

GENERAL SYNOD

WOMEN IN THE EPISCOPATE

Report from the House of Bishops

1. The Synod approved on 20 November by 378 votes to 8, with 25 abstentions, a motion moved by the Bishop of Rochester:

‘That this Synod, welcoming the package of proposals in GS 1924 and the statement of principles endorsed by the House of Bishops at paragraph 12 of GS 1886, invite the House of Bishops to bring to the Synod for consultation in February a draft declaration and proposals for a mandatory disputes resolution procedure which build on the agreement reached by the Steering Committee as a Result of its facilitated discussions.’

2. At its meeting in York on 9 December the House of Bishops considered a number of issues arising from the package welcomed by the Synod in November. It was assisted in its discussions by the presence of members of the Steering Committee.

The House of Bishops’ Declaration on the Ministry of Bishops and Priests

3. The Steering Committee had helpfully identified three changes to the text set out at Annex A of GS 1924, two of them purely clarificatory and the third to plug a gap that the Committee had inadvertently left. It had also identified one discrepancy between the Declaration and Dispute Resolution Procedure Regulations and invited the House to consider how this might be remedied.
4. The first simple clarification is the insertion of a footnote to paragraph 18 to make it clear that what is said in this section of the Declaration about parishes and PCCs also applies, with the necessary modifications, to the case of guild churches and guild church councils. (The Regulations at Regulation 33(f) already include guild church councils within the definition of ‘PCC’ for the purposes of the Regulations.) The new footnote to paragraph 18 of the Declaration reads:

“²In the case of a guild church designated and established under section 4 of the City of London (Guild Churches) Act 1952 the responsibility rests with the guild church council and what is said in paragraphs 16 to 29 applies to guild churches and guild church councils as it applies to parishes and PCCs, with the necessary modifications.”

5. The second simple clarification is to paragraph 19 of the draft Declaration (with a corresponding change to Regulation 11 of the Disputes Resolution Procedure). It involves no change of substance but is designed to remove the confusion some have voiced over the majority required for PCC resolutions. The revised text is as follows:

‘...should have been 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.’

6. The third amendment deals with the question of **transitional arrangements**, which GS 1924 had failed to address. As Synod members may recall, the defeated draft measure had proposed that the legal effect of resolutions A and B would remain in force for three years after the coming into force of the new legislation. That was in recognition of the fact that parishes might need a little time to consider what they wanted to do under the new dispensation once the code of practice and each diocesan scheme were in force.
7. The new, much simpler measure does not provide for any transitional arrangements and does not need to do so. Moreover, since the House of Bishops' Declaration will not have legislative effect, parishes will be able to pass new style resolutions under its terms as soon as the Declaration is made, without having to wait until the Measure and Canon come into force.
8. Nevertheless, the House of Bishops agreed with the Steering Committee that there remained a good argument for allowing the new arrangements to bed in over a period, so that conversations could take place without the pressure of tight deadlines. The House therefore agreed the following additional paragraphs:

“Transitional provisions

41. The intention is that the repeal of the Priests (Ordination of Women) Measure 1993 and the rescinding of the Episcopal Ministry Act of Synod 1993 will have effect on the day that Amending Canon No 33 is promulgated – from that day PCCs will no longer be able to pass resolutions A or B or petition for external episcopal ministry under the 1993 Act of Synod.

42. Instead, it will be open to PCCs to pass resolutions under the terms of this Declaration. Since such resolutions are not made under legislation, PCCs do not have to wait for the coming into force of the Bishops and Priests (Consecration and Ordination of Women) Measure and Amending Canon No 33 before passing them: they can do so from the point at which this Declaration is made. As, however, the new arrangements will not take effect until the Amending Canon is promulgated, any resolution will not be acted upon until the Canon is promulgated; and, similarly, any resolutions under the 1993 Measure or Act of Synod will continue in force until that point.

43. Additionally, the House of Bishops acknowledges that PCCs may want some time to consider the options open to them. To allow for an orderly transition the House has agreed, therefore, that resolutions passed under the 1993 Measure or petitions made under the 1993 Act of Synod should be treated for two years after the date on which the Amending Canon is promulgated as if they were resolutions passed under paragraph 20.”

