

# Choosing Diocesan Bishops

The Report of the Steering Group appointed to follow up  
the recommendations of *Working with the Spirit*

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## A: INTRODUCTION

- A1. *Working with the Spirit: Choosing Diocesan Bishops – a review of the operation of the Crown Appointments Commission and related matters* (GS 1405) was published in May 2001. The General Synod debated the report in July 2001 and passed the following resolution:

‘That the Appointments Committee be instructed to appoint a steering group to follow up the recommendations contained in Chapter 7 of the report – except for recommendation 50, which should be modified to read, “Para. 16.3 of the Guidance Notes should be revised to the effect that, before the committee makes nominations of candidates for election to the Commission, the committee should be encouraged to consider the need for a balance among its four representatives” – in consultation with interested parties, and to report further to the Synod.’

- A2. A Steering Group was duly appointed, as follows:

Canon Prof. Michael Clarke (Chairman)  
The Rt Revd Michael Turnbull, Bishop of Durham  
The Rt Revd Jack Nicholls, Bishop of Sheffield  
The Revd Canon Bob Baker  
Mrs Nicolete Fisher  
Mr Ian Garden  
The Revd David Houlding  
The Revd Canon Patience Purchas  
Mrs Margaret Swinson

Mr Philip Mawer (Secretary General: Assessor – until May 2002)  
Mr Anthony Sadler (Archbishops’ Secretary for Appointments: Assessor)  
Mr Stephen Slack (Chief Legal Adviser: Assessor)

Dr Colin Podmore (Secretary)

- A3. The Steering Group has met five times between February and September 2002.
- A4. We noted the very strong consensus which had been apparent in the July 2001 debate, and the Synod’s overwhelming support for the motion calling for a Steering Group to be appointed to follow up the recommendations (with only one modification). At the same time, we noted the requirement to consult ‘interested parties’. In discussing our task, we distinguished between the *objectives* underlying the recommendations of *Working with the Spirit* (which the Synod had willed) and the detailed *means* by which those objectives should be achieved (which might well need modification in the light of the required discussion with ‘interested parties’ – not least those who operate the present arrangements).
- A5. Among our membership we have a central member of the Crown Appointments Commission, those who have served on the Commission as a diocesan member or an episcopal member, chairmen and members of Vacancy in See Committees, parish priests, a lay canon, a personnel manager, an associate diocesan director of ordinands,

a prolocutor and a deputy prolocutor. The Bishop of Sheffield and Canon Purchas were members of the original Review Group and were able to report to us in general terms on the evidence submitted to it. We have profited greatly from the advice of Mr Sadler, based on his six years' experience as the Archbishops' Secretary for Appointments.

- A6. Those consulted by the Group (in person, by correspondence or through conversations with the Chairman and/or the Secretary) about matters for which they bear responsibility or which directly affect them included:
- the Archbishops of Canterbury and York
  - elected central members of the Crown Appointments Commission
  - the Prime Minister's Secretary for Appointments
  - the Provincial Registrars
  - the Bishop of Dover, the Bishop at Lambeth and the Canterbury diocesan secretary
  - the Standing Committee of the Primates' Meeting of the Anglican Communion
- A7. In what follows, we set out how we propose that the recommendations of *Working with the Spirit* should be implemented or modified. Annex 4 to our report summarizes our response to each recommendation. In a very few cases we have concluded that a recommendation should not be implemented, but in each of those cases another change is proposed.
- A8. Some of the recommendations fall to be implemented by amendment of the Vacancy in See Committees Regulation 1993, and we are therefore proposing an amending Regulation (GS 1466). Section B of this Report constitutes an explanatory memorandum to that amending Regulation. Annex 1 is a consolidated text of the Regulation as amended.
- A9. Some recommendations require amendment of the document 'Guidance Notes and Code of Recommended Practice'. Our revised *Guidance Notes and Code of Practice* is attached to this report at Annex 2.
- A10. A third group of recommendations necessitate amendments to Standing Order 122, which governs the Crown Appointments Commission. These are set out in the First Notice Paper for the November Group of Sessions of the General Synod; Section D of this Report constitutes an explanatory memorandum about those amendments.
- A11. The remaining proposals would variously fall to be implemented by the Commission, the Archbishops, diocesan bishops, the Archbishops' Secretary for Appointments, the Prime Minister's Appointments Secretary, the Vicars General and the Provincial Registrars. The Group invites the Synod to request those responsible to implement the arrangements set out in the Report.
- A12. Not all of these arrangements can be implemented immediately. For example, some of them cannot be put into practice until the proposed new documentation about candidates has been obtained. We hope, however, that the new arrangements will be implemented during the course of 2003.

