in four words

- **Subsidiarity**– ensuring that only those functions which need to be exercised at national or local level are retained at that level and devolving to local level all functions that can appropriately left to local decision.
 - **Diversity** – reflecting what it means to be a mixed economy and mixed context Church
 - **Flexibility** – enabling a “can-do” and positive approach to problem-solving and looking for different options to suit context
 - **Simplicity** – cutting through provision and complex language to express our legal framework in simple and comprehensible terms
7. Because the Church of England is a legally ordered church, our proposals are aimed at ensuring the following:
- Retaining important checks and balances
 - Ensuring proper rights and duties are preserved
 - Removing endemically over-cautious and over-prescriptive legislation where it can be shown that it is not achieving either of the above goals

Where we came in

8. A previous Simplification Group, chaired by Mary Chapman, sought to simplify the Church Representation Rules, to review the Faculty Jurisdiction, to standardise aspects of pastoral reorganisation and to develop more online resources for parishes. The work on the CRRs came to grief in Synod, and the streamlining of pastoral reorganisation was deferred. We have picked up both these agendas. However, the new faculty procedures are now in place and the parish resources website has been activated <http://www.parishresources.org.uk/>

What we have done

9. Here we list the changes that have already been made, or are in the process of being made:

Conditions of Service

10. The Ecclesiastical Offices (Terms of Service) Regulations and accompanying guidance have been amended to allow for:
- The extension of a title post for a year for curates who haven't found a post
 - The appointment of assistant curates as LSMs
 - Interim posts of up to 3 years, once renewable.
 - Simplified sickness reporting
 - Simplified SOPs for SSMs
 - Revised guidance on capability

Review of units of governance and charitable entities

11. The Task Group is looking at the legal and organisational structures of governance within the Church, particularly at parish and deanery level. The Task Group is looking at how governance models can be adapted and made more flexible to allow parishes to adapt to their own resourcing and geographical constraints. These involve possible changes to the Church Representation Rules, Electoral Rolls, rules on Annual Parochial Church Meetings (APCMs) and Deanery and Diocesan Synods.

Church Representation Rules

12. These take the form of a series of amendments to simplify and make the rules more flexible.

Amendments to Canon Law

13. The Task Group is considering the following changes to the Canons:
- Changes to Canons B11 and B14 to relax the requirements for regular worship in parish churches in sparsely-populated benefices
 - Changes to Canon C5 in relation to title posts to acknowledge requirement to deploy clergy in non-traditional parish ministries such as those generated by Bishops' Mission Orders and Network Churches
 - Canon C8 – ministry beyond a single parish (together with a guidance note)
 - Canon C21 and C22 – removal of the requirement for Archdeacons, Deans and Residentiary Canons to be six years “complete” in holy orders
 - Changes to Canons E7 and E8 to broaden the definition of who might be deployed and licensed as a lay minister

Pastoral Measure Issues

14. We have brought to Synod proposals for
- Compensation for loss of office through pastoral reorganisation
 - A new Bishop's Pastoral Order
 - Streamlined consultation on schemes and pastoral orders
 - Deanery Plans
 - A simplified BMO process

Clergy Housing and sequestration

15. The Task Group is considering recommending a transfer of powers in relation to parsonages from the sequestrators to the Parsonages Board during a vacancy in a benefice in order to cut down the bureaucracy during an interregnum. We think it would be worthwhile in the long run to abolish the whole concept of sequestration.

Lapse of Patronage to Archbishop

16. These concern proposals to extend the period before lapse to 12 months (and clarify when the clock starts ticking!).

Flexibility of ministry

17. The Task Group is considering some changes to allow more flexible arrangements for clergy to minister within a diocese. These include the introduction of amendments to Canon C8 to allow clergy who are licensed or beneficed elsewhere in the diocese to provide cover without having to request further permission (see above under Canons).

Ecumenical Relations Measure & Ecumenical Canons (B43 & B44)

18. **The Council for Christian Unity** is proposing a major redraft to reflect the changing ecumenical realities.

Churches Conservation Trust

19. There are minor amendments to the CCT constitution, which are being made at their request.

Team ministry

20. **There are proposals to remove from the Mission and Pastoral Measure** some aspects of team ministry legislation which were considered to be over-prescriptive

What we have referred elsewhere

21. Several questions have been remitted to others. These include:

- **Churchyard Rules** – given the controversies that arise locally about what may or may not be “seemly” in a churchyard, we have requested the Diocesan Chancellors to consider these
- **Vesture Canon (Canon B8)** – a proposed revision is now on its way through Synod
- **Marriages** -we received requests to look again at the question of qualifying connections, but felt that this was too recent a change to revisit. We have, however, consulted the Ministry of Justice on matters relating to the calling of bans in churches within a benefice.