9. A copy of the Declaration as agreed by the House is attached at Annex A (the new text added since GS 1924 is shown shaded, for ease of reference).
10. The House gave consideration to one additional point which the Steering Committee had flagged following a speech made in the Synod in November by the Revd Prebendary Rod Thomas.
11. In it he had suggested that it might help some Headship Evangelical clergy to take the Oath of Canonical Obedience to a female diocesan bishop if it were made clear, as it had

been in clause 8 (2) of the defeated draft measure, that there was a distinction between the legal authority conferred on a male bishop through the decision of the diocesan bishop and the authority that all bishops have by virtue of their holy orders.

12. The Steering Committee had, accordingly, considered the text of a possible footnote to the word ‘entrusted’ in paragraph 29 of the Declaration based on clause 8(2) of the defeated draft measure, in the following terms:

“The legal authority that the bishop has by virtue of the decision of the diocesan bishop does not affect, and is distinct from, the authority to exercise the functions of the office of bishop which that bishop has by virtue of his holy orders; the diocesan bishop’s decision does not divest him or her of any of his or her authority or functions.”

13. The Steering Committee’s advice, which the House accepted, was that, while this was accurate as a statement of law, the text of the Declaration should not be changed to incorporate the footnote. Among the relevant considerations were:

- Paragraphs 7 and 34-36 of the Declaration already deal carefully and sensitively with the issue of oaths;
- The additional words were unnecessary, simply stating the legal position, so that their inclusion made no difference of substance. There was also some risk that they would be misinterpreted; any muddying of the waters in relation to jurisdiction and the position of the diocesan bishop as ordinary and chief pastor would be unhelpful.
- To include the additional footnote could result in the Declaration containing unnecessary material which was out of place given its general approach - which was to avoid technical language and technical description.
- There was, in this context, no simple distinction to be drawn between ‘spiritualities’ and ‘temporalities’ of the kind that some had called for, since a bishop’s exercise of jurisdiction, for example to institute an incumbent to a benefice, is part of his ‘spiritual’ jurisdiction.
- The legacy from the last legislative process of making sensitive additions to a text that had already been the subject of careful discussion meant that changes should not now be made unless they were necessary and widely agreed. Importing words from clause 8(2) of the defeated draft measure risked constituting a step backwards.

14. The discrepancy concerned the reference in paragraph 33 of the Declaration to ‘chaplaincies and other non-parochial places’ and regulations 8 and 33 (f) of the Dispute Resolution Procedure Regulations. Regulation 8 refers only to paragraphs 16-29 of the Declaration (not 33) while Regulation 33(f) refers to “the governing body for any non-parochial place.’

15. After discussion the House agreed that the words ‘chaplaincies and other’ should be deleted from paragraph 33 of the Declaration since the expression ‘non-parochial places’ was sufficiently broad to cover those eventualities that might foreseeably arise.

Regulations containing the Dispute Resolution Procedure

16. The House agreed that Regulation 8(a) and (b) should be amended, in each case, to insert the words “or 33” after “under paragraphs 16 to 19 inclusive.”
17. The only other changes to the text of the Regulations proposed by the Steering Committee are a consequential amendment to Regulation 11 on the majority required for a PCC to bring a grievance and a small change to Regulation 3 to make it clear that the power to appoint a Deputy means ‘one or more’ deputies.
18. A copy of the Regulations incorporating these amendments (again with shaded text) is attached at Annex B.

Motion

19. The House agreed that the Synod should be invited to:

“welcome the draft House of Bishops’ Declaration on the Ministry of Bishops and Priests and the draft Resolution of Disputes Procedure Regulations as set out in GS 1932.”