## **B: THE VACANCY IN SEE COMMITTEE**

### **(a) The Vacancy in See Committees (Amendment) Regulation 2002 – Explanatory Memorandum**

B1. *Working with the Spirit* recommended a number of changes to the Vacancy in See Committees Regulation 1993. We are therefore laying before the Synod a draft Vacancy in See Committees (Amendment) Regulation (GS 1466) to give effect to the recommendations. A commentary on the amending Regulation follows. For the consolidated text of the Regulation as amended, see Annex 1.

B2. It is proposed that the amending Regulation should come into force on 1 May 2003. This will allow time for vacancies on Vacancy in See Committees to be filled before paragraph 5(a) takes effect, and for preparation of the booklet mentioned in paragraph 6(b).

B3. **Paragraph 2 and sub-paragraph 5(b)** of the amending Regulation change the terms of the Regulation so that masculine pronouns are no longer used to refer to women as well as men.

B4. **Sub-paragraph 3(1)** of the amending Regulation makes three distinct changes (additional to those recommended by *Working with the Spirit*). It deletes reference to provosts, which will soon be anachronistic. It changes the provision for situations where the dean is unable to serve, so that instead of the dean and residentiary canons electing a residentiary canon, the Chapter will elect a member of the Chapter. It also ensures that the person so elected is not already a member of the Committee in another capacity.

B5. **Sub-paragraph 3(2)** deletes references to the possibility of the diocesan registrar or diocesan secretary being the secretary of the Committee. This will be covered instead by the new provision in sub-paragraph 6(a).

B6. **Paragraph 4** of the amending Regulation gives effect to Recommendation 38 (paras 4.10-11 of *Working with the Spirit*). It allows the Bishop's Council to nominate four additional members (instead of two) either (as at present) because they 'reflect a special interest in the diocese' or because their nomination is, in the opinion of the Bishop's Council, 'appropriate in order to secure a better reflection of the diocese as a whole'. These changes would enable the Bishop's Council to redress imbalances in the membership of Committees (for example, geographical imbalances or, where relevant, an absence of Anglicans from ethnic minorities).

B7. **Sub-paragraph 5(a)** introduces a new provision, not recommended by *Working with the Spirit*. In order to avoid a situation whereby the Vacancy in See Committee's work is delayed by a need to fill vacancies, and in order to encourage dioceses to keep their Vacancy in See Committee at full strength, the Regulation will provide that vacancies existing when an impending vacancy in see is announced are not to be filled until the Committee's consideration of the vacancy in see has been completed.

B8. **Sub-paragraph 6(a)** of the amending Regulation concerns the secretaryship of the Committee. At present, the Bishop's Council is required to appoint either the diocesan registrar or the diocesan secretary. It has been suggested to us that this is too restrictive; there are circumstances where, for example, the Bishop's Council might judge that a Deputy

Diocesan Secretary or another member of the staff would be the most appropriate choice. This new provision leaves the choice to the Bishop's Council, while retaining the rule that the Secretary cannot also be a member of the Committee.

B9. **Sub-paragraph 6(b)** of the amending Regulation is the Group's response to Recommendation 41 (paras 4.22-24). It requires that as soon as practicable after the vacancy is announced, all members of the Committee should be sent a briefing booklet. One of the effects of this would be that the Archbishops' Secretary for Appointments would not need to be present at the Committee's first meeting in order to brief members orally about its work, and the Committee would therefore be able to hold an initial meeting very soon after the announcement of a vacancy (see sub-paragraph 7(a)). The Steering Group concluded that it would be more helpful for members to receive such a booklet at the beginning of the Committee's work than for them to receive it on election to the Committee (as the Review Group recommended). Paragraphs 7.2 and 7.3 of the revised *Guidance Notes and Code of Practice* (see Annex 2 to this Report) recommend, however, that the Chairman should receive a copy of the booklet and the members a single-sided summary of it on election to the Committee. The Steering Group has added to the contents of the briefing booklet a reference to the future role of most diocesan bishops as members of the House of Lords.

