

# LEGAL RESPONSIBILITIES OF AN ARCHDEACON

## in the Church of England

The office of archdeacon has its origins in the early history of the Church. An archdeaconry is a legal division of a diocese for administrative purposes within which the archdeacon exercises an ordinary jurisdiction. The essential nature of the role has been described as 'being a good steward so that others are freed to be the worshipping, witnessing and ministering Church'<sup>1</sup>. The legal responsibilities of an archdeacon are summarised below.

### Diocesan governance

1. The archdeacon is a member, *ex officio*, of
  - the Diocesan Synod (Church Representation Rules 2020, Rule 31(1)(b));
  - the Diocesan Advisory Committee (DAC) (Care of Churches and Ecclesiastical Jurisdiction Measure 1991, Schedule 1);
  - the Diocesan Parsonages Board (Repair of Benefice Buildings Measure 1972, s.1(4)); and
  - the Diocesan Mission and Pastoral Committee (Mission and Pastoral Measure 2011, Schedule 1).

### Parochial governance

2. An archdeacon has a duty to hold visitations in his or her archdeaconry as provided in Canon C 22, paragraph 5.
3. On receiving a valid request to convene an extraordinary parochial church meeting or an extraordinary meeting of a PCC, the archdeacon must do so if he or she deems there is sufficient cause. The archdeacon must also chair the meeting or appoint a deputy to do so (Church Representation Rules 2020, Rules M14 and M33).
4. At the direction of the bishop, the archdeacon inducts a priest who has been instituted to a benefice into the possession of its temporalities (Canon C22, paragraph 5). Although the archdeacon has no statutory role under the Patronage (Benefices) Measure 1986, in practice he or she is usually actively involved in guiding parishes through the appointments procedure.
5. The chair of a PCC meeting must vacate the chair, either generally or for the purposes of any business in which he or she has a particular interest if the meeting so resolves and with the agreement of the archdeacon (Church Representation Rules 2020, Rule M26(4)).

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<sup>1</sup> Ravenscroft, the Ven. R.L. *The Role of the Archdeacon Today*, (1995) 3 Ecc LJ 387

### Buildings and property

6. In his or her own archdeaconry, the archdeacon is a key player in the operation of the faculty jurisdiction under the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 and the Faculty Jurisdiction Rules 2015. He or she is *ex officio* a member of the DAC and has statutory powers:
- to authorise works under List B in Schedule I of the Faculty Jurisdiction Rules 2015;
  - to grant a licence for temporary minor re-ordering on an experimental basis for a non-renewable period of 24 months, after which the experiment must be ended – in which case the archdeacon has a duty to ensure that the previous position is restored – or a faculty obtained for permanent changes; and
  - to order the removal to a place of safety of an item of architectural, artistic, historic or archaeological value which appears to be at risk.

The archdeacon may initiate or intervene in faculty proceedings and may be asked by the Chancellor to seek local resolution of a particular case. The archdeacon is normally present at any Consistory Court hearing in his or her archdeaconry.

7. Canon C22, paragraph 5, requires the archdeacon to survey, in person or by deputy, all churches and churchyards and give direction for the amendment of all defects in the fabric, ornaments and furniture. He or she also has power under Ecclesiastical Jurisdiction and Care of Churches Measure 2018, s.47 to enforce the requirement for a quinquennial inspection of a church by a qualified person.

### Pastoral reorganisation

8. The archdeacon is an ‘interested party’ under s.6 of the Mission and Pastoral Measure 2011 in relation to pastoral proposals affecting any benefice or parish in his or her archdeaconry. In practice, the archdeacon is usually actively involved in identifying the need for pastoral reorganisation and initiating discussions with other interested parties.

### Safeguarding

9. Archdeacons are “relevant persons” under the Safeguarding and Clergy Discipline Measure 2003 and are required to have due regard to any House of Bishops’ safeguarding guidance issued under s.5 of the that Measure.
10. Archdeacons are expected to work closely with their DSA:
- in the handling of serious safeguarding situations or allegations relating to church officers in parishes;
  - to support and advise parishes in relation to safeguarding policy and practice;

- to support Incumbents to attend safeguarding training and be familiar with the House of Bishops' safeguarding policies and relevant guidance for parishes; and
- to assist in monitoring good safeguarding practice in parishes and during their annual visitation by including questions in their visitation articles of inquiry to ascertain whether parishes (PCCs and clergy) are complying properly with their safeguarding obligations, including paying due regard to the House of Bishops' guidance.

#### Clergy: pastoral care and discipline

11. Canon C22, paragraph 4 provides that an archdeacon '*shall within his archdeaconry carry out his duties under the bishop and shall assist the bishop in his pastoral care and office, and particularly he shall see that all such as hold any ecclesiastical office within the same perform their duties with diligence, and shall bring to the bishop's attention what calls for correction or merits praise.*'
12. Canon C7 provides for the archdeacon to assist the bishop in the examination of candidates for ordination.
13. The archdeacon has no statutory role in proceedings under the Clergy Discipline Measure 2003, but the Code of Practice describes circumstances in which it may be appropriate for the archdeacon to:
  - act as the complainant (paragraphs 10-12);
  - provide pastoral support (paragraphs 100 and 229); or
  - to act as a conciliator (paragraph 139).
14. The archdeacon will normally be the person appointed by the bishop to oversee an enquiry into the capability of an office holder under Common Tenure (paragraph 4.1 of the Code of Practice issued under Regulation 31(3) of the Ecclesiastical Offices (Terms of Service) Regulations 2009).
15. The archdeacon is usually responsible for overseeing the formal stages of the grievance procedure established under Regulation 32 of the Ecclesiastical Offices (Terms of Service) Regulations 2009.
16. Under Part 1 of the Incumbents (Vacation of Benefices) Measure 1977, where a member of the clergy holds office on freehold tenure only, a request for an enquiry on the grounds of serious pastoral breakdown must in the first instance be referred by the bishop to the archdeacon, who is required to report to the bishop whether such an enquiry should, in his or her opinion, be instituted.

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