Rescinding the Act of Synod

20. The House recognised the strong desire that all the pieces of the jigsaw should be in place before the Synod is invited to give the draft Measure and Amending Canon final approval. That Measure itself will repeal the 1993 Measure but a separate instrument will be needed to rescind the 1993 Act of Synod.
21. The 1993 Act of Synod was initiated by the House and the House accepted that it should initiate the process for rescinding it. This will involve Article 7, but not Article 8, business. It agreed to bring the item to the Synod by way of the preliminary motion procedure in February so that, following the Article 7 references, final approval could be taken at the same time as final approval of the Measure and Amending Canon.
22. A text of the instrument rescinding the 1993 Act of Synod is being circulated separately. It, too, takes the form of An act of Synod, on the basis that it should be an instrument of no less equal status.
23. Points that the House noted were:
 - The rescinding of the 1993 Act of Synod will leave the three sees of Beverley, Ebbsfleet and Richborough in place.
 - There is a coming into force provision which means that the rescinding will only have effect on the day that Amending Canon 33 is promulgated following the giving of Royal Assent to the Measure.
 - The title and role of the ‘provincial episcopal visitor’ are currently set out in the 1993 Act of Synod. There is no reason why these- or the financial arrangements for the

three sees- should change when the 1993 Act of Synod is rescinded, given the House's wish for there to be continuity. As noted in paragraph 30 of the Declaration the three sees and their occupants remain an integral part of the new dispensation.

Timing

24. The House concluded that the overwhelming majority secured in November had created a sense of momentum and a manifest desire to conclude the remaining stages of the legislative process as quickly as possible. Put simply, now that the Steering Committee has identified a package that has commended widespread assent, there is a strong case for getting on and sealing the deal.
25. All being well the way will be clear within days of the February group of sessions (10-12 February) to send the Measure and Amending Canon to the dioceses for approval under Article 8. Although not part of the reference, the Declaration and Dispute Regulations will also be sent with the texts by way of background.
26. The conduct of the Article 8 reference, including the deadline for responses, will be in the hands of the Business Committee. To enable the remaining stages of the legislative process to be completed at the July group of sessions the Business Committee has already indicated that it would be prepared to set a deadline of 22 May, the latest date possible before it meets on 23 May to settle the agenda for the July group of sessions.
27. To give the dioceses just over three months would be unusual given that dioceses have the discretion to consult deaneries. Indeed this timetable depends on the Synod in February being willing to resolve, by a 75% majority, to suspend Standing Order 90(b)(iii), which sets out a minimum period of six months for Article 8 references.
28. The House of Bishops noted that at a discussion on 26 November the Archbishops' Council had encouraged the Chair of the Business Committee to test the mind of the Synod on suspending S.O.90(b)(iii) on the grounds that:
 - The dioceses (with consultation with the deaneries in many cases) have already considered legislation on women bishops and approved it by 42-2;
 - There is a strong desire in the Synod and the wider Church to make rapid progress;
 - The new legislation is simple and is part of a package that has had overwhelming support in the General Synod and will not in practice, after February, be susceptible to further significant change;
 - Given that we enter the final year of the Parliament this coming spring there is something to be said for getting the legislation through the Synod and into the parliamentary process in July rather than November.
29. The House endorsed this view and noted that Diocesan Secretaries were already on stand-by to enable decisions to be taken by 22 May. **It, therefore, commends to the Synod the proposal to suspend S.O. 90(b)(iii).**

A Change to the Standing Orders of the House

30. The Canon under which the Dispute Resolution Procedure Regulations will be made states that the House cannot amend them without a two-thirds majority in each House of the Synod. Paragraph 40 of the draft Declaration also gives a commitment from the House that it would not change the Declaration in future without consulting the Synod and securing two-thirds majorities in all three Houses.
31. Since the Steering Committee report was published there have been some concerns expressed that this commitment could be disregarded by the House of Bishops at some point in the future and should therefore be entrenched in some way.
32. Since the Declaration is not made under any express legislative power there is no readily available legislative entrenchment mechanism. The House of Bishops has agreed, however, to go a step further than paragraph 40 and amend its own Standing Orders to write in the two-thirds majority requirement there.
33. It intends, therefore, at its May meeting to make the following amendments to its Standing Orders:

“After SO 10, insert the following standing order –

“**10A.** Declaration on the Ministry of Bishops and Priests

(a) A motion for the amendment of the House of Bishops Declaration on the Ministry of Bishops and Priests or of this standing order shall not be deemed to have been carried unless a draft of the proposed amendment has been approved by a majority of two-thirds of each of House of the General Synod present and voting.