B10. **Sub-paragraph 7(a)** of the amending Regulation gives effect to the intention of Recommendation 40 (para. 4.21 of *Working with the Spirit*). It requires the Committee to meet at least twice, the first meeting being held as soon as practicable after the announcement of a vacancy. This is related to the requirement that, in order to allow time for informal discussion between meetings about possible candidates for election to the Commission, the election should not take place at the Committee's first meeting (see sub-paragraph 7(b)).

B11. Sub-paragraph 7(a) of the amending Regulation also requires that the discussion of the needs of the diocese should take place at the Committee's second meeting, and that the Statement of Needs should be drawn up following that discussion. It is desirable that the Archbishops' Secretary for Appointments should be present to hear the substantive discussion of the needs of the diocese, but it is not envisaged that he would attend the preliminary meeting. It is also desirable that drafting of the Statement should begin after such a discussion.

B12. *Working with the Spirit* recommended (Recommendation 46, para. 4.29) that the Regulation should be amended to require that the Statement of Needs be approved at a meeting of the Committee rather than by correspondence. If a draft Statement is circulated and no objection to its terms is received, we do not consider that the Committee should be required to meet in order formally to approve it. We have therefore not included such a requirement in the amending Regulation, but the question is addressed in paragraph 15.3 of the revised *Guidance Notes and Code of Practice*.

B13. **Sub-paragraph 7(b)** of the amending Regulation gives effect to the intention of Recommendation 47 (para. 4.30 of *Working with the Spirit*) – that the election of the diocesan four should not take place at the Committee's first meeting. As explained above, the intention was to provide an opportunity for informal discussion between meetings about possible candidates. *Working with the Spirit* recommended that the preliminary meeting mentioned above should be recommended by the Guidance Notes, rather than mandatory, but that the election should take place at the Committee's final meeting (implying more than one meeting) instead of 'as the final business of the Committee' (which might not meet more than

once). If the Committee decided to meet again after its main meeting, both the current requirement and the modification proposed in *Working with the Spirit* would require the election to be postponed until that final meeting, and this would delay the process. Making a preliminary meeting mandatory makes it possible to require that the election be held at the second meeting. This fulfils the intention of the recommendation in *Working with the Spirit* without causing such a delay.

B14. The regulation will continue to provide that the election should be the final business at the meeting at which it is conducted. This is so that the election may take place in the light of the discussion of the needs of the diocese; members will vote having heard both the discussion and the candidates' contributions to that discussion.

B15. The Regulation will no longer specify the number of members to be elected to the Commission, but will instead simply require that the number of members specified by the CAC Standing Order be elected. This means that a change could be made to the CAC Standing Order in that regard in future without a consequential amendment to the Regulation being required.

B16. Sub-paragraph 7(b) of the amending Regulation also gives effect to Recommendation 48 (para. 4.34 of *Working with the Spirit*). It requires that candidates should be proposed and seconded by other members of the Committee, with no member allowed to propose or second more than one candidate. The purpose of this is to ensure that the number of candidates does not exceed 50% of the number of electors, so that the STV system will work better and the scenario is avoided whereby all or nearly all of the members stand for election and vote for themselves and because of the equality of votes the diocesan four are effectively chosen as a result of random exclusion of other candidates by the computer.

B17. The first part of **sub-paragraph 7(c)** is consequential on the proposed change of name from 'Crown Appointments Commission' to 'Crown Nominations Commission' (see para. D3 below).

B18. *Working with the Spirit* recommended (Recommendation 49, para. 4.35) that if one of the diocesan four was unable to serve, the replacement should be chosen not by the Chairman and Deputy Chairman of the Vacancy in See Committee jointly, but by re-counting the original voting papers, guarding those candidates who have already been elected and are able to serve. This procedure, analogous to that used for casual vacancies in positions which the General Synod fills by election, was intended to remove any possibility of the balance of opinion within the diocesan four being altered as a result of the Chairman and Deputy Chairman's choice. However, we are concerned that given the small electorate involved and the even smaller number of candidates, such a procedure might not in fact replicate the balance of opinion within the original four. It would also be unsatisfactory if, for example, it resulted in the substitution of a priest for the only layperson among the four. The second part of sub-paragraph 7(c) therefore inserts instead of this provision a requirement that in making their choice the Chairman and Deputy Chairman should 'have regard to the desirability of maintaining, amongst those members, a similar balance of opinion and representation of the interests which those members represented'. We note that announcement of the dates of the Commission's meetings before the Vacancy in See Committee meets (see para. G23 below) will reduce the likelihood of one of the diocesan four discovering after the election that he or she is unable to attend.