What we have declined to tackle

22. Several issues that have been raised with us were proposals that have been suggested on numerous occasions. We considered them, but declined to take them forward. They include:

- **Further changes to the Faculty Jurisdiction** – we consider that the new framework should be allowed to bed down
- **Separating the incumbent’s cure of souls from legal responsibility for the church building.** Though superficially attractive, this would require a complete reappraisal of the concept of benefice
- **Deaneries as legal entities.** This idea was previously debated and rejected in General Synod. It raises too many complexities in relation to what the deanery entity actually *is* which make it difficult for it to be a charity or employer. The parish is the established entity for such purposes.
- **Honorary and Titular Archdeacons** We incline to the view that an Archdeacon’s historic role as holder of an Archdeaconry should remain the norm.
- **Role of Area Deans and Deanery Lay Chairs** – this is one of a number of matters which is best left for local discretion and not set within a legal framework. We would urge dioceses not to make the role of Area Dean into an “office” for which a SOP is required under the Terms of Service Regulations. It is better treated as a responsibility for which a time-limited Commission can be issued under the Bishop’s hand.

- **Confirmation of Election of Bishops** – this was raised with us by the Deans' Conference, but the complexities of the legislation meant that we took the matter no further.
- **Lay Presidency at the Eucharist** – this was not a matter which fell within our remit. The position remains the same as that reported to General Synod in the House of Bishops' paper in 1997.
- **Other matters raised in the consultation with parishes** – including liturgical changes, secular legislation (Health and Safety, *inter alia*), safeguarding were deemed to be outside our terms of reference.
- **Neglect or damage to provided houses** – clarified with RACS that no action was required.

Unresolved issues

23. Here we list a number of matters where more work could and probably should be done, but which would represent a fairly major commitment in the work of revision.

- **Pastoral breakdown & Incumbents (Vacation of Benefices) Measure** – it is universally accepted that we lack a formal legislative framework to deal with pastoral breakdown, and that the Vacation of Benefices Measure is not fit for purpose. Any attempt to resolve this would certainly require new legislation.
- **Parish boundaries** – much of our discussion has led us to questions about how the concept of “parish” and cure of souls can best be expressed in a C21 context. There may be scope for future work which, while retaining the incumbent's responsibility for the people and the geographical entity that a parish represents, makes for a more flexible approach, building on the experience of the Extra Parochial Ministry Measure and Bishops' Mission Orders.
- **Boards and committees in the NCIs** – it has been urged upon us that the structures of the NCIs might benefit from simplification, following the experience of many dioceses which have considerably reduced their board and committees to produce a lighter touch way of working.
- **Legislation that could with benefit be revised.** The Patronage (Benefices) Measure 1986 and Teams and Groups Measure are the most obvious examples of this.
- **C4 faculties** The requirement that C4 faculties may only be authorised by the Diocesan Bishop (enacted when the legislation was going through Synod) has caused major problems during vacancies in a see. It might be sensible to revisit this provision.
- **Review of the Canons** The Canons would benefit from a wholesale review. However, we are conscious of the historical antecedent in the 1950s, when the Church of England was seen to respond to a report on the evangelisation of England by spending its time rewriting its legal framework!
- **A greater flexibility in deployment of clergy** The developing situation of clergy shortage puts pressure on Dioceses to find niftier patterns of deployment. We have taken the view that Common Tenure should normally be proper tenure, with only a few allowable exceptions, but there may well be demands to return to the legislative framework. The framework for suspension of benefices and the lifting of suspension is also unwieldy and could be simplified.

Issues that are still outstanding

24. Some of our work has spawned further work which still needs to be taken forward, and will be put in hand over the autumn, including
- Changes to the Mission and Pastoral Measure Code of Practice
 - New Bishops' Code of Practice for BMOs
 - Changes in the workings of the clergy payroll system

What are the benefits of what we have done?

25. Simplification is a process whose time has come. The desire for change and more flexible working permeates the Church. Care has to be taken not to cut corners and remove carefully balanced rights and responsibilities, but it has thus far been a delight to observe how much can be achieved through concentration on the task. There remains a robust legal framework, but with greater flexibility of application, and quicker procedures, but still with checks and balances.
26. Many of our proposals will benefit the rural church (though not just rural!), as we bring forward changes to the Church Representation Rules, canonical requirements for statutory worship in parish churches and more realistic procedures for consultation under the Mission and Pastoral Measure.
27. We are grateful to be able to contribute to the Renewal and Reform Programme. None of this is an end in itself, but a means to the end of making the Church of England more fit for purpose for worship, ministry and mission.

Email address for comments

28. Anyone with comments on this paper or suggestions for Phase III Simplification work is encouraged to write to me, via the Clerk to the Synod at:
Jacqui.philips@churchofengland.org

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