(b) SO 38 of the Synod (Suspension), as applied by SO 1 above, shall not apply to this standing order.”

✘ Justin Cantuar:

✘ Sentamu Eboracensis

January 2014

Draft House of Bishops' Declaration on the Ministry of Bishops and Priests

Introduction

1. The character and calling of the Church of England are set out in the Preface to the Declaration of Assent, which all clergy are required to make at ordination and subsequently on admission to any office. As part of the One, Holy, Catholic and Apostolic Church it is called to proclaim afresh in each generation the faith uniquely revealed in the Holy Scriptures and set forth in the catholic creeds.
2. Those who serve the Church of England in holy orders are required to affirm their loyalty to this 'inheritance of faith' and bring 'the grace and truth of Christ to this generation.' Bishops have a particular responsibility to gather God's people and build up the Body of Christ. We have each promised at our consecration to promote peace and reconciliation in the Church and to seek to unite its members in a holy fellowship of truth and love.
3. The opening of all orders of ministry equally to women and men is a significant moment in the long history of this part of the Church Catholic. It brings with it new opportunities for building up the Body of Christ and proclaiming the good news of the kingdom.
4. It also brings with it a particular responsibility for us, as a House of Bishops. As well as seeking to channel and nurture the energy and renewal that will flow from this development we have a duty to ensure that the welfare of the whole Church of England is sustained in all its theological depth and breadth. We accordingly commend this declaration to all members of the Church of England so that the good gifts that God has given to all His people may be used to His glory.

Statement of guiding principles

5. The House reaffirms the five guiding principles which it first commended in May 2013 when submitting legislative proposals to the General Synod for the consecration of women to the episcopate [and which the Synod welcomed in its resolution of 20 November 2013]. They need to be read one with the other and held together in tension, rather than being applied selectively:
 - **Now that legislation has been passed to enable women to become bishops the Church of England is fully and unequivocally committed to all orders of ministry being open equally to all, without reference to gender, and holds that those whom it has duly ordained and appointed to office are**

the true and lawful holders of the office which they occupy and thus deserve due respect and canonical obedience;

- **Anyone who ministers within the Church of England must be prepared to acknowledge that the Church of England has reached a clear decision on the matter;**
- **Since it continues to share the historic episcopate with other Churches, including the Roman Catholic Church, the Orthodox Church and those provinces of the Anglican Communion which continue to ordain only men as priests or bishops, the Church of England acknowledges that its own clear decision on ministry and gender is set within a broader process of discernment within the Anglican Communion and the whole Church of God;**
- **Since those within the Church of England who, on grounds of theological conviction, are unable to receive the ministry of women bishops or priests continue to be within the spectrum of teaching and tradition of the Anglican Communion, the Church of England remains committed to enabling them to flourish within its life and structures; and**
- **Pastoral and sacramental provision for the minority within the Church of England will be made without specifying a limit of time and in a way that maintains the highest possible degree of communion and contributes to mutual flourishing across the whole Church of England.**

Simplicity, reciprocity and mutuality

6. The House believes that the outworking of these principles needs to be accompanied by **simplicity, reciprocity and mutuality**.
7. The **simplicity** of the legislation now agreed by the General Synod is reflected in the fact that it makes no changes to the structures of the Church of England, leaves unaltered the position of each diocesan bishop as Ordinary and preserves the historic requirement for canonical obedience to the diocesan bishop ‘in all things lawful and honest’ and for the taking of oaths acknowledging this duty¹.

¹ Canon C 1.3 provides that “*According to the ancient law and usage of this Church and Realm of England, the priests and deacons who have received authority to minister in any diocese owe canonical obedience in all things lawful and honest to the bishop of the same ...*”. By way of acknowledgement of that duty, under Canon C 14 clergy are required on various occasions to make or reaffirm the Oath of Canonical Obedience to their diocesan bishop. But we are advised that, in the light of the decision of the Privy Council in *Long v Bishop of Capetown* (1863), the duty of obedience does not require the cleric to comply with any and every direction given by the bishop; rather, it requires the cleric to obey such directions as the diocesan bishop is authorised by law to give.