B19. *Working with the Spirit* also recommended (Recommendation 51, para. 4.43) that if there is to be formal consideration of possible names this should be decided at the preliminary meeting but take place at a subsequent meeting. Members were to be cautioned to avoid inappropriate discussion and reminded that the diocesan four could not be mandated as to how they should vote during meetings of the Commission. It was also recommended that a phrase referring to the submission of names to the Commission should be deleted, since a Vacancy in See Committee (as distinct from the diocesan four) cannot in fact require the Commission to consider a particular name. In practice, Vacancy in See Committees are now advised not to discuss names and most follow this advice. We do not consider that the discussion of names by a Vacancy in See Committee, without the confidential documentation which would be available to the Commission as a result of the recommendations of *Working with the Spirit*, would be appropriate or beneficial. **Sub-paragraph 7(d)** therefore deletes the provision which empowers Vacancy in See Committees to discuss names.

**(b) The Guidance Notes and Code of Practice**

B20. *Working with the Spirit* also recommended changes to the *Guidance Notes and Code of Recommended Practice* which accompanied the 1993 Regulation. We have implemented those recommendations and made further modifications (chiefly to reflect our proposed amendments to the Regulation). The amended document, entitled *Guidance Notes and Code of Practice*, is appended at Annex 2.



## C: THE SECRETARIES' CONSULTATIONS

C1. Recommendation 54 of *Working with the Spirit* proposed that the consultations undertaken in dioceses by the Appointments Secretaries (originally commenced by the Prime Minister's Appointments Secretary in the 1950s and undertaken by the two Secretaries jointly since 1976) should include an open hearing at which it would be open to anyone to express views about the needs of the diocese. The Appointments Secretaries have indicated that they are content to try this on an experimental basis. Clearly, if after a number of consultations experience shows that the number of people participating does not justify the time involved, the experiment would be discontinued. The Review Group recommended that, in order for the process to be seen to be open and fair, such a meeting should be held under the chairmanship of a chairman independent of the diocesan authorities. The Secretaries are, of course, themselves independent, but there may be advantages in the chairman being someone who knows the diocese well and in the Secretaries not being burdened by having to chair the meeting at the same time as they are taking notes. We recommend that the chairman should be identified by the chairman of the Vacancy in See Committee in consultation with the Secretaries.

C2. *Working with the Spirit* also recommended (Recommendation 55, para. 4.50) that the outgoing bishop should be given an opportunity to write a paper setting out his views, for submission to the Commission. It is now the practice of the Appointments Secretaries to meet the outgoing bishop and incorporate relevant comments from him in their memorandum. We consider that, as in parochial appointments, a written statement by the outgoing incumbent could be helpful. We therefore agree that outgoing bishops should be invited to submit their views, in response to standard headings or questions, and have listed such a paper as one of the documents to be laid before the Commission (see para. F9 below). We recognize that it would be for the outgoing bishop to decide whether he wished to submit his views in response to such an invitation. There would be no obligation on him to do so.

**D: THE CROWN NOMINATIONS COMMISSION:  
AMENDMENTS TO STANDING ORDER 122**

D1. The Crown Appointments Commission is governed by Standing Order 122 of the General Synod. *Working with the Spirit* made a number of recommendations requiring amendment of the Standing Order and we are therefore laying amendments before the Synod. The proposed amendments are set out in the First Notice Paper for the November 2002 Group of Sessions. A commentary on them follows.

D2. **[Item 28]** In Recommendation 1 (para. 1.51) the Report recommended that the Commission should be renamed. The reasons for this were twofold. First, neither the Commission nor the Crown actually *appoints* people to diocesan sees: the Commission *recommends* two names to the Crown and the Crown *nominates* or *presents* a candidate for election by the College of Canons; it is ecclesiologicaly important to underline that people are made diocesan bishops by the Church not the State. Secondly, the Report pointed out that the term 'Crown Appointments Commission' was a cause of confusion, in that the Commission has no involvement at all in appointments which the Crown does actually make (for example to deaneries). It recommended the name 'The Episcopal Nominations Commission' as expressing more precisely the role and area of involvement of the body concerned.

D3. Responses to this recommendation have pointed out that the proposed name, while more accurate than the original, is still not entirely accurate, in that the Commission has no involvement in appointments to suffragan sees. We have therefore taken up a suggestion of the Archbishop of Canterbury and propose that the name should be 'The Crown Nominations Commission'. This name would meet both of the objections to the current name, and would be appropriate in that the Commission's work concerns nominations both to and by the Crown. At the same time, retention of the word 'Crown' would avoid any misunderstanding that the change of name was somehow designed to change the Crown's role in the process.

D4. **[Item 29]** The Review Group was concerned that the archbishop of the province should be able to contribute as fully as possible to the Commission's discussion of any vacancy within his province without feeling the need to adopt a chairman's neutrality or being distracted by the tasks of chairmanship. It therefore recommended (Recommendation 31, para. 3.75) that the archbishop of the province in which the see under consideration is situated should be allowed to invite the other archbishop to take the chair for all or any part of the relevant meetings. (He would still write the letter to the Prime Minister following the meeting.) This item implements that recommendation.

D5. **[Item 30]** The Review Group took the view (see para. 3.80) that a principle which otherwise applies – namely that the names are proposed by a body whose voting members are all church representatives but the decision between them is taken by the Prime Minister – should also apply in the case of the See of Canterbury, and therefore recommended (Recommendation 32) that the chairman for vacancies in the See of Canterbury should therefore be appointed by the Appointments Committee rather than the Prime Minister.

D6. We consulted the Prime Minister's Appointments Secretary (Mr William Chapman), and through him the Prime Minister, about this recommendation. The Prime Minister in turn consulted the Archbishop of Canterbury. Mr Chapman reported to us that 'the Prime

Minister, after due reflection, would be disinclined to agree to this recommendation'. The Prime Minister believes that appointment of the chairman by the Prime Minister 'reflects the immense public importance of the Archbishopric, and the very real public interest (in the word's true sense) that there is in the appointment'. He is also concerned that such a change could be interpreted, by those who wished to do so, as a small but significant erosion of the partnership between Church and Nation. He was strengthened in his views by the agreement on this point of the Archbishop of Canterbury.

D7. Within the Steering Group there is a variety of views about the propriety of the Prime Minister's role in appointing the chairman, but mindful that the existence of the Commission rests on an agreement between Church and State, the Steering Group accepts the Prime Minister's response and is therefore not proposing an amendment to replace appointment by the Prime Minister with appointment by the Appointments Committee.

D8. Before the appointment of the chairman for the Canterbury CAC in 2002, the Prime Minister's Appointments Secretary, on behalf of the Prime Minister, consulted a wide range of senior people both in the Church and outside, who by reason of their experience or knowledge might be able to propose names or comment on the particular requirements of the role as they saw them. Those consulted included:

- senior bishops and deans
- senior Synod representatives
- the Secretary General of the Archbishops' Council, and through him, Council members
- Church Estates Commissioners
- the Archbishops' Secretary for Appointments
- other individuals active in public life, especially in the worlds of public service, education and the law.

In addition, a number of letters were received from others, some of them prompted by a letter from the Prime Minister's Appointments Secretary to The Times. The Steering Group regards the consultation undertaken on this occasion as exemplary. There is now an expectation that a similar process of consultation would be followed on future occasions.

D9. The Steering Group is conscious, however, that there is no guarantee that a future Prime Minister would engage in such consultation. With the agreement of the Prime Minister, the Steering Group is therefore moving the amendment at item 30, which would require the Prime Minister to consult before making his decision.

D10. **[Item 31]** *Working with the Spirit* recommended (Recommendation 34, para. 3.82) that the Chairman of the Anglican Consultative Council and the Secretary General of the Anglican Communion should be voting members of the Commission for consideration of vacancies in the See of Canterbury. The Secretary General is currently a non-voting member of the Commission when the See of Canterbury is considered, and his vantage point puts him in a position to make a valuable contribution to discussions. However, we note that the Secretary General works closely with the Appointments Secretaries during the process. This co-operation would be made much more difficult if the Secretary General were a voting member but the other two Secretaries were not. We therefore conclude that the Secretary-General of the Anglican Communion should continue to be a non-voting member of the Commission.