8. The practical arrangements to be made for parishes which, on grounds of theological conviction, are unable to receive the priestly or episcopal ministry of women need to be made with the same principle of simplicity in mind.
9. **Reciprocity** means that everyone, notwithstanding differences of conviction on this issue, will accept that they can rejoice in each other's partnership in the Gospel and cooperate to the maximum possible extent in mission and ministry. There will need to be an acknowledgement that the differences of view which persist stem from an underlying divergence of theological conviction.
10. In particular reciprocity will mean that those of differing conviction will do all within their power to avoid giving offence to each other. There will need to be sensitivity to the feelings of vulnerability that some will have that their position within the Church of England will gradually be eroded and that others will have because not everyone will receive their ministry.
11. Now that the Church of England has admitted women to the episcopate there should within each diocese be at least one serving bishop, whether the diocesan or a suffragan, who ordains women to the priesthood. This has a bearing on the considerations that the Crown Nominations Commission and diocesan bishops will need to take into account when considering diocesan and suffragan appointments.
12. In addition, dioceses are entitled to express a view, in the statement of needs prepared during a vacancy in see, as to whether the diocesan bishop should be someone who will or will not ordain women. In dioceses where the diocesan bishop does not ordain women he should ensure that a bishop who is fully committed to the ordained ministry of women is given a role across the whole diocese for providing support for female clergy and their ministry.
13. All bishops have a shared responsibility for the welfare of the whole Church of England. It will be important that senior leadership roles within dioceses continue to be filled by people from across the range of traditions.
14. **Mutuality** reflects the Church of England's wider commitment to sustaining diversity. It means that those of differing conviction will be committed to making it possible for each other to flourish. All should play a full part in the lives of the deaneries and dioceses and be prepared to engage with the diocesan bishop whoever he or she is.
15. Equal treatment, for example in relation to resource issues and the discerning of vocations to the ordained ministry, is essential irrespective of convictions in relation to gender and ministry. In discerning vocations bishops will continue not to discriminate on the grounds of a candidate's theological conviction on this issue. In addition, ordination services for deacons and priests should be planned and conducted

in a way that is consistent with the five guiding principles set out in paragraph 5 above.

Arrangements for parishes

16. The House is committed to enabling parishes in one part of the country to receive broadly comparable and consistent arrangements to those provided in another, notwithstanding differences in the culture and ethos of particular dioceses or the approach of the relevant diocesan bishop.
17. The practical outworking of the arrangements may vary according to local circumstances but the approach commended in the following paragraphs will, in the view of the House, enable all dioceses and parishes to act consistently with the guiding principles set out above and the requirements of the law, including the Equality Act 2010.
18. The responsibility for signalling that a parish wishes to take advantage of arrangements available to those whose theological conviction leads them to seek the priestly or episcopal ministry of men rests with the relevant parochial church council ('PCC').²
19. A meeting of a PCC to consider a motion seeking arrangements of this kind should either be one held under section 11 of the Patronage (Benefices) Measure 1986 or one for which the secretary of the PCC has given members at least four weeks' notice of the place and time of the meeting and the motion to be considered. Given the importance of the issue such a motion should have been 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.
20. The recommended form of the resolution to be passed by the PCC is as follows: "***This PCC requests, on grounds of theological conviction, that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests.***" A PCC which has passed a resolution should send a copy of it to the diocesan bishop, archdeacon, diocesan registrar and registered patron.
21. Parishes which have passed a resolution may rescind it at any time. The same procedures as are set out in paragraphs 18-19 should apply in relation to a PCC meeting which is to consider a motion rescinding a resolution. Parishes which have

² In the case of a guild church designated and established under section 4 of the City of London (Guild Churches) Act 1952 the responsibility rests with the guild church council and what is said in paragraphs 16 to 29 applies to guild churches and guild church councils as it applies to parishes and PCCs, with the necessary modifications.