D11. It has also been pointed out to us that while the Archbishop's role in the Anglican Communion is an important part of his ministry, he remains first and foremost bishop of his diocese, metropolitan of his province and Primate of All England. We therefore judge that it would be appropriate for the Anglican Communion to have one voting member of the Commission (making two in all, one voting and one non-voting). The Joint Standing Committee of the Primates' Meeting and the Anglican Consultative Council has welcomed the suggestion of representation by a voting member in addition to the non-voting role of the Secretary General.

D12. The Joint Standing Committee was also consulted about a proposal that the voting member should be a member of the Primates Meeting of the Anglican Communion elected by the members of the Primates Meeting. In response, the Joint Standing Committee proposed that the voting member should be either a Primate or any suitably qualified member of the ACC, elected by the Joint Standing Committee.

D13. In the light of this response, we have modified our proposal, so that the representative would be chosen by the Joint Standing Committee; if the person is to represent the Anglican Communion, it is fitting that the relevant instruments of the Anglican Communion should decide which body is the most appropriate to choose the Anglican Communion's representative.

D14. The person chosen will, however, not only be a representative of the Anglican Communion but also a participant in a Church of England process. We remain convinced that it will most assist that process if the voting member is a primate – not only because of the growing significance of the Primates Meeting and of the Archbishop of Canterbury's role in it, but also because the insights of a fellow-primate may be especially valuable to the Commission (of which the Archbishop of York will not necessarily be a member). The Secretary General will also be able to feed in the perspective of the Anglican Consultative Council. We have therefore not felt able to accept the Joint Standing Committee's view on that point.

D15. **[Item 32]** This item implements recommendation 33 (para. 3.81) – that if the chairman appointed for consideration of an archiepiscopal see had never been a member of the Commission, he or she should be invited to attend an earlier meeting as an observer.

D16. **[item 33]** This is consequential on item 5.

D17. **[item 34]** The Standing Order, as currently drafted, assumes that a new General Synod is inaugurated in November, five years after the inauguration of the previous Synod. In fact, however, the Convocations, and thus the Synod, may be dissolved before the end of their normal five-year term, nor can it be guaranteed that the inauguration of a new Synod will take place in November. Thus, there are circumstances in which the elected members' term of office could not be, as the Standing Order currently lays down, both (a) for a fixed period of five years and (b) end on 31 August of the second year following the inauguration of a new Synod. This amendment removes this possible conflict by simply stating that the term should last for five years without specifying any particular end date. It also makes it clear that members elected to fill casual vacancies should serve for the unexpired portion of the original member's term (rather than for five years from the date of their own election).

D18. [Item 35] Whilst, as presently drafted, the Standing Order prohibits members serving for more than two terms, it does not explicitly provide that members should be eligible for re-election. This amendment makes this clear.

D19. [Item 36] This item corrects an erroneous cross-reference.

D20. [Item 37] The Standing Order currently provides as follows:

‘If in relation to any matter a vote should be required, the question shall be put and shall be deemed to be have been carried if at least two-thirds of the total number of the voting members of the Commission (without discrimination in respect of Orders) are in favour, provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members.’ (f (v))

D21. In practice the Commission votes on the candidates by a complicated procedure set out in para. 3.65 (pages 52-53) of *Working with the Spirit*. The Review Group received evidence that some diocesan members did not understand the method of voting in which they were participating, and felt that the process took on a dynamic of its own, so that it was the process which was in control, not the members. Although the final vote in each of the two rounds is taken as being a vote in favour of the candidate with the most votes, the system in fact results in the elimination of one candidate at each stage. Among the objections to this method of voting was that it tended to result in the nomination of ‘the least objectionable candidate, rather than the most popular’. (para. 3.67). ‘Safe’ or ‘bland’ choices were more likely to result than adventurous ones.

D22. In response to these criticisms, *Working with the Spirit* argued that the method of voting should be replaced by one which

- is clear;
- at every stage involves positive voting rather than voting to eliminate;
- does not require members to register a vote in favour of candidates to whose nomination they are opposed;
- as far as possible makes use of the single transferable vote (STV) system with which members are familiar;
- guarantees an opportunity for discussion and reflection between rounds of voting (para. 3.69).