- passed a resolution should review it from time to time, especially when a vacancy in a benefice arises.
22. The House recognises that the nature of the theological conviction on the ordained ministry of women which underlies a decision to pass such a resolution will vary according to the tradition of the parish concerned. Where a resolution has been passed, and before clergy are appointed to the parish or a bishop chosen by the diocesan bishop to provide oversight, there will, therefore, need to be consultation between bishop and parish to ascertain the nature of that conviction so that the resolution can be implemented effectively. The House will provide guidance for bishops and parishes to help facilitate these conversations.
 23. Anyone involved in making appointments to ordained parochial roles, whether of incumbents, priests in charge or assistant curates, or in exercising the power conferred by Canon C 8.2(a) to allow occasional ministry in a parish, should do everything possible to achieve an outcome that does not conflict with the nature of the conviction on this issue underlying the PCC's resolution. Where a clerk in holy orders is the registered patron of a benefice in right of his or her office, he or she should not limit his or her selection of candidates to those of a particular sex except in circumstances where a parish has passed a resolution.
 24. In the event that any difficulties arise between a patron and a parish following the passing of a PCC resolution, the diocesan bishop should do all in his or her power to achieve an outcome that respects the declared view of the parish and protects the parish representatives from having to resort to their own power of veto under the Patronage (Benefices) Measure 1986. The archbishop of the province should also seek to achieve such an outcome in the event of the right of presentation lapsing to him or her under the 1986 Measure.
 25. In the case of multi-parish benefices the needs of parishes in the benefice that have not passed a resolution should be weighed alongside those of any parish that has when decisions are taken about appointments to the benefice.
 26. The choice of a bishop to undertake ministry in respect of a parish which has passed a resolution is for the relevant diocesan bishop to make, again with a view to avoiding conflict with the theological conviction on this issue underlying its resolution. In all cases the choice should be made from among the male bishops who are members of the House of Bishops of the diocesan synod of that or another diocese of the Church of England.
 27. As noted in paragraph 16, parishes which pass a resolution in one part of the country are entitled to expect equivalent treatment to that provided in another. In all cases the diocesan bishop should seek to ensure that pastoral and sacramental ministry is provided in accordance with the guiding principles set out in paragraph 5 above.

28. In addition the diocesan bishop and the bishop invited to minister to the parish should explore how they can best cooperate in a variety of ways to contribute to its welfare, resourcing and mission and in its relationship with the diocese.
29. The precise extent of the ministry entrusted to the bishop is for the diocesan to determine and is likely, for practical reasons to vary according to the pattern of episcopal ministry in that diocese and the extent of the bishop's other commitments. But the expectation is that there will be many similarities with the range of responsibilities carried by any suffragan bishop within a diocese.

The College of Bishops

30. The House affirms the importance of there continuing to be consecrations of bishops within the Church of England to enable such ministry to be provided. The fact that the sees of Ebbsfleet and Richborough in the diocese of Canterbury and Beverley in the diocese of York remain in existence will provide one of a range of means by which the Archbishops will ensure that a suitable supply of bishops continues where it would not be secured in other ways. The House also accepts that the presence in the College of Bishops of at least one bishop who takes the Conservative Evangelical view on headship is important for sustaining the necessary climate of trust.

Arrangements in relation to other places of worship

31. The cathedral is the seat of the bishop, who has the right to officiate there in accordance with the cathedral's constitution and statutes. It is for this reason that, while some cathedrals are also parish churches, the House does not believe that the arrangements set out in the preceding paragraphs for the passing of resolutions can apply to cathedrals.
32. The House does not believe that gender or theological conviction in relation to the ordained ministry of women should be an obstacle to appointment as dean or cathedral canon. What matters is that all appointed to cathedral ministry are willing to work together in close partnership and with the highest possible degree of communion in the interests of the institution that they serve.
33. Given the great variety of non-parochial places in which regular worship and ministry take place it is not sensible to try and generalise about the arrangements that should be made in relation to them beyond affirming that the guiding principles set out in paragraph 5 above are of as much relevance to them as to the rest of the Church of England.