D23. Recommendation 30 (para. 3.70) set out a new system of voting whereby

- a shortlist of between five and seven candidates would be reduced to three by STV;
- of the three, the name written down by the largest number of members (which might, of course, not be a majority) would be one of the two names;
- of the remaining two, the name written down by the largest number would be the other name;
- the members would vote by secret ballot on a motion that these be the two names, a two-thirds majority being required;
- as at present, the members would then vote between the two names, a two-thirds majority being required for a preference to be expressed by the Commission.

Under this system, candidates favoured by minorities would reach the last three and would thus stand a better chance of being appointed than under the present system, whereby at each stage the candidate least favoured by the majority is excluded.

D24. We are concerned about the proposed use of the single transferable vote in this system. There is evidence that STV may not work so well in small electorates (in this case, the electorate would usually be twelve people). Also, while it is true that members are familiar with the STV system (having themselves been elected by it), this does not necessarily mean that they understand it any better than many members at their first Commission meeting understand the present system. We believe that the lack of understanding of the present system could be addressed by including an explanation of the voting system in the proposed briefing paper for members of the Commission.

D25. Furthermore, if it is believed that the range of people chosen to be diocesan bishops is too narrow, we believe that it is more likely that it is the attitudes of members of the Commission and not the voting system which should be held responsible. Thus, if there were a tendency to opt for 'safe choices', the solution would lie in members of the Commission taking a more robust attitude during its discussions, rather than in a change in the voting system.

D26. For these reasons, we are not proposing that the system proposed in Recommendation 30 should be enshrined in S.O. 122.

D27. The provision in the Standing Order which would prevent implementation of that system – or indeed of any system which brought candidates with only minority support into the last round of voting – is the requirement of a two-thirds majority whenever a vote is taken. It is in fact not clear that in respect of the earlier rounds of voting the present system complies with that requirement either.

D28. Item 37 therefore removes the requirement of a two-thirds majority whenever a vote is taken and instead requires only that in order to be forwarded to the Crown a name should have received the support of two-thirds of the members, expressed in a secret ballot.

D29. We have specified that the members of the Commission should be invited to express a preference between the two names in a secret ballot (as they are at present), and that the voting should be reported to the Prime Minister (as it is at present). At present, when the members vote by 7 votes to 5 to express a preference for one of the candidates, the requirement of a two-thirds majority whenever a vote is taken means that the names are officially taken as being of equal weight, although the voting figures are still reported to the Prime Minister. We consider that this distinction is unnecessary, and have therefore not sought to perpetuate it.

D30. These changes would both remove any doubt as to whether the current process complies with the Standing Order and also make it possible for the Commission to experiment with possible variations to it. The precise system chosen would continue, as at present, to be adopted by custom and practice of the Commission rather than prescribed by the Standing Order.

D31. *Working with the Spirit* also recommended (Recommendation 29, para. 3.62) that the proviso should be amended to read

'provided always that the person presiding at the meeting is satisfied that the vote in favour pays due regard to the opinions of the diocesan members *and to the needs of the Church of England as a whole*'.

The proposed addition of the phrase in italics was in line with the theme, running through the Report, that a diocesan bishop is a bishop of the wider Church (and in particular the national church) as well as bishop of his diocese, and that the choosing of diocesan bishops should be undertaken by representatives of the wider Church and the diocese in partnership.

D32. It is the current Standing Order requirement which has given rise to the custom of the person presiding asking the diocesan four to confirm that they are satisfied that their opinions have been taken into account. We support the asking of a question, because the knowledge that it will be asked will condition the discussion. We do not believe, however, that it is helpful, at the end of a meeting in which central and diocesan members have worked as a single Commission, for the Commission to be divided into its constituent parts by the asking of a question of one group of members rather than the Commission as a whole. We therefore agree with the intention of Recommendation 29, and would envisage the resulting question being asked of *all* the members, not just the diocesan members. We have modified the Review Group's phrase, so that it speaks of the 'requirements of the mission of the Church of England as a whole' rather than simply of its 'needs'.

D33. As we understand the real value of the question as being its conditioning of the discussion leading to the vote, we consider that it should be asked before the voting begins, rather than after it has been concluded. Our proposed amendment therefore provides that the Commission should not 'proceed to a decision' to select a name for submission to the Prime Minister unless the person presiding was satisfied that the Commission's discussion had paid due regard to the views of the diocesan members and the requirements of the mission of the Church of England as a whole. It is our intention that, as a matter of custom and practice, the necessary question should be asked immediately before the process of reducing the shortlist to two names begins.