Oaths

34. At ordination and on taking up any office in the Church of England priests and deacons are required under Canon C 14 to swear or affirm that they will “*pay true and canonical obedience to the Lord Bishop of C and his successors in all things lawful and honest.*” Bishops are similarly required to take an oath of due obedience to the archbishop of the province. Clergy and bishops also take an Oath of Allegiance to the Queen and make the Declaration of Assent.
35. These Oaths and the Declaration are important because they each involve recognition that a person does not exercise ministry in isolation or on their own authority but within a framework of relationship with others and within the tradition of faith as the Church of England has received it. The House acknowledges that the taking of the oath to the diocesan bishop or the oath of due obedience to the archbishop may, in future, raise issues for those who, for theological reasons, remain committed to a male episcopate and priesthood.
36. Nevertheless, the House believes that all ministers of the Church of England will be able, in good conscience, to take the oath. Doing so adds nothing legally to the duty of canonical obedience, which already exists in law. Rather, it is a recognition of the pattern of relationships which underpins the exercise of ministry by those who make and receive the oath. It follows from the guiding principles set out in paragraph 5 above, and the spectrum of Anglican teaching and tradition which they acknowledge, that the giving and receiving of the oath does not entail acting contrary to theological conviction.

Grievances and mediation

37. Canon C 29 requires the House to make Regulations prescribing a procedure for the resolution of disputes arising from the arrangements for which this declaration makes provision. In accordance with that requirement the House has made the Declaration on the Ministry of Bishops and Priests (Resolution of Disputes Procedure) Regulations 201-, the text of which is set out in the Annex to this declaration. Participation in the procedure is mandatory for those clerical office holders against whom a grievance may be brought under it.

Providing assurance

38. This declaration has been prepared in connection with legislation to admit women to the episcopate, proposals for which have been the subject of extensive debate in the Church of England over a number of years. It flows from the House’s desire to establish a climate of trust within which there can be mutual flourishing, notwithstanding the differences of conviction which will continue to exist on this issue.

39. The present members of the House, like the members of the General Synod, cannot give binding commitments which would prevent their successors from considering matters afresh in the light of experience and new developments. Nevertheless, the House accepts its responsibility for creating and sustaining the necessary confidence that the arrangements set out in this declaration can be relied on and will prove durable.
40. Adjustments may prove necessary in the light of experience and be uncontentional. But the House undertakes that, should it be minded to propose changes to this declaration, it will consult the General Synod and will not proceed with its proposals unless they command two-thirds majorities in all three Houses.

Transitional provisions

41. The intention is that the repeal of the Priests (Ordination of Women) Measure 1993 and the rescinding of the Episcopal Ministry Act of Synod 1993 will have effect on the day that Amending Canon No 33 is promulgated – from that day PCCs will no longer be able to pass resolutions A or B or petition for external episcopal ministry under the 1993 Act of Synod.
42. Instead, it will be open to PCCs to pass resolutions under the terms of this Declaration. Since such resolutions are not made under legislation, PCCs do not have to wait for the coming into force of the Bishops and Priests (Consecration and Ordination of Women) Measure and Amending Canon No 33 before passing them: they can do so from the point at which this Declaration is made. However, as the new arrangements will not take effect until the Amending Canon is promulgated, any resolution will not be acted upon until the Canon is promulgated; and, similarly, any resolutions under the 1993 Measure or Act of Synod will continue in force until that point.
43. Additionally, the House of Bishops acknowledges that PCCs may want some time to consider the options open to them. To allow for an orderly transition the House has agreed, therefore, that resolutions passed under the 1993 Measure or petitions made under the 1993 Act of Synod should be treated for two years after the date on which the Amending Canon is promulgated as if they were resolutions passed under paragraph 20.

**THE DECLARATION ON THE MINISTRY OF BISHOPS AND PRIESTS
(RESOLUTION OF DISPUTES PROCEDURE) REGULATIONS 20—
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 questionsas 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
- (a) 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 [--] 20[--], 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 [--] 20[--].

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